California is known for having a multitude of leaves available to employees from sick leave to organ donation leave. Despite this, California has not mandated employers provide bereavement leave for employees. Many businesses do include unpaid leave for employees to attend funerals and other related services, but such leave is not required under state law.

This may change by the end of the year if Assembly Bill 2999, the Bereavement Leave Act of 2020 (the Act), becomes law. The Act would require an employee to be provided up to 10 business days of unpaid leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner. Moreover, employers would be prohibited from interfering or restraining an employee from exercising their rights under the Act. The Act would also provide job protections for those using the leave.

Employees would not have to take the 10 days consecutively but would be required to take the leave within three months of the family member’s passing. The Act as
currently drafted states, “[t]he bereavement leave shall be taken pursuant to any existing bereavement leave policy. If there is no existing bereavement leave policy, the bereavement leave is to be unpaid, except that an employee may use vacation, personal leave, or compensatory time off that is otherwise available to the employee.”

Under the bill, employers could request that employees, within 30 days of the first day of bereavement leave, provide documentation of the death, including an obituary, written verification of death, burial, or memorial services from a mortuary, funeral home or crematorium, religious institution, or governmental agency.

The bereavement leave would apply to all employees of any size employer, except those covered by a valid collective bargaining agreement that expressly provides bereavement leave. There is also no length of service requirement indicated in the Assembly Bill before the employee can take the leave.

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