

# Get the Scoop on Bereavement Leave Law

**T**HE CALIFORNIA Civil Rights Department recently released a detailed set of [frequently asked questions](#) about a new bereavement law, which requires employers in the state with five or more workers to provide leave for up to five days to a worker who loses an immediate family member.

The law, which took effect Jan. 1, 2023, covers bereavement leave upon the death of a:

- Spouse
- Child
- Parent
- Sibling
- Grandparent
- Grandchild
- Domestic partner
- Parent in-law.

While the law requires employers with five or more employees to grant the five days of bereavement leave, they are not required to provide paid leave for those days.

The law provides “job protected leave,” meaning employers are barred from denying requests for leave and from retaliating against a worker who takes bereavement leave.

According to the new FAQs:

- The employer may require an employee to provide documentation of the death. Examples of acceptable documentation include “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.”
- Leave doesn’t have to be taken all at once. Employees have three months after the death of their loved one to take leave. And they could take three days off after the death of their

loved one, and then another two days around the time of the funeral.

- Eligibility depends on the size of the employer and the bereaved worker’s tenure. To be eligible for bereavement leave, an employee must have been employed for at least 30 days with the company before taking the leave and the employer must have five or more workers.

## Steps you should take

You should review the law for complete information on employees’ entitlement to bereavement leave to ensure compliance, and should consider implementing or updating current policies.

If your organization already grants bereavement leave, make sure you update your policies to reflect the mandatory five days. If you provide paid bereavement leave of, say, three days you can still pay them for those days and they can use paid time off or vacation days for the other two days or opt to take them without pay.

Employers can’t deny the bereavement leave. The FAQs advise workers who feel their bereavement leave rights have been violated or they have been subjected to discrimination, harassment or retaliation at work for requesting or using bereavement leave, to file a complaint with the state’s Consumer Rights Division.

The right to take bereavement leave is subject to the Civil Rights Department’s small employer family leave mediation program.

This program gives small employers (of five to 19 employees) and their current or former employees the right to mediate certain disputes, including those regarding bereavement leave, through the department’s Dispute Resolution Division.

You can get more details [here](#). ❖

