

EMPLOYER LAW BLOG

Illinois Blood Donation Leave

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By Courtney Cox

Courtney Cox is becoming increasingly difficult for Illinois employers to keep up with the numerous Illinois leave laws. Here is one you may not know about – *The Illinois' Employee Blood Donation Leave Act*. (820 Ill. Comp. Stat. 149/5 and 149/10). There is no corresponding federal law.

If you have 51 or more employees, you are required to offer blood donation leave to eligible employees. This applies to private employers, employees of units of local government and boards of election commissioners.

In order to be eligible for this leave the employee must be a full-time employee who is at least 17 years of age and must have been employed for at least 6 months. An employer who is age 16 can donate blood with the written permission of a parent or guardian.

The employer must pay the employee for time used for this leave. The amount of time which may be used for this leave is 1 hour every 56 days. The length of time allowed for the leave may be extended beyond 1 hour if authorized by the employee's collective bargaining agreement or if authorized by the employer.

Before using this leave, the employee must first obtain permission from the employer by submitting a request for leave. The employee must also submit medical documentation of the appointment to donate, along with the request for leave. This documentation may consist of a written statement from the blood bank indicating the employee has an appointment to donate or attempt to donate blood. The employer may require the employee to provide a written statement from the blood bank confirming that the employee kept the appointment.

Although not required to do so, an employer may also grant leave for bone marrow and organ donation.

It is recommended that you include a policy for this type of leave in your employee handbook or in a stand-alone policy, or both. IDPA rules require a policy to include whether the 1 hour period may be retained by an employee if the attempt to donate blood is unsuccessful, as determined by the blood bank.

If the employer has no procedure in place for handling employee grievances, the employer must include in the policy a grievance procedure for remediation of possible blood-leave disputes.

Employers interested in developing such a Blood Leave Policy for their company should consult with qualified legal counsel to ensure all contingencies are appropriately addressed.