

WOUNDED WARRIORS FEDERAL LEAVE ACT OF 2015

JUNE 25, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CHAFFETZ, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 313]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 313) to amend title 5, United States Code, to provide leave to any new Federal employee who is a veteran with a service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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## COMMITTEE STATEMENT AND VIEWS

## PURPOSE AND SUMMARY

H.R. 313, the Wounded Warriors Federal Leave Act of 2015, supports wounded warriors transitioning to civilian careers by providing newly hired disabled veterans access to sick leave to care for their injuries.

## BACKGROUND AND NEED FOR LEGISLATION

Under current law, full-time federal workers accrue four hours of sick leave each full biweekly pay period, totaling 13 days of sick leave per year.<sup>1</sup> Since federal workers begin with a zero sick leave balance, disabled veterans beginning civilian jobs often have insufficient leave to receive necessary medical treatment for post-traumatic stress disorder, severe physical injuries, and other service-connected disabilities. As a result, they must often take unpaid leave to care for their injuries, or forego their medical appointments.

The Wounded Warriors Federal Leave Act of 2015 supports newly hired federal workers who are veterans by granting them access to sick leave for medical treatment related to their service-connected disability.

## LEGISLATIVE HISTORY

H.R. 313, the Wounded Warriors Federal Leave Act of 2015, was introduced on January 13, 2015 by Rep. Stephen F. Lynch (D-MA) and referred to the Committee on Oversight and Government Reform. On January 27, 2015, the Committee on Oversight and Government Reform ordered H.R. 313 favorably reported without amendment. Reps. G.K. Butterfield (D-NC), Gerald E. Connolly (D-VA), Elijah E. Cummings (D-MD), Blake Farenthold (R-TX), Walter B. Jones, Jr. (R-NC), and Eleanor Holmes Norton (D-DC) are original cosponsors.

The legislation was ordered reported by the Committee on Oversight and Government Reform in the 113th Congress (H.R. 5229).

## SECTION-BY-SECTION

*Section 1. Short title*

The short title of the bill is the “Wounded Warriors Federal Leave Act of 2015.”

*Section 2. Additional leave for Federal employees who are disabled veterans*

Federal employees with a service-connected disability rating of 30 percent or greater will have access to up to 13 days of sick leave for medical treatment related to their disability during their first year of civilian employment. The bill defines service-connected disability to include non-combat related injuries. Available leave is capped at 104 hours and any leave not used during the employees first year is forfeited. Individuals utilizing this new category of leave must certify use of such leave was related to treatment of

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<sup>1</sup> 5 U.S.C. 6307.

their disability subject to regulations prescribed by the Office of Personnel Management.

#### EXPLANATION OF AMENDMENTS

No amendments were offered during Full Committee consideration of H.R. 313.

#### COMMITTEE CONSIDERATION

On January 27, 2015 the Committee met in open session and ordered reported favorably the bill, H.R. 313, by voice vote, a quorum being present.

#### ROLL CALL VOTES

There were no recorded votes during Full Committee consideration of H.R. 313.

#### APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill amends title 5, United States Code, to provide leave to any new Federal employee who is a veteran with a service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability. As such this bill does relate to employment and/or access to public services and accommodations.

#### STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of this bill is to amend title 5, United States Code, to provide leave to any new Federal employee who is a veteran with a service-connected disability rated at 30 percent or more for purposes of undergoing medical treatment for such disability.

#### DUPLICATION OF FEDERAL PROGRAMS

No provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting this bill does direct the completion of a specific rule making within the meaning of 5 U.S.C. 551. H.R. 313 requires the Director of the Office of Personnel Management to prescribe regulations with respect to the leave established under this bill, not later than nine months after the date of enactment.

## FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

## UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104-4) requires a statement as to whether the provisions of the report include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

## EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## COMMITTEE ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

## BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of Congressional Budget Office:

*H.R. 313—Wounded Warriors Federal Leave Act of 2015*

Summary: H.R. 313 would provide additional sick leave to veterans with a disability rated at 30 percent or greater who are newly hired by the federal government. That additional leave would have to be used for treatment of the employee's disability and would expire one year after it became available to the em-

ployee. CBO estimates that implementing H.R. 313 would cost \$55 million over the next five years, subject to appropriation of the necessary funds. That cost represents the value of the additional sick leave that CBO estimates would be provided to newly hired veterans. In some cases that additional leave would lead to additional spending by agencies; in other cases agencies would lose the value of the work of the people using the additional days of leave.

Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

H.R. 313 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 313 is shown in the following table. The costs of this legislation fall in all budget functions except functions 900 (net interest) and 950 (offsetting receipts).

