



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Human Resources
Department No.: 064
For Agenda Of: January 30, 2018
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Four-fifths

TO: Board of Supervisors
FROM: Department Lori Gentles, Human Resources Director, 568-2816
Director(s)
Contact Info: Robert Clark, Employee Relations Manager, 568-2829
SUBJECT: Resolution Adopting an Organ and Bone Marrow Donor Policy

County Counsel Concurrence

As to form: yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: yes

Recommended Actions:

That the Board of Supervisors:

- a) Find that granting paid leave to employees who serve as organ or bone marrow donors is in the best interest of the County, and does not amount to a gift of public funds, because it mirrors the requirements in State law for State employees and private businesses with 15 or more employees.
- b) Approve a resolution which adopts an organ and bone marrow leave policy which grants up to 240 hours of paid leave for an employee donating a kidney after using 80 hours of accrued sick leave or vacation, and up to 40 hours of paid leave for an employee donating bone marrow after using 40 hours of accrued sick leave or vacation.
- c) Determine pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4) that the above action is a government fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and therefore is not a project subject to environmental review.

Summary Text:

On October 11, 2016 the Board of Supervisors granted up to 240 hours of paid leave to an employee who was in the process of donating a kidney, and directed staff to meet and confer with labor groups regarding a policy that will provide paid leave to other employees who become bone marrow or organ donors in the future. The proposed policy mirrors provisions of the Labor Code which require that private employers with 15 or more employees grant organ donor leave, and provisions of the Government Code which provide organ and bone marrow donor leave to State employees. Under the proposed policy organ donors are granted up to 240 hours of leave after exhausting 80 hours of accrued sick leave or vacation, and bone marrow donors are granted up to 40 hours of leave after exhausting 40 hours of accrued sick leave or vacation. The Director of Human Resources can waive the requirement to use accrued sick leave or vacation in the event of a hardship.

Background:

California Labor Code Sections 1508-1513 requires that private employers with 15 or more employees provide their employees with paid leave not exceeding thirty (30) business days (240 hours) for organ donations, and five (5) business days (40 hours) for bone marrow donations. Government Code 19991.11 provides a similar requirement for State employees. These laws do not apply to Santa Barbara County or other public agencies in California, however, some counties and cities have adopted similar policies for their employees.

Civil Service Rule 1409, Leave of Absence With Pay, states “The Board of Supervisors, by a four-fifths vote, may grant a leave of absence with pay when it first expressly finds that a leave of absence with pay is in the best interest of the County, and does not amount to a gift of public funds prohibited by the Constitution of the State of California.”

Pursuant to Civil Service Rule 1409, staff believes that encouraging life-saving bone marrow and organ donations by providing paid leave time for donors is in the best interest of the County, and would not amount to a gift of public funds, because State law expressly requires the practice for California State employees.

The proposed policy was reviewed with, and approved by all of the recognized labor groups.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Fiscal Analysis:

The cost of this policy is unknown and will depend on the number of organ and bone marrow donors that come forward, their salary, and the amount of leave they use. If an employee of average salary used the maximum possible 240 hours, the fully loaded cost would be about \$12,000.

Key Contract Risks: N/A

Staffing Impacts:

Legal Positions:
N/A

FTEs:
N/A

Special Instructions:

Attachments:

Proposed resolution adopting an organ and bone marrow donor leave policy

Authored by: Robert Clark

cc: Mona Miyasato, County Executive Officer
Michael C. Ghizzoni, County Counsel
Theo Fallati, Auditor Controller