



# County of San Mateo

## Inter-Departmental Correspondence

---

**Department:** HUMAN RESOURCES

**File #:** 22-392

Board Meeting Date: 6/14/2022

---

**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors  
**From:** Rocio Kiryczun, Human Resources Director  
**Subject:** Resolution Authorizing an Organ and Bone Marrow Donor Leave Program

**RECOMMENDATION:**

Adopt a resolution authorizing an implementation of an Organ and Bone Marrow Donor Leave Program for County of San Mateo employees.

**BACKGROUND:**

The County has a very generous leave policy that aligns with Federal and State laws, including the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). The terms of the leave are outlined in our leave policy for employee's own health condition. Benefits and payments during leave are set forth in Federal and State laws as well as Board ordinances, resolutions and memoranda of agreements with unions representing County employees. The County currently does not have a specific policy authorizing leave for employees who are organ and bone marrow donors; however, employees can use their accrued sick leave or other available paid time off to donate an organ or bone marrow.

The Federal and State government currently have paid leave organ and bone marrow donor programs for their employees. California Labor Code § 1510 also requires private employers to offer paid leave for employees who become organ and bone marrow donors.

Organ and bone marrow donation can be lifesaving for the recipient. According to the Health Resources and Services Administration's Organ Donation and Transplantation program statistics, in California in 2020, there were 561 living organ donations and more than 21,000 individuals on the waiting list.

**DISCUSSION:**

Adopting an Organ Donor Leave Program will support County employees who have made the private and individual choice to become donors.

### **Organ Donor Leave Program**

We recommend a program for the County that will be similar to the program components in California Labor Code § 1510 and will provide:

- *Up to 30 scheduled work days paid leave, plus up to 30 scheduled work days of unpaid leave, in a one-year period for organ donation.*
- *Up to five scheduled work days paid leave in a one-year period for bone marrow donation.*

### **Job Restoration and Benefits**

- *During leave, employees are entitled to job restoration and continued benefits.*
- *Employees may not be retaliated against for taking leave.*
- *Donor leave does not run concurrently with federal Family and Medical Leave Act (FMLA) or California Family Rights Act (CFRA) leave.*

The program and benefits will be incorporated into the leave policy for employees' own health conditions.

These recommendations are in alignment with the County's goals of providing competitive leaves and benefits for employees while maintaining fiscal sustainability, equity and competitiveness with the Bay Area workforce market. The Policy applies to all County employees and the County provided the policy to all labor organizations prior to presentation to this Board.

County Attorney's Office has reviewed and approved the resolutions as to form.

### **Financial Impact on County's Retirement System**

Government Code sections 31515.5 and 23026 require the County to provide the estimated financial impact that proposed benefit changes or salary increases would have on the funding status of SamCERA's retirement fund, the County's retirement system. There are no salary increases and paid leave will not increase the unfunded liability.

### **FISCAL IMPACT:**

The anticipated cost of this program is \$13,000 per person for organ donors and \$2,200 per person for bone marrow donors who utilize this benefit: Costs will be absorbed by departments of participating employees. The County cannot predict how many employees may become organ or bone marrow donors, but the number is expected to be low.