

Bone Marrow/Organ Donor Leave

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If a state does not appear on the following chart it is due to our not finding any evidence a statute exists for that state.

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State	Statute
Alaska	<p>39.20.275. a) Notwithstanding AS 39.20.310(1)-(3) and (6)-(8), paid administrative leave of not more than 80 hours and not less than 40 hours, unless the employee requests fewer hours, shall be granted under this section to an employee who requests leave to make a personal organ or bone marrow donation. Paid administrative leave may include time spent on a screening process to determine whether the employee is a compatible donor. (b) The director of personnel in the Department of Administration shall adopt regulations to implement this section. (c) Nothing in this section authorizes employees to request leave for contribution to or for withdrawal from a leave pool. (d) In this section, "employee" means a paid employee of the executive, judicial, or legislative branch of state government, a state public corporation or council established by law, or the University of Alaska, whether the employee is a permanent, nonpermanent, or temporary employee, who is employed for an average of 30 or more scheduled hours each week.</p>
Arkansas	<p>Act 2235 (4)(A) "Private employer" means a sole proprietor corporation, partnership, limited liability company, or other entity with one (1) or more employees. (B) "Private employer" does not include a municipality, county, state agency, institution of higher education, or other public employer. (b)(1) In addition to any medical, personal, or other paid leave provided by the employer, a private employer shall grant an employee an unpaid leave of absence to allow the employee to serve as an organ donor or a bone marrow donor if the employee requests a leave of absence in writing. (2) The length of the leave of absence shall be equal to the time requested by the employee or ninety days (90), whichever is less. (3) A private employer may grant a paid or unpaid leave of absence for a length of time greater than ninety days (90). (c)(1) If a private employer agrees to pay the employee's regular salary or wages during the leave of absence required under subsection (b) of this section, then the private employer is entitled to a credit against the private employer's Arkansas withholding tax liability.</p> <p>(2)(A) The amount of the credit provided in subdivision (c)(1) of this section shall be equal to twenty-five percent (25%) of the regular salary or wages paid to the employee while the employee was on a leave of absence required under subsection (b) of this section. (B) However, if the private employer grants the employee a leave of absence greater than ninety (90) days, the credit provided under this subsection (c) shall be limited to the regular salary or wages paid during the first ninety (90) days of the leave of absence. (3) The credit shall be taken within one (1) year of the date upon which the leave required under subdivision (b) of this section begins. (d) This section shall not apply if the employee is eligible for leave under the Family Medical Leave Act, 29 U.S.C. § 2601 et seq.</p>
California	<p>1509. For purposes of this part, the following terms have the following meanings: (a) "Employee" and "employee benefits" have the same meanings set forth in Section 1500. (b) "Employer" means any person, partnership, corporation, association, or other business entity that employs 15 or more employees.</p> <p>1510. (a) Subject to subdivision (b), an employer shall grant to an employee the following paid</p>

leaves of absence: (1) A leave of absence not exceeding 30 business days to an employee who is an organ donor in any one-year period, for the purpose of donating his or her organ to another person. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months. (2) A leave of absence not exceeding five business days to an employee who is a bone marrow donor in any one-year period, for the purpose of 95 donating his or her bone marrow to another person. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months. (b) In order to receive a leave of absence pursuant to subdivision (a), an employee shall provide written verification to his or her employer that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow. (c) Any period of time during which an employee is required to be absent from his or her position by reason of being an organ or bone marrow donor is not a break in his or her continuous service for the purpose of his or her right to salary adjustments, sick leave, vacation, paid time off, annual leave, or seniority. During any period that an employee takes leave pursuant to subdivision (a), the employer shall maintain and pay for coverage under a group health plan, as defined in Section 5000(b) of the Internal Revenue Code of 1986, for the full duration of the leave, in the same manner the coverage would have been maintained if the employee had been actively at work during the leave period. (d) This part does not affect the obligation of an employer to comply with a collective bargaining agreement or employee benefit plan that provides greater leave rights to employees than the rights provided under this part. (e) The rights provided under this part shall not be diminished by a collective bargaining agreement or employee benefit plan entered into on or after January 1, 2011. (f) An employer may require, as a condition of an employee's initial receipt of bone marrow or organ donation leave, that an employee take up to five days of earned but unused sick leave, vacation, or paid time off for bone marrow donation and up to two weeks of earned but unused sick leave, vacation, or paid time off for organ donation, unless doing so would violate the provisions of any applicable collective bargaining agreement. (g) Notwithstanding existing law, bone marrow and organ donation leave shall not be taken concurrently with any leave taken pursuant to the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.) or the Moore-Brown-Roberti Family Rights Act (Sections 12945.2 and 19702.3 of the Government Code). (h) Leave provided for pursuant to this section may be taken in one or more periods, but in no event shall exceed the amount of leave prescribed in subdivision (a). SEC. 2. The amendment of Section 1510 of the Labor Code made by this act does not constitute a change in, but is declaratory of, existing law..

