


**The California State University
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To: CSU Presidents

From: Jackie R. McClain 
Vice Chancellor
Human Resources

Subject: **Organ Donor Leave Program**

Assembly Bill 1825, signed by Governor Davis (Chapter 869), created a new leave program that provides up to 30 days paid leave to employees who are organ donors who have exhausted their sick leave, and up to five days of paid leave to employees who are bone marrow donors who have exhausted their sick leave. The program is effective January 1, 2003.

Consistent with this new law, the California State University created a new Organ Donor Leave (ODL) program that allows CSU employees, who have exhausted all available sick leave, the following leaves of absence with pay:

- A paid leave of absence not exceeding 30 consecutive calendar days in any one-year period to any employee who is donating his or her organ to another person.
- A paid leave of absence not exceeding five consecutive calendar days in any-one year period to any employee who is donating his or her bone marrow to another person.

The Organ Donor Leave program is available to all eligible nonrepresented and represented employees who provide written verification that they are organ or bone marrow donors and there is a medical necessity for the donation.

This policy includes the following:

Attachment A: Organ Donor Leave Program Policy Guidelines

Attachment B: AB 1825 (Chapter 869)

Distribution:

Vice Presidents, Administration
Associate Vice Presidents/Deans of Faculty
Human Resources Directors
Benefits Officers
Payroll Managers
SOSS Director

If you have questions, please call Human Resources Administration at (562) 951-4411. This memorandum is also available on the Human Resources Administration's Web site at: <http://www.calstate.edu/HRAdm/memos.shtml>.

Attachments

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CALIFORNIA STATE UNIVERSITY
ORGAN DONOR LEAVE PROGRAM
POLICY GUIDELINES

General Provisions

The Organ Donor Leave (ODL) program allows CSU employees, who have exhausted all available sick leave, the following leaves of absence with pay:

- A paid leave of absence not exceeding 30 continuous calendar days in any one-year period to any employee who is donating his or her organ to another person.
- A paid leave of absence not exceeding five continuous calendar days in any one-year period to any employee who is donating his or her bone marrow to another person.

Eligibility

The ODL program is available to all eligible nonrepresented and represented employees, including student employees. It is available on a pro-rata basis to part-time employees. Program participation is subject to requirements specified in the program's design.

Notification

To be eligible to participate in the ODL program, an employee must provide written verification to his/her campus benefits representative and supervisor that he/she is an organ or bone marrow donor and there is a medical necessity for the donation. Written verification must be from the donor's attending physician on hospital/physician letterhead. The employee should notify the campus benefits representative and supervisor, and provide the written verification, as soon as possible in advance of the medical procedure.

Coordination with Other Leave Programs

- Employees must exhaust their available sick leave prior to using ODL. Employees may use their sick leave for the purpose of being an organ or bone marrow donor, then use the ODL once sick leave is exhausted. Employees who are NOT eligible to earn sick leave are still eligible for ODL. ODL may not exceed 30 calendar days in any one year.
- ODL may not be used for preliminary tests conducted on the "potential" donor. Leave may be used only when the employee has been identified as a viable donor.

- ODL is coordinated with the CSU Family and Medical Leave Program.
- Consistent with organ donor law and CSU Family Medical Leave policy, if an employee is unable to return to work beyond the time or period that he or she was granted ODL, he or she shall use vacation or compensatory time off, if appropriate.
- If the employee has exhausted his/her leave credits and is unable to return to work, the employee may be eligible for Non-Industrial Disability Leave (NDI).

Limits on Frequency of Use of Organ Donor Leave Program

- ODL is limited to 30 consecutive days in a one-year period for organ donation and 5 consecutive days for bone marrow donation. The one-year period is a “rolling” year commencing on the first day of ODL.

Employment Status and Continuation of Benefits

- Time during which an employee is required to be absent from his/her position by reason of being an organ or bone marrow donor is not a break in continuous service for purposes of eligibility to salary adjustments, sick leave, vacation, or seniority.
- Employees enrolled in CSU benefits continue to receive their benefits while participating in the ODL. Employees whose leave extends beyond the ODL’s maximums and who subsequently exhaust all other available leave credits, may elect to continue benefit premiums directly to the benefit plan. Employees making direct payments pay both the employer and employee share of benefit premiums.

Return to Work

The employee must provide a doctor’s release in order to return to work, consistent with CSU policy.

