
THIRD READING

Bill No: SB 1149
Author: Durazo (D), et al.
Amended: 5/14/26
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 5-0, 3/25/26
AYES: Smallwood-Cuevas, Strickland, Cortese, Durazo, Laird

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Employees: bereavement leave

SOURCE: California Coalition on Family Caregiving
California Employment Lawyers Association
California Work & Family Coalition
Californians for Safety and Justice
Equal Rights Advocates
Equality California
Our Family Coalition

DIGEST: 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 defined.
- 2) Defines “designated person” to mean 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.

Background

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

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

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).

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.

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

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/>

According to the Senate Appropriations Committee:

- The California Civil Rights Department (CRD) anticipates minor and absorbable administrative costs.
- The California Department of Human Resources (CalHR) has yet to determine the bill's fiscal impact to the State. However, the department's costs to (1) notice the bill's proposed changes to bereavement leave for the 21 bargaining units that represent state employees, and (2) update policies, would probably be minor.
- The bill potentially could result in increased staffing costs for state departments relative to current law. The aggregate annual magnitude is unknown, but potentially significant (General and special funds).

SUPPORT: (Verified 5/14/26)

California Coalition on Family Caregiving (Co-source)

California Employment Lawyers Association (Co-source)

California Work & Family Coalition (Co-source)

Californians for Safety and Justice (Co-Sponsor)

Equal Rights Advocates (Co-source)

Equality California (Co-source)

Our Family Coalition (Co-source)

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 Orange County

Alzheimer's San Diego

American Association of University Women

APLA Health

Asian Americans Advancing Justice Southern California

Asian Law Alliance

Asian Law Caucus

Association of California Caregiver Resource Centers

Black Californians United for Early Care and Education

BreastfeedLA

California Alliance for Retired Americans
California Association of Area Agencies on Aging
CA Commission on the Status of Women and Girls
California Breastfeeding Coalition
California Children and Families Commission (First 5 California)
California Domestic Workers 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 Legislative LGBTQ Caucus
California LGBTQ Health and Human Services Network
California National Organization for Women
California PACE Association
California Partnership to End Domestic Violence
California Rural Legal Assistance Foundation
California Women's Law Center
CAMEO Network
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
Children Now
Church State Council
Community Legal Services in East Palo Alto
Consumer Attorneys of California
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
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
Lyon-Martin Community Health Services
Microenterprise Collaborative of Inland Southern California
Mujeres Unidas Y Activas
National Council of Jewish Women California
National Employment Law Project
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
Planned Parenthood Affiliates of California
Poder Latinx
Pomona Economic Opportunity Center
Prevention Institute
Sacramento Breastfeeding Coalition
San Diego County Breastfeeding Coalition

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

OPPOSITION: (Verified 5/14/26)

California Landscape Contractor's Association

ARGUMENTS IN SUPPORT: According to a coalition of sponsors, “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.”

ARGUMENTS IN OPPOSITION: 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."

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5/18/26 15:21:10

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