1511. An employer shall, upon expiration of a leave authorized by this part, restore an employee to the position held by him or her when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. An employer may decline to restore an employee as required in this section because of conditions unrelated to the exercise of rights under this part by the employee.

1512. (a) An employer shall not interfere with, restrain, or deny the exercise or the attempt to exercise a right established by this part. (b) An employer shall not discharge, fine, suspend, expel, discipline, or in any other manner discriminate against an employee who does either of the following: (1) Exercises a right provided under this part. (2) Opposes a practice made unlawful by this part.

1513. (a) An employee may bring a civil action in the superior court of the appropriate county to enforce this part. (b) The court may enjoin any act or practice that violates this part and may order any equitable relief necessary and appropriate to redress the violation or to enforce this part.

Colorado **24.50-104(b) State Employee Organ Donor Leave.** (b) The procedures of the state personnel director shall provide that no more than two days of paid leave per fiscal year shall be granted for organ, tissue, or bone marrow donation for transplants. Such leave may not be accumulated.

Delaware **§ 1318B. Leave for bone marrow or organ donation.** ((b) In any calendar year, a teacher or school employee is entitled to the following leave in order to serve as a bone marrow donor or

	<p>organ donor: (1) No more than 7 days of leave to serve as a bone marrow donor; (2) No more than 30 days of leave to serve as an organ donor. (c) A teacher or school employee may use the leave provided by this section without loss or reduction of pay, leave to which the teacher or employee is otherwise entitled, credit for time or service, or performance or efficiency rating. (d) This section applies to teachers and school employees who are included in a collective bargaining unit, unless a collective bargaining agreement contains provisions dealing with leave for bone marrow donation and organ donation. (73 Del. Laws, c. 104, § 2.)</p>
<p>Georgia</p>	<p>45-20-31. Organ and Bone Marrow Donor Leave. (a) Each employee of the State of Georgia or of any branch, department, board, bureau, or commission of the State of Georgia who serves as an organ donor for the purpose of transplantation shall receive a leave of absence, with pay, of 30 days and such leave shall not be charged against or deducted from any annual or sick leave and shall be included as service in computing any retirement or pension benefits. The employee shall not be entitled to such leave of absence with pay unless he or she furnishes to his or her supervisor or other proper authority a statement from a medical practitioner who is to perform such transplantation procedure or from a hospital administrator that the employee is making an organ donation as provided in this Code section. If such donation does not occur, the provisions of this Code section shall not be applicable. For the purposes of this Code section, the term 'organ' means a human organ, including an eye, that is capable of being transferred from the body of a person to the body of another person. (b) Each employee of the State of Georgia or of any branch, department, board, bureau, or commission of the State of Georgia who serves as a bone marrow donor for the purpose of transplantation shall receive a leave of absence, with pay, of seven days and such leave shall not be charged against or deducted from any annual or sick leave and shall be included as service in computing any retirement or pension benefits. The employee shall not be entitled to such leave of absence with pay unless he or she furnishes to his or her supervisor or other proper authority a statement from a medical practitioner who is to perform such transplantation procedure or from a hospital administrator that the employee is serving as a bone marrow donor as provided in this Code section. If such donation does not occur, the provisions of this Code section shall not be applicable.</p>
<p>Idaho</p>	<p>67-5343. (1) A full-time employee shall be granted a leave of absence for the time specified for the following purposes:(a) Five(5)workdays to serve as a bone marrow donor if the employee provides the appointing authority written verification that the employee is to serve as a bone marrow donor; and(b)Thirty (30) workdays to serve as a human organ donor if the employee provides the appointing authority written verification that the employee is to serve as a human organ donor. (2) An employee who is granted a leave of absence pursuant to the provisions of this section shall receive his compensation without interruption during the leave of absence. For purposes of determining longevity, performance, pay advancement and performance awards and for receipt of any benefit that may be affected by a leave of absence, the service of the employee shall be considered uninterrupted by the leave of absence. (3) The appointing authority shall not penalize an employee for requesting or obtaining a leave of absence pursuant to the provisions of this section. (4) The leave authorized by this section may be requested by the employee only if the employee is the person who is serving as the donor. 59-1608. (1) A full-time non-classified officer or full-time non-classified employee shall be granted a leave of absence for the time specified for the following purposes:(a) Five(5)workdays to serve as a bone marrow donor if the officer or employee provides the appointing authority written verification that the employee is to serve as a bone marrow donor; and (b)Thirty (30) workdays to serve as a human organ donor if the officer or employee provides the appointing authority written verification that the employee is to serve as a human organ donor. (2)An officer or employee who is granted a leave of absence pursuant to the provisions of this section shall receive his compensation without interruption during the leave of absence. For purposes of determining longevity, performance, pay advancement and performance awards and for receipt of any benefit that may be affected by a leave of absence, the service of the officer or employee shall be considered uninterrupted by the leave of absence. (3) The appointing authority shall not penalize an officer or employee for requesting or obtaining a leave of absence pursuant to the provisions of this section. (4) The leave authorized by this section may be requested by the officer or employee only if the officer or employee is the person who is serving as the donor.</p>