	By fiscal year, in millions of dollars—						
	2015	2016	2017	2018	2019	2020	2015–2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION							
Estimated Authorization Level .....	0	3	14	15	15	16	63
Estimated Outlays .....	0	2	9	14	15	16	55

Basis of estimate: For this estimate, CBO assumes HR. 313 will be enacted late in fiscal year 2015 and the amounts estimated to be needed will be appropriated each year.

The legislation would provide a maximum of 104 hours of additional sick leave to veterans with a disability rated at 30 percent or greater who are newly hired by the federal government. The bill specifies that the additional leave would become available for employees hired one year or more after the date of enactment. That additional leave would have to be used for treatment of the employee's disability and would expire one year after it became available to the employee.

In 2009, President Obama signed an executive order establishing the Veterans Employment Initiative, which was designed to increase federal hiring of veterans. According to the Veterans Employment Council, the proportion of newly hired federal workers who are veterans increased from 35 percent in 2008 to 46 percent in 2013 (the most recent year for which data are available). During those years, the proportion of hired employees who are veterans with a disability rating of 30 percent or greater also increased, from 5.5 percent to 10.7 percent (from 7,000 to 11,000 employees per year). The rate of increase in hiring of disabled veterans has slowed recently, but CBO expects that about 8,000 to 9,000 disabled veterans will continue to be hired by the federal government each year through 2020.

The potential budgetary effects of this bill derive from the use of additional sick leave. The Office of Personnel Management (OPM) calculates that the average salary of new hires who are veterans with a disability rated at 30 percent or greater is \$51,000. Data from OPM and research by the Congressional Research Service indicate that disabled veterans use more sick leave than other employees and that the temporary nature of the additional sick leave

would encourage employees to use the benefit at a higher rate than regular leave. On average, CBO estimates that 60 percent of the leave made available under the bill would be used. Based on the anticipated number of new hires of disabled veterans, their average hourly rate, and their projected use of the additional sick leave that the bill would make available, CBO estimates that the legislation would cost \$55 million over the 2015–2020 period.

How that additional cost would affect the federal budget is difficult to determine. Some of the disabled veterans who would be aided by this bill would, under current law, use annual leave to receive treatment for their disability; the provision of additional sick leave under the bill could mean that they have more accumulated leave when they separate from the government, which would lead to larger cash payments by the government at that time. Some government agencies might hire additional people or contract for additional services to make up for the lost output of the disabled workers who would take additional leave under the bill; that would raise federal costs in the near term, subject to the availability of appropriated funds. Some of the affected veterans would take more sick leave in total, and the agencies for which they work might not hire additional people or contract for additional services; in those cases, there would be no direct budgetary effect, but the government would lose the value of the work of those people on those additional days of sick leave. Therefore, although the additional cost would appear in different ways for disabled veterans and agencies in different circumstances, the government would nonetheless bear a cost for the additional leave that was taken.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 313 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Dan Ready; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

### **TITLE 5, UNITED STATES CODE**

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### **PART III—EMPLOYEES**

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**SUBPART E—ATTENDANCE AND LEAVE**

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**CHAPTER 63—LEAVE**

SUBCHAPTER I—ANNUAL AND SICK LEAVE

Sec.  
6301. Definitions.

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SUBCHAPTER II—OTHER PAID LEAVE

6329. *Disabled veteran leave.*

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SUBCHAPTER II—OTHER PAID LEAVE

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**§ 6329. Disabled veteran leave**

(a) *During the 12-month period beginning on the first day of employment, any employee who is a veteran with a service-connected disability rated at 30 percent or more is entitled to leave, without loss or reduction in pay, for purposes of undergoing medical treatment for such disability for which sick leave could regularly be used.*

(b)(1) *The leave credited to an employee under subsection (a) may not exceed 104 hours.*

(2) *Any leave credited to an employee pursuant to subsection (a) that is not used during the 12-month period described in such subsection may not be carried over and shall be forfeited.*

(c) *In order to verify that leave credited to an employee pursuant to subsection (a) is used for treating a service-connected disability, such employee shall submit to the head of the employing agency certification, in such form and manner as the Director of the Office of Personnel Management may prescribe, that such employee used such leave for purposes of being furnished treatment for such disability by a health care provider.*

(d) *In this section—*

(1) *the term “employee” has the meaning given such term in section 2105, and includes an officer or employee of the United States Postal Service or of the Postal Regulatory Commission;*

(2) *the term “service-connected” has the meaning given such term in section 101(16) of title 38; and*

(3) *the term “veteran” has the meaning given such term in section 101(2) of such title.*

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