



New York State Department of Labor
David A. Paterson, Governor
M. Patricia Smith, Commissioner

September 12, 2008

[REDACTED]

Re: Request for Opinion
Leave of Absence for Blood Donation
File No. RO-08-0118

Dear [REDACTED]

I have been asked to respond to your correspondence of September 9, 2008, in which you request a written opinion on whether or not the provisions of New York State Labor Law §202-j are applicable to employees of public libraries. In your inquiry you state that the statute explicitly includes a school district as an employer but it is not clear to you if the statute applies to public libraries.

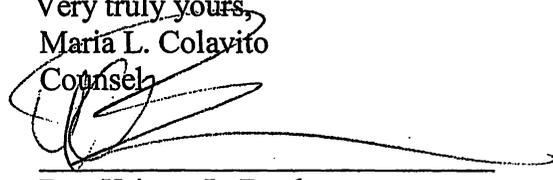
It is the Department's opinion that the provisions contained in Labor Law §202-j apply to employees of public libraries if the specifications set forth in Labor Law §202-j (b) are met. Labor Law §202-j (b) defines employer as "a person or entity that employs twenty or more employees at, at least one site." The term "person or entity" is broadly defined to include individuals, corporations, partnerships, associations, non-profit organizations and groups of persons, as well as numerous types of government agencies. It is the opinion of the Department that public libraries are included in this broad definition. As such, if the public library in question meets this threshold requirement, and employs twenty or more individuals, they are deemed an employer for purposes of §202-j and must comply with the blood donation leave provisions set forth therein.

Please note that this opinion is based solely upon the information you provided in your correspondence of September 9, 2008. A different opinion could result if the information you provided was inaccurate, or if relevant facts were not disclosed.

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Should you have any further questions please do not hesitate to contact me.

Very truly yours,
Maria L. Colavito
Counsel

A handwritten signature in black ink, appearing to read 'Kristen L. Broden', is written over the printed name and title. The signature is fluid and cursive, extending across the width of the printed text.

By: Kristen L. Broden
Senior Attorney, of Counsel

KLB:jc
cc: Carmine Ruberto
Opinion File