

**RESOLUTION 10-03-2007**

**DIGEST**

Employee Medical Leave: Paid Time Off to Donate Blood and Components

Adds Labor Code section 230.9 to provide paid time off to all California employees to donate blood, platelets, or any blood component.

**TEXT OF RESOLUTION**

RESOLVED, that the Conference of Delegates of California Bar Associations recommends that legislation be sponsored to add section 230.9 to the California Labor Code to read as follows:

- 1     230.9
- 2             (a) An employee of an employer with 25 or more employees shall be entitled to take
- 3     off up to 20 hours of leave each year to donate blood, platelets, or any other component of
- 4     blood, in accordance with appropriate medical standards established by the American Red
- 5     Cross, the American Association of Blood Banks, or other nationally-recognized standards
- 6     for blood and component donation. The employee shall be entitled to take off up to up to 2
- 7     hours every 56 days to donate whole blood. The employee shall be entitled to take off up to
- 8     3 hours up to 24 times per year to donate platelets. The total time off under this statute shall
- 9     be capped at 20 hours per year. The employer shall have no obligation to pay the employee
- 10    for this time off.
- 11            (b) No employer shall discharge or in any way discriminate against an employee who
- 12    takes time off to donate blood, platelets, or any other component of blood.
- 13            (c) The employee, if requested by the employer, shall provide documentation from
- 14    the facility at which the donation was made, confirming that he or she donated blood or
- 15    platelets on a specific date and at a particular time.
- 16            For purposes of this subdivision, "documentation" means whatever written
- 17    verification of donation the facility at which the donation was made deems appropriate and
- 18    reasonable.
- 19            (d) Any employee who is discharged, threatened with discharge, demoted,
- 20    suspended, or in any other manner discriminated against in terms and conditions of
- 21    employment by his or her employer because the employee has taken time off to donate
- 22    blood, platelets, or any other component of blood shall be entitled to reinstatement and
- 23    reimbursement for lost wages and work benefits caused by the acts of the employer. Any
- 24    employer who willfully refuses to rehire, promote, or otherwise restore an employee or
- 25    former employee who has been determined to be eligible for rehiring or promotion by a
- 26    grievance procedure, arbitration, or hearing authorized by law shall be subject to a civil
- 27    penalty in an amount equal to three times the amount of the employee's lost wages and work
- 28    benefits.

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: Bar Association of San Francisco

STATEMENT OF REASONS

Existing Law: Does not provide any protections for employees who take time off work to donate blood, platelets, or other components of blood.

This Resolution: Would guarantee paid time off for employees who take time off work to donate blood, platelets, or other components of blood.

The Problem: Blood donations are in critically short supply throughout California. Every three seconds, someone needs blood, and every day, approximately 40,000 units of blood are used throughout the country, according to the American Association of Blood Banks. More than 23 million units of blood and blood components are transfused each year. However, less than five percent of healthy Americans eligible to give blood actually donate each year.

This resolution would encourage blood donations by ensuring that donors have a reasonable amount of time off work to give blood, and are able to give blood without placing their jobs at risk.

#### IMPACT STATEMENT

This resolution does not affect any other law, statute or rule.

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