

# FMLA Insights

Guidance & Solutions for Employers

## **Parental Bereavement Act Would Amend FMLA to Provide Leave Upon Death of a Child**

By [Jeff Nowak](#) on July 25, 2011

Earlier this month, Sen. Jon Tester (D-Mont.) introduced the [Parental Bereavement Act](#) (S. 1358), which would expand the Family and Medical Leave Act to provide job-protected leave due to the death of an employee's son or daughter. In a [press release](#), Sen. Tester said he introduced the bill because the "last thing [parents] should be worrying about is whether they'll lose their jobs as they deal with life-changing loss." The Act would allow leave "because of the death of a son or daughter," and it assumes leave would be taken in one block. Like bonding leave, bereavement leave could be taken intermittently only if the employer agrees. Like the FMLA itself, the bill would apply only to employers of 50 or more employees.

Although the Parental Bereavement Act currently has no co-sponsors, it likely has a better chance of passage than the recently-introduced [FMLA Inclusion Act](#) ([H.R. 2364](#), [S. 1283](#)), which would provide unpaid leave to care for a same-sex spouse or partner, parent-in-law, adult child, sibling, grandchild or grandparent. The latter bill, which has been introduced in Congress several times before, likely would not enjoy the support of a Republican-controlled House of Representatives, even if it were to pass the Senate.

These bills are among [several legislative initiatives](#) that have been introduced in Congress over the past year to amend (and often enlarge) the scope of the FMLA. The latest proposal under the Parental Bereavement Act is intriguing, since it builds upon a [grass roots initiative](#) imploring Congress to pass legislation providing job-protected leave upon the death of a child. The initiative is led by Kelly Farley and Barry Kluger, both of whom lost children at a very young age. Realizing that he could not take FMLA-protected leave upon his daughter's death (because it is not provided for under the FMLA), Kluger instead submitted FMLA paperwork seeking leave to care for his wife, who was dealing with depression in the aftermath of the tragic event. In reality, he [suggests](#), he needed leave to care for himself.

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