

City of Portland Core Values:

Anti-racism | Equity | Transparency | Communication | Collaboration | Fiscal Responsibility

6.08 FUNERAL AND BEREAVEMENT LEAVE

**Eligibility for Leave
Funeral and Bereavement
Leave**

Employees may be granted up to three (3) days of leave with pay for the death of (1) a relative or (2) any individual related by close affinity (#1 and #2 are collectively referred to as a “qualifying decedent”); or (3) due to pregnancy loss including miscarriage, stillbirth, or other loss. With the approval of the Bureau Director or designee, an additional two (2) days leave with no deduction in pay may be allowed for necessary funeral travel time.

Contract consultants, temporary employees employed through outside agencies, and seasonal employees are not eligible for bereavement leave.

Under exceptional circumstances, funeral leave may be granted by the bureau director, or designee, upon the death of a person other than those identified above.

~~Employees who are unable to attend the funeral of a relative, or where there is no funeral upon the death of a relative, may be granted up to three (3) days of bereavement leave.~~

Relative Bereavement Leave

A “relative” includes a spouse, domestic partner, parent, grandparent, grandparent-in-law, child, stepchild, child-in-law, grandchild, sibling, stepsibling, stepparent, stepgrandparent, sibling-in-law, parent-in-law, daughter-in-law, son-in-law, stepbrother, stepsister, sister, brother, sister-in-law, brother-in-law, mother-in-law, father-in-law, and equivalent relative of an employee with a domestic partner. ~~Under exceptional circumstances, funeral leave may be granted by the bureau director, or designee, upon the death of a person other than those identified above.~~

Close Affinity Bereavement Leave

“An individual related by close affinity” includes relationships such as unmarried partners, household members, “chosen family,” and any person with whom the employee has a significant personal bond that is like a familial relationship, regardless of biological or legal relationship.

Pregnancy Loss Bereavement Leave

A qualifying pregnancy is defined as the pregnancy of the employee or

employee's spouse or partner; or any pregnancy, including through surrogacy or adoption, where the employee or employee's spouse or partner would have been parent or primary caregiver.

"Miscarriage" is defined by the American Academy of Pediatrics as loss of pregnancy prior to 20 weeks gestation.

"Stillbirth" is defined by the American Academy of Pediatrics as loss of pregnancy from 20 weeks gestation or more.

"Other loss" is defined as any other loss of pregnancy including termination, irrespective of whether deemed medically necessary, and loss incurred during fertility treatment.

If an employee and their spouse or domestic partner work for the same bureau, both employees may take bereavement leave for the death of the same qualifying decedent or pregnancy loss at the same time.

Oregon Family Leave Act Bereavement Leave

In addition to funeral and bereavement leave granted by this rule or by an employee's collective bargaining agreement, an eligible employee is entitled to take up to two workweeks of bereavement leave per death of a family member under the Oregon Family Leave Act (OFLA) if the circumstances of the leave are qualifying. [See Administrative Rule 6.05 Family Medical Leave](#). Close Affinity Bereavement Leave and Pregnancy Loss Bereavement Leave are not OFLA qualifying leave events; likewise, not all relatives listed under Relative Bereavement Leave are OFLA covered "family members" for the purposes of OFLA Bereavement Leave. An employee will be required to follow all ~~of the~~ stated rules for family medical leave designation.

Eligibility for Leave

~~No person employed as a consultant on a contract basis or employed on a temporary or seasonal basis is eligible for funeral or bereavement leave.~~

Certification of Pregnancy Loss

Employees seeking leave for Pregnancy Loss must obtain a statement from an eligible health care provider, as defined in HRAR 6.05 Family Medical Leave, stating that the healthcare provider has reviewed this policy and the employee qualifies for leave under HRAR 6.08. Employees seeking leave for Pregnancy Loss do not need to disclose the specific form of pregnancy loss they encountered in the certification or in any conversation seeking leave unless the employee desires to disclose.

Confidentiality

Information provided under this rule for certification of pregnancy loss must be maintained in a confidential file and is not generally subject to release without the employee's authorization. Approval of the leave must not contain any information concerning the purpose of the leave but shall state that leave was approved.

**Administrative Rule
History**

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
Revised July 9, 2007
Revised April 25, 2016
Revised September 29, 2021

IMPACT STATEMENT

Legislation title: Approve revisions to Human Resources Administrative Rule – 6.08 Funeral and Bereavement Leave to better define the eligibility for leave. (Ordinance)

Contact name: Mark Alejos
Contact phone: 503 823 3506
Presenter name: Cathy Bless

Purpose of proposed legislation and background information:

The purpose of this ordinance is to better define paid funeral and bereavement leave eligibility. The currently rule allows for employees to take bereavement leave for the death of a relative. A relative includes a spouse, domestic partner, parent, grandparent, grandparent-in-law, child, stepchild, grandchild, stepparent, stepgrandparent, daughter-in-law, son-in-law, stepbrother, stepsister, sister, brother, sister-in-law, brother-in-law, mother-in-law, father-in-law, and equivalent relative of an employee with a domestic partner.

The City recognizes that there are many different types of relationships that aren't represented in the current rule definition for taking bereavement leave. This rule change would expand on that by allowing employees to take bereavement leave for (1) a relative or (2) any individual related by close affinity (#1 and #2 are collectively referred to as a "qualifying decedent"); or (3) due to pregnancy loss including miscarriage, stillbirth, or other loss. "An individual related by close affinity" includes relationships such as unmarried partners, household members, "chosen family," and any person with whom the employee has a significant personal bond that is like a familial relationship, regardless of biological or legal relationship.

This rule revision also clarifies that contract, consultants, temporary, or seasonal employees are not eligible for bereavement leave but can take time off without compensation. Upon approval by City Council, eligible employees will be able to use paid funeral and bereavement leave for the death of a relative, or any individual related by close affinity; or due to pregnancy loss including miscarriage, stillbirth, or other loss.

Financial and budgetary impacts:

There is no financial impact for this ordinance approval.

Community impacts and community involvement:

This action is internal to City government processes.

100% Renewable Goal:

Budgetary Impact Worksheet

Does this action change appropriations?

YES: Please complete the information below.

NO: Skip this section

| Fund | Fund Center | Commitment Item | Functional Area | Funded Program | Grant | Sponsored Program | Amount |
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