



BEREAVEMENT LEAVE FACT SHEET

Governor Newsom signed into law AB 1949, which creates protected bereavement leave. AB 1949 makes it unlawful for an employer to refuse to grant an eligible employee the opportunity to take up to five days of bereavement leave upon the death of a qualifying family member. The bereavement leave is unpaid, but an employee may use available accruals, including sick leave accruals to be paid for the time off.

THE BASICS of AB 1949/BEREAVEMENT LEAVE

- AB1949 becomes effective as of January 1, 2023.
- Provides eligible employees with up to five days of unpaid Bereavement Leave upon the death of a qualifying family member.
- The five days of Bereavement Leave provided under AB 1949 are an **additional** form of protect leave.
- AB 1949 Bereavement Leave is not in addition to the five days of bereavement leave already provided in Administrative Bulletin No. 411 and the MOUs. To the extent the Administrative Bulletin and MOUs restrict use of two of the five days for travel time, that restriction should no longer be enforced.

ELIGIBILITY and QUALIFYING FAMILY MEMBERS

- An employee is eligible for Bereavement Leave once they have been employed for at least 30 days prior to the commencement of leave.
- A qualifying family member includes (please note, a Designated Person is **NOT** included):
 - Spouse
 - Child
 - Parent
 - Sibling
 - Grandparent
 - Grandchild
 - Domestic Partner
 - Parent-in-Law
- The employee can use Bereavement Leave for each qualifying occurrence, meaning each death of a qualifying member.
- No limit for how many times an employee can be eligible for Bereavement Leave.

WHEN AND HOW BEREAVEMENT LEAVE CAN BE TAKEN

- The five days of Bereavement Leave can be taken intermittently, it does not need to be taken consecutively.
- Leave can be taken for any reason related to the death (mourning, funeral, planning for service, etc.)
- The employee must complete the Bereavement Leave within three months of the family member's death

DOCUMENTATION

- No documentation is needed for Bereavement Leave. Employees will fill out a "Request for Leave of Absence" form, check "Bereavement Leave" and check the qualifying family member for whom they will be using Bereavement Leave. The employee will submit the form to their manager or supervisor. An updated "Request for Leave of Absence" form is available on the Intranet and County website under the Human Resources Department, Leave of Absence section.
- Department personnel must maintain the confidentiality of an employee who requests Bereavement Leave under AB 1949, and all related documentation must be maintained as confidential, disclosed only as required by law.

USE OF ACCRUALS

The five days of Bereavement Leave are unpaid; however, the employee may elect to use any available accrued leave, such as sick and/or vacation leave accruals.

- Most MOUs and County Policy currently permit an employee to use paid sick leave because of a death in the employee's immediate family or the employee's domestic partner, but shall not exceed three working days, plus up to two days of work time for necessary travel. Under AB1949 employees may now take five days regardless of travel time and use compensatory time off or any available accruals, not just sick leave accruals.

DESIGNATION

Employees would be approved upon request if all eligibility requirements are met. Bereavement Leave is a protected leave of absence and cannot be denied. Departments should track the time off as a protected leave of absence.

PROTECTED LEAVE

Employers are not permitted to take negative action against an employee who exercises their right to Bereavement Leave as granted under AB 1949.