§ 202-j. Leave of absence for blood donation granted to employees. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Employee" means a person who performs services for hire for an employer, for an average of twenty or more hours per week, and includes all individuals employed at any site owned or operated by an employer but shall not include an independent contractor.

(b) "Employer" means a person or entity that employs twenty or more employees at at least one site and includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, public authority or other governmental subdivision of any kind.

2. An employer must either, at its option: (a) grant three hours of leave of absence in any twelve month period to an employee who seeks to donate blood; provided that the leave of absence may not exceed three hours, unless otherwise agreed to by the employer, and must comply with the requirements established by the commissioner under subdivision five of this section; or (b) allow its employees without use of accumulated leave time to donate blood during work hours at least two times per year at a convenient time and place set by the employer, including allowing an employee to participate in a blood drive at the employee's place of employment.

3. An employer shall not retaliate against an employee for requesting or obtaining a leave of absence under this section.

4. This section shall not prevent an employer from providing leave for blood donation in addition to leave allowed under any other provision of law. This section shall not affect an employee's rights with respect to any other employee benefit otherwise provided by law.

5. The commissioner is hereby authorized and directed to establish any necessary guidelines, including requirements for notice, request and approval of leave, and documentation, for the timely implementation of the program.