

**TITLE:** Bereavement Leave

**NUMBER:** BUL-147710

**ISSUER:** David Hart  
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**ROUTING**

All Employees  
All Locations

**DATE:** December 4, 2023

**POLICY:** The Los Angeles Unified School District (District) is committed to providing eligible employees with job-protected time off work under the California Family Rights Act for Bereavement Leave; an eligible employee is entitled to up to five (5) days of job-protected bereavement leave for the death of a qualifying family member.

**MAJOR CHANGES:** This is a new policy. The Bereavement Leave is a policy in accordance with Government Code section 19859.3 that provides an eligible employee is entitled to up to five (5) days of job-protected bereavement leave for the death of a qualifying family member.

**GUIDELINES:** I. ELIGIBILITY

Employees 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 are eligible for bereavement leave.

II. LEAVE ENTITLEMENT

Bereavement leave entitles eligible employees to take up to five (5) days of job-protected time off work per death of a qualifying family member. If a District employee experiences 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.

Up to five (5) days of job protection are in addition to the twelve (12) weeks of leave permitted to eligible employees under the California Family Rights Act (CFRA) for reasons such as to care for self or a qualifying family member.

### III. DURATION OF LEAVE ENTITLEMENT

Bereavement leave may be taken consecutively or intermittently so long as the leave commences and is completed within three (3) months from the qualifying family members' date of death unless the employee is covered by a collective bargaining agreement (CBA) that offers more than the three (3) month allowance. Permanent employees may interrupt or terminate vacation to take bereavement leave.

### IV. EMPLOYEES' RESPONSIBILITIES AND RIGHTS

- A. Employees shall notify their immediate supervisor of the need to take bereavement leave and must complete their leave within three (3) months from the date of death (unless their collective bargaining agreement provides more than the three (3) month allowance) from the qualifying family member's date of death.
- B. Employees are required to submit a Certification and/or Request of Absence for Non-Illness Form No. 60. NON-ILL for each bereavement leave occurrence.
- C. Employees may be requested to provide documentation of the death of a qualifying family member. Employees must provide documentation within thirty (30) days from the first day of leave if requested.
- D. Bereavement leave will not constitute a service break for establishing longevity or seniority or for layoff, recall, promotion, job assignment, or seniority-related benefits. Unpaid bereavement leave is not treated as credited service time for permanency, retirement, or benefit accrual, vesting, and eligibility with CalSTRS or CalPERS.
- E. Maintenance of health benefits (if enrolled) during any period of bereavement leave shall occur under the same conditions as if the employee had continued to work.

F. Employees shall be reinstated to the same or equivalent position upon return from bereavement leave, subject to seniority rules in the event of layoffs in the employee's position. Any portion of leave that extends beyond the employee's bereavement leave entitlement does not yield return rights under the California Family Rights Act for Bereavement Leave. However, employees may have rights under their respective collective bargaining agreement and/or Personnel Commission Rules and Regulations.

V. ADMINISTRATOR, MANAGER, SUPERVISOR, OR DESIGNEE RESPONSIBILITIES

A. Grant an employee's bereavement leave request upon receipt of notification.

B. Ensure that an employee submits a Certification and/or Request of Absence for Non-Illness (Form No. 60. NON-ILL) for each granted request to take bereavement leave prior to certifying payroll for the corresponding date(s) of protected bereavement leave compensation.

C. Maintain confidentiality of all requested supportive documentation submitted by an employee to substantiate a bereavement leave request.

VI. ACCEPTABLE DOCUMENTATION

Acceptable documentation to support bereavement leave may be requested by administrator, manager, supervisor, or designee but is not required and may include 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.

All bereavement leave supportive documentation shall be filed and stored to maintain confidentiality.

VII. QUALIFYING FAMILY MEMBER

A qualifying family member is defined as a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, parent-in-law, or one (1) designated person (within a 12-month period) related by

blood or whose association with the employee is the equivalent of a family relationship as defined in California Code, Government Code, Section 12945.2.

In addition to the qualifying family members listed above, employees may request bereavement leave for family members as defined within their corresponding collective bargaining agreement (CBA). Employees who are not covered by a CBA may also take bereavement leave for family members listed in the District's Personnel Commission Rules and Regulations.

