

KANSAS ADJUTANT GENERAL'S DEPARTMENT

MEMORANDUM FOR ALL STATE EMPLOYEES

FROM: TAG-SHRO

SUBJECT: **FUNERAL AND BEREAVEMENT LEAVE**
TAG Policy No. 034-11

EFFECTIVE DATE: **April 1, 2017**

POLICY STATEMENT: It is the policy of the Adjutant General's Department to provide leave with pay to benefits eligible employees upon the death of a member of their immediate family or a close relative.

DEFINITIONS:

FLSA. The federal law that governs hour and wage requirements and employee eligibility for overtime is the Fair Labor Standards Act (FLSA)

Partner. A person with whom one cohabits or maintains a close family relationship which includes sharing responsibility for each other's common welfare or financial obligations, other than a spouse, is a Partner.

PROCESS GUIDELINES:

Eligibility

Employees who are benefits eligible may request paid Funeral Leave upon the death of a person with whom they share a close family relationship, to make funeral arrangement, attend the funeral and/or burial, and grieve their loss.

Close family relationships shall generally be defined as the following:

- Spouse/Partner (including common law)
- Child(ren) and their Spouse/Partner
- Mother and her Spouse/Partner
- Father and his Spouse/Partner
- Mother-in-law and her Spouse/Partner
- Father-in-law and his Spouse/Partner
- Sister(s) and her Spouse/Partner
- Brother(s) and his Spouse/Partner
- Grandparents and their Spouse/Partner
- Grandchild(ren) and their Spouse/Partner

The above relationships may be:

- Biological, adopted, foster, legal wards, Step, or *in loco parentis* relationships.
- By marriage or partnership

Funeral Leave will be approved on a case-by-case basis, but shall not exceed six (6) working days. The employee's relationship, responsibility for funeral arrangements, and necessary travel time shall be considered by the Manager in determining the amount of funeral leave granted.

Employees may request up to eight (8) hours of paid leave to attend the funeral of an immediate coworker. Managers have the discretion to limit the amount of paid Funeral Leave to less than eight (8) hours.

Employees may request the use of vacation leave, compensatory time, or leave without pay if additional time off is needed.

Vacation leave, compensatory time, or leave without pay may be requested to attend a funeral that does not qualify for paid Funeral and Bereavement Leave.

Time documented as Funeral Leave, vacation leave, and compensatory time shall not count towards the 40 hours of work used for the calculation of overtime. Only actual hours worked qualify for overtime pay under the Fair Labor Standards Act (FLSA).

While the need for Funeral or Bereavement Leave is not typically planned, every effort must be made by the employee to be in communication with their Manager to request Funeral Leave and obtain an understanding of what is approved prior to use. Should the employee find it necessary to request additional leave time, communication with the Manager is required prior to use.

Non-Exempt employees shall report the use of Funeral and Bereavement Leave in 15 minute increments. Exempt employees shall report in four (4) hour increments.

When an employee is covered by a Memorandum of Agreement (MOA), the employee, supervisor and manager must adhere to any provisions pertaining to Funeral Leave in the MOA

Responsibilities

Managers shall be responsible for the fair and equitable approval of Funeral and Bereavement Leave. In circumstances where concern exists regarding an employee's work attendance, managers may require verification of attendance at the funeral.

Supervisors shall be responsible for monitoring the use of all leave time and reporting of all time worked by the employee. Failure to accurately review and approve hours reported on time documents may lead to disciplinary action up to and including termination.

Employees shall be responsible for requesting Funeral and Bereavement Leave by notifying their Manager of the death of a family member and identifying the relationship to the deceased, the date, and location of the funeral. Employees are also responsible for confirming the amount of approved leave prior to use, and communicating any change in planning to the Manager as soon as possible.

Employees are responsible for completing a leave request form and submitting to their supervisor for approval prior to the use of leave time.

It is the responsibility of each employee to correctly document hours worked, and leave used, on their timesheet. Failure to accurately document time worked and provide leave request documents to Human Resources in a timely manner may lead to disciplinary action up to and including termination.

AUTHORATIVE REFERENCES:

K.A.R. 1-9-12, "Funeral or Death Leave."

U.S. Department of Labor, "Fair Labor Standards Act"

KOSE Memorandum of Agreement

Firefighter Memorandum of Agreement, October, 2015