



Kristin Moore

Final Analysis
Legislative Service Commission

Am. H.B. 326
124th General Assembly
(As Passed by the General Assembly)

Reps. Jolivette, Peterson, Coates, Latell, Carmichael, Sykes, Flowers, Patton, Oakar, Sullivan, Schmidt, Seitz, R. Miller, Evans, Faber, Boccieri, Flannery, Carano, Hartnett, Sulzer, Ogg, Redfern, Fedor, Barrett, Cirelli, Calvert, Driehaus, Strahorn, Latta, Olman, Key, Seaver, Perry, Schaffer, Distel, S. Smith, Rhine, Krupinski, Hoops, Brown, Young, Otterman, Widowfield, Kilbane, Roman, Allen, Aslanides, Collier, Beatty, Barnes, Britton, Salerno, Woodard

Sens. Mumper, Coughlin, Austria, Carnes, DiDonato, Goodman, Harris, Herington, Oelslager, Roberts, Ryan

Effective date: *

ACT SUMMARY

- Entitles a full-time state employee to a maximum of 30 days paid leave to serve as a liver or kidney donor and a maximum of seven days paid leave to serve as a bone marrow donor.
- Encourages political subdivisions and private employers to grant similar paid leave to their full-time employees.
- Requires periodic provision of information about the leave entitlements to full-time state employees.

CONTENT AND OPERATION

Paid leave for liver, kidney, and bone marrow donations

Under the act, a full-time state employee is entitled to receive up to 240 hours (30 days) of leave with pay during each calendar year to use during those

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

hours when the employee is absent from work because of the employee's donation of any portion of an adult liver or because of the employee's donation of an adult kidney. A full-time state employee also is entitled to receive up to 56 hours (seven days) of leave with pay during each calendar year to use during those hours when the employee is absent from work because of the employee's donation of adult bone marrow. The act requires an appointing authority to compensate a full-time state employee who uses either type of leave at the employee's regular rate of pay for those regular work hours during which the employee is absent from work. (Sec. 124.139(A), (B), and (C).)

The act states that the General Assembly encourages political subdivisions and private employers in Ohio to grant their full-time employees paid leave similar to that provided under the act (Section 3). (See **COMMENT**.)

Providing information about organ and bone marrow donation leave

The act requires the Director of Administrative Services to provide periodically to certain state employees information about the liver, kidney, and bone marrow donation leave benefits. The Director must send the information to full-time employees who are paid directly by warrant of the Auditor of State. For full-time employees who are not paid directly by warrant of the Auditor of State, such information must be provided periodically by their appointing authority. (Secs. 124.04(I)(2) and 124.139(D).)

COMMENT

Specific statutory authority is not necessary in order for political subdivisions to confer these benefits as there is inherent authority for an appointing authority to do so under its authority to provide compensation. *Ebert v. Stark Cty. Bd. of Mental Retardation* (1980), 63 Ohio St.2d 31.

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
|--|----------|---------------|
| Introduced | 07-10-01 | p. 802 |
| Reported, H. State Gov't | 10-30-01 | pp. 1042-1043 |
| Passed House (97-0) | 01-09-02 | p. 1215 |
| Reported, S. State & Local Gov't & Veterans Affairs | 01-31-02 | p. 1408 |
| Passed Senate (31-1) | 02-12-02 | p. 1453 |

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