

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

Add at the end the following new section:

1 **SEC. 11. FAMILY AND MEDICAL LEAVE ELIGIBILITY AD-**
2 **JUSTMENT FOR VETERANS.**

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

7 “(E) VETERANS.—

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

14 “(I) such employee has a service-
15 connected disability (as defined in sec-
16 tion 101 of title 38, United States
17 Code) rated at between 30 and 50
18 percent by the Secretary of Veterans
19 Affairs and such employee has been
20 employed for at least 8 months by the

1 employer with respect to whom leave
2 is requested under section 102 and
3 has at least 833 hours of service with
4 such employer during the previous 8-
5 month period;

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

16 “(III) such employee—

17 “(aa) is not covered under
18 subelause (I) or (II);

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

24 “(AA) rated at between
25 30 and 50 percent under the

1 standard schedule of rating
2 disabilities in use by the De-
3 partment of Veterans Af-
4 fairs at the time of such re-
5 tirement; or

6 “(BB) rated at 60 per-
7 cent or higher under such
8 schedule; and

9 “(cc) either—

10 “(AA) with respect to
11 an individual covered under
12 subitem (AA) of item (bb),
13 has been employed for at
14 least 8 months by the em-
15 ployer with respect to whom
16 leave is requested under sec-
17 tion 102 and has at least
18 833 hours of service with
19 such employer during the
20 previous 8-month period; or

21 “(BB) with respect to
22 an individual covered under
23 subitem (BB) of such item,
24 has been employed for at
25 least 6 months by the em-

1 ployer with respect to whom
2 leave is requested under sec-
3 tion 102 and has at least
4 625 hours of service with
5 such employer during the
6 previous 6-month period.

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

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

22 “(II) an employee described in
23 subclause (III) of such clause shall
24 submit to the employer a certification
25 from the Secretary of Defense describ-

1 ing the retirement of the individual
2 from the Armed Forces under chapter
3 61 of title 10, United States Code.

4 “(iii) LEAVE DESCRIBED.—Leave de-
5 scribed in this clause is leave under section
6 102(a)(1)(E) that—

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

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

22 (b) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of
23 the Family and Medical Leave Act of 1993 (29 U.S.C.
24 2612(A)(1)) is amended by adding at the end the fol-
25 lowing new subparagraph:

1 “(F) In order to receive hospital care or
2 medical services as a veteran for a service-con-
3 nected disability, as described in section
4 101(2)(E).”.

