



**Consumer  
Affairs**

**Julie Menin**  
Commissioner

**Amit S. Bagga**  
Deputy  
Commissioner,  
External Affairs

**42 Broadway**  
**8th Floor**  
**New York, NY 10004**

**+1 212 436 0169** tel

**nyc.gov/consumers**

The Honorable Costa Constantinides  
Member, New York City Council, 22<sup>nd</sup> District  
31-09 Newtown Avenue, Suite 209  
Astoria, NY 11102

**Re: The Earned Sick Time Act and Organ Donation**

Dear Council Member Constantinides:

Thank you for your letter requesting an interpretation from the New York City Department of Consumer Affairs ("DCA") regarding the use of earned sick time as it pertains to organ donation.

DCA enforces New York City's Earned Sick Time Act ("ESTA" or "paid sick leave"), which allows eligible employees in New York City to earn up to 40 hours of sick time in one year. This accrued leave can be used to take care of oneself or a family member during illness. An employer must provide paid leave if s/he employs five or more employees and must at least provide unpaid leave if s/he employs four or fewer employees.

As paid sick leave can be used for elective surgeries, DCA concludes that organ donation surgery, which is an elective procedure, is covered by the law.

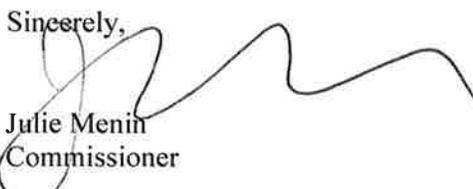
To ensure that New Yorkers are fully aware that paid sick leave can be used for this purpose, DCA has updated the Frequently Asked Questions ("FAQs") on our website to indicate that organ donation surgeries are covered by the paid sick leave law. The specific reference can be found in subsection three (3) of section IV (four) on the following webpage: <http://www1.nyc.gov/site/dca/about/paid-sick-leave-FAQs.page>.

DCA is committed to ensuring that all New Yorkers have direct access to information about paid sick leave and has made basic information about the law available in 28 languages on the main paid sick leave webpage ([www.nyc.gov/paidsickleave](http://www.nyc.gov/paidsickleave)).

Thank you for your leadership on the issue of organ donation. As you note in your letter, not having access to an organ can place an individual's life in grave danger. DCA is proud to enforce a paid sick leave law that, by allowing for the use of sick time for organ donation surgery, might encourage New Yorkers to consider donating organs to those in need.

Please do not hesitate to contact me or Amit S. Bagga, Deputy Commissioner of External Affairs, should you have any additional questions.

Sincerely,

  
Julie Menin  
Commissioner