

By E-Mail

MEMORANDUM

TO: Directors of Human Resources
Labor Designees

FROM: Raymond F. O'Brien *RFO*

DATE: November 13, 2013

SUBJECT: Leave for Breast and Prostate Cancer Screening and for Blood Donation

I am writing to remind you of leave provisions codified under New York State Law for the following:

Breast and Prostate Cancer Screening

Employees are entitled to take up to four hours of paid leave in a calendar year for breast or prostate cancer screening (NYS Civil Service Law Section 159), provided that the screening is performed during regular work hours. The four hours include travel time. This leave is not cumulative and shall be deemed forfeited if not used in a particular calendar year. An absence for this purpose beyond four hours must be charged to the employee's annual leave accruals or without pay, if no annual leave accrual is available. In addition, the Colleges may require satisfactory medical documentation to verify that the employee's absence was for the purpose of breast or prostate cancer screening.

Blood Donation

Section 202-j of the Labor Law mandates that employers provide leave time to an employee, defined as "a person who performs services for hire for an average of twenty or more hours per week", for the purpose of donating blood:

(A) Off-premises donation

Employees taking leave for off-premises blood donation shall be permitted at least one unpaid leave period of three hours per calendar year during the employee's regular work schedule. The leave is not cumulative and shall be deemed forfeited if not used within a particular calendar year. For employees donating blood off-premises, the Colleges may require employees to give reasonable notice prior to the day on which leave shall be taken and provide satisfactory proof of the donation.

(B) On-premises or employer-designated location and time

Employees are entitled to take paid leave for blood donation either on a College's premises or a location designated by the College. The location and time shall be within a reasonable travel distance and within the normal work hours of the employee. Such leave can be taken at least twice in any calendar year and, in addition, all such employees must be allowed sufficient paid leave time to donate blood and to recover, including partaking nourishment after donating, and to return to work.

Notice Requirements:

The Colleges are required to notify employees in writing of their right to take blood donation leave. Notices must be prominently posted at locations where employee notices are usually posted.

Further Information:

- The text of NYS Civil Service Law, section 159B (the law providing paid leave for the purpose of breast cancer screening) may be found at:
[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$CVS159-B\\$\\$@TXCVS0159-B+&LIST=SEA2+&BROWSER=BROWSER+&TOKEN=32477290+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$CVS159-B$$@TXCVS0159-B+&LIST=SEA2+&BROWSER=BROWSER+&TOKEN=32477290+&TARGET=VIEW)
- The text of NYS Civil Service Law, Section 159C (the law providing paid leave for the purpose of prostate cancer screening) may be found at:
[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$CVS159-C\\$\\$@TXCVS0159-C+&LIST=SEA2+&BROWSER=BROWSER+&TOKEN=32477290+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$CVS159-C$$@TXCVS0159-C+&LIST=SEA2+&BROWSER=BROWSER+&TOKEN=32477290+&TARGET=VIEW)
- The text of Labor Law Section 202-j may be found at:
[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$LAB202-J\\$\\$@TXLAB0202-J+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=32477290+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$LAB202-J$$@TXLAB0202-J+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=32477290+&TARGET=VIEW)
- The New York State Department of Labor "Guidelines for Implementation of Employee Blood Donation Leave" may be found at <http://www.labor.ny.gov/formsdocs/wp/l5703.pdf>.

If you have any questions or need additional information, please feel free to call me at 646-664-3256.