

* NOTICE *

NEW YORK STATE LABOR REGULATION § 202-j BLOOD DONATION LEAVE

**requires the Company to provide time off to
covered employees for the purpose of donating blood.**

Which Employers are Covered?

Private and public employers that employ 20 or more employees at at least one work site.

Which Employees are Covered?

Any employee of a covered employer who works an average of 20 or more hours per week.

What Type of Leave is Available?

An employer subject to Section § 202-j of the NYS labor regulation must allow covered employees to take one of the following types of blood donation leave, *at the employer's option*:

- 1) at least one leave of absence of up to three hours per calendar year during the employee's regular work hours to donate blood at a location away from the employer's establishment. Non-exempt employees will generally not be paid for the time spent donating blood off-premises during working hours; **OR**
- 2) two blood donation leave alternatives per calendar year during the employee's regular work hours. A blood donation leave alternative includes an employer-sponsored blood drive held at the employee's work site or at another convenient location and time scheduled by the employer. Employees will be given sufficient leave time necessary to donate blood, to recover, and to return to work. The time spent donating blood will be paid and employees cannot be required to use accrued vacation, personal or other paid leave benefits.

Is Employee Notification Required?

Employees must give at least three working days advance notice when requesting an off-premises blood donation leave. Additional notice may be required for employees holding jobs that are essential to business operations. Such employees will be notified of any extended notice requirements.

Two days advance notice is required when the employer sponsors or schedules a blood donation leave alternative either on or off-premises.

In the event an employee needs to donate blood for his or her own surgery or for that of a family member, the employer must reasonably accommodate a shorter notice period.

Verification from the blood bank or other comparable proof may be required when donating blood off-premises.

Retaliation

The Company is prohibited from retaliating against an employee for requesting or obtaining a leave of absence under § 202-j of the NYS labor regulation.

For Additional Information:

Contact the local office of the New York State Department of Labor or go to www.labor.state.ny.us.