

Bereavement Leave

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§ 1. Introduction

Executive Order 325 on Bereavement Leave (the “Executive Order”) provides up to forty hours (40) of fully paid leave to eligible employees for bereavement, following the loss of an immediate family member and up to eight (8) hours of fully paid leave to eligible employees for bereavement, following the loss of a colleague. The Executive Order applies to Cabinet Agencies and any other state agencies or universities that voluntarily adopt the Executive Order’s measures.

The State of North Carolina supports a work environment that values the mental and physical health of our employees. The Office of State Human Resources (“OSHR”) seeks opportunities to promote work-life balance, including through leave programs.

The State of North Carolina strives to be an employer of choice, including recruiting and retaining a diverse workforce and creating an inclusive environment. The State recognizes that time off to grieve following the loss of a loved one can alleviate some of the stress employees may experience during a difficult time in their lives. It can also help promote a productive workplace by ensuring employees have time off to recover from their loss. The Participating Agencies and Universities that have joined this Policy seek to ensure that employees have an opportunity to grieve and recover following the loss of an immediate family member or colleague.

As authorized by Section 1 of the Executive Order, this Policy establishes further details to implement the Bereavement Leave provided under the Executive Order. This Policy may be amended in the future.

§ 2. Definitions

Bereavement Leave — Leave provided under the terms of this Policy.

Cabinet Agencies — Those agencies that are part of the Governor’s Office or are headed by members of the Governor’s Cabinet.

Executive Order — Executive Order 325 on Bereavement Leave.

Immediate Family Member — As defined in the Sick Leave policy, someone having a relationship with the employee included in the chart below.

Spouse	Parent	Child	Sibling	Grand/Great	Dependents
Husband Wife	Biological Adoptive Step Loco Parentis* In-law	Biological Adoptive Foster Step Legal Ward Loco Parentis* In-law	Biological Adoptive Step Half In-law	Parent Child Step In-law	Living in the employee’s household.
*A person who is in the position or place of a parent.					

Participating Agency — A state agency, university, commission, board, or office which provides paid leave under this Policy for eligible employees. Participating Agencies include all Cabinet Agencies. Participating Agencies also include any other state agencies or universities that voluntarily adopt this Policy.

Policy — This policy on Bereavement Leave.

§ 3. Eligible Types of Employees

Bereavement Leave is available only to employees of a Participating Agency who are permanent, probationary, or time-limited. Temporary employees, interns, and contractors are not eligible for Bereavement Leave.

To be eligible for Bereavement Leave, employees must be either (a) full-time or (b) part-time with a schedule that is at least half-time. Part-time employees are not eligible for Bereavement Leave if they work less than half-time.

§ 4. Amount of Leave

Full-time employees are eligible for up to forty (40) hours of paid leave following the loss of an Immediate Family Member.

Full-time employees are also eligible for paid leave up to the amount of time required to travel to and from and to attend a funeral or other memorial event, not to exceed eight (8) hours, following the loss of a colleague with whom the employee worked at the employee’s current agency, so long as the colleague worked for the agency within one year of their passing.

Part-time employees will receive a prorated amount based on their number of hours

§ 5. Leave Usage

Bereavement Leave may be used for losses that occurred on or after September 27, 2024. Employees may use their allotment of Bereavement Leave beginning November 1, 2024.¹

There is not a limit on the number of uses of bereavement leave in a year period, so long as it follows the loss of an Immediate Family Member² or colleague.

§5.1 Following the Loss of an Immediate Family Member

Bereavement Leave must be used within 180 days of the date of death (or discovery of death if circumstances caused the discovery of the death to be significantly later than the date of death). Bereavement Leave does not have to be used on consecutive days and may be used as the employee needs, subject to approval by the supervisor.

Employees should request Bereavement Leave at least two weeks before the leave is needed unless such notice is impractical, as it may often be, given the nature of the leave. Bereavement Leave may be taken by an employee only upon authorization by the employee's supervisor. Supervisors shall approve the use of Bereavement Leave following the loss of an Immediate Family Member for the date requested if it involves attendance at a funeral, visitation, or other memorial event. Otherwise, the supervisor shall approve the use of Bereavement Leave for the date(s) requested by the employee to the greatest extent possible, while maintaining business operations. The supervisor or other manager may require that the Bereavement Leave for instances other than attendance at a funeral, visitation or other memorial event for an Immediate Family Member be taken at a time other than the one requested, based on the needs of the agency.

Employees shall provide documentation of death of an immediate family member at the time the leave is requested, or, if such documentation is not available at the time of the request, as soon as the documentation is available. Acceptable documentation should include, but is not limited to, a death certificate, obituary, and funeral or memorial event information.

§5.2 Following the Loss of a Colleague.

