

Wounded Warriors Federal Leave Act of 2015

On November 5, 2015, President Obama signed the Wounded Warriors Federal Leave Act of 2015 (Pub. L. 114-75 [13]).

1. What is disabled veteran leave?

The Wounded Warriors Federal Leave Act of 2015 (Act) provides a new leave category, called "disabled veteran 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 for which sick leave could regularly be used.

2. When is disabled veteran leave available for use?

As provided by the Act, the new section 6329 of title 5, United States Code, shall apply to any eligible employee hired on or after the date that is 1 year after the date of enactment of the Act. While the President signed the Wounded Warriors Federal Leave Act of 2015 on November 5, 2015, the new leave category becomes available to newly hired eligible employees on or after November 5, 2016 (1-year after enactment).

3. Is this a new separate leave category or is the 104 hours of disabled veteran leave placed in a newly hired employee's regular sick leave account?

As prescribed by the Act, this is a new leave category to be known as "disabled veteran leave." Agencies will be required to establish a new separate leave category to be available only to eligible employees as defined within the new section 6329 of title 5, United States Code. The 104 hours will not be "deposited" into an employee's existing sick leave account.

4. Is disabled veteran leave provided to an eligible employee all at once upon being newly hired or does the employee accrue the leave as one accrues annual and sick leave?

An eligible employee receives 104 hours of disabled veteran leave all at once upon being newly appointed as a Federal employee. It is not a leave category that is accrued. Additional amounts of disabled veteran leave may not be provided to an employee.

5. What is the maximum number of hours of disabled veteran leave that may be provided to an eligible employee?

As provide by the Act, an eligible employee is entitled to 104 hours of disabled veteran leave.

6. What is the timeframe in which an eligible employee must use disabled veteran leave?

The disabled veteran leave is available only during the first 12 months of employment.

7. How much disabled veteran leave may an eligible employee use?

An eligible employee may use up to 104 hours of disabled veteran leave. Disabled veteran leave not used during the first 12 months of employment may not be carried over to subsequent years and will be forfeited. Agencies will have to monitor the use of this new leave category and ensure that any leave to the credit of the employee after the 12-month period is forfeited and removed from an employee's disabled veteran leave account.

8. Which employees are eligible to use disabled veteran leave?

Disabled veteran leave is available to new Federal civilian employees, who are veterans with a service-connected disability rated at 30 percent or more, covered by title 5 leave provisions, "hired on or after the date that is 1 year after the date of enactment of this Act," (i.e., November 5, 2016). Disabled veteran leave is also available to employees of

the United States Postal Service and the Postal Regulatory Commission. However, as the Act does not apply to employees not covered by title 5 leave provisions, it is not available to non-title 5 employees such as employees of the Federal Aviation Administration and Transportation Security Administration.

9. Is disabled veterans leave available to current Federal employees or employees hired prior to November 5, 2016?

No. Congress did not include a provision that makes disabled veteran leave available retroactively or to current Federal employees.

10. What is the definition of "veteran" for purposes of disabled veteran leave?

The Act defines the term "veteran" to mean a person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable.

11. What type of disability qualifies for disabled veteran leave?

To qualify for the new type of leave, the disability must be service-connected disability rated at 30 percent or more. As provided by the Act, the term "service-connected" means, with respect to disability, that such disability was incurred or aggravated in the line of duty in the active military, naval, or air service.

12. For what purpose can an employee use disabled veteran leave?

An eligible employee must use disabled veteran leave to receive treatment by a health care provider for treatment of the service-connected disability.

13. What type of certification must an employee provide?

In order to verify that disabled veteran leave is used for treatment of a service-connected disability, an eligible

employee must submit certification issued by a health care provider that the employee used such leave for purposes of receiving treatment for the service-connected disability.

14. When will OPM issue regulations?

OPM will issue implementing regulations no later than 9 months after the date of enactment.

15. When will agencies have policies in place?

The Act provided a delayed effective date for when the new leave will be available to newly hired employees. The new leave category will be available to newly hired eligible employees beginning on November 5, 2016. Agencies will need to establish a disabled veteran leave policy by this date so that the new disabled veteran leave will be available to any newly hired Federal civilian employee on or after November 5, 2016.

16. What other leave options and workplace flexibilities are available to current employees who are not eligible for disabled veteran leave?

While current Federal employees are not eligible for disabled veteran leave, Executive Order 5396, July 17, 1990, provides that disabled veterans are entitled to LWOP for necessary medical treatment. In addition, a disabled veteran has a wide range of leave options and workplace flexibilities available to take time off from work to receive medical treatment for his or her disability, such as annual leave [1], sick leave, [2] advanced annual leave [3] or advanced sick leave [4], leave under the Family and Medical Leave Act (FMLA) [5], donated leave under the voluntary leave transfer program [6], alternative work schedules, [7] credit hours under flexible work schedules[8], compensatory time off [9] and telework (external link) [10]. Agencies may also have a voluntary leave bank program [11].