<p>Illinois</p>	<p>ILCS 327/20 (a)On request, a participating employee subject to this Act may be entitled to organ donation leave with pay. (b) An employee may use (i) up to 30 days of organ donation leave in any 12-month period to serve as a bone marrow donor, (ii) up to 30 days of organ donation leave in any 12-month period to serve as an organ donor, (iii) one hour or more to donate blood every 56 days, and (iv) 2 hours or more to donate blood platelets in accordance with appropriate medical standards established by the American Red Cross, America's Blood Centers, the American Association of Blood Banks, or other nationally-recognized standards. Leave under item (iv) may not be granted more than 24 times in a 12-month period. (c) An employee may use organ donation leave or other leave authorized in subsection (b) of this Section only after obtaining approval from the employee's agency. (d) An employee may not be required to use accumulated sick or vacation leave time before being eligible for organ donor leave. (e) The Department must adopt rules governing organ donation leave, including rules that(i)establish conditions and procedures for requesting and approving leave and (ii) require medical documentation of the proposed organ or bone marrow donation before leave is approved by the employing agency.</p>
<p>Indiana</p>	<p>IC 4-15-16-7 Employee leave for bone marrow donation; verification by physician. . If an employee of a state agency: (1) requests a leave of absence from the employee's agency so that the employee may serve as a bone marrow donor; and (2) provides the employee's agency with written verification by a physician that the employee is to serve as a bone marrow donor; the state agency shall grant the employee a leave of absence of not more than five (5) work days, as determined by the attending physician, during which the employee may serve as a bone marrow donor.</p> <p>IC 4-15-16-8 Leave for organ donation; verification by physician. If an employee of a state agency: (1) requests a leave of absence from the employee's agency so that the employee may serve as a human organ donor; and (2) provides the employee's agency with written verification by a physician that the employee is to serve as a human organ donor; the state agency shall grant the employee a leave of absence of not more than thirty (30) work days, as determined by the attending physician, during which the employee may serve as a human organ donor.</p> <p>IC 4-15-16-9 Salary during leave; employee service uninterrupted during leave. (a) An employee who is granted a leave of absence under this chapter is entitled to receive the employee's regular salary without interruption during the leave of absence. (b) A leave of absence granted to an employee under this chapter is in addition to vacation days, sick days, personal days, and compensatory time that the employee accrues. (c) An employee's service shall be considered uninterrupted by a leave of absence under this chapter for purposes of determining the following: (1) Seniority. (2) Salary or salary advancement. (3) Performance awards. (4) The receipt of a benefit that may be affected by a leave of absence.</p> <p>IC 4-15-16-10 Retaliation against employee prohibited. Sec. 10. A state agency may not retaliate against an employee for</p>
<p>Iowa</p>	<p>70A.39 Bone Marrow and Organ Donation. 2. Beginning July 1, 2003, state employees, excluding employees covered under a collective bargaining agreement which provides otherwise, shall be granted leaves of absence in accordance with the following: a. A leave of absence of up to five workdays for an employee who requests a leave of absence to serve as a bone marrow donor if the employee provides written verification from the employee's physician or the hospital involved with the bone marrow donation that the employee will serve as a bone marrow donor. b. A leave of absence of up to thirty workdays for an employee who requests a leave of absence to serve as a vascular organ donor if the employee provides written verification from the employee's physician or the hospital involved with the vascular organ donation that the employee will serve as a vascular organ donor. 3. An employee who is granted a leave of absence under this section shall receive leave without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. The employee shall be compensated at the employee's regular rate of pay for</p>

