



Bereavement Leave

Mandatory bereavement leave is required for private employers with five or more employees. Eligible employees are those who have been employed by the employer at least 30 days before the start of bereavement leave. Key requirements include:

- Employers must provide up to five days of unpaid leave for each death of a covered family member (AB 1949) and for each “reproductive loss event” (SB 848).
- For death bereavement, covered family members include: spouse, domestic partner, child, parent, parent-in-law, sibling, grandparent, and grandchild.
- A “reproductive loss event” means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.
- The right to bereavement leave is per event. There is no limit on the number of times an eligible employee may take bereavement leave. However, for reproductive loss events, an employer may limit the employee to 20 days in a 12-month period.
- Although the leave is unpaid, employees may elect to use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.
- In most cases, an employee may be required to use the leave within three months of the date of the event. However, there are circumstances when an employee may have more time to use bereavement leave, such as when they are already out or choose to go out on another protected leave (e.g., CFRA, PDL). In qualifying circumstances, an employee may use bereavement leave within three months upon return from their other protected leave.
- The leave days need not be taken consecutively.

Employee Obligations

For bereavement leave for the **death of a covered family member (AB 1949)**, if requested by an employer, an employee must provide documentation of death of the family member within 30 days of the first day of leave. Acceptable documentation includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. Employers may **not** request certifying documentation for **reproductive loss events (SB 848)**.

Employer Obligations

Employers must maintain the confidentiality of any employee requesting bereavement leave. Any documentation the employee provides must be maintained as confidential and cannot be disclosed, except to internal personnel or counsel, as necessary, or as required by law.

Employers may not refuse to hire, or to discharge, demote, fine, suspend, expel, or discriminate against, an individual in connection with bereavement leave rights.

Policy Considerations

Although bereavement leave is unpaid by default, an employer may provide paid leave time in their policies, in their discretion. If an employer policy provides for paid bereavement leave time, an employee will be entitled to that paid time. Employers should also note that bereavement leave is a covered reason for paid sick leave purposes.