



Clarification to California's Paid Leave Law for Organ and Bone Marrow Donors

LEGISLATIVE BRIEF

September 7, 2011

****Note: action may be required.***

See "Next Steps for Employers" at conclusion of this article.

Governor Brown recently signed Senate Bill 272, which amends California Labor Code section 1510 by making the following clarifications (effective immediately) to California's existing Paid Leave Law for organ and bone marrow donors:

1. Business days, not calendar days, are to be used in complying with the existing requirement to provide 5 days of paid leave for bone marrow donors and 30 days of paid leave for organ donors;
2. The one-year measurement period within which the paid leave is required does not begin anew each January 1, but instead begins for each employee as of the date the employee first takes paid donor leave;
3. Donor leave cannot be treated as a break in continuous service for the purpose of paid time off. Existing law already prohibits treating donor leave as a break in service for purposes of salary adjustments, sick leave, vacation leave, annual leave, or seniority.
4. "Paid time off" is added to the list of accrued but unused types of leave an employer can require an employee to use before receiving paid donor leave. Thus, an employer can now require employees to use up to five days of accrued but unused sick leave, vacation leave, or paid time off or up to two weeks of same for organ donation.

S.B. 272 states that it is "declaratory of existing law," which means it is effective upon enactment. Gov. Brown signed the bill on August 1, 2011.

Next Steps for Employers

1. Update leave policies and benefits policies to make sure they are in compliance with the new requirements/clarifications
2. Update leave request forms
3. Train supervisors and managers about the new clarifications

Contact your Jenkins Account Team if you need assistance.

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