



BEREAVEMENT LEAVE POLICY AND PROCEDURES – Statewide	
DHR Policy #: DHR-STW-409.1	Authority: 29 Del. Code § 5125.
Effective Date: September 12, 2023	Revision Date: November 20, 2023
Supersedes: N/A	Signature: <i>Claire M. DeMatteis</i>
Application: Executive Branch Agencies	

### 1. Policy Purpose Statement

This statement sets forth the State of Delaware’s policy and procedures for the use of Bereavement Leave. The State recognizes the importance of supporting its workforce and providing economic stability for employees especially when suffering a loss.

### 2. Scope

This policy applies to Executive Branch employees who are eligible for leave benefits. The terms of this policy supersede any statewide or related Executive Branch Agency policy and procedure. Elected Agencies and Judiciary Members are encouraged to adopt and administer this policy with their employees.

### 3. Definitions and Acronyms

- **Eligible Employee** – Any full-time or part-time State employee who is eligible for leave, and the legal parent of the pregnancy loss suffered.
- **Miscarriage** - a loss of pregnancy suffered prior to 20 weeks gestation.
- **Other loss** – a loss suffered that includes a diagnosis that negatively impacts pregnancy and loss of pregnancy suffered including termination regardless of if medically necessary.
- **Parent** - An employee who is the legal parent of the pregnancy loss suffered.
- **Stillbirth** - a loss of pregnancy suffered from 20 weeks gestation or more.

### 4. Policy

- a. The State of Delaware provides up to five (5) days of paid bereavement leave to eligible employees as defined in this policy for a miscarriage, a stillbirth, or other pregnancy loss incident suffered by the employee immediately upon employment.  
Bereavement Leave under this policy runs concurrently with the Family and Medical Leave Act (FMLA), as applicable.
- b. Medical documentation may be requested if a supervisor has documented previous attendance issues with an employee requesting this leave. In the absence of previous attendance issues, no medical documentation will be required for Bereavement Leave.
  - 1) Documentation under this policy shall be maintained in a separate, confidential HIPPA Medical file and is not subject to release without the employee’s authorization.

- 2) Approval of the leave shall not contain any information concerning the purpose of the leave but shall state that the leave was approved.
- c. In the event that two (2) employees of the State of Delaware are eligible for Bereavement Leave for the same suffered pregnancy loss, each eligible employee is entitled up to five (5) workdays of leave.
  - d. For this policy, a workday is defined as 7.5 or 8.0 hours based on the eligible employee's standard work schedule of 37.5 hours or 40.0 hours or a prorated amount for eligible part-time employees.
    - Leave cannot be taken in increments of less than one hour and should generally be taken consecutively.
  - e. An employee may not use accrued sick leave, annual leave, or other leave in lieu of Bereavement Leave for a loss suffered for the reasons defined in this Policy. This leave exhausts one (1) year following the date of the loss incident.
  - f. Bereavement Leave shall not accrue or be donated to the Donated Leave Bank or be donated to another state employee. Unused Bereavement Leave must be used within 12 months of the date of loss. Unused Bereavement Leave shall not be paid out at the time of separation of employment from the State.
  - g. Bereavement Leave cannot be taken combined with Compassionate Leave for the same suffered pregnancy loss, as defined in the Merit Rules, as the leaves are provided for different reasons.
  - h. An agency may take disciplinary action against an employee who uses Bereavement Leave for purposes other than those set forth in this policy.

## **5. Procedures**

- a. Employees may request Bereavement leave in a workday amount of no less than one hour and up to five (5) workdays per loss incident described in the Policy.
  - The workday is 7.5 or 8.0 hours based on the eligible employee's standard work schedule of 37.5 hours or 40.0 hours or a prorated amount for eligible part-time employees.
- b. The leave must be tracked by DHR assigned to the Agency manually or in PHRST once a code is established.
- c. Employees are to request absence from work in accordance with agency procedure.

## **6. Exclusions or Exceptions**

- An employee may not use Bereavement Leave to cover an absence resulting from an administered disciplinary suspension.

## **7. Dissemination and Training**

- Agency human resources shall provide current employees a review of this policy and procedure and shall provide employees who are new to their respective agencies a review of this policy and procedure within 30 days.
- Employees must read and acknowledge receipt of this policy in the Delaware Learning Center, or if not applicable by other means, within 30 days of notification.

**8. Data Reporting**

- None.

**9. Associated Policy/Regulations/Information**

- [American with Disabilities Act \(ADA\) Policy](#)
- [Disability Insurance Program \(DIP\) Rules and Regulations](#)
- [Employee Assistance Program \(EAP\)](#)
- [Family and Medical Leave Act \(FMLA\) Policy and Procedures](#)
- [Group Health Eligibility and Enrollment Rules](#)
- [Leave Reference Guide](#)
- [Pregnant Workers Fairness Act Policy and Procedures](#)

**10. Appendices and Forms Associated with this Policy**

- None.

**11. Policy Owner**

- Division Name: Division of Talent Management
- Policy Owner: Employee Engagement Administrator
- Website: [DHR - Employee Engagement \(delaware.gov\)](https://delaware.gov)

*This policy is not intended to create any individual right or cause of action not already existing and recognized under State or Federal law. If there is a conflict with, i.e., the law or regulation and this policy, the law and/or regulation govern.*