	those regular work hours during which the employee is absent from work.
Kansas	Executive Order 2001-02 Kansas Donor Leave Program. Applicable to State employees within the executive branch of state government and Regents institutions. The Kansas Donor Leave Program provides approved recovery time away from work for employees who choose to donate organs, tissue, bone marrow, blood or blood products. All classified and unclassified benefit eligible employees may receive paid leave in accordance with the following criteria: Employees may receive up to 30 working days of paid leave for recovery from an organ or tissue donation procedure. Employees may receive up to 7 working days of paid leave following the donation of bone marrow. Employees may receive 1.5 hours of paid leave every 4 months for the donation of blood. Employees may receive 3 hours of paid leave every 4 months for the donation of blood platelets or other approved blood products.
Kentucky	101 KAR 2:102 Section 11. Blood Donation Leave. (1) A state employee who, during regular working hours, donates blood at a licensed blood center certified by the Food and Drug Administration shall receive four (4) hours leave time, with pay, for the purpose of donating and recuperating from the donation. (2) Leave granted under this section shall be used at the time of the donation unless circumstances as specified by the supervisor required the employee to return to work. If the employee returns to work, the unused portion of the leave time shall be credited as compensatory leave. (3) An employee shall request leave in advance to qualify for blood donation leave. (4) An employee who is deferred from donating blood shall not: (a) Be charged leave time for the time spent in the attempted donation; and (b) Qualify for the remainder of the blood donation leave.
Louisiana	§1299.124. Definitions; paid marrow donor leave; prohibition of employer sanctions; relationship to other leave. A. As used in this Section, the following definitions shall apply: (1) "Employee" means a person who performs services for hire for an employer, for an average of twenty or more hours per week, and includes all individuals employed at any site owned or operated by an employer. Employee does not include an independent contractor. (2) "Employer" means a person or entity that employs twenty or more employees at at least one site and includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, parish, town, city, school district, or other governmental subdivision. B. An employer shall grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves shall be determined by the employee, but may not exceed forty work hours, unless agreed to by the employer. The employer may require verification by a physician of the purpose and length of each leave requested by the employee to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited. C. An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided by this Section. D. This Section does not prevent an employer from providing leave for bone marrow donations in addition to leave allowed under this Section. This Section does not affect an employee's rights with respect to any other employment benefit.
Maryland	§ 9-1106. Paid leave for organ donation. ((a) Applicability.- This section applies to all employees, including temporary employees, of all units in the Executive, Judicial, and Legislative Branches of State government, including any unit with an independent personnel system. (b) In general.- On request, an employee subject to this section may be entitled to organ donation leave with pay. (c) Conditions and procedures.- (1) An employee may use: (i) up to 7 days of organ donation leave in any 12-month period to serve as a bone marrow donor; and (ii) up to 30 days of organ donation leave in any 12-month period to serve as an organ donor. (2) An employee may use organ donation leave only after obtaining approval from the employee's appointing authority. (d) Regulations.- The Secretary shall adopt regulations governing organ donation leave, including regulations that establish conditions and procedures for requesting and approving leave and that require medical documentation of the proposed organ or bone marrow donation before leave is approved.
Massachusetts	149:33E. Any employee of the commonwealth, of any county, and of any city or town which

