

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING SECTION 3-126 TO CHAPTER 3, ARTICLE 1 OF THE FRESNO MUNICIPAL CODE, RELATING TO PAID LEAVE FOR ORGAN AND BONE MARROW DONATION ("The Toni Hunter Organ Donor Protection Act").

WHEREAS, organ and bone marrow donors play a critical role in the lives of hundreds of thousands of people in the United States and living organ donors are a critical, but small group of people whose donation of a living organ saves countless lives each day; and

WHEREAS, it is in the public interest to support living organ donors and bone marrow donors because of the necessity of their donation in saving the lives of those who require such a donation; and

WHEREAS organ and bone marrow donors undergo extensive, invasive surgical or medical procedures to provide the donation of living organs or bone marrow requiring a leave of absence from work; and

WHEREAS, federal and state employees, and employees of private employers of more than fifteen employees are provided under federal and state statutes paid leave for organ donation; and

WHEREAS, as a charter city those federal and state statutes do not apply to employees of the city; and

1 of 4

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

Ordinance No.

WHEREAS, the Council of the City of Fresno believes it is in the public interest to provide paid leave to city employees who qualify for and are matched as living organ and bone marrow donors.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3-126 is added to the Fresno Municipal Code to read:

SECTION 3-126. – ORGAN AND BONE MARROW DONATION LEAVE  
("The Toni Hunter Organ Donor Protection Act").

(a) This section shall be known and may be cited as the Toni Hunter Organ Donor Protection Act.

(b) Full-time employees shall be granted the following leaves of absence with pay:

(1) A leave of absence not exceeding 30 days to any employee who is a major or vital organ donor in any one-year period, for the purpose of donating their organ to another person, beginning on the day of the procedure, or earlier if deemed medically necessary.

(2) A leave of absence not exceeding five days to any employee who is a bone marrow donor in any one-year period, for the purpose of donating their bone marrow to another person, beginning on the day of the procedure, or earlier if deemed medically necessary.

(c) In order to receive a leave of absence pursuant to subdivision (b), an employee shall provide written verification from a

physician that they are an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

(d) Any period of time during which an employee is required to be absent from their position by reason of being an organ or bone marrow donor is not a break in their continuous service for the purpose of their right to salary adjustments, leave accruals including paid holidays, and continuation of the employee's Health and Welfare benefits.

(e) Notwithstanding any existing law, bone marrow and organ donation leave shall not be taken concurrently with any leave taken pursuant to the federal Family and Medical Leave Act or the California Family Rights Act.

(f) Leave provided for pursuant to this section may be taken in one or more periods.

(g) Leave provided for pursuant to this section shall not be granted if the employee requesting such leave is already out on any other paid leave.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage and shall be applied retroactively to the date of introduction, October 10, 2019.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2019  
Mayor Approval/No Return: \_\_\_\_\_, 2019  
Mayor Veto: \_\_\_\_\_, 2019  
Council Override Vote: \_\_\_\_\_, 2019

YVONNE SPENCE, CRM MMC  
City Clerk

BY: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN,  
City Attorney

BY: \_\_\_\_\_  
Stephanie M. Snyder Date  
Sr. Deputy City Attorney