Processing Instructions

ODL is paid leave by the CSU, requiring no usage of employee leave credits. Campuses should track ODL in the absence form as FM-OD in section 7F.

Assembly Bill No. 1825

CHAPTER 869

An act to add Sections 89519.5 and 92611.5 to the Education Code, and to add Section 19991.11 to the Government Code, relating to public employment.

[Approved by Governor September 25, 2002. Filed
with Secretary of State September 26, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1825, Nakano. Leaves of absences: organ donors.

Existing law authorizes, and in certain cases requires, that the appointing power of any state agency, department, board, or commission grant leaves of absences. These provisions also differ as to whether these leaves of absence are to be with or without pay.

This bill would require the appointing power of every state agency, department, board, or commission to grant up to a 30-day leave of absence with pay to employees who have exhausted all available sick leave and who are organ donors and up to a 5-day leave of absence with pay to employees who have exhausted all available sick leave and who are bone marrow donors, subject to specified requirements.

The bill would impose the same employee leave requirements on the Trustees of the California State University, and would allow the Regents of the University of California to adopt, by resolution, the same employee leave requirements.

The people of the State of California do enact as follows:

SECTION 1. Section 89519.5 is added to the Education Code, to read:

89519.5. (a) Subject to subdivision (b), the trustees shall grant to an employee, who has exhausted all available sick leave, the following leaves of absence with pay:

(1) A leave of absence not exceeding 30 days to any employee who is an organ donor in any one-year period, for the purpose of donating his or her organ to another person.

(2) A leave of absence not exceeding five days to any employee who is a bone marrow donor in any one-year period, for the purpose of donating his or her bone marrow to another person.

(b) To receive a leave of absence pursuant to subdivision (a), an employee shall provide written verification to the trustees 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, annual leave, or seniority.

(d) If an employee is unable to return to work beyond the time or period that he or she is granted leave pursuant to this section, he or she shall be paid any vacation balance, annual leave balance, or accumulated compensable overtime. The payment shall be computed by projecting the accumulated time on a calendar basis as though the employee was taking time off. If, during the period of projection, the employee is able to return to work, he or she shall be returned to his or her former position.

(e) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that, if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 2. Section 92611.5 is added to the Education Code, to read:

92611.5. (a) If the Regents of the University of California adopt the provisions of this section, by appropriate resolution, and subject to subdivision (b), the regents shall grant to an employee, who has exhausted all available sick leave, the following leaves of absence with pay:

(1) A leave of absence not exceeding 30 days to any employee who is an organ donor in any one-year period, for the purpose of donating his or her organ to another person.

(2) A leave of absence not exceeding five days to any employee who is a bone marrow donor in any one-year period, for the purpose of donating his or her bone marrow to another person.

(b) To receive a leave of absence pursuant to subdivision (a), an employee shall provide written verification to the regents 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, annual leave, or seniority.

(d) If an employee is unable to return to work beyond the time or period that he or she is granted leave pursuant to this section, he or she shall be paid any vacation balance, annual leave balance, or accumulated compensable overtime. The payment shall be computed by projecting the accumulated time on a calendar basis as though the employee was taking time off. If, during the period of projection, the employee is able to return to work, he or she shall be returned to his or her former position.

(e) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative action, except that, if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 3. Section 19991.11 is added to the Government Code, to read:

19991.11. (a) Subject to subdivision (b), an appointing power shall grant to an employee, who has exhausted all available sick leave, the following leaves of absence with pay:

(1) A leave of absence not exceeding 30 days to any employee who is an organ donor in any one-year period, for the purpose of donating his or her organ to another person.

(2) A leave of absence not exceeding five days to any employee who is a bone marrow donor in any one-year period, for the purpose of donating his or her bone marrow to another person.

(b) In order to receive a leave of absence pursuant to subdivision (a), an employee shall provide written verification to the appointing power 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, annual leave, or seniority.

(d) If an employee is unable to return to work beyond the time or period that he or she is granted leave pursuant to this section, he or she shall be paid any vacation balance, annual leave balance, or accumulated compensable overtime. The payment shall be computed by projecting the accumulated time on a calendar basis as though the employee was taking time off. If, during the period of projection, the employee is able to return to work, he or she shall be returned to his or her former position as defined in Section 18522.

(e) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that, if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

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