

SECTION 4.2.26: ORGAN AND BONE MARROW DONATION LEAVE.

- (a) Definition. Organ and Bone Marrow Donation leave is a leave of absence granted for the purpose of an organ or bone marrow donation in accordance with applicable federal and state laws. Employees will be required to use applicable sick leave balances (excluding Injury Leave) concurrently with Organ and Bone Marrow Donation Leave.
  
- (b) Eligibility.
  - (1) Employees must be employed by the County of San Diego preceding the commencement of the leave. There is no length of service requirement.
  
  - (2) Qualifying Events for Organ and Bone Marrow Donation Leave Eligibility. An appointing authority is required to grant leave to eligible employees for any of the following qualifying events:
    - (a) Bone Marrow Donation - For the purpose of donating their bone marrow to another person;
  
    - (b) Organ Donation - For the purpose of donating their organ to another person for an organ transplant.
  
- (c) Conditions. Organ and Bone Marrow Donation Leave is subject to the following conditions:
  - (1) Requesting Organ and Bone Marrow Donation Leave. The employee shall give at least 15-calendar days notice prior to the leave by providing a written medical certification to the appointing authority for authorization.
  
  - (2) Medical Certification. The employee must provide written medical certification issued by the employee's health care provider stating that the employee is to serve as an organ or bone marrow donor and that there is a medical necessity for the donation. If an employee does not submit written medical certification, the leave may not be granted.
  
  - (3) Job Retention. Following Organ and Bone Marrow Donation Leave, the employee is entitled to return to the same or an equivalent job upon return from leave. However, should the employee exhaust their Organ and Bone Marrow Donation Leave and continue on some other form of County unpaid leave, they may not be entitled to return to their previous position.

- (4) Credits toward sick leave and vacation shall accrue as though the employee were on paid status.
  - (5) Time on this leave shall apply toward time in service for step advancement and toward seniority for purposes of layoff.
- (d) Duration and Coordination with County Leave Programs. An employee may take this leave of absence in any 12-month period. The measurement period begins from the date the employee's leave begins and ends after 12 consecutive months. Organ and Bone Marrow Donation Leave does not run concurrently with the federal Family and Medical Leave Act (FMLA). Organ and Bone Marrow Donation Leave shall be coordinated with County paid leave and unpaid leave as follows:
- (1) Bone Marrow Donation. An employee will be allowed to take a paid leave of absence not exceeding five (5) business days, or equivalent hours. An employee is required to use available sick leave balances concurrently with Organ and Bone Marrow Donation Leave.
  - (2) Organ Donation. An employee will be allowed to take a paid leave of absence not exceeding thirty (30) business days, or equivalent hours. An employee is required to use available sick leave balances concurrently with Organ and Bone Marrow Donation leave.
    - (a) An employee will be allowed to take an additional thirty (30) business days of unpaid leave for the purpose of donating their organ to another person.
    - (b) Employee will be required to use available sick leave balances concurrently with the additional thirty (30) days of organ donation leave.
    - (c) If sick leave balances are exhausted, the employee will be required to use other applicable paid leave balances (excluding Injury Leave) concurrently with the additional thirty (30) days of organ donation leave.
    - (d) The employee's leave may not exceed sixty (60) business days for the purpose of organ donation in any 12-month period.
- (e) Maintenance of Insurance Coverage.

- (1) General Requirement. An employee's group insurance coverage shall be maintained during the approved Organ and Bone Marrow Donation Leave on the same conditions as coverage would have been provided if the employee had been employed continuously during the entire Organ and Bone Marrow Donation Leave period.
- (a) Employees will be required to reimburse their share of the insurance premiums.
  - (b) Upon the employee's return to work from leave, any required premiums not paid by employee shall be entered as added payroll deductions. The amount of each added payroll deduction shall be equal to the amount of each separate premium not paid by the employee. This added payroll deduction shall be entered on each of the employee's biweekly pay warrants until the full amount of the premiums is paid in full.

(Added 1/31/20, Ord. No. 10648)