	<p>accepts the provisions of this section, shall be allowed a leave of absence of not more than 30 days in each calendar year for the purpose of serving as an organ donor, without loss of or reduction in pay, without loss of leave to which otherwise entitled, without loss of credit for time or service.(a) If the necessity for leave under this section is not foreseeable, the employee shall provide the employer with not less than seven days' notice before the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable.(b) An employer may require that a request for leave under this section be supported by a certification issued at such time and in such manner as the attorney general may be regulation required.(c) The attorney general shall enforce this section, and may obtain injunctive or declaratory relief for this purpose. Violation of this shall be subject to the second paragraph of section 150 and to section 180 of this chapter.”</p>
<p>Minnesota</p>	<p>181.945 Leave for bone marrow donations. Subd. 2. Leave. An employer must grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves shall be determined by the employee, but may not exceed 40 work hours, unless agreed to by the employer. The employer may require verification by a physician of the purpose and length of each leave requested by the employee to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.</p> <p>181.9455 Leave for organ donation. Subd. 2. Leave. An employer must grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate an organ or partial organ to another person. The combined length of the leaves shall be determined by the employee, but may not exceed 40 work hours for each donation, unless agreed to by the employer. The employer may require verification by a physician of the purpose and length of each leave requested by the employee for organ donation. If there is a medical determination that the employee does not qualify as an organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited.</p> <p>181.9456 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have the meanings given to them in this subdivision. (b) "Employee" means a person who performs services for hire for a public employer, for an average of 20 or more hours per week, and includes all individuals employed at any site owned or operated by a public employer. Employee does not include an independent contractor. (c) "Employer" means a state, county, city, town, school district, or other governmental subdivision that employs 20 or more employees. Subd. 2. Leave. An employer must grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate an organ or partial organ to another person. The combined length of the leaves shall be determined by the employee, but may not exceed 40 work hours for each donation, unless agreed to by the employer. The employer may require verification by a physician of the purpose and length of each leave requested by the employee for organ donation. If there is a medical determination that the employee does not qualify as an organ donor, the paid leave of absence granted to the employee prior to that medical determination is not forfeited. Subd. 3. No employer sanctions. An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided by this section. Subd. 4. Relationship to other leave. This section does not prevent an employer from providing leave for organ donations in addition to leave allowed under this section. This section does not affect an employee's rights with respect to any other employment benefit.</p> <p>24-22,950.01 A state employee must be granted leave from work with 100 percent of pay to donate blood at a location away from the place of work. The total amount of leave used under this paragraph may not exceed three hours in a 12-month period, and must be determined by the employee. A state employee seeking leave from work under this section must provide 14 days' notice to the appointing authority. This leave must not affect the employee's vacation leave, pension, compensatory time, personal vacation days, sick leave, earned overtime accumulation,</p>

	<p>or cause a loss of seniority. For the purposes of this section, "state employee" does not include an employee of the Minnesota State Colleges and Universities. [Sec. 43A.187, as enacted by Ch. 318 (H.B. 3494), L. 2007, effective Aug. 1, 2008].</p> <p>24-22,950.13 An employer may grant paid leave from work to an employee to allow the employee to donate blood. [Sec. 181.9458, as enacted by Ch. 318 (H.B. 3494), L. 2007, effective August 1, 2008].</p>
Missouri	<p>105.266 Leave of absence granted, state employees, bone marrow or organ donation. 1. Any employee of the state of Missouri, its departments or agencies shall be granted a leave of absence for the time specified for the following purposes: (1) Five workdays to serve as a bone marrow donor if the employee provides his or her employer with written verification that he or she is to serve as a bone marrow donor; (2) Thirty workdays to serve as a human organ donor if the employee provides his or her employer with written verification that he or she is to serve as a human organ donor. 2. An employee who is granted a leave of absence pursuant to this section shall receive his or her base state pay without interruption during the leave of absence. For purposes of determining seniority, pay or pay advancement and performance awards and for the receipt of any benefit that may be affected by a leave of absence, the service of the employee shall be considered uninterrupted by the leave of absence. 3. The employer shall not penalize an employee for requesting or obtaining a leave of absence according to this section. 4. The leave authorized by this section may be requested by the employee only if the employee is the person who is serving as the donor.</p>
Nebraska	<p>71-4820 Employer; grant of leaves of absence; encouraged. An employer shall be encouraged to grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow.</p>
New Mexico	<p>CH 159 Section 1. This act may be cited as the "Bone Marrow and Organ Donor Act". Section 2. The department of health shall provide information and educational materials to the public regarding bone marrow donation through the national marrow donor program and regarding organ donations. The department shall seek assistance from the national marrow donor program to establish a system to distribute materials, ensure that the materials are updated periodically, fully disclose the risks involved in donating bone marrow and address the education and recruitment of minority populations. The department shall establish a system to distribute information and educational materials regarding organ donations and ensure that the materials are updated periodically, fully disclose the risks of donating an organ and address the education and recruitment of minority populations. Section 3. A. The person in charge of a state agency may grant a leave of absence, not to exceed twenty days, to a state agency employee for the purpose of donating an organ or bone marrow. An employee may request and use donated annual leave or sick leave for the purpose of donating an organ or bone marrow. If an employee requests donations of sick leave or annual leave but does not receive the full amount of leave needed for the donation of an organ or bone marrow, the person in charge of a state agency may grant a paid leave of absence for the remainder of the needed leave up to the maximum total of twenty workdays. The person in charge of a state agency may require verification by a physician regarding the purpose of the leave requested and information from the physician regarding the length of the leave requested. Any paid leave of absence granted pursuant to this section shall not result in a loss of compensation, seniority, annual leave, sick leave or accrued overtime for which the employee is otherwise eligible. B. For the purposes of this section, "state agency" means any department, institution, board, bureau, commission, district or committee of government of the state of New Mexico.</p>
New York	<p>202-J. An employer must grant three hours of leave of absence in any twelve month period to an employee who seeks to donate blood. The leave of absence may not exceed three hours, unless otherwise agreed to by the employer, and must comply with the notice requirements established by the commissioner. An employer shall not retaliate against an employee for requesting or obtaining a leave of absence under this section. This section shall not prevent an employer from providing leave for blood donation in addition to leave allowed under any other provision of</p>

