

112TH CONGRESS  
1ST SESSION

# H. R. 2875

To amend title 38, United States Code, to provide for the reemployment of certain persons following absences from a position of employment for the purpose of obtaining medical treatment for certain injuries and illnesses, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2011

Mr. DOGGETT (for himself, Mr. BISHOP of New York, Mr. COURTNEY, Mr. DEFAZIO, Mr. FILNER, Mr. GRIJALVA, Ms. JACKSON LEE of Texas, Mr. REYES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. GONZALEZ, Mr. CUELLAR, Mr. GRIMM, Mr. MCGOVERN, Mr. STARK, Ms. SUTTON, Mr. TOWNS, Mr. GENE GREEN of Texas, Mr. CONYERS, Mr. KISSELL, Ms. BORDALLO, Mr. RANGEL, Mr. DONNELLY of Indiana, Ms. RICHARDSON, and Mr. LUJÁN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide for the reemployment of certain persons following absences from a position of employment for the purpose of obtaining medical treatment for certain injuries and illnesses, 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 “Wounded Veteran Job  
3 Security Act”.

4 **SEC. 2. EXPANSION OF DEFINITION OF SERVICE IN UNI-**  
5 **FORMED SERVICES FOR PURPOSES OF**  
6 **USERRA.**

7 Section 4303(13) of title 38, United States Code, is  
8 amended to read as follows:

9 “(13) The term ‘service in the uniformed serv-  
10 ices’ means the performance of duty on a voluntary  
11 or involuntary basis in a uniformed service under  
12 competent authority and includes active duty, active  
13 duty for training, initial active duty for training, in-  
14 active duty training, full-time National Guard duty,  
15 a period for which a person is absent from a position  
16 of employment for the purpose of an examination to  
17 determine the fitness of the person to perform any  
18 such duty, a period for which a person is absent  
19 from employment for the purpose of performing fu-  
20 neral honors duty as authorized by section 12503 of  
21 title 10 or section 115 of title 32, and a period for  
22 which a person is absent from a position of employ-  
23 ment for the purpose of obtaining medical treatment  
24 for an injury or illness recognized by the Secretary  
25 of Veterans Affairs as a service-connected, or for

1 which a ‘line of duty’ document has been granted by  
2 the Secretary of Defense.”.

3 **SEC. 3. DOCUMENTATION OF TREATMENT FOR PURPOSES**  
4 **OF REEMPLOYMENT UNDER USERRA.**

5 Section 4312(f) of such title is amended—

6 (1) by redesignating paragraphs (2) through  
7 (4) as paragraphs (3) through (5);

8 (2) by inserting after paragraph (1) the fol-  
9 lowing new paragraph (2):

10 “(2) A person who submits an application for reem-  
11 ployment due to an absence for the purpose of obtaining  
12 medical treatment for an injury or illness referred to in  
13 section 4303(13) of this title shall provide to the person’s  
14 employer (upon the request of such employer) documenta-  
15 tion to establish the individual’s eligibility for reemploy-  
16 ment on that basis. Such an application shall include suffi-  
17 cient documentation to establish a link between the injury  
18 or illness and the medical treatment the person obtained.”;

19 (3) in paragraph (3), as so redesignated, by  
20 striking “paragraph (1)” and inserting “paragraph  
21 (1) or paragraph (2)”; and

22 (4) in paragraph (4)(A), as so redesignated—

23 (A) by striking “paragraph (2)” and in-  
24 serting “paragraph (3)”; and

1 (B) by striking “paragraph (1)” and in-  
2 serting “paragraph (1) or should be deemed in-  
3 eligible for reemployment on the grounds of  
4 paragraph (2)”.

5 **SEC. 4. NOTIFICATION OF EMPLOYER OF INTENT TO RE-**  
6 **TURN TO A POSITION OF EMPLOYMENT.**

7 Section 4312(e)(1)(A) of such title is amended by in-  
8 serting after “31 days” the following: “or a person who  
9 was absent from a position of employment for the purpose  
10 of obtaining medical treatment for an injury or illness rec-  
11 ognized by the Secretary of Veterans Affairs as a service-  
12 connected, or for which a ‘line of duty’ document has been  
13 granted by the Secretary of Defense”.

14 **SEC. 5. EFFECTIVE DATE.**

15 The amendments made by this Act shall take effect  
16 on the date that is 90 days after the date of the enactment  
17 of this Act.

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