Bereavement Leave following the loss of a colleague may only be used on the date of the funeral or other memorial event.

¹Specifically:

- Bereavement Leave for loss of an Immediate Family Member that occurred between September 27, 2024 and October 31, 2024 may be retroactively applied to dates the employee was absent due to loss of an immediate family member, at the employee's request. Any leave for which the employee is eligible that is not retroactively applied must be used within 180 days of the date of death.
- Bereavement Leave for loss of a colleague that occurred between September 27, 2024 and October 31, 2024 may be retroactively applied to the time the employee was absent for travel and attendance at the funeral or other memorial event.

² In the event two or more Immediate Family Members of an employee die on the same day, the employee shall be eligible to take up to 40 hours of leave for each Immediate Family Member.

Employees should request Bereavement Leave to attend a colleague's memorial event as soon as a date and time of the event are publicized. Supervisors shall approve the use of Bereavement Leave following the loss of a colleague for the date requested to the greatest extent possible, while maintaining business operations.

Employees shall provide documentation of attendance at the memorial event following use of the leave.

§ 6. New Hire and Transfer Between Agencies.

- Employees are eligible for Bereavement Leave immediately upon hire to a participating agency for any loss that occurs on or after the first day of work with the participating agency.
- If an employee transfers from one participating agency to another participating agency, and the employee has any amount of unused Bereavement Leave for which they are eligible, the employee may use the remainder of the Bereavement Leave for which they are eligible at the receiving agency, within the required timeframe. The receiving agency may confirm the amount of Bereavement Leave eligibility and expiration date with the sending agency.
- If an employee transfers from a participating agency to a non-participating agency, and the employee has any amount of unused Bereavement Leave for which they were eligible at the participating agency, they forfeit the remainder of the leave.

§ 7. Falsification of Documentation

Any employee who attempts to gain eligibility for bereavement leave through falsification of a familial relationship, falsification of a death, falsification of supporting documentation or any other untruthful manner shall be subject to disciplinary action, up to and including dismissal.

§ 8. Other Limitations

- Bereavement Leave not taken within the required time frame is forfeited.
- Bereavement Leave has no cash value and cannot be converted into retirement credit. Employees shall not be paid for unused Bereavement Leave at separation. This leave shall not be payable upon death of an employee during state service.
- Bereavement Leave shall not be applied to existing negative leave balances. This leave shall not be donated under the Voluntary Shared Leave policy.

§ 9. The Agencies Where This Policy Applies

This Policy automatically applies to Cabinet Agencies. It also applies to state agencies, universities, commissions, boards, or offices that choose to adopt this Policy (either in whole or with any modifications). Non-Cabinet agencies may adopt this Policy and become a Participating Agency by sending a letter or email to OSHR's Chief Deputy Director, Glenda Farrell. The request should include the phrase "Bereavement Leave Policy" in the subject line. Non-Cabinet agencies should also complete the Bereavement Leave Smartsheet available on the Total Rewards

§ 10. Effective Date and Modification

This Policy becomes effective on the date when it is issued. It may be modified or rescinded by the Director of State Human Resources (for Cabinet Agencies) or agency head (for non-Cabinet Participating Agencies) for any reason.

§ 11. Monitoring Usage of Leave

OSHR will submit a report to the Governor's Office on the use of Bereavement Leave on October 1 of each year. Reporting of agency Bereavement Leave usage is available in the HR/Payroll system. For Participating Agencies or universities who opt in and are not on the HR/Payroll system, please ensure you record bereavement leave following 1) loss of an immediate family member and 2) loss of a colleague in a manner that allows you to monitor and report to OSHR on use of both types of this Bereavement Leave. Participating agencies not in the HR/Payroll system shall report on use of Bereavement Leave to OSHR by September 1 of each year.

§ 12. Miscellaneous Terms

§12.1 No Private Right of Action

This Policy is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

§12.2 Savings Clause

If any provision of this Policy or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Policy which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Policy are declared to be severable.

§ 13. Sources of Authority

This Policy is issued independently under each of the sources of authority below:

- a) Article III of the Constitution of North Carolina and N.C.G.S. §§ 143A-4 and 143B-4, which provide that the Governor is the chief executive officer of the state and is responsible for formulating and administering the policies of the executive branch.
- b) The statute providing the Governor with the power and duty to supervise the official conduct of all executive and ministerial officers (N.C.G.S. § 147-12).
- c) The statute empowering agency heads and the Director of OSHR to issue policies

(N.C.G.S. § 143B-10(j)(3)).

- d) The authority of the agency head for employee leave programs under State Human Resources Commission rules (25 N.C. Admin. Code 01E .0101) promulgated pursuant to statute (N.C.G.S. § 126-4).

§ 14. History of this Policy

Date	Version
November 1, 2024	First version