

LEAVE OF ABSENCE FOR BONE MARROW DONATIONS

NYS Labor Law; Legislation enacted August 2001 (Chapter 214 of the Laws of 2001), section 202-a.

A covered "employer", shall grant unpaid leaves of absence to an eligible "employee", who seeks to undergo a medical procedure to donate bone marrow.

- a. "Employer" means a person or entity that employs twenty or more employees at one or more sites, and includes an individual, corporation, partnership, association, nonprofit organization, group of persons, county, town, city, school district, public authority or other governmental subdivision of any kind.
- b. "Employee" means a person who performs services for hire for an employer, for an average of twenty (20) or more hours per week, and includes all individuals employed at any site owned or operated by an employer but shall not include an independent contractor.

The length and duration of leave must be determined by a physician, but the combined leaves may not exceed twenty-four (24) hours per each request for leave for the purpose to donate bone marrow, unless agreed to by the Department Head and/or employer;

Leave may be taken in increments of either full or partial days, and may include any necessary travel time, medical testing or other procedures to determine bone marrow compatibility, medical procedure, and recovery time;

The leave entitlement is in addition to other leave allowed to the employee, including leave permitted under the Federal Family and Medical Leave Act (FMLA);

This leave is available only to the extent that it conflicts with the employee's work schedule. Employees who undergo bone marrow donation outside their regular work schedule, do so on their own time. Employees absent on a holiday for the purpose of bone marrow donation are considered to be observing the holiday and are not granted compensatory time off for bone marrow donation for the holiday;

This leave is unpaid, however, County Policy and the provisions of respective collective bargaining agreements may require the substitution of accrued paid leave run concurrent with any unpaid leaves of absence for bone marrow donations;

An employee must provide suitable verification from a physician regarding the purpose and length of each leave;

An employer shall not retaliate against or penalize an employee for requesting or obtaining a leave of absence under this section, and this section shall not affect an employee's rights with respect to any other employee benefit otherwise provided by law.