	<p>law.</p> <p>202-a. Leave of absence for bone marrow donations. 1. For the purposes of this section, the following terms shall have the following meanings: (a) "Employee" means a person who performs services for hire for an employer, for an average of twenty 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. (b) "Employer" means a person or entity that employs twenty or more employees at least one site 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. 2. An employer must grant leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. The combined length of the leaves shall be determined by the physician, but may not exceed twenty-four work hours, unless agreed to by the employer. The employer may require verification by a physician for the purpose and length of each leave requested by the employee to donate bone marrow. 3. An employer shall not retaliate against an employee for requesting or obtaining a leave of absence as provided by this section for the purpose of undergoing a medical procedure to donate bone marrow. 4. The provisions of this section shall not prevent an employer from providing leave for bone marrow donations in addition to leave allowed under any other provision of law. The provisions of this section shall not affect an employee's rights with respect to any other employee benefit otherwise provided by law.</p> <p>71-a. Employees of the state; blood donations; time excused. The executive officers of every public department, bureau, commission, or board of the state are authorized and empowered to grant to any employees under their supervision a period of excused time not to exceed three hours for the purposes of donating blood. A supervisor of any such employee may require the employees to provide written substantiation from a donation center or entity coordinating donations that the employee actually donated blood during the excused absence. Said employee shall not be allowed to be subject to a loss of compensation for such period of excused time.</p>
<p>Oklahoma</p>	<p>§74-840-2.20B. Leaves of absence for state employees serving as donors. A. Any employee of this state, its departments or agencies shall be granted a leave of absence, subject to approval of the scheduling of such leave by the employee's Appointing Authority, with medical necessity being the primary determinant for such approval, for the time specified for the following purposes: 1. Five (5) workdays to serve as a bone marrow donor if the employee provides the employer written verification that the employee is to serve as a bone marrow donor; and 2. Thirty (30) workdays to serve as a human organ donor if the employee provides the employer written verification that the employee is to serve as a human organ donor. B. An employee who is granted a leave of absence pursuant to the provisions of this section shall receive the base state pay without interruption during the leave of absence. For purposes of determining seniority, pay or pay advancement, and performance awards, and for the receipt of any benefit that may be affected by a leave of absence, the service of the employee shall be considered uninterrupted by the leave of absence. C. A state agency shall not penalize an employee for requesting or obtaining a leave of absence pursuant to the provisions of this section. D. The leave authorized by this section may be requested by the employee only if the employee is the person who is serving as the donor.</p>
<p>Oregon</p>	<p>659A.312 Leave of absence to donate bone marrow; verification by employer.(1) It is an unlawful employment practice for an employer to deny to grant already accrued paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. The total length of the leaves shall be determined by the employee, but shall not exceed the amount of already accrued paid leave or 40 work hours, whichever is less, unless agreed to by the employer. (2) The employer may require verification by a physician of the purpose and length of each leave requested by the employee to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence used by the employee prior to that medical determination is not affected. (3) An employer shall not retaliate against an employee for requesting or using accrued paid leave of</p>

