

**MEMORANDUM**

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Introduction:** Bill 49-10, Personnel and Human Resources – Organ Donor Leave

Bill 49-10, Personnel and Human Resources – Organ Donor Leave, sponsored by Councilmember Knapp, is scheduled to be introduced on September 28, 2010. A public hearing is tentatively scheduled for October 26 at 1:30 p.m.

The Bill would grant County employees additional paid leave to serve as an organ donor. An employee would be entitled to receive up to 7 days to serve as a bone marrow donor and up to 30 days to serve as an organ donor. Donating bone marrow or an organ is a personal sacrifice that can save a life. There is a shortage of bone marrow and organ donors. This Bill would make it easier for a County employee to serve as an organ donor.

In 2000, the General Assembly enacted a similar law providing organ donor leave for State government employees, now codified at Md. Code State Personnel and Pensions Art. §9-1106. See ©4. The Organ Donor Leave Act, enacted in 1999, provides additional leave for a Federal government employee who serves as an organ donor. President Clinton's statement on signing the law is at ©5.

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Bill No. 49-10  
Concerning: Personnel and Human  
Resources – Organ Donor Leave  
Revised: December 22, 2009  
Draft No. 1  
Introduced: October 5, 2010  
Expires: April 5, 2012  
Enacted: [date]  
Executive: [date signed]  
Effective: [date takes effect]  
Sunset Date: [date expires]  
Ch. [#], Laws of Mont. Co. [year]

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Knapp

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**AN ACT** to:

- (1) permit certain County employees to use leave to serve as a bone marrow donor or organ donor under certain conditions;
- (2) require the Executive to adopt regulations governing the use and approval of organ donor leave; and
- (2) generally amend the law governing leave for County employees.

By adding

Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Section 33-25

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 33-25 is added as follows:**

2    **33-25. Organ Donor Leave.**

3           (a)    A full-time or part-time employee may use organ donor leave with pay  
4                    for:

5                    (1)   up to 7 days in any 12-month period to serve as a bone marrow  
6                            donor; and

7                    (2)   up to 30 days in any 12-month period to serve as an organ donor.

8           (b)    Organ donor leave must be approved by:

9                    (1)   the Director of the employee's Department or Office; or

10                   (2)   the Chief Administrative Officer if the employee is not  
11                            supervised by a Director.

12           (c)    Organ donor leave must be granted in addition to any annual leave, sick  
13                    leave, personal days, or paid time off that the employee is otherwise  
14                            entitled to.

15           (d)    The employee must provide medical documentation of the bone marrow  
16                    or organ donation before organ donor leave is approved.

17           (e)    The Executive must adopt regulations, under Method 1, governing the  
18                    use and approval of organ donor leave.

19    *Approved:*

20    \_\_\_\_\_  
Nancy Floreen, President, County Council

Date

21    *Approved:*

22    \_\_\_\_\_  
Isiah Leggett, County Executive

Date

23    *This is a correct copy of Council action.*

24    \_\_\_\_\_  
Linda M. Lauer, Clerk of the Council

Date

## LEGISLATIVE REQUEST REPORT

Bill 49-10, Personnel and Human Resources – Organ Donor Leave

**DESCRIPTION:** The Bill would grant County employees additional paid leave to serve as an organ donor. An employee would be entitled to receive up to 7 days for a bone marrow donor and up to 30 days to serve as an organ donor.

**PROBLEM:** Donating bone marrow or an organ is a personal sacrifice that can save a life. There is a shortage of bone marrow and organ donors.

**GOALS AND OBJECTIVES:** The Bill would make it easier for a County employee to serve as an organ donor.

**COORDINATION:** Office of Human Resources

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** The State of Maryland provides this benefit for its employees.

**SOURCE OF INFORMATION:** Robert H. Drummer, Senior Legislative Attorney

**APPLICATION WITHIN MUNICIPALITIES:** Not applicable.

**PENALTIES:** None.

## Article - State Personnel and Pensions

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§9-1106.

(a) This section applies to all employees, including temporary employees, of all units in the Executive, Judicial, and Legislative branches of State government, including any unit with an independent personnel system.

(b) On request, an employee subject to this section may be entitled to organ donation leave with pay.

(c) (1) An employee may use:

(i) up to 7 days of organ donation leave in any 12-month period to serve as a bone marrow donor; and

(ii) up to 30 days of organ donation leave in any 12-month period to serve as an organ donor.

(2) An employee may use organ donation leave only after obtaining approval from the employee's appointing authority.

(d) The Secretary shall adopt regulations governing organ donation leave, including regulations that establish conditions and procedures for requesting and approving leave and that require medical documentation of the proposed organ or bone marrow donation before leave is approved.

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## **The American Presidency Project**

John T. Woolley & Gerhard Peters • Santa Barbara, California

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### **• William J. Clinton**

#### **Statement on Signing the Organ Donor Leave Act**

September 24, 1999

Today, I am pleased to sign into law H.R. 457, the "Organ Donor Leave Act," which would enhance the Federal Government's leadership role in encouraging organ donations by making it easier for Federal employees to become donors.

Currently, more than 65,000 Americans are awaiting an organ transplant. Last year, almost 5,000 Americans died while waiting for an organ to become available. This amounts to an average of 13 citizens each day. Many of these deaths could have been prevented if there were a sufficient supply of donor organs. H.R. 457 is a valuable tool to help address the needs of Americans waiting for organs by encouraging donations by Federal employees.

In 1997, my Administration launched the National Organ and Tissue Donation Initiative, which included new efforts by the Federal Government to increase awareness among Federal employees of the need for organ and tissue donation. The Department of Health and Human Services, in partnership with the Office of Personnel Management, has implemented a Government-wide campaign to encourage Federal employees to consider organ donation and, as the country's largest employer, to set the example for the private sector as well as other public organizations.

H.R. 457 builds on my Administration's longstanding commitment to increasing organ donations nationwide. Under current law, a Federal employee may use up to 7 days of paid leave each year, other than sick leave or annual leave, to serve as a donor. Recent surveys of doctors and hospitals indicate that the current 7-day limit is clearly insufficient for recovery from organ donation surgery. This bill increases the amount of paid leave available to Federal employees who donate organs for transplants, providing up to 30 days of paid leave, in addition to annual and sick leave, for organ donation.

In addition to our current efforts, my Administration will go forward in the coming weeks with the framework for an organ allocation system that will serve patients better. Our approach, which has been validated by the Institute of Medicine, calls for improved allocation policies to be designed by transplant professionals, not by the Government, and would ensure better and fairer treatment for patients. We need an organ allocation system that is as good as our transplant technology, and it is time for sound allocation policies to go into effect.

It gives me great pleasure to sign H.R. 457 into law. I welcome the opportunity to help Federal employees participate in this life-saving effort.

WILLIAM J. CLINTON

The White House, September 24, 1999.

**Citation:** John T. Woolley and Gerhard Peters, *The American Presidency Project* [online]. Santa Barbara, CA. Available from World Wide Web: (<http://www.presidency.ucsb.edu/ws/?pid=56578>).

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