

800 BEREAVEMENT LEAVE

Education Code Section(s)

88194. Every person employed in the classified service of any community college district shall be granted necessary leave of absence, not to exceed three days, or five days if out-of-state travel is required, on account of the death of any member of his or her immediate family. No deduction shall be made from the salary of the employee nor shall such leave be deducted from leave granted by other sections of this code or provided by the governing board of the district. The governing board may enlarge the benefits of this section and may expand the class of relatives listed below as members of the immediate family. "Members of the immediate family," as used in this section, means the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).

88200. Governing boards of community college districts may allow permanent classified employees to interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, provided the employee supplies adequate notice and relevant supporting information regarding the basis for such interruption or termination.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

Government Code Section(s)

12945.7. (a) As used in this section:

(1) (A) "Employee" means a person employed by the employer for at least 30 days prior to the commencement of the leave.

(B) "Employee" does not include a person who is covered by Section 19859.3.

(2) "Employer" means either of the following:

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

800

LAW AND RULES

February 22, 2023

- (A) A person who employs five or more persons to perform services for a wage or salary.
- (B) The state and any political or civil subdivision of the state, including, but not limited to, cities and counties.
- (3) "Family member" means a spouse or a child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law as defined in Section 12945.2.
- (b) It shall be 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.
- (c) The days of bereavement leave need not be consecutive.
- (d) The bereavement leave shall be completed within three months of the date of death of the family member.
- (e) (1) The bereavement leave shall be taken pursuant to any existing bereavement leave policy of the employer.
- (2) If there is no existing bereavement leave policy, the bereavement leave may be unpaid, except that an employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.
- (3) If an existing leave policy provides for less than five days of paid bereavement leave, the employee shall be entitled to no less than a total of five days of bereavement leave, consisting of the number of days of paid leave under the existing policy, and the remainder of days of leave may be unpaid, except that an employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.
- (4) If an existing leave policy provides for less than five days of unpaid bereavement leave, the employee shall be entitled to no less than five days of unpaid bereavement leave, except that an employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.
- (f) 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

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

800

LAW AND RULES

February 22, 2023

member. 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.

(g) It shall be an unlawful employment practice for an employer to refuse to hire, or to discharge, demote, fine, suspend, expel, or discriminate against, an individual because of either of the following:

- (1) An individual’s exercise of the right to bereavement leave provided by subdivision (b).
- (2) An individual’s giving information or testimony as to their own bereavement leave, or another person’s bereavement leave, in an inquiry or proceeding related to rights guaranteed under this section.

(h) It shall be an unlawful employment practice for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(i) The employer shall maintain the confidentiality of any employee requesting leave under this section. Any documentation provided to the employer pursuant to subdivision (f) or subdivision (g) shall be maintained as confidential and shall not be disclosed except to internal personnel or counsel, as necessary, or as required by law.

(j) An employee’s right to leave under this section shall be construed as separate and distinct from any right under Section 12945.2.

(k) The section does not apply to an employee who is covered by a valid collective bargaining agreement if the agreement expressly provides for bereavement leave equivalent to that required by this section 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.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

800

February 22, 2023

LAW AND RULES

- A. Bereavement leave not exceeding five working days shall be granted to regular employees in the classified service on account of the death of any member of their immediate family. “Member of the immediate family” means:
1. The mother, father, grandmother, grandfather, or grandchild of the employee or the employee’s spouse or registered domestic partner.
 2. The spouse, registered domestic partner, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee.
 3. Any relative living in the immediate household of the employee.

Bereavement leave allowed under the provisions of this paragraph shall be leave of absence with pay for a maximum of three working days, or five working days if required to travel out of state or farther than 200 miles one way. An employee using bereavement leave under the provisions of this paragraph may elect to substitute any unpaid bereavement leave, if applicable, with other forms of paid leave available to them.

- B. Bereavement leave not exceeding three working days may be granted in case of death of:
1. Persons other than those named in Paragraph B. who are closely related by blood or marriage.
 2. A close friend for whose funeral arrangements an employee has responsibility.
 3. A fiancé/fiancée, lifelong friend, roommate, or friend living in the same domicile.

Bereavement leave allowed under the provisions of this paragraph requires approval by the appropriate administrator, who shall determine the amount of leave of absence with pay to be granted.

- C. Bereavement leave must commence and end within ten calendar days after the date of death or after the date the employee is notified of the date of the funeral, or within three months after the date of death in the case of the death of an immediate family member.
- D. Time spent on bereavement leave shall not be deducted from other types of leave, except in cases of substitution as applicable to Paragraph A.
- E. If the bereavement leave of an employee on a 9/80 or 4/40 work schedule falls on the employee’s scheduled nine (9) or ten (10) hour working day, they shall be granted nine (9) or ten (10) hours of bereavement pay, whichever is applicable.
- F. A permanent employee may, upon approval of the appropriate administrative authority, interrupt or terminate a vacation leave in order to begin bereavement leave.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

800

LAW AND RULES

February 22, 2023

- G. The employee shall, to the extent practicable, give their immediate supervisor, prior notice of their intent to take bereavement leave. In all cases in which the granting of the leave is permissive, prior notification shall be required in order to receive compensation.
- H. The employee shall, upon request, furnish evidence acceptable to their immediate supervisor that leave taken in accordance with the provisions of this rule was in connection with bereavement. The supervisor may take steps necessary to verify the validity of the evidence.
- I. This rule shall have no force and effect upon employees of any collective bargaining unit to the extent that the provisions of this rule are negotiable.