



Bereavement Leave

FREQUENTLY ASKED QUESTIONS

Background

Effective January 1, 2023, Assembly Bill 1949 - Bereavement Leave, governed by the California Family Rights Act (CFRA), provides five (5) days of job-protected leave to District employees for the death of a qualifying family member. The 5 days of protection are in addition to the twelve (12) weeks of leave permitted under the CFRA (if eligible) for reasons such as to care for self or a qualifying family member. Please note, bereavement leave that occurs in-state may yield different benefit entitlements to District employees based on their collective bargaining agreement (CBA).

For more information regarding bereavement leave, please reference the Frequently Asked Questions listed below.

1. What is bereavement leave?

Bereavement leave is a job-protected leave that provides eligible employees with up to five (5) days of bereavement leave upon the death of a qualifying family member.

2. How are the 5 days of bereavement leave paid?

Employees, who travel out of state, are entitled to five (5) paid days of bereavement leave and do not have to use their own benefit time. Employees, who do not require out-of-state travel, are entitled to three (3) paid days of bereavement leave. For the two (2) additional days, employees may use vacation, personal necessity, or request unpaid leave.

3. Does the new legislation change the out-of-state bereavement leave?

No. The new legislation does not change the out-of-state bereavement leave allowances. Employees, who required out-of-state travel, are entitled to five (5) paid days of bereavement leave.

4. When am I required to use vacation, personal necessity, or unpaid leave in conjunction with bereavement?

Employees will be required to use vacation, personal necessity, or unpaid leave when there is a need to utilize more than three (3) days of bereavement (but no more than 5 days) for a qualifying family member's death that does not require out-of-state travel.

5. How many days of bereavement leave are protected?

The maximum number of protected days for each leave is five (5) days. Paid bereavement in addition to vacation, personal necessity, or unpaid time taken for bereavement leave purposes are protected under CFRA.

6. When are employees eligible to take bereavement leave?

Bereavement Leave

FREQUENTLY ASKED QUESTIONS

Employees are eligible to take bereavement leave when they have been employed for at least thirty (30) days prior to the first date of requesting leave for the loss of a qualifying family member.

7. How do you define a qualifying family member?

Spouse, child, parent, sibling, grandparent, grandchild, parent-in-law, and designated person as defined in California Government Code Section 12945.2 are covered.

8. What is a “Designated Person”?

A Designated Person is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship.

9. Are District employees allowed to take bereavement leave for multiple Designated Persons?

District employees are allowed to identify **one (1)** Designated Person within a twelve (12) month period. The same identified Designated Person shall be used for all applicable protected leaves (i.e., bereavement, Kin Care, and California Family Rights Act, if necessary) within a 12-month period.

10. When are employees required to complete bereavement leave?

District employees must complete bereavement leave within three (3) months of the qualifying family member’s date of death unless the employee is covered by a collective bargaining agreement (CBA) that offers more than the 3-month allowance.

11. My collective bargaining agreement states that I must commence my bereavement leave within ten (10) days from the loss of my qualifying family member’s death. Do I have (ten) 10 days or three (3) months to complete my leave?

Effective January 1, 2023, the new bereavement leave legislation allows employees to complete bereavement leave within 3 months of the qualifying family member’s date of death. As a result of the new legislation, District employees are now allowed to complete bereavement leave within 3 months unless an employee is covered by a collective bargaining agreement (CBA) that offers more than the 3-month allowance.

12. Am I allowed to extend my bereavement leave if I need more than five (5) days?

Yes. Employees may request personal necessity (as outlined within their CBA), vacation, or an unpaid leave of absence when there is a need to take bereavement leave for more than 5 days.

Please note: Only five (5) days of bereavement leave, per qualifying family member, is protected.

Bereavement Leave

FREQUENTLY ASKED QUESTIONS

13. My family member does not qualify for bereavement leave protection, what leave options do I have available?

Employees may request personal necessity (as outlined within their CBA), vacation, or an unpaid leave of absence when there is a need to take bereavement leave for a family member that does not qualify for bereavement leave protection.

14. Are employees required to provide documentation prior to taking bereavement leave?

District employees may be requested to provide documentation of the death of a qualifying family member. If requested, employees must provide documentation within thirty (30) days of the first day of leave. All bereavement leave documentation shall be filed and stored to maintain confidentiality.

15. What type of documentation is acceptable for bereavement leave?

Acceptable documentation includes, but is not limited to, a death certificate, a published obituary, or a written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency.

16. Can you take bereavement leave more than once per year?

Yes. Bereavement leave entitlement is contingent upon the death of a qualifying family member. If a District employee experience more than one death of a qualifying family member within a year, then the employee would be entitled to up to five (5) days of bereavement leave for each qualifying family member.

17. Are District employees required to take bereavement leave concurrently when eligible and entitled to take more than one bereavement leave during the same three (3) months?

No. Bereavement leave may be taken consecutively or intermittently so long as the leave commences and is completed within 3 months from the qualifying family members' date of death (unless the eligible employee is provided more time per their CBA).

18. I am a substitute employee. Am I entitled to paid bereavement leave?

No. Substitutes are not entitled to paid bereavement leave. Substitutes, who have been employed for at least thirty (30) days prior to the first date of requesting leave for the loss of a qualifying family member, may take **up to five (5) days** of bereavement leave as unpaid.

Bereavement Leave

FREQUENTLY ASKED QUESTIONS

19. Are there new job-protected pay codes for bereavement leave?

Yes. Please reference the table below for the new job-protected bereavement leave pay codes.

Leave Type	Pay Code	Pay Code Status
Paid Bereavement	BV	Existing
Bereavement - Personal Necessity	BVPN	New (2023)
Bereavement - Vacation	BVVA	New (2023)
Bereavement - Unpaid	BVUP	New (2023)