

NEWS & INSIGHTS

Effective June 26, Pennsylvania law gives employees protected leave for organ donations

BY: [RICHARD L. HACKMAN](#) | [INSIGHTS](#) | [LEGAL UPDATE](#)

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Effective June 26, 2021, Pennsylvania's Living Donor Protection Act (LDPA) provides job-protected leave to organ and tissue donors for purposes of donation surgery, as well as preparation and recovery. To qualify, employees must meet standard Family Medical Leave Act (FMLA) eligibility criteria. Specifically, the employee must: (1) work for a FMLA-covered employer; (2) work 1,250 hours during the 12 months prior to the start of leave; (3) work at a location where 50 or more employees work; and (4) have been continuously employed by their employer for 12 months.

Under the LDPA (consistent with the FMLA), eligible employees may take up to 12 workweeks of unpaid leave a year and are entitled to return to their same or equivalent job at the conclusion of the leave. LDPA runs concurrently with FMLA leave. In other words, if an employee works for a FMLA-covered employer, the employee is entitled to a total of 12 weeks of leave for a qualifying FMLA reason.

LDPA leave is available for an employee's own donation or to care for a spouse, child or parent who is making or receiving an organ or tissue donation. Employers are permitted to ask for written documentation evidencing the necessary preparation and recovery from surgery.

Accordingly, FMLA-covered employers should be prepared to address this issue should it arise and may want to consider amending their current FMLA policy to incorporate this additional leave entitlement.

Seek legal and HR assistance for help implementing new policies

Saxton & Stump attorneys [Richard L. Hackman, Esq.](#) and [Stephen J. Fleury Jr., Esq.](#) are available to further discuss how to cost-effectively ensure your organization's compliance and our [Labor and Employment Group](#) can help develop internal best practices designed to minimize the risks to employers.

Additionally, our strategic partner, [Granite HR Consulting](#) can assist with updating policies, managing change communication and handling any HR consideration that may arise from applying the LPDA.

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