

## **Disabled Veteran Leave Entitlement**

Under the Wounded Warriors Federal Leave Act, it allows organizations to give employees pre-approved medical leave who are a veteran with a service-connected disability rating of 30 percent or more from the Veterans Benefits Administration (VBA) of the Department of Veterans Affairs. The purpose of the leave is to allow veterans paid time to undergo medical treatment for such disability

Effective January 1, 2020, any eligible full-time employees will receive up to 96 hours of disabled veteran leave as defined below. Disabled veteran leave is a one-time per year benefit provided to an eligible employee at the beginning of each year or at their first day of employment. The employee will have a single calendar year as the eligibility period, beginning on the “first day of employment” in which to use the leave. Any remaining Disabled Veteran Leave will be forfeited with no opportunity to carry over the leave into subsequent years. An employee may not receive a lump-sum payment for any unused or forfeited leave under any circumstance.

### **QUALIFICATIONS:**

Full-time employee who has a qualifying service-connected disability. A veteran’s service-connected disability rated at 30 percent or more as determine by the Veterans Benefits Administration (VBA), including a combined degree of disability of 30 percent or more, that reflects the combined effect of multiple individual disabilities. A temporary disability rating issued under 38 U.S.C. 1156 is valid for as long as it is in effect.

- Service-Connected- Refers to a disability that was incurred or aggravated in the line of duty in the active military, naval, or air service (as determined by VBA), as defined under 38 U.S.C. 101(16).
- Veteran- A person who served on active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable, as defined under 38 U.S.C. 101(2).

## **ELIGIBILITY**

Each January, all full-time qualified employees who are disabled veterans with a 30% or more combined disability rating will receive 96 hours of leave to use during the calendar year.

Employees who are hired during the year and meet the 30% threshold will receive a prorated amount equal to the number of full months left in the year.

## **LIMITATIONS OR EXCLUSIONS**

- Eligible new hires will receive prorated amount of hours of leave upon hire to be used for the remainder of the current calendar year. Amounts will be determine based off the number of remaining full months left in the year.
- At the end of each calendar year, any remaining leave balance will be forfeited , assuming the employee still has a combined disability rating of 30% or more, he/she will receive a new 96 hours at the start of the new leave year.
- Any unused disabled veteran leave will not rolled over to the next year, nor will it be paid out if the employee leaves.
- Should the employee's employment terminate, the leave will end the day of termination. No further leave will accrue. An employee who is separating cannot use leave to continue employment.
- Employee must be in pay status or on FMLA before new allotment of hours are given.
- Disabled leave will run concurrent with FMLA, when appropriate.
- Leave time will not count toward work time for purposes of Fair Labor Standards Act computation.

## **VERIFICATION:**

The veteran is required to submit a MoCo Form 101, Treatment Verification for disabled veteran leave certified by a health care provider that the veteran used the leave to receive treatment for a covered disability. The MoCo Form 101 must be provided no later than three business days after the employee returns from leave. The form must be submitted to the human resources department.

## **APPROVAL**

All requests for Disabled Veteran Leave must be first submitted on a MoCo Form 102. This request shall be submitted two weeks in advance to the human resources department, with VA eligibly rating letter showing combined rating of 30% or more. The human resources department is responsible for the approving requests for Disabled Veteran Leave by signing the MoCo Form 101 and returning a copy to the veteran.