



OFFICE OF ASSEMBLYMEMBER
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TWENTY-EIGHTH ASSEMBLY DISTRICT

ASSEMBLY BILL 95: Bereavement Leave

SUMMARY

AB 95 protects workers' right to take unpaid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner.

benefits typically offer three to five days of leave for the death of an immediate family member. Often, this is not enough time to make memorial arrangements, notify close friends and family, travel, and terminate financial accounts or insurance policies.

BACKGROUND

Current law protects employees' rights to paid or unpaid leave for a multitude of reasons. These reasons include caring for a family member with a serious illness, bonding with a newborn child, and obtaining a domestic violence restraining order, among others.

Grief affects our mental, emotional, and physical health, and employees should not be expected to work at full productivity as they cope with the loss of a loved one.

The California Family Rights Act (Government Code Section 12945.2) specifies that any employee with more than 12 months of service with an employer may take up to 12 weeks for family care and medical leave. The California Family Rights Act (CFRA) applies to employers with more than five employees and aligns with the federal Family and Medical Leave Act of 1993 (FMLA).

State law additionally protects workers' rights to paid leave for organ and bone marrow donation (Labor Code Section 1508) and unpaid leave for Civil Air Patrol duty (Labor Code Section 1500).

SOLUTION

This legislation will ensure that workers are entitled to take job-protected, unpaid bereavement leave to mourn the loss of their immediate family member. For employers with less than 25 employees, AB 95 guarantees workers up to three business days of unpaid leave. For employers with 25 or more employees, AB 95 guarantees workers up to 10 business days of unpaid leave. It does not affect existing collective bargaining agreements that provide for bereavement leave.

Especially during this pandemic induced recession, we must guarantee that Californians to do not feel rushed to return work after losing a loved one for fear that they will also lose their job. This right to unpaid bereavement leave will protect workers from exploitation during a moment of immense hardship.

PROBLEM

Workers in California have no right to bereavement leave, paid or unpaid, when a close family member dies. According to the Bureau of Labor Statistics (BLS), only 60 percent of private workers in the United States have access to some form of bereavement leave. For part-time workers, this benefit is even scarcer.

Among employers who provide bereavement leave, many do not offer enough time for workers to properly grieve. The BLS reports that companies with bereavement leave

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