SPONSOR: Rep. Buckworth & Sen. McBride;
Reps. Maier, DiLiberto, Ulbrich, Sen. Bonini, Adams

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE BILL NO. 106

AN ACT TO AMEND TITLES 14 AND 29 OF THE DELAWARE CODE RELATING TO LEAVE FOR STATE EMPLOYEES, TEACHERS AND SCHOOL EMPLOYEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 51, Title 29 of the Delaware Code by inserting a new section as follows:

"Section. 5121. Leave for bone marrow or organ donation.

(a) Definitions:

(1) 'Bone marrow' means the soft material that fills human bone cavities;

(2) 'Bone marrow donor' means a person from whose body bone marrow is taken to be transferred to the body of another person.

(3) 'Organ' means a human organ that is capable of being transferred from the body of a person to the body of another person;

(4) 'Organ donor' means a person from whose body an organ is taken to be transferred to the body of another person.

(b) In any calendar year, a state employee is entitled to the following leave in order to serve as a bone-marrow donor or organ donor:

(1) No more than seven days of leave to serve as a bone-marrow donor;

(2) No more than thirty days of leave to serve as an organ-donor.

(c) A state employee may use the leave provided by this section without loss or reduction of pay, leave to which the employee is otherwise entitled, credit for time or service, or performance or efficiency rating.

(d) This section applies to employees who are included in a collective bargaining unit, unless a collective bargaining agreement contains provisions dealing with leave for bone-marrow and organ donation.".

Section 2. Amend Chapter 13, Title 14 of the Delaware Code by inserting a new section as follows:

"Section 1318B. Leave for bone marrow or organ donation.

(a) Definitions. As used in this section:

(1) 'Bone marrow' means the soft material that fills the human bone cavities;

(2) 'Bone marrow donor' means a person from whose body is taken to be transferred to the body of another person;

(3) 'Organ' means a human organ that is capable of being transferred from the body of a person to the body of another person;

(4) 'Organ donor' means a person from whose body an organ is taken to be transferred to the body of another person.

(b) In any calendar year, a teacher or school employee is entitled to the following leave in order to serve as a bone marrow donor or organ donor:

(1) No more than seven days of leave to serve as a bone-marrow donor;

(2) No more than thirty days of leave to serve as an organ-donor.

(c) A teacher or school employee may use the leave provided by this section without loss or reduction of pay, leave to which the teacher or employee is otherwise entitled, credit for time or service, or performance of efficiency rating.

(d) This section applies to teachers and school employees who are included in a collective bargaining unit, unless a collective bargaining agreement contains provisions dealing with leave for bone-marrow donation and organ donation."

SYNOPSIS

This Act provides that a State employee, teacher, or school employee may take paid leave not exceeding 30 days in any calendar year to serve as an organ donor and paid leave not exceeding seven days in any calendar year to serve as a bone marrow donor. Recognizing the need for and importance of bone-marrow and organ donors, this Act will allow persons to be donors without using personal sick or annual leave time. This Act is modeled after the Federal Organ Donor Leave Act for federal employees.