



## ARTICLE 30.03 BEREAVEMENT LEAVE

Article 30.03 provides for three (3) consecutive days of leave with pay at regular rate for death in the employee's immediate family. (Employee must provide a death certificate in the case of a still-birth.) This is a benefit in addition to sick leave. The contract says that the employer may request verification of the death. The Employer may grant vacation, sick leave or personal leave to extend bereavement leave.

### What is immediate family?

The main dispute between the state and the union in the past with respect to bereavement leave is the definition of immediate family. Article 30.03 of the contract defines immediate family as spouse or significant other, child, step-child, grandchild, parent, grandparent, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step-parent, grandparent, step-sibling or legal guardian or other person who stands in place of a parent. The contract defines significant other as a person who stands in place of a spouse and who resides with the employee. The parents and brothers and sisters of a significant other are not 'in-laws' in the definition of family in Article 30.03.

Other definitions have been generated through the grievance process. A recent fourth step response from the Office of

Collective Bargaining further defines the meaning of "sister." It says that "sister" includes half-sister, but does not include step-sister. Likewise, in the opinion of the union, brother includes half-brother but does not include step-brother. As Arbitrator Drotning noted in an award, this section must be applied with a fairly strict and literal interpretation of the language: "In conclusion, because of the large number of employees involved and the extended familial relationships in today's society, Article 30.03 must be interpreted precisely and literally. It is impossible to base bereavement leave considerations on the quality of a particular personal relationship, but these decisions must rest primarily on legal and narrow definitions of the relationship between the employee and the deceased."

### Reference

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