#### VIII. RELATED DEFINITIONS

- A. 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.
- B. Child: Biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis regardless of age or dependency status.
- C. Designated Person: Any individual related by blood or whose association with the employee is the equivalent of a family relationship. District employees are limited to one designated person per 12-month period. The employee may identify the designated person when the employee requests a leave for family care, medical, bereavement, and/or kin care.
- D. Domestic Partner: A registered domestic partner within the meaning of the California Family Code sections 297 through 297.5. per Los Angeles Unified School District BUL-122901.
- E. Family Member: Child, Parent, Spouse, Domestic Partner, Grandparent, Grandchild, and Sibling.
- F. Grandchild: Child of the employee's child.
- G. Grandparent: Parent of the employee's parent.
- H. In Loco Parentis: A type of relationship in which a person has put themselves in the situation of a parent by assuming and discharging the obligations of a parent to a minor child, including persons with day-to-day responsibilities to care for or financially support a minor child.

- I. Parent: Biological, adoptive, foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis to the employee when the employee was a minor child. This definition of parent includes parent-in-law.
- J. Sibling: A person related to another person by blood, adoption, or affinity through a common legal or biological parent.
- K. Spouse: Husband or wife. This definition includes an individual in a same-sex or common-law marriage entered into a state that recognizes such marriages. The state of California does not recognize common-law marriage.

#### IX. COMPENSATION

Employees are entitled to up to five (5) days of bereavement leave that may be paid or unpaid. District employees' collective bargaining agreements determine pay. In general, the first three (3) days are paid by the District to eligible employees who take bereavement leave for the death of a family member that occurs in-state. For the additional two (2) days, employees may elect to use personal necessity, vacation, or take the bereavement leave as unpaid. Eligible employees are entitled to up to five (5) days of District-paid bereavement leave if out-of-state travel is required.

#### X. PAYROLL CODE

The following pay codes can be used for bereavement:

- A. BV – Bereavement
- B. BVPN – Bereavement – Personal Necessity
- C. BVVA – Bereavement – Bereavement Vacation
- D. BVUP – Bereavement – Bereavement Unpaid

#### XI. NON-RETALIATION/PROTECTION FROM INTERFERENCE

Employers are prohibited from interfering with employees' right to take bereavement leave. Interfering includes discriminating or retaliating against an employee for exercising or attempting to exercise bereavement leave rights. Employees have the right to utilize bereavement leave for any qualifying reason without criticism or

discouragement. Also, an employee must not be subject to discipline for the exercise of bereavement leave rights.

Retaliation and/or interference does not include an employer's pertinent contact/communications with the employee regarding the employee's job. The employer, however, is not permitted to contact the employee to induce the employee to return from leave or to require the employee to perform actual work.

An employee can freely exercise their right to take bereavement leave under the law and not be disciplined for doing so, taking a protected leave of absence will not affect pending disciplinary proceedings or prevent discipline from being issued that is based upon legitimate reasons related to work performance and/or conduct.

**AUTHORITY:** This is a policy of the Los Angeles Unified School District. This policy is established in accordance with the California Family Rights Act 2023.

**RELATED RESOURCES:**

- Los Angeles Unified School District FMLA/CFRA website: <https://www.lausd.org/Page/2206>
- Collective Bargaining Agreements: <https://www.lausd.org/Page/4080>
- Personnel Commission Rules: <https://www.lausd.org/Page/18911>
- Civil Rights Department, CFRA Regulations: <https://civildrights.ca.gov/>
- [BUL-6529.1, Legally-Mandated Paid Sick Leave for Eligible Employees](#)
- [REF-6528.1, Reporting Paid Sick Leave for Substitute/Temp Eligible Employees](#)
- [BUL-1205.7, Family and Medical Leave Act/California Family Rights Act, and Pregnancy Disability Leave](#)
- [Payroll Concepts Manual dated February 1, 2023](#)

**ATTACHMENTS:** There are no attachments.

**ASSISTANCE:** For assistance or further information regarding protected bereavement leave entitlements, contact Absence Management in the Division of Risk Management and Insurance Services at [absencemanagement@lausd.net](mailto:absencemanagement@lausd.net) or visit Absence Management's website at <https://www.lausd.org/idm>.