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ASSEMBLY BILL NO. 3—ASSEMBLYWOMAN GIBBONS

PREFILED JANUARY 27, 2003

Referred to Committee on Government Affairs

SUMMARY—Requires paid leave of absence of certain duration for public officers and employees who donate bone marrow or certain organs. (BDR 23-147)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.



EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to public employees; requiring a paid leave of absence of certain duration for public officers and employees who donate bone marrow or certain organs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 281 of NRS is hereby amended by adding
- 2 thereto a new section to read as follows:
- 3 ***1. Except as otherwise provided in this section, any public***
- 4 ***officer or employee of the State or any agency thereof, or of a***
- 5 ***political subdivision or an agency of a political subdivision must***
- 6 ***be relieved from his duties to donate:***
- 7 ***(a) Part of his bone marrow; or***
- 8 ***(b) All or part of one of his organs.***
- 9 ***2. The leave described in subsection 1 must be granted to a***
- 10 ***public officer or employee without loss of his regular***
- 11 ***compensation for such a period as is requested by the public***
- 12 ***officer or employee but in no case to exceed:***
- 13 ***(a) With respect to a donation of bone marrow, 7 working days***
- 14 ***in any 1 calendar year; and***
- 15 ***(b) With respect to the donation of all or part of an organ, 30***
- 16 ***working days in any 1 calendar year.***



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SUBMITTED BY: Assemblywoman Dawn Gibbons

3. Except as otherwise provided in subsection 5, the mandatory paid leave described in subsection 2 must not be counted against any annual vacation time, compensatory time or sick leave time that a public officer or employee has accrued.

4. To be eligible for the mandatory paid leave described in subsection 2, a public officer or employee must provide to his employer a written, signed statement from a physician or from the administrator of a hospital, attesting to:

(a) The fact that the public officer or employee has donated bone marrow or all or part of one of his organs, or is scheduled to make such a donation; and

(b) The particulars of the officer's or employee's donation, including, without limitation:

(1) The date on which and the time at which the donation took place or is scheduled to take place;

(2) The name of the medical facility at which the donation took place or is scheduled to take place; and

(3) The name of the physician who harvested or is scheduled to harvest the officer's or employee's bone marrow or whole or partial organ.

5. If a public officer or employee obtains paid leave pursuant to this section but does not ultimately make the donation for which the leave was granted, the employer of the public officer or employee may require the public officer or employee to reimburse the employer accordingly, either through the payment of money or the exchange of another type of paid leave that the public officer or employee has accrued.

6. No part of this section prohibits an employer, after a public officer or employee has exhausted the mandatory paid leave described in subsection 2, from allowing the public officer or employee to:

(a) Take unpaid leave;

(b) Use annual vacation time, compensatory time or sick leave time; or

(c) Both (a) and (b),

if the employer reasonably believes that the public officer or employee requires an additional period of relief from his duties to recuperate from the donation of bone marrow or all or part of one of his organs.

7. No period in which a public officer or employee is absent from work to donate bone marrow or all or part of one of his organs, or to recuperate from such a donation, whether the period of absence is paid or unpaid, may be used as the basis for:

(a) Reducing the officer's or employee's benefits or seniority; or

(b) Terminating the officer's or employee's position.

8. As used in this section:

(a) "Bone marrow" means the soft material that fills the bone cavities.

(b) "Organ" means a vascularized human organ, all or part of which is capable of being transplanted from a living human to a living human recipient, including, without limitation:

(1) An organ such as a kidney, all of one of which is capable of being transplanted from a living human donor to a living human recipient; and

(2) An organ such as a liver, lung or pancreas, only part of which is capable of being transplanted from a living human to a living human recipient.

(c) "Vascularized human organ" means a human organ that requires the continuous circulation of blood to remain useful for purposes of transplantation.

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