

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF ESTABLISHING)
AN ORGAN AND BONE MARROW)
DONORLEAVE POLICY FOR)
EMPLOYEES OF SANTA BARBARA)
COUNTY)

RESOLUTION NO. 18-

WHEREAS, under State law, private employers (Labor Code Section 1508-1513) and the State of California (Government Code Section 19991.11) are required to provide to employees paid leave for organ and bone marrow donation; and

WHEREAS, providing paid leave for organ and bone marrow donation would encourage County employees to donate organs and bone marrow in instances of medical necessity by lowering the cost to individuals making such donations; and

WHEREAS, other public agencies have elected to voluntarily provide their employees with paid leave for organ and bone marrow donation under terms similar to those required of private employers and the State (as an employer); and

WHEREAS, the County desires to provide its employees paid organ and bone marrow donation leave, such that an employee may take a paid leave of absence of up to 240 hours for organ donation, after using 80 hours of sick leave or vacation, and up to 40 hours for bone marrow donation, after using 40 hours of sick leave of vacation; and

WHEREAS, Civil Service Rule 1409 provides that 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.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Santa Barbara, acting as the governing body of the County of Santa Barbara, that:

1. The above recitals are true and correct, and incorporated herein by reference;

2. In accordance with Civil Service Rule 1409, the Board of Supervisors finds that granting a leave of absence with pay as an incentive for employees to become donors of organs or bone marrow 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; and

3. The “Santa Barbara County Organ & Bone Marrow Donor Leave Policy” attached hereto as “Attachment A” is adopted.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, this ___ day of _____ 2018 by the following vote:

- AYES:
- NOES;
- ABSENT:
- ABSTAIN:

CHAIR, BOARD OF SUPERVISORS

ATTEST:

MONA MIYASATO
CLERK OF THE BOARD OF SUPERVISORS

By: _____
Deputy

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: Victoria Parks Little
Deputy County Counsel

APPROVED AS TO
ACCOUNTING FORM:

THEODORE A. FALLATI, CPA
AUDITOR-CONTROLLER

By: Theo Fallati



Santa Barbara County

ORGAN & BONE MARROW DONOR LEAVE POLICY

I. STATEMENT OF POLICY

California Labor Code Sections 1508-1513 require that private employers with 15 or more employees provide their employees paid leave for organ and bone marrow donation, subject to certain conditions. Government Code Section 19991.11 provides a similar benefit to employees of the State of California. Although the laws do not apply to governmental entities other than the State, some public entities have voluntarily elected to provide paid leave for employees who become organ and bone marrow donors. It is the policy of the Board of Supervisors of the County of Santa Barbara to provide paid leave for employees who become organ or bone marrow donors under conditions similar to those established for private employers in Labor Code Sections 1508-1513.

In accordance with Civil Service Rule 1409, the Board of Supervisors has determined that granting paid leave of absence for employees who become organ or bone marrow donors is in the interest of the County, and does not constitute a gift of public funds prohibited by the State Constitution because it mirrors the requirements in State law for private employers with 15 or more employees, and for employees of the State.

II. PROCEDURE

- a. The County shall grant paid leave to allow for organ or bone marrow donation as follows:
 - i. Organ Donors: After exhausting eighty (80) hours of sick leave, vacation or other paid time off, the County shall grant a paid leave of absence not to exceed two hundred forty (240) hours in any one-year period to an employee for the purpose of donating his or her organ to another person. The one-year period is measured from the date the employee's leave begins and shall consist of twelve (12) consecutive months.
 - ii. Bone Marrow Donors: After exhausting forty (40) hours of sick leave, vacation or other paid time off, the County shall grant a paid leave of absence not to exceed forty (40) hours in any one-year period to an employee for the purpose of donating his or her bone marrow to another person. The one-year period is measured from the date the employee's leave begins and shall consist of twelve (12) consecutive months.
 - iii. In the event of a hardship, the Human Resources Director may waive the requirements that certain amounts of sick leave, paid

vacation, or other paid time off, be exhausted as required in sections i and ii above.

- iv. If the employee who is donating the organ or bone marrow is eligible for State Disability Insurance (SDI), the employee shall be required to file an SDI Claim in accordance with the procedures established by the State of California Employment Development Department. SDI benefits shall be integrated with paid donor leave as follows:
 - 1. For organ donors, SDI benefits shall be integrated with the employee's paid leave following the SDI required waiting period (40 hours) until they have exhausted an additional 40 hours of paid leave (sick leave, vacation or other paid leave), and after that integrated with the paid donor leave until the employee has returned to work or exhausted the paid donor leave.
 - 2. For marrow donors (for whom the 40 hour paid time usage requirement coincides with the 40 hour SDI wait period), the SDI shall be integrated with the paid donor leave until the employee has returned to work or exhausted the paid donor leave.
- v. If the employee who is donating the organ or bone marrow is eligible for long term disability (LTD) coverage, the employee shall be required to submit a claim for LTD benefits in accordance with procedures of the LTD Plan.
- b. In order to receive a leave of absence under this Policy, an employee shall provide written verification to the Human Resources Department through his or her supervisor and department head 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 accrual, vacation accrual, paid time off, annual leave, or seniority. During any period that an employee takes leave pursuant to this policy the County shall maintain and pay for coverage under a group health plan, and retirement plan, for the full duration of the leave, in the same manner the coverage would have been maintained if the employee had been actively at work during the leave period.
- d. Bone marrow and organ donation leave shall not be taken concurrently with any leave taken pursuant to the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.) or the California Family Rights Act (Section 12945.2 of the Government Code).
- e. Leave provided pursuant to this policy may be taken in one or more periods, but in no event shall exceed the annual amounts prescribed in section a.
- f. Upon expiration of a leave authorized by this policy, the employee shall be restored to the position held by him or her when the leave began or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. An employer may decline to restore an employee as required in this section because of conditions unrelated to the exercise of rights under this Policy by the employee.