



State of Ohio Administrative Policy

Live Organ and Bone Marrow Donor Leave

No:
State Human Resources Division
HR-22

Effective:
August 31, 2021

Issued By:

Kathleen C. Madden, Director

1.0 Purpose

To grant paid leave for employees who donate organs or bone marrow.

2.0 Policy

It is the policy of the state of Ohio to provide an opportunity for employees to receive approval for a specified amount of paid leave immediately after donating a kidney, a portion of their liver, or bone marrow, in order to recuperate from the procedure.

2.1 **Eligibility:** All full-time permanent state employees paid by warrant of the Director of Budget and Management are eligible for Donor Leave. No other appointment types are eligible for Donor Leave under this policy.

2.2 **Effective Date and Triggering Event:** Eligibility for taking Donor Leave shall begin on the date of the procedure. Employees who desire to use Donor Leave must apply in writing ten working days prior to the procedure or as soon as possible after the employee is informed of the date of the procedure. Such application shall be made using the standard Request for Leave form (ADM 4258). Employees must mark the box for "Other" and specifically indicate "Donor Leave" on the form. Employees must also specify the type of donation (kidney, liver, or marrow).

2.3 **Leave and Benefit Amount:**

- A. Eligible employees shall receive up to two-hundred-forty (240) hours of paid leave each calendar year to cover absences for the employee's donation of any portion of an adult liver or kidney.
- B. Eligible employees shall receive up to fifty-six (56) hours of paid leave for bone marrow donations.

C. Employees on Donor Leave will be in an active pay status and shall be compensated at their regular rate of pay for those regular hours during which the employee is absent from work until the Donor Leave has been exhausted. For the duration of Donor Leave, employees shall accrue leave and receive employer-pair benefits to which the employee would otherwise be entitled.

2.4 **Verification of Procedure:** In order to receive Donor Leave, the employee donating a kidney or portions of a liver, the employee's family member, or designated representative must submit a Physician or Health Care Provider Certification form (ADM 4261). The form must be submitted to the appointing authority within ten days of the employee's donation of a kidney or portions of a liver. If the employee donated bone marrow, the form must be submitted to the appointing authority within three days of the procedure.

Failure to submit a Physician or Health Care Provider Certification form will result in the denial of the previously submitted employee leave request.

2.5 **Working During Donor Leave:** Appointing authorities may allow an employee to work a reduced schedule during any portion of the Donor Leave, subject to approved medical authorization from the employee's attending physician. The physician statement must indicate the number of hours the employee may work and any restrictions placed on the employee's activities. An employee who is permitted to work a reduced schedule in the course of their Donor Leave period shall establish a schedule that is acceptable to the appointing authority.

2.6 **Duration:** Under no circumstances will Donor Leave be granted beyond the designated statutory period. Donor Leave shall not be used to extend the layoff date of an employee or to extend a period of employment for an established term regular or irregular employee.

2.7 **Disability Benefits:** Employees who experience medical complications as a result of donating their kidney, a portion of their liver, or bone marrow that extend beyond the duration of their Donor Leave may apply for state disability leave benefits. Any employee who chooses to do this would be required to meet all eligibility criteria for disability leave, including serving a fourteen (14) day waiting period after the conclusion of Donor Leave before their disability leave would commence. An employee may opt to utilize sick, vacation or personal leave, and/or compensatory time to receive pay during the fourteen-day waiting period and to supplement the 67% of their regular pay that the employee would earn for the remainder of disability leave benefits, or any portion thereof.

3.0 Authority

ORC 124.139

4.0 Revision History

Date	Description of Change
01/29/2003	Original policy.

08/31/2021	Reissued policy with housekeeping changes.
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5.0 Inquiries

Direct inquiries about this policy to:

Labor Relations and Human Resources Policy
Office of Collective Bargaining
Ohio Department of Administrative Services
1602 West Broad Street
Columbus, Ohio 43223

614.752.5393 | DASHRD.HRPolicy@das.ohio.gov

State of Ohio Administrative Policies may be found online at
www.das.ohio.gov/forStateAgencies/Policies.aspx

Appendix A – Resources

Document Name
<i>Physician or Health Care Provider Certification form</i> , ADM 4261; DAS Human Resources Division.
<i>Request for Leave form</i> , ADM 4258; DAS Human Resources Division.
<i>Leave Donation Program – Donor Application Form</i> ADM 4256; DAS Human Resources Division.