
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT
Senator Lola Smallwood-Cuevas, Chair
2025 - 2026 Regular

Bill No: SB 1149 **Hearing Date:** March 25, 2026
Author: Durazo
Version: February 18, 2026
Urgency: No **Fiscal:** Yes
Consultant: Alma Perez

SUBJECT: Employees: bereavement leave

KEY ISSUE

This bill adds a “designated person,” defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship, to the list of individuals for whom an employee may take up to five days of bereavement leave upon the death of such family member.

ANALYSIS

Existing law:

- 1) Makes it an unlawful employment practice for an employer to refuse to grant a request by any employee to take up to five days of bereavement leave upon the death of a family member. (Government Code § 12945.7)
- 2) Regarding bereavement leave, specifies:
 - a) The days of bereavement leave need not be consecutive.
 - b) The bereavement leave shall be completed within three months of the date of death of the family member.
 - c) The bereavement leave shall be taken pursuant to any existing bereavement leave policy of the employer, as specified.
 - d) The employee, if requested by the employer, within 30 days of the first day of the leave, shall provide documentation of the death of the family member.
 - i. As used in this subdivision, “documentation” includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency. (Government Code § 12945.7)
- 3) Makes it an unlawful employment practice for an employer to:
 - a) Refuse to hire, or to discharge, demote, fine, suspend, expel, or discriminate against, an individual because of either of the following:
 - i. An individual’s exercise of the right to bereavement leave.
 - ii. An individual’s giving information or testimony as to their own, or another person’s, bereavement leave in an inquiry or proceeding related to these guaranteed rights.
 - b) Interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under these provisions.

(Government Code § 12945.7)

- 4) Provides an exemption from these requirements for an employee who is covered by a valid collective bargaining agreement if the agreement expressly provides for bereavement leave equivalent to that required by these provisions and for the wages, hours of work, and working conditions of the employees, and if the agreement provides premium wage rates for all overtime hours worked, where applicable, and a regular hourly rate of pay for those employees of not less than 30 percent above the state minimum wage. (Government Code § 12945.7)
- 5) For purposes of these provisions, defines the following:
 - a) “Employee” means a person employed by the employer for at least 30 days prior to the commencement of the leave, as specified.
 - b) “Employer” means either of the following:
 - i. A person who employs five or more persons to perform services for a wage or salary.
 - ii. The state and any political or civil subdivision of the state, including, but not limited to, cities and counties.
 - c) “Family member” to mean a spouse or a child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law as defined in Government Code Section 12945.2. (Government Code § 12945.7)

This bill:

- 1) Expands the definition of “family member” to additionally extend bereavement leave rights to “designated persons,” as that term is defined under Government Code Section 12945.2.
- 2) Defines “designated person,” pursuant Government Code Section 12945.2, as follows:
 - a) Any individual related by blood or whose association with the employee is the equivalent of a family relationship.
 - b) The designated person may be identified by the employee at the time the employee requests the leave.
 - c) An employer may limit an employee to one designated person per 12-month period for family care and medical leave.

COMMENTS

1. Background:

Bereavement Leave:

Through the passage of AB 1949 (Low, Chapter 767, Statutes of 2022), beginning on January 1, 2023, California law guarantees most employees up to five days of *unpaid, job-protected bereavement leave* from work following the death of a family member. Existing law authorizes employees to take this leave following the death of a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law. As noted above, this leave is available to employees working for employers of five or more employees who have worked at least 30 days prior to the commencement of the leave.

Although covered employers are required to grant up to five days of bereavement leave, the law does not require that employers pay for this leave time. However, many employers have paid bereavement leave policies that may be available to workers. Additionally, employees may be able to use available sick leave, vacation, personal leave, or other types of paid time off during their bereavement leave. Employees who are denied access to bereavement leave, or have been subjected to discrimination, harassment, or retaliation for requesting or using bereavement leave, may file a complaint with the California Civil Rights Department.

The importance of the “Chosen Family” and Designated Persons in Existing Law:

As noted above, existing bereavement leave authorizes workers to take time off from work to grieve the death of a spouse, child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law. This definition does not reflect the changing structure of households in California. According to U.S. Census Bureau data, the number of households in the United States that follow the traditional nuclear family structure with two married parents are declining, while the number of other types of households are increasing.¹

The U.S. Census Bureau data shows that California has a higher percentage of multigenerational households than average. Therefore, it is not uncommon for individuals in California to be living with other relatives. Additionally, California’s LGBTQ+ community is more likely to be impacted by current definitions. Many LGBTQ+ adults, especially older adults, do not have any relationship with biological relatives. According to data from a study by the Center for American Progress, fewer than 1 in 3 respondents over age 55 reported that they would be likely to turn to biological or legally recognized family members for support when sick and would instead call upon a partner they were not married to, chosen family, or friends.²

