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BY E-MAIL

MEMORANDUM

To: Directors of Human Resources  
Labor Designees

From: Pinar Ozgu 

Date: March 14, 2018

Subject: Amendment to the leave for Breast and Prostate Cancer Screening and for Blood Donation

I am writing to inform you that the law covering leave for breast and prostate cancer screening will be amended, effective March 18, 2018. Also included in this memo is information about the statutory provisions on leave for blood donation – which have not been amended.

**Cancer Screening**

Previously, leave was available for breast and prostate cancer screening only. The amendment allows for “cancer screening”.

NYS Civil Service Law Section 159 has been amended to allow employees to take up to four (4) hours of paid leave in a calendar year for “cancer screening”, provided that the screening is performed during regular work hours. The four hours include travel time. The leave is not cumulative and shall be deemed forfeited, if not used in a particular calendar year. An absence for this purpose beyond the four hours must be charged to the employee’s annual leave accruals or without pay, if no annual leave accrual is available. In addition, the Colleges may require satisfactory medical documentation to verify that the employee’s absence was for the purpose of cancer screening.

**Blood Donation (No Amendment)**

Section 202-j of the Labor Law mandates that employers provide leave time to an employee, defined as “a person who performs services for hire for an average of twenty or more hours per week”, for the purpose of donating blood:

**(A) Off-premises donation**

Employees taking leave for off-premises blood donation shall be permitted at least one unpaid leave period of three (3) hours per calendar year during the employee’s regular work schedule. The leave is not cumulative and shall be deemed forfeited if not used within a particular calendar year. For employees donating blood off-premises, the Colleges may require employees to give reasonable

notice prior to the day on which the leave shall be taken, and provide satisfactory proof of the donation.

**(B) On-premises or employer-designated location and time**

Employees are entitled to take paid leave for blood donation either on a College's premises or a location designated by the College. The location and time shall be within a reasonable travel distance and within the normal work hours of the employee. Such leave can be taken at least twice in any calendar year and, in addition, all such employees must be allowed sufficient paid leave time to donate blood and to recover, including partaking nourishment after donating, and to return to work.

**Notice Requirements**

The Colleges are required to notify employees in writing of their right to take blood donation leave. Notices must be prominently posted at locations where employee notices are usually posted.

**References and attachments:**

NYS Civil Service Law Section 159, effective March 18, 2018

The NYS Department of Labor "Guidelines for Implementation of Employee Blood Donation Leave"

If you have any questions or need additional information, please feel free to call me at 646-664-3258.