AMENDMENT TO H.R. 5620, AS REPORTED
OFFERED BY MR. DELANEY OF MARYLAND

Add at the end the following new section:

SEC. 11. FAMILY AND MEDICAL LEAVE ELIGIBILITY ADJUSTMENT FOR VETERANS.

(a) Eligibility Based on Time in Employment.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:

“(E) VETERANS.—

“(i) Eligibility based on time in employment.—Notwithstanding the eligibility requirements in paragraph (2)(A), an employee who is a veteran shall be deemed an eligible employee for purposes of leave described in clause (iii) if—

“(I) such employee has a service-connected disability (as defined in section 101 of title 38, United States Code) rated at between 30 and 50 percent by the Secretary of Veterans Affairs and such employee has been employed for at least 8 months by the
employer with respect to whom leave is requested under section 102 and has at least 833 hours of service with such employer during the previous 8-month period;

“(II) such employee has a service-connected disability rated at 60 percent or higher by the Secretary of Veterans Affairs and such employee has been employed for at least 6 months by the employer with respect to whom leave is requested under section 102 and has at least 625 hours of service with such employer during the previous 6-month period; or

“(III) such employee—

“(aa) is not covered under subclause (I) or (II);

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

“(AA) rated at between 30 and 50 percent under the
standard schedule of rating

disabilities in use by the Department of Veterans Affairs at the time of such retirement; or

“(BB) rated at 60 percent or higher under such schedule; and

“(cc) either—

“(AA) with respect to an individual covered under subitem (AA) of item (bb), has been employed for at least 8 months by the employer with respect to whom leave is requested under section 102 and has at least 833 hours of service with such employer during the previous 8-month period; or

“(BB) with respect to an individual covered under subitem (BB) of such item, has been employed for at least 6 months by the em-
ployer with respect to whom leave is requested under section 102 and has at least 625 hours of service with such employer during the previous 6-month period.

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

“(I) an employee described in subclause (I) or (II) of such clause shall submit to the employer a certification from a Department of Veterans Affairs medical provider or from a non-Department of Veterans Affairs facility or medical provider through which the Secretary of Veterans Affairs has furnished hospital care or medical services to the employee under the laws administered by the Secretary; and

“(II) an employee described in subclause (III) of such clause shall submit to the employer a certification from the Secretary of Defense describ-
ing the retirement of the individual
from the Armed Forces under chapter
61 of title 10, United States Code.
“(iii) LEAVE-described.—Leave de-
scribed in this clause is leave under section
102(a)(1)(E) that—
“(I) an employee described in
subclause (I) or (II) of clause (i)
takes to receive hospital care or med-
ic services for which the employee is
eligible to receive pursuant to chapter
17 of title 38, United States Code, re-
gardless of whether such hospital care
or medical services is furnished by the
Department of Veterans Affairs; or
“(II) an employee described in
subclause (III) of such clause takes to
receive hospital care or medical serv-
ices relating to the service-connected
disability described in item (bb) of
such subclause.”.
(b) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of
the Family and Medical Leave Act of 1993 (29 U.S.C.
2612(A)(1)) is amended by adding at the end the fol-
lowing new subparagraph:
“(F) In order to receive hospital care or medical services as a veteran for a service-connected disability, as described in section 101(2)(E).”.