

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL
POLICY BULLETIN 2022-07

Section 21.12

December 2022

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TO: Manual Recipients
FROM: Jessica Rowe, Director of Staffing Services
SUBJECT: Excused Leave for Blood Donation

Legislation enacted in August 2022 (Chapter 530 Laws of 2022) establishes a new Section 159-d of the Civil Service Law, to authorize up to 4 hours of paid leave for employees to donate blood on an annual basis. A copy of this legislation is attached.

Employees are entitled to a leave of absence with pay for up to 4 hours per calendar year. This leave can be used intermittently. Any unused leave will expire on the last day of each calendar year.

Employees are not required to have Attendance Rules coverage to be granted this leave with pay. Employees may use this leave for any covered absence on or after August 17, 2022. Any leave accruals used for the purpose of donating blood prior to issuance of this memo that would have been eligible for paid leave as described herein should be restored to employees as soon as practicable.

Employees who donate blood outside of their regular work schedule, do so on their own time. For example, employees are not granted compensatory time off for blood donations that occur on pass days or holidays.

Eligible employees are entitled to this leave, subject to the approval of the appointing authority. Employees may be required to submit documentation showing that their absence was for the purpose of donating blood. Employees are required to give reasonable notice of the need for such leave. Agencies are reminded to develop a new code in their paper or electronic timekeeping systems to manage use of such leave.

The leave benefits provided by Civil Service Law Section 159-d must be read in conjunction with the provisions of NYS Labor Law Section 202-j. NYS Labor Law Section 202-j, which was enacted in 2008, established that employers, including the State as employer, are required to provide to employees, on a calendar year basis, one of two options for blood donation:

(1) one 3-hour period of leave (unpaid unless charged to appropriate leave credits) per calendar year for off-premises blood donation;

or

(2) at least 2 opportunities in a calendar year to donate blood at a time and place set by the employer, including blood drives at the place of employment. This option is paid leave without charge to leave credits, and it includes the amount of time necessary to donate blood and to recover, including travel time to and from the donation site.

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Reading Civil Service Law Section 159-d together with the existing benefit provided by NYS Labor Law Section 202-j, the State as employer now has two options for blood donation leave, as follows:

(1) to provide up to 4 hours of paid leave (may be used intermittently until the entitlement is exhausted), per calendar year, to donate blood at an off-premises location;

or

(2) to provide up to 4 hours of paid leave for employees to donate blood, per calendar year, which includes the opportunity to donate blood at a time and place set by the employer, including blood drives at the place of employment, at least 2 times per year.

Additionally, for those agencies opting for on-premises blood donation under Section 202-j of the Labor Law, any portion of the four-hour calendar year paid leave entitlement that is not exhausted by on-premises donation can be used to donate blood off premises. For example, an employee donates blood 2 times per year at the place of employment and in each instance uses 1 hour of paid leave, the employee would be able to use 2 additional hours of paid leave to donate blood off premises during the calendar year.

Whether the leave is used for donation at an off-premises donation site, at the place of employment or both, an employee may only receive a maximum of 4 hours of paid leave under Civil Service Law 159-d and Labor Law 202-j.

Employees may continue to request time off for additional blood donations using appropriate accrued leave.

Any questions about these provisions should be referred to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

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Attachment

Chapter 530 of the Laws of 2022 amended the Civil Service Law, in relation to permitting employees of the state to be excused from work to donate blood.

Section 1. The civil service law is amended by adding a new section 159-d to read as follows:

§159-d. Excused leave to donate blood.

1. Every public officer or employee of this state shall be entitled to absent himself or herself and shall be deemed to have a leave of absence from his or her duties or service as such public officer or employee of this state, for a sufficient period of time, not to exceed four hours on an annual basis, to donate blood.
2. A supervisor of any such public officer or employee may require the public officer or employee to provide written substantiation from a donation center or entity coordinating donations that the public officer or employee actually donated blood during the excused absence.
3. The entire period of the leave of absence granted pursuant to this Section shall be excused leave and shall not be charged against any other leave such public officer or employee of this state is otherwise entitled to.