

Why you should establish a bereavement leave policy

by Jodi R. Bohr
Tiffany & Bosco, P.A.

In the past few months, I've spent every week, if not every day, updating or creating employee handbooks for businesses of all sizes. During that time, I've often found myself answering questions about bereavement leave. Most often, employers ask whether Arizona law requires them to offer paid bereavement leave. It doesn't, but when I answer their questions, I find myself articulating the benefits of offering bereavement leave. Those benefits become apparent when you're dealing with a grieving employee and able to handle the situation with empathy and compassion. On the other hand, not responding properly to an employee's grief can be detrimental to your business.

What is bereavement leave?

Bereavement leave is leave taken by an employee after the death of a loved one, generally a close family member. The leave is intended to allow the employee to grieve the loss, make funeral arrangements, attend the funeral, and take care of other immediate matters. Bereavement leave is a generally low-cost employee benefit that can go a long way toward showing your support for your employees, especially at a time when they need it the most.

Does Arizona law require us to offer bereavement leave?

Arizona doesn't have a specific bereavement leave law for private-sector employers. Therefore, you aren't required to offer employees such leave, paid or otherwise, or designate a certain amount of their leave as "bereavement" leave. However, the Arizona Fair Wages and Healthy Families Act (aka the paid sick time statute) may be implicated when

an employee is grieving the loss of a loved one. The loss of a family member may give rise to a health condition that qualifies the employee for the use of earned paid sick time (e.g., a mental or physical illness or injury). Employers that don't offer paid bereavement leave must keep in mind their potential obligation to allow employees to take paid sick time for this purpose.

Should we offer paid bereavement leave?

Approximately 94 percent of U.S. employers offer paid bereavement leave through a separate policy or as part of a paid time off or paid sick time plan. Paid bereavement leave can promote a productive workplace because it gives employees time to grieve and recover from their loss. It can also promote loyalty because it's a sign of your empathy and compassion in their time of need.

Why do some people argue against bereavement leave?

People grieve differently, so creating a bereavement leave policy can be a complex task compared to your other leave policies. You must consider when employees will be eligible for bereavement leave and how much time off they should be allowed to take. But how do you make those decisions?

Some people scoff at the idea of offering more leave, noting employees already have too many opportunities to take time off. They cite lost productivity in support of their position that employees shouldn't be granted any additional types of leave. But how productive is a person who's mourning the recent loss of a loved one? Chances are, the employee's productivity level will be about the same whether he's at work or on leave. The difference will be in the sense of loyalty he has

when you handle his request for leave with kindness.

In closing

Although you aren't required to offer bereavement leave, doing so helps employees feel supported while they're trying to cope with the loss of a loved one. There's no one-size-fits-all approach to bereavement leave, however. You should consider the options and create a policy that best suits your company. I'll offer some suggestions on what to include in your bereavement leave policy in the April "Work on It" column.

Jodi R. Bohr is an attorney with Tiffany & Bosco, P.A. and a contributor to Arizona Employment Law Letter. She practices employment and labor law, with an emphasis on litigation, class actions, and HR matters, and is a frequent speaker on a wide range of employment law topics. She may be reached at jrb@tblaw.com or 602-255-6082.