

PREFILED JAN 08 2020

REFERENCE TITLE: bereavement leave; death of child

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2116

Introduced by
Representative Lawrence

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-206; RELATING TO EMPLOYMENT PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 23, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 23-206, to read:

4 23-206. Bereavement leave; death of a child; civil penalty;
5 definitions

6 A. AN EMPLOYER SHALL GRANT AND AN ELIGIBLE EMPLOYEE MAY USE UP TO A
7 TOTAL OF TWO WORK WEEKS OF UNPAID BEREAVEMENT LEAVE DURING ANY
8 TWELVE-MONTH PERIOD FOR ANY OF THE FOLLOWING PURPOSES:

9 1. TO ATTEND THE FUNERAL OR BURIAL SERVICE OF THE ELIGIBLE
10 EMPLOYEE'S CHILD.

11 2. TO MAKE ANY ARRANGEMENTS RESULTING FROM THE DEATH OF THE
12 ELIGIBLE EMPLOYEE'S CHILD.

13 3. TO GRIEVE THE DEATH OF THE ELIGIBLE EMPLOYEE'S CHILD.

14 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF MORE THAN ONE
15 CHILD OF AN ELIGIBLE EMPLOYEE DIES WITHIN A TWELVE-MONTH PERIOD, THE
16 EMPLOYER SHALL GRANT AND THE ELIGIBLE EMPLOYEE MAY USE UP TO A TOTAL OF
17 SIX WORK WEEKS OF UNPAID BEREAVEMENT LEAVE DURING ANY TWELVE-MONTH PERIOD
18 FOR THE PURPOSES DESCRIBED IN SUBSECTION A OF THIS SECTION.

19 C. AN ELIGIBLE EMPLOYEE SHALL TAKE ANY BEREAVEMENT LEAVE PURSUANT
20 TO THIS SECTION WITHIN SIXTY DAYS AFTER THE DATE ON WHICH THE ELIGIBLE
21 EMPLOYEE RECEIVES NOTICE OF THE DEATH OF THE ELIGIBLE EMPLOYEE'S CHILD.

22 D. AN ELIGIBLE EMPLOYEE SHALL PROVIDE THE ELIGIBLE EMPLOYEE'S
23 EMPLOYER AT LEAST FORTY-EIGHT HOURS NOTICE OF THE ELIGIBLE EMPLOYEE'S
24 INTENTION TO TAKE BEREAVEMENT LEAVE PURSUANT TO THIS SECTION UNLESS
25 PROVIDING NOTICE IS NOT REASONABLE AND PRACTICABLE.

26 E. AN EMPLOYER MAY REQUIRE AN ELIGIBLE EMPLOYEE TO PROVIDE
27 REASONABLE DOCUMENTATION THAT THE ELIGIBLE EMPLOYEE IS ENTITLED TO
28 BEREAVEMENT LEAVE PURSUANT TO THIS SECTION, INCLUDING:

29 1. A DEATH CERTIFICATE.

30 2. A PUBLISHED OBITUARY.

31 3. OTHER VERIFICATION OF DEATH, BURIAL OR FUNERAL OR BURIAL
32 SERVICES FROM A MORTUARY, FUNERAL HOME, BURIAL SOCIETY, CREMATORIUM,
33 RELIGIOUS INSTITUTION OR GOVERNMENT AGENCY.

34 F. AN ELIGIBLE EMPLOYEE MAY USE OTHER FORMS OF PAID LEAVE
35 CONCURRENTLY WITH ANY BEREAVEMENT LEAVE TAKEN PURSUANT TO THIS SECTION.

36 G. AN EMPLOYER MAY NOT TAKE ANY ADVERSE EMPLOYMENT ACTION AGAINST
37 AN ELIGIBLE EMPLOYEE WHO USES BEREAVEMENT LEAVE PURSUANT TO THIS SECTION.

38 H. THE INDUSTRIAL COMMISSION OF ARIZONA MAY IMPOSE A CIVIL PENALTY
39 OF NOT MORE THAN \$500 FOR A FIRST VIOLATION AND NOT MORE THAN \$1,000 FOR
40 EACH SUBSEQUENT VIOLATION AGAINST AN EMPLOYER WHO KNOWINGLY VIOLATES THIS
41 SECTION.

42 I. THE INDUSTRIAL COMMISSION OF ARIZONA MAY ADOPT ANY RULES
43 NECESSARY TO CARRY OUT THIS SECTION.

44 J. FOR THE PURPOSES OF THIS SECTION:

45 1. "CHILD" MEANS A PERSON OF ANY AGE WHO IS ANY OF THE FOLLOWING:

1 (a) A BIOLOGICAL, ADOPTED OR FOSTER CHILD.

2 (b) A STEPCHILD.

3 (c) A LEGAL WARD.

4 (d) A CHILD OF A PERSON STANDING IN LOCO PARENTIS.

5 2. "ELIGIBLE EMPLOYEE" MEANS AN EMPLOYEE WHO MEETS THE EMPLOYMENT
6 ELIGIBILITY REQUIREMENTS FOR LEAVE AS PRESCRIBED IN 29 UNITED STATES CODE
7 SECTION 2611 OF THE FAMILY AND MEDICAL LEAVE ACT OF 1993 (P.L. 103-3; 107
8 STAT. 6).

9 3. "EMPLOYER" MEANS AN EMPLOYER THAT IS REQUIRED TO COMPLY WITH THE
10 FAMILY AND MEDICAL LEAVE ACT OF 1993 (P.L. 103-3; 107 STAT. 6).