



State of New York
Governor's Office of Employee Relations
Contract Negotiation and Administration Division
2 Empire State Plaza, Suite 1201, Albany, New York 12223
(518) 473-3130 • (518) 473-6795 (Fax)

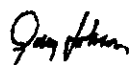
David A. Paterson
Governor

Gary Johnson
Director

MEMORANDUM

June 26, 2008

TO: Directors of Human Resources

FROM: Gary Johnson 

SUBJECT: Leave to Donate Blood under Labor Law Section 202-j

Section 202-j of the New York State Labor Law, as amended, provides blood donation leave to employees in New York State and required the Commissioner of Labor to establish guidelines for implementing this leave. Effective May 7, 2008, the NYS Department of Labor (DOL) adopted *Guidelines for Implementation of Employee Blood Donation Leave (Guidelines)*, a copy of which may be found at: <http://www.labor.state.ny.us/workerprotection/laborstandards/PDFs/Public%20Notice%20-%20Blood%20Donation%20Leave%202.pdf#page=1>. Click on "guidelines."

The *Guidelines* require that employers provide written notice to employees of the availability of blood donation leave within 60 days after the May 7, 2008 effective date. Written notice to employees may be a notice posted in a prominent place such as a bulletin board or a notice distributed to employees with paychecks or by email or mail. Attached is a notice your agency can use to meet this written notice requirement. This notice must be posted or distributed prior to close of business July 3, 2008.

With respect to blood donation leave, the *Guidelines* require the employer to provide to employees on a calendar year basis one of the two options listed below. Agencies have the discretion to decide which of these options they offer.

(a) Off-Premises Donation

One three-hour period of leave per calendar year for off-premises blood donation. Such leave is unpaid unless charged to appropriate leave credits. The employer may require the employee to provide reasonable notice of at least three working days prior to the day on which the blood donation leave will be taken. However, if the employee fills a position that is essential to the operation or necessary to comply with legal requirements, the employer can require up to 10 days notice of the employee's intent to use blood donation leave.

(b) Blood Donation Leave Alternatives

At least two opportunities in a calendar year to donate blood at a time and place set by the employer, including blood drives at the place of employment. The amount of time granted is the time necessary to donate blood and to recover, including travel time to and from the donation site. This option is paid leave without charge to leave credits. The *Guidelines* define reasonable notice as two days prior to the day on which leave will be taken. If the employer elects this option and the employee notifies the employer that he or she is unable to participate because the employee is or was on leave, the employer must either make another alternative available to the employee or allow the employee to take time off as described in (a) above.

While the *Guidelines* describe the minimum benefit to which employees are entitled for purposes of donating blood, they do not limit the benefit that can be provided for this purpose. Accordingly, agencies that now provide a more generous benefit under agency policy should not modify their current practice. The *Guidelines* must be applied in conjunction with existing agency policies on time to donate blood.

More detailed information regarding the implementation of this benefit for the state employee population will be issued in the near future as an Attendance and Leave Manual Policy Bulletin. In the meantime, questions should be referred to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

/ra
Attachment

cc: Directors of Personnel

NOTICE

Employee Blood Donation Leave July 2008

This notice is pursuant to New York State Labor Law Section 202-j and the *Guidelines for Implementation of Employee Blood Donation Leave* issued by the New York State Department of Labor.

All employees are entitled to either:

(a) One three-hour unpaid leave of absence per calendar year to donate blood at an off-premises location

OR

(b) Paid leave two times per year to donate blood at a blood drive at your place of employment or at a time and place set by your employer.

You are required to give reasonable notice of the need for leave for this purpose; the amount of notice required may vary depending on the circumstances. If the donation is made at an off-premises location, you may also be required to furnish your agency with documentation of the donation.

Additional information about blood donation will be forthcoming from your agency personnel office in the near future. All questions regarding leave for blood donation should be directed to your agency personnel office.