In recognition of the uniqueness of California households, the Legislature has taken action in recent years to expand access to other protected leaves to “designated persons” identified by employees when taking leave. Most recently, SB 590 (Durazo, Chapter 772, Statutes of 2025) expanded, commencing on July 1, 2028, eligibility for benefits under the Paid Family Leave program to include individuals who take time off work to care for a seriously ill designated person, as defined. Prior to that, AB 1041 (Wicks, Chapter 748, Statutes of 2022) added a designated person to the list of individuals for whom an employee may take leave to care for under the California Family Rights Act (CFRA) and the Healthy Workplaces, Healthy Families Act of 2014 (Paid Sick Days). Similarly, AB 1041 authorized the employee to identify the designated person at the time of the request for leave. AB 1041 additionally authorized employers to limit the employee to one designated person per 12-month period.

This bill proposes to add the “designated person” provisions to allow individuals to use bereavement leave following the death of a chosen family member for which they already have the right to take other family care leaves for.

¹ <https://www.census.gov/topics/families.html>

² “Making the Case for Chosen Family in Paid Family Leave and Medical Policies,” Lindsey Mahowald and Diana Boesch, Center for American Progress (February 16, 2021) <https://www.americanprogress.org/article/making-case-chosen-family-paid-family-medical-leave-policies/>

2. Need for this bill?

According to the author:

“Grief affects our mental, emotional, and physical health. However, some workers are currently unable to take leave to grieve simply because their family member is not recognized by California’s bereavement leave law. Under current California law, workers can take job-protected leave to care for a chosen or extended family member, but they do not have the right to take bereavement leave if that family member dies. This particularly impacts immigrants, older adults, LGBTQ+ people, and other communities who are more likely to have close ties to chosen and extended family. Bereavement leave is an important protection that allows workers time to grieve and to participate in culturally-specific mourning practices. Furthermore, differing legal definitions of family create confusion for both workers and employers.

SB 1149 will make California’s existing bereavement leave law more equitable by expanding it to allow workers to take job-protected leave following the death of a “designated person” who is a chosen or extended family member. This simple change will align California’s bereavement leave with other state sick and family leave laws.”

3. Amendments:

As currently in print, this bill simply adds “designated person” to the existing “family member” definition in the bereavement leave provisions of existing law. The existing definition cross references to Government Code Section 12945.2 for more detailed definitions of the specified family members.

Government Code Section 12945.2 governs the California Family Rights Act (CFRA) and grants eligible employees up to 12 weeks of unpaid, job-protected leave per year to bond with a new child, care for a family members with a serious health condition, or attend to their own serious health condition. CFRA includes expanded definitions for “parent,” “parent-in-law,” “grandchild,” “grandparent,” “sibling,” and “designated person.”

CFRA defines “designated person” to mean “any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An employer may limit an employee to one designated person per 12-month period for *family care and medical leave*.” This definition is specifically targeted for CFRA and could create some confusion with how it fits into bereavement leave.

To provide more clarity and avoid any confusion, the author would like to amend the bill to add the following definition of “designated person” directly into the bereavement provisions:

“Designated person” means any individual related to the employee by blood or whose association with the employee is the equivalent of a family relationship. This designated person may be identified by the employee at the time the employee requests the leave. An employer may limit an employee to one designated person per 12-month period for *bereavement leave*.

Additionally, the author would like to remove “parent-in-law” from the existing bereavement leave definition of “family member” since the definition of “parent” already includes a “parent-in-law” and is therefore redundant and unnecessary.

4. Proponent Arguments:

According to a coalition of sponsors that includes the California Coalition on Family Caregiving, California Employment Lawyers Association, California Work & Family Coalition, Californians for Safety and Justice, Equal Rights Advocates, Equality California, and Our Family Coalition:

“Under current California law, workers can take job-protected leave to care for a chosen or extended family member, but they do not have the right to take bereavement leave if that family member dies. This policy gap particularly impacts older adults, people with disabilities, and members of LGBTQ+ and immigrant communities, who are more likely to have close ties to chosen and extended family.

Older adults often depend on chosen family members for care as they age, especially “solo agers” who are living alone and do not have a partner or adult children they can rely on. An estimated 28% of older adults in the US live alone and are childless, and 57% of solo agers rely on friends for support. By 2038, the majority of Americans 80 and older are expected to live alone. LGBTQ+ people and people with disabilities also disproportionately rely on and care for chosen family. California has relatively high percentages of people living in multigenerational households; immigrants, people of color, and those families with financial concerns are more likely to live in multigenerational homes. In addition to trying to manage financial pressures, adults living in multigenerational homes are providing care. More than 25% of adults in multigenerational homes care for another adult or for a minor child who is not theirs. Access to bereavement leave is also a gender justice issue, particularly for marginalized women. A quarter of all women, and roughly 1 in 3 black women, women with disabilities, and LGBTQ+ women, report bereavement leave as a top employee benefit, even over parental leave and caregiver benefits...

