**LEAVE OPTIONS FOR BEREAVEMENT**

The passing of a family member, close friend, or colleague can be devastating.

The Department of Commerce is committed to ensuring employees understand and are able to use the leave they are entitled to during difficult times.

Below is a list of leave flexibilities available to bereaved employees. Entitlement to some flexibilities will depend on the nature of the relationship between the employee and the deceased and/or other factors.

**Who is a “family member” or “immediate relative” for the purposes of sick leave for bereavement?**

An individual with any of the following relationships to the employee:

* 1). Spouse, and parents thereof;
* 2). Sons and daughters, and spouses thereof;
* 3). Parents, and spouses thereof;
* 4). Brothers and sisters, and spouses thereof;
* 5). Grandparents and grandchildren, and spouses thereof;
* 6). Domestic partner and parents thereof, including domestic partners of any individual in 2 through 5 of this definition; and
* 7). \*\*Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

 \*\*Note: This final category is broad and may serve as the basis for using sick leave related to the passing of close friends, colleagues/coworkers, mentors, god parents, etc.  Managers should generally accept an employee’s attestation of such a relation without question or need for evidence. Such acceptance should be documented.

**Sick Leave for Bereavement**

Each leave year (Pay Period 1 – Pay Period 26) employees are entitled to use up to 104 hours of Sick Leave (or advanced Sick Leave, at management’s discretion) for a combination of general family care (doctors’ appointments and minor illnesses) and bereavement. For the purposes of sick leave use, bereavement includes time needed to make arrangements for, travel to, and attend a funeral, wake, or other religious observances related to the passing as well as any time needed to make other arrangements, such as settling of accounts and management of the estate.

Note: any time used for general family care reduces the amount of time available for bereavement. For example, if an employee used 8 hours of sick leave to take their father to a medical appointment and 16 hours of sick leave to care for an ill child, they will only have 80 hours of sick leave left for bereavement that year.

Likewise, any leave used for bereavement limited an employee’s entitlement to use sick leave for general family care. If an employee uses 40 hours of sick leave related to the death of a family member, they will only have 64 hours remaining for general family care.

Once an employee has exhausted the 104 hours of general family care and bereavement, they will only be able to use sick leave for personal illness or injury and to care for a family member with a serious medical condition (see OPM policy [here](https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/sick-leave-to-care-for-a-family-member-with-a-serious-health-condition/)).

**Bereavement Leave for the Death of a Child**

Effective with the signing of the [2022 National Defense Authorization Act](https://www.congress.gov/bill/117th-congress/senate-bill/1605/text) on December 27, 2021, eligible employees are entitled to 80 hours of paid leave without charge to their personal leave accounts following the death of a child.  In WebTA, employees should use code “66 – Parental Bereavement Leave” and add the remark “Death of a Child” to each daily entry.

For the purposes of this benefit, “employee” and “child” have the same definitions used in Paid Parental Leave (PPL) and the Family Medical Leave Act (FMLA):

An employee must:

1. Serve on a permanent full time or part time position, or a temporary full time or part time position that is longer than one year. ***Intermittent appointments and appointments of less than one year in duration do not qualify***
2. Have completed at least 12 months of service in any combination of Federal positions described in item (a).

A covered son or daughter is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who was under 18 years of age at the time of death or 18 years of age or older and incapable of self-care because of a mental or physical disability.

**Limitations of use**

Like PPL and FMLA, the employee must use the leave within 12 months of the date of death, provide management with as much advanced notice as is reasonably possible prior to using the leave, and provide acceptable evidence of both the death and the employee’s relationship to the deceased. Additionally, employee may not use this leave intermittently unless management agrees.

**Funeral Leave for Combat-Related Death of an Immediate Relative**

An employee is entitled to up to 3 workdays of funeral leave to make arrangements for or to attend the funeral of an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone. If the employee provides satisfactory reasons, the 3 workdays do not need to be consecutive.

In WebTA, these days should be recorded as “66 – Administrative Leave” and add the remark “Combat-Related Death of an Immediate Relative” to each daily entry.

Armed Forces means the Army, Navy, Air Force, Marine Corps, and Coast Guard, and includes the Reserve components, National Guard, and Air National Guard.

Combat zones are areas the President designates by Executive order, in accordance with section 112 of the Internal Revenue Code, as areas in which the Armed Forces are engaging or have engaged in combat.

**Funeral Leave for First Responders**

5 U.S.C. 6328 allows a Federal law enforcement officer or firefighter to be excused from duty without loss of pay or charge to leave to attend the funeral of a fellow Federal law enforcement officer or firefighter ***who was killed in the line of duty***. Time spent traveling to, attending, and returning from such service shall be considered to be an official duty of the officer or firefighter and reflected as such on the timesheet.

**Funeral Leave for Veterans Participating in a Funeral Ceremony**

5 U.S.C. 6321 allows a veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, to be excused from duty without loss of pay or charge to leave for up to 4 hours to serve as a pallbearer, member of a firing squad, or guard of honor in a funeral ceremony for a member of the Armed Forces whose remains are returned from abroad. The timesheet will be coded “66 – Administrative Leave” and add the remark “Funeral Leave for Veterans Participating in a Funeral Ceremony” to the entry.

**Military Leave for Funeral Honors Duty**

5 U.S.C. 6323(a)(1) allows an employee who is a member of the National Guard or a Reserve component of the Armed Forces to use military leave to attend to funeral honors duty under 10 U.S.C. 12503 and 32 U.S.C. 115.

**Annual or Other Personal Leave**

In addition to the above leave option, and in the event none of them are appropriate, employees may request the use of annual leave, credit hours, earned compensatory time, leave without pay, or other accrued leave for bereavement. Granting such a request is at the discretion of the supervisor and subject to the operational needs of the agency; however the Department encourages supervisors to be as flexible as possible in considering such requests.

**Sick Leave for Mental Illness**

The loss of a loved one may have significant detrimental impact on the mental health of an employee. Employees are entitled to use unlimited accrued sick leave when disabled as a result of a mental illness and to seek treatment for such illness. As with physical illnesses and treatments thereof, employees must provide a doctor’s note supporting their disability and/or evidence of attendance of a medical appointment when such evidence is requested by their supervisor. Supervisor may, at their discretion, accept an employee self-certification of illness.