

114TH CONGRESS  
2D SESSION

# H. R. 5165

To amend the Family and Medical Leave Act of 1993 to provide a partial exemption to veterans from the eligibility requirements, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2016

Mr. DELANEY (for himself, Ms. BORDALLO, Ms. CLARKE of New York, Mr. CONNOLLY, Mr. CONYERS, Mr. DEFAZIO, Mr. DESAULNIER, Ms. EDWARDS, Mr. GARAMENDI, Mr. GIBSON, Mr. GRAYSON, Mr. GRIJALVA, Mr. HASTINGS, Mr. HONDA, Mr. JONES, Mr. KEATING, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Ms. LEE, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. O'ROURKE, Mr. PETERSON, Ms. PINGREE, Mr. POCAN, Mr. RANGEL, Mr. RUSH, Ms. SINEMA, Mr. TAKAI, and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Oversight and Government Reform and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Family and Medical Leave Act of 1993 to provide a partial exemption to veterans from the eligibility requirements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medical Leave for Dis-  
3 abled Veterans Act”.

4 **SEC. 2. ELIGIBILITY ADJUSTMENT FOR VETERANS.**

5 (a) **ELIGIBILITY BASED ON TIME IN EMPLOY-**  
6 **MENT.**—Section 101(2) of the Family and Medical Leave  
7 Act of 1993 (29 U.S.C. 2611(2)) is amended by adding  
8 at the end the following:

9 “(E) **VETERANS.**—

10 “(i) **ELIGIBILITY BASED ON TIME IN**  
11 **EMPLOYMENT.**—Notwithstanding the eligi-  
12 bility requirements in paragraph (2)(A), an  
13 employee who is a veteran shall be deemed  
14 an eligible employee for purposes of leave  
15 described in clause (iii) if—

16 “(I) such employee has a service-  
17 connected disability (as defined in sec-  
18 tion 101 of title 38, United States  
19 Code) rated at between 30 and 50  
20 percent by the Secretary of Veterans  
21 Affairs and such employee has been  
22 employed for at least 8 months by the  
23 employer with respect to whom leave  
24 is requested under section 102 and  
25 has at least 833 hours of service with

1 such employer during the previous 8-  
2 month period;

3 “(II) such employee has a serv-  
4 ice-connected disability rated at 60  
5 percent or higher by the Secretary of  
6 Veterans Affairs and such employee  
7 has been employed for at least 6  
8 months by the employer with respect  
9 to whom leave is requested under sec-  
10 tion 102 and has at least 625 hours  
11 of service with such employer during  
12 the previous 6-month period; or

13 “(III) such employee—

14 “(aa) is not covered under  
15 subelause (I) or (II);

16 “(bb) retired from the  
17 Armed Forces under chapter 61  
18 of title 10, United States Code,  
19 by reason of a service-connected  
20 disability either—

21 “(AA) rated at between  
22 30 and 50 percent under the  
23 standard schedule of rating  
24 disabilities in use by the De-  
25 partment of Veterans Af-

1                   fairs at the time of such re-  
2                   tirement; or  
3                   “**(BB)** rated at 60 per-  
4                   cent or higher under such  
5                   schedule; and  
6                   “**(cc)** either—  
7                   “**(AA)** with respect to  
8                   an individual covered under  
9                   subitem **(AA)** of item **(bb)**,  
10                  has been employed for at  
11                  least 8 months by the em-  
12                  ployer with respect to whom  
13                  leave is requested under sec-  
14                  tion 102 and has at least  
15                  833 hours of service with  
16                  such employer during the  
17                  previous 8-month period; or  
18                  “**(BB)** with respect to  
19                  an individual covered under  
20                  subitem **(BB)** of such item,  
21                  has been employed for at  
22                  least 6 months by the em-  
23                  ployer with respect to whom  
24                  leave is requested under sec-  
25                  tion 102 and has at least

1                   625 hours of service with  
2                   such employer during the  
3                   previous 6-month period.

4                   “(ii) CERTIFICATION.—To be eligible  
5                   for the eligibility adjustment described in  
6                   clause (i)—

7                   “(I) an employee described in  
8                   subclause (I) or (II) of such clause  
9                   shall submit to the employer a certifi-  
10                  cation from a Department of Veterans  
11                  Affairs medical provider or from a  
12                  non-Department of Veterans Affairs  
13                  facility or medical provider through  
14                  which the Secretary of Veterans Af-  
15                  fairs has furnished hospital care or  
16                  medical services to the employee  
17                  under the laws administered by the  
18                  Secretary; and

19                  “(II) an employee described in  
20                  subclause (III) of such clause shall  
21                  submit to the employer a certification  
22                  from the Secretary of Defense describ-  
23                  ing the retirement of the individual  
24                  from the Armed Forces under chapter  
25                  61 of title 10, United States Code.

1           “(iii) LEAVE DESCRIBED.—Leave de-  
2           scribed in this clause is leave under section  
3           102(a)(1)(E) that—

4                   “(I) an employee described in  
5                   subclause (I) or (II) of clause (i)  
6                   takes to receive hospital care or med-  
7                   ical services for which the employee is  
8                   eligible to receive pursuant to chapter  
9                   17 of title 38, United States Code, re-  
10                  gardless of whether such hospital care  
11                  or medical services is furnished by the  
12                  Department of Veterans Affairs; or

13                   “(II) an employee described in  
14                   subclause (III) of such clause takes to  
15                   receive hospital care or medical serv-  
16                   ices relating to the service-connected  
17                   disability described in item (bb) of  
18                   such subclause.”.

19           (b) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of  
20           the Family and Medical Leave Act of 1993 (29 U.S.C.  
21           2612(A)(1)) is amended by adding at the end the fol-  
22           lowing new subparagraph:

23                   “(F) In order to receive hospital care or  
24                   medical services as a veteran for a service-con-

1           nected disability, as described in section  
2           101(2)(E).”.

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