

Bereavement Leave



FAQ

California law guarantees most employees up to five days of bereavement leave from work following the death of a family member.¹ The Civil Rights Department (CRD), which enforces this right to bereavement leave, created this Frequently Asked Questions (FAQ) document to help employers and employees understand this right, which became effective on January 1, 2023.

1 | Is bereavement leave available to me?

If you work for an employer with five or more employees, you may be entitled to bereavement leave following the death of certain family members. Beginning January 1, 2023, private employers with five or more employees are required to grant an eligible employee's request for up to five days of bereavement leave from work following the death of the employee's family member. To be eligible for bereavement leave, an employee must have been employed for at least 30 days before taking the leave. Bereavement leave is also available to employees who work for the State of California² and for local governments.

2 | For which family members can I take bereavement leave?

An employer is only required to permit the use of bereavement leave for the death of certain family members. Covered employers must allow you to take bereavement leave upon the death of your spouse, child, parent, sibling, grandparent, grandchild, or parent-in-law. However, an employer may voluntarily allow bereavement leave to be taken upon the death of another person with whom you have a relationship.

3 | What if my employer already has a bereavement leave policy?

You must follow your employer's existing bereavement leave policy. For example, if your employer's policy requires you to inform human resources that you are taking bereavement leave, you must continue to do so under the new law. However, if the employer's policy does not grant at least five days of bereavement leave following the death of a family member (as defined in question 2), you are still entitled to five days of bereavement leave under the law.

¹ Government Code section 12945.7.

² State employees who are eligible for bereavement leave under Government Code section 19859.3 are not covered under the new bereavement law. However, section 19859.3 creates a bereavement leave entitlement for state employees who are excluded from collective bargaining. For state employees who are covered under collective bargaining agreements, those agreements must include a bereavement leave entitlement that is at least as protective as the leave required under Government Code section 12945.7.

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4 | Do I have to take my bereavement leave all at once?

No, but you must complete your leave during the three months after the death of the person for whom you are taking leave. For example, following the death of a parent, you could take three days of leave immediately and then take two days off from work two months later.

5 | Does my employer have to let me return to work after bereavement leave?

Yes. It is unlawful for your employer to discriminate or retaliate against you because you requested or used bereavement leave. An employer is prohibited from terminating, demoting, suspending, or taking other adverse actions toward you because you requested or used bereavement leave. Employers also cannot take negative action against you if you provide information or make a complaint to CRD about you or your coworker's request for bereavement leave.

6 | Am I limited to taking bereavement leave for only one death per year?

No. You are entitled to take up to five days of bereavement leave upon the death of each family member (as defined in question 2). For example, an employee who loses a parent, child, and grandparent within the same year can take three five-day periods of bereavement leave during that year.

7 | If I take bereavement leave, will that reduce the amount of time that I can take for other types of protected leave from work?

No. Bereavement leave is separate from, and in addition to, your right to take other types of protected leave from work. In addition to bereavement leave, eligible California employees are entitled to up to 12 weeks of leave from work to care for their own serious health condition, a family member with a serious health condition, or to bond with a new child (commonly known as California Family Rights Act Leave or CFRA Leave). Additionally, eligible California employees are entitled to up to four months of leave when they are disabled by pregnancy, childbirth, or a related medical condition (commonly known as Pregnancy Disability Leave). For more information about these types of leave, visit: <https://calcivilrights.ca.gov/family-medical-pregnancy-leave>.

8 | Does my employer have to pay me during bereavement leave?

Not unless you use other paid leave available. Although covered employers are required to grant up to five days of bereavement leave, the law does not require that employers pay you for this leave time. However, many employers have paid bereavement leave policies, so be sure to check with your employer about any existing policy that they may have in place. Also, if your employer does not provide paid bereavement leave but you have available sick leave, vacation, personal leave, or other types of paid leave, your employer is required to allow you to use that leave so you can receive pay during your bereavement leave.

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9 | Do I have to provide my employer any documentation in order to take bereavement leave?

Yes, if requested. If your employer requests documentation of the death, you are required to provide it. However, you are not required to provide such documentation before you begin your leave. Instead, you must provide this documentation within 30 days of the first day of your bereavement leave. This documentation may be in the form of a death certificate, obituary, or written verification of death, burial, or memorial service from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency.

Your employer must keep this documentation confidential and not disclose it except as necessary to internal personnel or counsel, or if required by law.

10 | I am in a union and under a collective bargaining agreement – am I entitled to bereavement leave?

Yes. Collective bargaining agreements must provide for at least five days of unpaid, job-protected bereavement leave.

11 | I think my right to bereavement leave was violated. What do I do?

File a complaint with CRD. If you have been denied bereavement leave, or if you have been subjected to discrimination, harassment, or retaliation at work for requesting or using bereavement leave, you may file a complaint with CRD (see “To File a Complaint,” below).

The right to take bereavement leave is subject to CRD’s small employer family leave mediation program. This program gives small employers (of 5 to 19 employees) and their current or former employees the right to mediate certain disputes, including disputes regarding bereavement leave, through CRD’s Dispute Resolution Division. For more information, you can review CRD’s [fact sheet on the small employer family leave mediation program](#).

If you think you have been a victim of discrimination, please contact CRD.

TO FILE A COMPLAINT

Civil Rights Department

calcivilrights.ca.gov / Toll Free: 800.884.1684 / TTY: 800.700.2320

Have a disability that requires a reasonable accommodation?
CRD can assist you with your complaint.

For translations of this guidance, visit: calcivilrights.ca.gov/posters/employment