

**Introduced by Senator Corbett**

February 22, 2007

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An act to add Section 230.5 to the Labor Code, relating to employee rights.

LEGISLATIVE COUNSEL'S DIGEST

SB 549, as amended, Corbett. Employee's right to bereavement leave.

Existing law provides employees with the right to take time off work without discharge or discrimination for a number of reasons.

This bill would add the right to take time off for bereavement leave.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 230.5 is added to the Labor Code, to  
2 read:

3 230.5. (a) An employer shall not discharge, discipline, or in  
4 any manner discriminate against an employee for *requesting or*  
5 taking up to four days of bereavement leave off upon the death of  
6 a spouse, child, parent, sibling, grandparent, grandchild, or  
7 registered domestic partner.

8 (b) For purposes of this section, the following terms have the  
9 following meanings:

10 (1) "Child" has the same meaning as defined in paragraph (1)  
11 of subdivision (b) of Section 233.

1 (2) “Employee” means a person employed by the employer for  
2 at least 60 days prior to the commencement of the leave.

3 (3) “Parent” has the same meaning as defined in paragraph (3)  
4 of subdivision (b) of Section 233.

5 (4) “Registered domestic partner” has the same meaning as  
6 defined in Section 297 of the Family Code, who is registered  
7 pursuant to Part 2 (commencing with Section 298) of Division 2.5  
8 of the Family Code.

9 (5) “Sibling” has the same meaning as defined in subdivision  
10 (c) of Section 362.1 of the Welfare and Institutions Code.

11 (c) The days of bereavement leave need not be consecutive.

12 (d) The bereavement leave is to be unpaid, except that an  
13 employee may use vacation, personal leave, or compensatory time  
14 off that is otherwise available to the employee.

15 (e) The employee, if requested by the employer, shall, within  
16 30 days of the leave, provide documentation of the death of the  
17 spouse, child, parent, sibling, grandparent, grandchild, or registered  
18 domestic partner. “Documentation” includes a death certificate, a  
19 published obituary, or written verification of death, burial, or  
20 memorial services from a mortuary, funeral home, burial society,  
21 crematorium, religious institution, or government agency.

22 (f) An employee who is discharged, disciplined, or otherwise  
23 discriminated against in terms or conditions of employment by his  
24 or her employer because the employee has *requested or* taken  
25 bereavement leave pursuant to this section is entitled to  
26 reinstatement and ~~reimbursement for lost wages and benefits to~~  
27 *recover actual damages.*

28 (g) An employee who believes he or she has been discharged,  
29 disciplined, or in any way discriminated against in violation of  
30 this section may take either of the following actions:

31 (1) The employee may file a complaint with the Division of  
32 Labor Standards Enforcement in accordance with Section 98.7 of  
33 the Labor Code.

34 (2) The employee may bring a civil action for the remedies  
35 provided in subdivision (f) in a court of competent jurisdiction. If  
36 the employee prevails, the court may award the employee  
37 reasonable attorney’s fees.

- 1 (h) The rights and remedies of this section are cumulative,
- 2 nonexclusive, and in addition to any other rights and remedies
- 3 afforded by contract or other provisions of law.

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