

AMENDED IN SENATE AUGUST 7, 2002
AMENDED IN ASSEMBLY APRIL 29, 2002
AMENDED IN ASSEMBLY MARCH 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1825

Introduced by Assembly Member Nakano
(Coauthors: Assembly Members Aroner, *Briggs*, Bill Campbell, Cedillo, *Chu*, Cohn, Cox, *Frommer*, Harman, Havice, Kelley, Koretz, Longville, Lowenthal, Nation, Robert Pacheco, Pescetti, Salinas, *Shelley*, and Washington)
(Coauthors: Senators Costa, Kuehl, Romero, ~~and Scott~~ *Scott*, and *Speier*)

January 18, 2002

An act to add Sections 89519.5 and 92611.5 to the Education Code, and to add Section 19991.11 to the Government Code, relating to public employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1825, as amended, Nakano. Leaves of absences: organ donors.

Existing law authorizes, and in certain cases requires, that the appointing power of any state agency, department, board, or commission grant leaves of absences. These provisions also differ as to whether these leaves of absence are to be with or without pay.

This bill would require the appointing power of every state agency, department, board, or commission to grant up to a 30-day leave of absence with pay to employees who have exhausted all available sick leave and who are organ donors and up to a 5-day leave of absence with

pay to employees who have exhausted all available sick leave and who are bone marrow donors, subject to specified requirements.

The bill would impose the same employee leave requirements on the Trustees of the California State University, and would allow the Regents of the University of California to adopt, by resolution, the same employee leave requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 89519.5 is added to the Education Code,
2 to read:

3 89519.5. (a) Subject to subdivision (b), the trustees shall
4 grant to an employee, who has exhausted all available sick leave,
5 the following leaves of absence with pay:

6 (1) A leave of absence not exceeding 30 days to any employee
7 who is an organ donor in any one-year period, for the purpose of
8 donating his or her organ to another person.

9 (2) A leave of absence not exceeding five days to any employee
10 who is a bone marrow donor in any one-year period, for the
11 purpose of donating his or her bone marrow to another person.

12 (b) ~~In order to~~ To receive a leave of absence pursuant to
13 subdivision (a), an employee shall provide written verification to
14 the trustees that he or she is an organ or bone marrow donor and
15 that there is a medical necessity for the donation of the organ or
16 bone marrow.

17 (c) Any period of time during which an employee is required
18 to be absent from his or her position by reason of being an organ
19 or bone marrow donor is not a break in his or her continuous
20 service for the purpose of his or her right to salary adjustments,
21 sick leave, vacation, annual leave, or seniority.

22 (d) If an employee is unable to return to work beyond the time
23 or period that he or she is granted leave pursuant to this section, he
24 or she shall be paid any vacation balance, annual leave balance, or
25 accumulated compensable overtime. The payment shall be
26 computed by projecting the accumulated time on a calendar basis
27 as though the employee was taking time off. If, during the period
28 of projection, the employee is able to return to work, he or she shall
29 be returned to his or her former position.



1 (e) If the provisions of this section are in conflict with the
2 provisions of a memorandum of understanding reached pursuant
3 to Chapter 12 (commencing with Section 3560) of Division 4 of
4 Title 1 of the Government Code, the memorandum of
5 understanding shall be controlling without further legislative
6 action, except that, if those provisions of a memorandum of
7 understanding require the expenditure of funds, the provisions
8 shall not become effective unless approved by the Legislature in
9 the annual Budget Act.

10 SEC. 2. Section 92611.5 is added to the Education Code, to
11 read:

12 92611.5. (a) If the Regents of the University of California
13 adopt the provisions of this section, by appropriate resolution, and
14 subject to subdivision (b), the regents shall grant to an employee,
15 who has exhausted all available sick leave, the following leaves of
16 absence with pay:

17 (1) A leave of absence not exceeding 30 days to any employee
18 who is an organ donor in any one-year period, for the purpose of
19 donating his or her organ to another person.

20 (2) A leave of absence not exceeding five days to any employee
21 who is a bone marrow donor in any one-year period, for the
22 purpose of donating his or her bone marrow to another person.

23 (b) ~~In order to~~ To receive a leave of absence pursuant to
24 subdivision (a), an employee shall provide written verification to
25 the regents that he or she is an organ or bone marrow donor and that
26 there is a medical necessity for the donation of the organ or bone
27 marrow.

28 (c) Any period of time during which an employee is required
29 to be absent from his or her position by reason of being an organ
30 or bone marrow donor is not a break in his or her continuous
31 service for the purpose of his or her right to salary adjustments,
32 sick leave, vacation, annual leave, or seniority.

33 (d) If an employee is unable to return to work beyond the time
34 or period that he or she is granted leave pursuant to this section, he
35 or she shall be paid any vacation balance, annual leave balance, or
36 accumulated compensable overtime. The payment shall be
37 computed by projecting the accumulated time on a calendar basis
38 as though the employee was taking time off. If, during the period
39 of projection, the employee is able to return to work, he or she shall
40 be returned to his or her former position.



1 (e) If the provisions of this section are in conflict with the
2 provisions of a memorandum of understanding reached pursuant
3 to Chapter 12 (commencing with Section 3560) of Division 4 of
4 Title 1 of the Government Code, the memorandum of
5 understanding shall be controlling without further legislative
6 action, except that, if those provisions of a memorandum of
7 understanding require the expenditure of funds, the provisions
8 shall not become effective unless approved by the Legislature in
9 the annual Budget Act.

10 SEC. 3. Section 19991.11 is added to the Government Code,
11 to read:

12 19991.11. (a) Subject to subdivision (b), an appointing
13 power shall grant to an employee, who has exhausted all available
14 sick leave, the following leaves of absence with pay:

15 (1) A leave of absence not exceeding 30 days to any employee
16 who is an organ donor in any one-year period, for the purpose of
17 donating his or her organ to another person.

18 (2) A leave of absence not exceeding five days to any employee
19 who is a bone marrow donor in any one-year period, for the
20 purpose of donating his or her bone marrow to another person.

21 (b) In order to receive a leave of absence pursuant to
22 subdivision (a), an employee shall provide written verification to
23 the appointing power that he or she is an organ or bone marrow
24 donor and that there is a medical necessity for the donation of the
25 organ or bone marrow.

26 (c) Any period of time during which an employee is required
27 to be absent from his or her position by reason of being an organ
28 or bone marrow donor is not a break in his or her continuous
29 service for the purpose of his or her right to salary adjustments,
30 sick leave, vacation, annual leave, or seniority.

31 (d) If an employee is unable to return to work beyond the time
32 or period that he or she is granted leave pursuant to this section, he
33 or she shall be paid any vacation balance, annual leave balance, or
34 accumulated compensable overtime. The payment shall be
35 computed by projecting the accumulated time on a calendar basis
36 as though the employee was taking time off. If, during the period
37 of projection, the employee is able to return to work, he or she shall
38 be returned to his or her former position as defined in Section
39 18522.



1 (e) If the provisions of this section are in conflict with the
2 provisions of a memorandum of understanding reached pursuant
3 to Section 3517.5, the memorandum of understanding shall be
4 controlling without further legislative action, except that, if those
5 provisions of a memorandum of understanding require the
6 expenditure of funds, the provisions shall not become effective
7 unless approved by the Legislature in the annual Budget Act.

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