

SENATE No. 2562

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

SENATE, January 22, 2024.

The committee on Labor and Workforce Development, to whom was referred the petitions (accompanied by bill, Senate, No. 1145) of Michael J. Barrett and Sean Garballey for legislation to ensure bereavement leave; (accompanied by bill, Senate, No. 1205) of Liz Miranda and Lydia Edwards for legislation relative to bereavement leave; (accompanied by bill, House, No. 1879) of Sean Garballey, David M. Rogers and others relative to bereavement leave under the family and medical leave act; and (accompanied by bill, House, No. 1961) of Christopher J. Worrell relative to bereavement leave, report the accompanying bill (Senate, No. 2562).

For the committee,
Patricia D. Jehlen

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to bereavement leave.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 149 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting after Section 52E, the following section:-

3 Section 52F. (a) As used in this section, the following words shall have the following
4 meanings:-

5 “Bereavement”, leave from employment taken to grieve or make arrangements
6 necessitated by the death of a family member.

7 “Family member,” the child, parent, guardian, sibling, spouse or person in a substantive
8 dating or engagement relationship with an employee and who resides with that employee.

9 (b) An employer shall permit an employee to take bereavement leave following the death
10 of a family member for up to 10 business days, used consecutively or non-consecutively, within
11 any 12 month period to:

12 (1) Make arrangements necessitated by the death of the family member, including, but

13 not limited to, funeral arrangements, estate preparation, or other legal arrangements;

14 (2) Attend the funeral or equivalent to a funeral of a family member; or

15 (3) Grieve the death of a family member.

16 (c) Leave permitted under this section must be initiated within 30 days of the date on
17 which an employee receives notice of the death of a family member.

18 (d) An employer shall have the sole discretion to determine whether any leave taken
19 under this section shall be paid or unpaid.

20 (e) Nothing in this section shall be construed so as to affect any bargaining agreement,
21 company policy, or other federal, state, or municipal law which provides for greater or additional
22 rights to leave than those provided for by this section.

23 (f) An employer may require documentation from an employee taking leave to deal with
24 the death of a family member for any of the reasons specified in subsection (b). An employee can
25 provide the employer any of the following documents to satisfy the request: (i) the name of the
26 deceased, the date of death, the city of death and the employee's relationship to the deceased; (ii)
27 a copy of the deceased's obituary or funeral program and the employee's relationship to the
28 deceased; (iii) a copy of a police report involving the deceased; (iv) a copy of the death
29 certificate; or (v) a document issued by the mental health care provider of the employee.

30 (g) Notwithstanding subsection (b), an employer employing fewer than 25 employees in
31 the commonwealth shall not be required to comply with this section.

32 SECTION 2. This act shall take effect on January 1, 2025.