No worker should be denied time to grieve simply because their family relationship is not recognized by the law. SB 1149 will make California bereavement leave more equitable by allowing workers to take job-protected leave following the death of a “designated person” who is a chosen or extended family member. This simple change will align California’s bereavement leave with other state sick and family leave laws and ensure California remains at the forefront of inclusive leave policies.”

5. Opponent Arguments:

The California Landscape Contractors Association is opposed to the bill and argue:

“Our members understand the importance of providing bereavement leave so employees may mourn the loss of family loved ones. However, we oppose SB 1149 because adding a “designated person” to the existing eligible leave list would essentially allow employees to designate anyone to claim this leave. All employers, especially smaller ones, need the ability to manage their workforce to keep projects on schedule, and to provide the service customers

expect. Creating a broad, undefined category of bereavement eligibility disrupts workforce management and could create operational challenges."

6. Prior/Related Legislation:

SB 590 (Durazo, Chapter 772, Statutes of 2025) expands, commencing on July 1, 2028, eligibility for benefits under the Paid Family Leave program to include individuals who take time off work to care for a seriously ill designated person, as defined.

AB 1041 (Wicks, Chapter 748, Statutes of 2022), among other things, added a "designated person" to the list of individuals for whom an employee may take leave to care for under the California Family Rights Act (CFRA) and the Healthy Workplaces, Healthy Families Act of 2014 (Paid Sick Days).

AB 1949 (Low, Chapter 767, Statutes of 2022) adopted the original bereavement leave provisions granting workers up to five days of job-protected leave from work to grieve and to attend to logistical matters in the event of the death of a close family member, as defined.

SUPPORT

California Coalition on Family Caregiving (Co-Sponsor)
California Employment Lawyers Association (Co-Sponsor)
California Work & Family Coalition (Co-Sponsor)
Californians for Safety and Justice (Co-Sponsor)
Equal Rights Advocates (Co-Sponsor)
Equality California (Co-Sponsor)
Our Family Coalition (Co-Sponsor)
A Better Balance
AARP
AAUW California
Access Reproductive Justice
Aging Services Collaborative of Santa Clara County
Alzheimer's Association
Alzheimer's Los Angeles
Alzheimer's San Diego
APLA Health
Asian Law Alliance
Asian Law Caucus
Black Californians United for Early Care and Education
BreastfeedLA
CA Commission on the Status of Women and Girls
California Breastfeeding Coalition
California Elder Justice Coalition
California Federation Business and Professional Women
California Federation of Labor Unions
California Immigrant Policy Center
California Latinas for Reproductive Justice
California LGBTQ Health and Human Services Network
California National Organization for Women

California Partnership to End Domestic Violence
California Rural Legal Assistance Foundation
California Women's Law Center
CalPride Valle Central
Caring Across Generations
Center for Community Action and Environmental Justice
Center for Law and Social Policy
CFT – A Union of Educators & Classified Professionals
Child Care Law Center
Church State Council
Courage California
D. Legacy Pace Setters
Disability Rights California
East Bay Sanctuary Covenant
El/La Para TransLatinas
End Child Poverty CA
Engineers and Scientists of California, IFPTE Local 20
Evolve California
Family Caregiver Alliance
Family Values @ Work
Food Empowerment Project
Friends Committee on Legislation of California
Gender Affirming Professionals
Gender Alchemy
Gender Justice LA
Hand in Hand: the Domestic Employers Network
Health in Partnership
Hmong Innovating Politics
Instituto De Educacion Popular Del Sur De California (IDEPSCA)
Jewish Center for Justice
LA Best Babies Network
Leeza's Care Connection
Legal Aid At Work
LGBTQ Center OC
LGBTQ+ Inclusivity, Visibility, and Empowerment
LOCD IN DOULA
Love Lactation
Microenterprise Collaborative of Inland Southern California
National Harm Reduction Coalition
Nevada County Citizens for Choice
Nourishing Justly
Oasis Legal Services
One Institute
Orange County Equality Coalition
Parent Voices California
ParivarBayArea
PFLAG Oakland/East Bay
PFLAG San Diego County
PFLAG San Francisco
Prevention Institute

San Diego County Breastfeeding Coalition
San Diego Pride
Santa Clara County Wage Theft Coalition
Star Doula International
Thai Community Development Center
The California Child Care Resource & Referral Network
The Source LGBT+ Center
The TransLatin@ Coalition
Trans Can Work
UAW Region 6
Universidad Popular
ValorUS
Village Movement California
Western Center on Law and Poverty
Women's Foundation California
Working Partnerships USA
WorkLife Law
Worksafe
Zeri Health, Inc

OPPOSITION

California Landscape Contractor's Association

-- END --