

116TH CONGRESS
2D SESSION

H. R. 8237

To amend title 38, United States Code, to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2020

Mr. CICILLINE (for himself, Mr. TAKANO, Mr. RESCHENTHALER, Mr. GOLDEN, Mrs. DAVIS of California, Mr. WILSON of South Carolina, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to clarify the scope of procedural rights of members of the uniformed services with respect to their employment and reemployment rights, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting the Employ-
5 ment Rights of Servicemembers Act”.

1 **SEC. 2. CLARIFICATIONS REGARDING SCOPE OF EMPLOY-**
2 **MENT AND REEMPLOYMENT RIGHTS OF MEM-**
3 **BERS OF THE UNIFORMED SERVICES.**

4 (a) CLARIFICATION REGARDING DEFINITION OF
5 RIGHTS AND BENEFITS.—Section 4303(2) of title 38,
6 United States Code, is amended—

7 (1) by inserting “(A)” before “The term”; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(B) Any procedural protections or provisions
11 set forth in this chapter shall also be considered a
12 right or benefit subject to the protection of this
13 chapter.”.

14 (b) CLARIFICATION REGARDING RELATION TO
15 OTHER LAW AND PLANS FOR AGREEMENTS.—Section
16 4302 of such title is amended by adding at the end the
17 following:

18 “(c)(1) Pursuant to this section and the procedural
19 rights afforded by subchapter III of this chapter, any
20 agreement to arbitrate a claim under this chapter is unen-
21 forceable, unless all parties consent to arbitration after a
22 complaint on the specific claim has been filed in court or
23 with the Merit Systems Protection Board and all parties
24 knowingly and voluntarily consent to have that particular
25 claim subjected to arbitration.

1 “(2) For purposes of this subsection, consent shall
2 not be considered voluntary when a person is required to
3 agree to arbitrate an action, complaint, or claim alleging
4 a violation of this chapter as a condition of future or con-
5 tinued employment, advancement in employment, or re-
6 ceipt of any right or benefit of employment.”.

○