

PENNSYLVANIA

Pennsylvania Employers Must Provide Leave to Organ Donors

Effective **June 26, 2021**, Pennsylvania employees eligible for federal Family and Medical Leave Act (FMLA) leave must be granted leave to prepare for and recover from organ and tissue donation surgery.

The Living Donor Protection Act

The [Pennsylvania Living Donor Protection Act](#), signed into law April 27, 2021, requires employers subject to the FMLA to provide FMLA-eligible employees undergoing donor surgery the same leave they would be entitled to under the FMLA for their own serious health condition or that of a family member.

The leave is available for necessary preparation and recovery for surgery related to organ or tissue donation by or for the employee, or their spouse, child or parent.

Employers may require written documentation regarding the preparation and recovery for the surgery.

Covered Employers and Eligible Employees Under the FMLA

Employers are generally covered by the FMLA if they have 50 or more employees during at least 20 workweeks in the current or previous calendar year.

Employees are generally eligible for FMLA leave if:

- They have worked for the covered employer for at least 12 months;
- They have worked for at least 1,250 hours during the previous 12 months; and
- Their employer employs at least 50 employees within 75 miles of their worksite.

Important Dates

April 27, 2021

Pennsylvania Living Donor Protection Act enacted.

June 26, 2021

Pennsylvania Living Donor Protection Act takes effect.

Employees are entitled to leave for organ donor surgery by or for themselves or a spouse, child, or parent.

Provided to you by **Cowden Associates, Inc.**

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