



Recommendations on Bereavement Leave

California Working Families Policy Summit
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INTRODUCTION

Everyone suffers the often devastating loss of a relative at some point during their life. Under current law, an employer may legally discharge an employee for taking any leave of absence to prepare or attend a funeral. No person should ever have to choose between their employment and grieving the loss of a loved one.

The Family and Medical Leave Act and the California Family Rights Act provide California employees up to twelve weeks per year of job-protected leave in order to care for an ailing child, parent, spouse, domestic partner, or child of a domestic partner. However, in the unfortunate event that the ailing family member passes away, the employee's protected leave ends and that employee must immediately return to work or else risks losing her job. This defect in the law comes at no worse time, potentially forcing a grieving employee to choose between attending a family member's funeral and keeping her job.

While most public employment contracts and collective bargaining contracts provide for bereavement leave, the vast majority of Californians have no right to bereavement leave.

POLICY OBJECTIVE

Allow employees to take up to four days off work following the death of a spouse, child, parent, sibling, grandparent, grandchild, domestic partner or child of a domestic partner.

Background

In 2007, Senator Corbett introduced the first bereavement leave bill, SB 549. This bill would have provided employees with up to *four* days of unpaid bereavement leave. In 2010, Assemblymember Monning authored AB 2340, a reintroduction of the bereavement leave bill, providing employees with up to *three* days of unpaid bereavement leave. Both bills were vetoed by the Governor.

Recommended Actions

The Legislature should reintroduce a bereavement leave bill that would:

- Provide that no employer may discharge or in any way discriminate against an employee for taking off up to three days upon the death of a spouse, child, parent, sibling, grandparent, grandchild, domestic partner or child of a domestic partner.
- Establish that an employer may require an employee to use accrued vacation leave, accrued sick leave or other accrued time off during the bereavement leave.
- Establish that an employer may require the employee provide documentation of the death within a reasonable period of time.
- Provide an employee a private right of action, before either the Labor Commissioner or in a court of competent jurisdiction, to pursue reinstatement and monetary damages when an employer discharges or otherwise discriminates against the employee for taking time off under this section.