	<p>absence as provided by this section. (4) This section does not: (a) Prevent an employer from providing leave for bone marrow donations in addition to leave required under this section. (b) Affect an employee's rights with respect to any other employment benefit. (5) This section applies only to employees who work an average of 20 or more hours per week.</p>
<p>Pennsylvania</p>	<p>Relating to organ and bone marrow donation; providing for a special leave of absence for organ and bone marrow donors; and providing for a tax credit and for additional duties of the Department of Health and the Department of Revenue. The General Assembly finds as follows: (1) Each year an estimated 16,000 Americans contract leukemia, a plastic (2) If a matched bone marrow donor can be found, many of these victims can be cured. (3) There is now a national Marrow Donor Program, and the United States is working with 30 other countries to establish a worldwide registry. (4) Marrow donation does not involve considerable risk to the donor. (5) There are approximately 65,000 patients in the United States and approximately 3,500 patients in this Commonwealth awaiting life- saving organ transplants. (6) Many patients awaiting organ transplants could benefit from living organ donation, including approximately 43,000 kidney patients, 7,000 liver patients and 3,500 lung patients. (7) Of the more than 1,500 organ transplants performed in this Commonwealth in 1998, approximately 250 were from living donors. (8) There continues to be a great need for bone marrow and organ donors among the African- American, Asian, Native American and Hispanic communities. (9) Potential living bone marrow and organ donors should be able to perform their life-saving service without risk of loss of income or employment. The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Section 1. Short title. This act shall be known and may be cited as the Organ and Bone Marrow Donor Act. Section 2. Definitions. The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise: "Business firm." Any business entity authorized to do business in this Commonwealth and subject to taxes imposed by Article IV, VI, VII, VIII, IX or XV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. This term also includes a pass-through entity.</p> <p>"BUSINESS FIRM." AN ENTITY AUTHORIZED TO DO BUSINESS IN THIS COMMONWEALTH AND SUBJECT TO THE TAXES IMPOSED BY ARTICLE III, IV, VI, VII, VIII, IX OR XV OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971. THIS TERM ALSO INCLUDES A NATURAL PERSON AS SUCH OR AS A MEMBER OF A PARTNERSHIP OR A SHAREHOLDER IN A PENNSYLVANIA S CORPORATION AND ESTATES AND TRUSTS RECEIVING INCOME AS SET FORTH IN SECTION 3. "Department." The Department of Health REVENUE of the Commonwealth. "Leave of absence period." The period, not exceeding five working days or the hourly equivalent of five working days per employee, during which a business firm provides a paid leave of absence to the employee for the purpose of organ or bone marrow donation. THE TERM DOES NOT INCLUDE A PERIOD DURING WHICH AN EMPLOYEE UTILIZES ANY ANNUAL LEAVE OR SICK DAYS THAT THE EMPLOYEE HAS BEEN GIVEN BY THE EMPLOYER. "Pass-through entity." Any of the following:(1) A partnership, limited partnership, limited liability company, business trust or other unincorporated entity that for Federal income tax purposes is taxable as a partnership. (2) A Pennsylvania S corporation. "PASS-THROUGH ENTITY." A PARTNERSHIP OR PENNSYLVANIA S CORPORATION AS DEFINED IN SECTION 301(N.0) AND (S.2), RESPECTIVELY, OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971. Section 3. Bone marrow donor education. (a) Content of program.-- The department shall provide information and education to the residents of this Commonwealth about bone marrow donation which shall include: (1)The need for donors and benefits to the recipient. (2)The medical procedures donors must undergo. (3)The process by which a potential donor becomes registered. (4)Special efforts to educate and recruit minority populations to volunteer as potential bone marrow donors. b) Means of communication.--Means of communication shall include, but not be limited to, the placement of educational material in State photo licensing centers, health care facilities, blood banks and State agencies. Section 4. Employee leave for organ or bone marrow donation. A business firm may grant to any of its employees a special paid leave of</p>

