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# Oregon’s Bereavement Leave Law Is the First of Its Kind

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The Governor of Oregon recently signed a law to mandate that certain private employers provide employees with bereavement leave. The new law, which is contained in an amendment to Oregon's existing family leave statute, takes effect January 1, 2014.

*General Provisions of the Law*

Under the new Oregon law, an eligible employee may take bereavement leave to:

- attend the funeral (or alternative to a funeral) of a family member;[1]
- make arrangements necessitated by the death of a family member; or
- grieve the death of a family member.

Eligible employees are entitled to a total of two weeks of bereavement leave, which must be completed within 60 days of the date on which the employee receives notice of the death of a family member. The new Oregon law also provides that:

- an employee is entitled to two weeks of bereavement leave upon the death of *each* family member within any one-year period, except that leave may not exceed the total of twelve weeks of family leave otherwise authorized under the existing Oregon leave law;
- an employer may not require an employee to take multiple periods of bereavement leave concurrently if more than one family member dies during the one-year period;
- all bereavement leave is to be counted toward the total period of family leave otherwise authorized under the existing Oregon leave law; and
- family members who work for the same employer may take concurrent bereavement leave.

*Takeaway*

Oregon employers should begin familiarizing themselves with the new law and should prepare to comply with its requirements. This includes determining whether existing leave policies are consistent with the new law and, if not, updating or adjusting such policies accordingly. Employers also should be on the lookout for administrative rules implementing the new leave law. Finally, Oregon employers who also must comply with the federal Family Medical Leave Act should bear in mind that the days an employee takes as bereavement leave will not be counted toward the 12-week entitlement to FMLA leave. Please contact your Proskauer relationship lawyer for guidance on how the new Oregon law may impact your business.

[1] According to the administrative rules promulgated by the Commissioner of the Oregon Bureau of Labor and Industries (the "Commissioner"), which enforces Oregon's existing leave statute, the term "family member" is construed broadly to include a spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, parent-in-law, parent of same-gender domestic partner, grandparent or grandchild of the employee, or a person with whom the employee is or was in a relationship of in loco parentis. The term also includes the biological, adopted, foster or stepchild of an employee or the child of an employee's same-gender domestic partner.