

Date of Hearing: June 2, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 2999 (Low) – As Amended May 4, 2020

Policy Committee: Labor and Employment

Vote: 5 - 1

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill requires an employer, including any public sector employer, to provide up to 10 business days of unpaid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild or domestic partner. This leave does not need to be consecutive, but must be completed within three months of the death of the family member. This bill also authorizes an employee whose employer discharges, disciplines, or discriminates against them because they took bereavement leave to file a complaint with the Division of Labor Standards Enforcement (DLSE) or to bring a civil action without exhausting any administrative remedies.

FISCAL EFFECT:

- 1) Annual special fund costs to DLSE of approximately \$100,000 in the first year of implementation and \$91,000 ongoing each year thereafter.
- 2) Additional staffing costs for state departments by raising the minimum amount of available bereavement leave. Currently, an excluded state employee may take three days of paid bereavement leave and, upon approval of their employer, may take additional time off using unpaid time or accrued sick or vacation time. This bill's practical impact is to raise the floor and guarantee a bereaved employee a minimum of 10 days.

COMMENTS:

- 1) **Purpose.** According to the author, this bill “will protect workers during one of the most trying moments of their life” by ensuring workers are entitled to take up to 10 days of job-protected bereavement leave.
- 2) **Background.** Current law affords some employees options for job-protected unpaid leave such as the Fair Medical Leave Act and the California Families Rights Act (CFRA), to care for an ailing child, parent, spouse, domestic partner, or child of a domestic partner. Several other programs, including the Paid Disability Leave and Paid Family Leave programs, also offer some employees the option to take unpaid and partial wage replacement leave. However, current law does not require employers to provide protected leave specifically for bereavement, although some employers already provide bereavement leave as part of a collective bargaining agreement or because they understand it is the right thing to do.

- 3) **Recent legislation.** AB 325 (Lowenthal), of the 2011-12 Legislative Session, which proposed providing employees with up to three days of unpaid bereavement leave, was vetoed by the Governor. The Governor's veto message stated:

I am returning Assembly Bill 325 without my signature.

Granting bereavement leave when a close family member dies is the moral and decent thing to do and I believe that the vast majority of employers voluntarily make such an accommodation for the loss of a loved one.

I am also concerned that this measure adds a more far reaching private right to sue than is contained in related statutes.

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