

Employer ALERT: Illinois Enacts Employee Blood Donation Leave Act and Amends Organ Donor Leave Act

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By: **Joan M. Eagle**

Effective January 1, 2006, private employers of 51 or more employees will be subject to two new "leave with pay" laws. The Employee Blood Donation Leave Act provides that any full-time employee who has been employed by an employer for six months or more may, upon request, use up to one hour *with pay* in order to donate blood. The employee must first obtain approval from his/her employer to take the leave. The Illinois Department of Public Health will be adopting rules regarding Blood Donation Leave, including establishing conditions and procedures for requesting and approving such leave and requiring medical documentation of the proposed blood donation before leave is approved by the employer.

In addition, the Illinois legislature amended the Organ Donor Leave Act. That Act allows an employee to use up to 30 days leave *with pay* in any 12-month period to serve as a bone marrow donor or an organ donor, up to one hour *with pay* every 56 days to donate blood, and up to two hours *with pay* not more than 24 times in a 12-month period to donate platelets. The employee must first obtain approval from his/her employer before taking the leave. However, an employee *cannot* be required to use accumulated sick or vacation time before being eligible for Organ Donor Leave. The Department of Public Health will be adopting rules regarding Organ Donor Leave, including establishing conditions and procedures for requesting and approving such leave and requiring medical documentation of the proposed organ or bone marrow donation before leave is approved by the employer.

For further information about the Employee Blood Donation Leave Act or the Organ Donor Leave Act, please contact **Joan M. Eagle** at (312) 845-5439 or jeagle@schwartzcooper.com or any other Schwartz Cooper attorney.