	<p>absence for the purpose of donating an organ or bone marrow, subject to the following: (1) The employer may require verification by a physician concerning the length and purpose of the leave requested. (2) If there is a medical determination that the employee does not qualify as an organ or bone marrow donor, the paid leave of absence granted to the employee prior to that determination is not affected. (3) An employee's rights with respect to any other employment benefit shall not be affected by leave granted for purposes of organ or bone marrow donation.</p> <p>Section 5 3. Organ and bone marrow donor tax credit. (a) General rule.--Every business firm which provides one or (A) QUALIFICATION.-- (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), EVERY BUSINESS FIRM WHICH PROVIDES ONE OR more paid leaves of absence to employees for the specific purpose of organ or bone marrow donation shall qualify for the organ or bone marrow donor tax credit. A business firm which qualifies for the credit may apply that credit against any tax due under Article III, IV, VI, VII, VIII, IX or XV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971. Notwithstanding the foregoing, the credit shall not be 1971. (2) NOTWITHSTANDING PARAGRAPH (1), THE CREDIT SHALL NOT BE applied against any tax withheld by an employer from an employee under Article III of the Tax Reform Code of 1971. IN RELATION TO ANY TAX DUE UNDER ARTICLE III OF THE TAX REFORM CODE OF 1971, THE CREDIT AUTHORIZED BY THIS SECTION MAY BE APPLIED ONLY AGAINST THE NET PROFITS INCOME CLASS ENUMERATED IN SECTION 303(A)(2) OF THE TAX REFORM CODE OF 1971 FROM SOURCES IN THIS (b) Calculation of credit.--The tax credit amount shall be (B) CALCULATION OF CREDIT.--(1) THE TAX CREDIT AMOUNT SHALL BE equal to the amount of employee salary COMPENSATION paid during the leave of absence period, the cost of temporary replacement help, if any, during the leave of absence period and any miscellaneous expenses authorized by regulation that are incurred in connection with the leave of absence period. Credits calculated for a business firm subject to tax in another state shall be apportioned to this Commonwealth in the manner specified by regulation. (2) IF THE EMPLOYEE ON PAID LEAVE OF ABSENCE IS EMPLOYED CREDIT SHALL BE CALCULATED IN PROPORTION TO THE MEMBER'S OR HAREHOLDER'S PORTION OF THE PASS-THROUGH ENTITY'S INCOME. IN THE CASE OF A TRUST OR ESTATE WITH INCOME CREDITED TO OR DISTRIBUTED TO A BENEFICIARY, THE CREDIT SHALL BE MEASURED IN PROPORTION TO THE BENEFICIARY'S SHARE OF INCOME. (c) Unused credit.--Credits not used during which a leave of absence was granted may be carried over for three taxable years. Credits shall not be carried back against preceding taxable years AND SHALL NOT BE REFUNDABLE.</p>
<p>South Carolina</p>	<p>44-43-80. (A) An employer may grant paid leaves of absence to an employee who seeks to undergo a medical procedure to donate bone marrow. As used in this section, "employer" means a person or entity that employs twenty or more employees at least at one site within this State and includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, city, or other governmental subdivision. "Employee" means a person who performs services for hire for an employer for an average of twenty or more hours a week and includes all individuals employed at a site owned or operated by an employer but does not include an independent contractor. (B) The combined length of paid leaves of absence requested by an employee must be determined by the employee but may not exceed forty work hours unless the employer agrees to a longer period of time. The employer may require verification by a physician of the purpose and length of each paid leave of absence requested by the employee to donate bone marrow. If there is a medical determination that the employee does not qualify as a bone marrow donor, the paid leave of absence granted to the employee before that medical determination is not forfeited. (C) An employer may not retaliate against an employee for requesting or obtaining a paid leave of absence as provided by this section. (D) This section does not prevent an employer from providing a paid leave of absence for bone marrow donations in addition to leave allowed under this section. This section does not affect an employee's rights with respect to any other employment benefit.</p>
<p>Virginia</p>	<p>§ 2.2-2821.1. Leave for bone marrow or organ donation. State employees shall be allowed up to thirty days of paid leave in any calendar year, in addition to other paid leave, to serve as bone marrow or organ donors. The Department shall develop personnel policies providing for the use</p>

	<p>of such leave. For the purposes of this section, "state employee" means any person who is regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency thereof.</p>
<p>Wisconsin</p>	<p>230.35 Leave. (. (b) An appointing authority shall grant a leave of absence of 5 workdays to any employee who requests a leave of absence to serve as a bone marrow donor if the employee provides the appointing authority written verification that he or she is to serve as a bone marrow donor. (c) An appointing authority shall grant a leave of absence of 30 workdays to any employee who requests a leave of absence to serve as a human organ donor if the employee provides the appointing authority written verification that he or she is to serve as a human organ donor. (d) An employee who is granted a leave of absence under this subsection shall receive his or her base state pay without interruption during the leave of absence. For purposes of determining seniority, pay or pay advancement and performance awards and for the receipt of any benefit that may be affected by a leave of absence, the service of the employee shall be considered uninterrupted by the leave of absence.</p> <p>Sec. 230.35 (2d) (a) In this subsection: 1. "Bone marrow" has the meaning given in section 146.34 (1) (a).2. "Human organ" means a heart, lung, liver, pancreas, kidney, intestine, or other organ that requires the continuous circulation of blood to remain useful for purposes of transplantation. (b) An appointing authority shall grant a leave of absence of 5 workdays to any employee who requests a leave of absence to serve as a bone marrow donor if the employee provides the appointing authority written verification that he or she is to serve as a bone marrow donor. (c) An appointing authority shall grant a leave of absence of 30 workdays to any employee who requests a leave of absence to serve as a human organ donor if the employee provides the appointing authority written verification that he or she is to serve as a human organ donor. (d) An employee who is granted a leave of absence under this subsection shall receive his or her base state pay without interruption during the leave of absence. For purposes of determining seniority, pay or pay advancement and performance awards and for the receipt of any benefit that may be affected by a leave of absence, the service of the employee shall be considered uninterrupted by the leave of absence. (e) For employees who are included in a collective bargaining unit for which a representative is recognized or certified under sub ch. V of ch. 111, this subsection shall apply unless otherwise provided in a collective bargaining agreement.</p>