

October 5, 2011

The Honorable Jerry Brown
Governor, State of California
State Capitol Bldg.
Sacramento, CA 95814

**SUBJECT: AB 325 (LOWENTHAL) EMPLOYEE'S RIGHT TO BEREAVEMENT LEAVE
OPPOSE
REQUEST FOR VETO**

We respectfully request your **VETO** of **AB 325 (Lowenthal)**, which threatens employers with litigation, as well as payment of the employee's attorney's fees, if the employer "interferes" with the employee's "exercise or attempted exercise" of three days of bereavement leave.

We are not aware of any other state that requires private employers to provide employees with three days of protected bereavement leave. This would be another leave requirement for California employers only, that would add to our existing administrative burden and cost of implementing multiple protected leaves in California such as disability leave, family and medical leave, pregnancy leave, jury duty, military leave, and sick leave.

AB 325 would not only impose a new protected leave on employers, which they would have to provide regardless of other competing factors, but would threaten employers with costly litigation. This aspect of **AB 325** is unique as compared to other existing California leave laws. For example:

- Labor Code section 230-230.7: requires employers to provide protected leave for jury duty, domestic violence/ sexual assault, victims of crime, judicial proceedings, volunteer firefighters, and school activities. The enforcement mechanism for each of these leaves is an administrative hearing through the Division of Labor Standards Enforcement with **no** right to attorney's fees for either party.
- Labor Code section 1513: this section was just chaptered last year and requires employers to provide an employee with a protected leave of absence for bone marrow and/or organ donation. The enforcement mechanism for this leave is a private right of action. However, there is **no** provision for either party to obtain attorney's fees as a part of the recovery.

We support the rights of employers to provide bereavement leave on a *voluntary* basis, as many employers already provide such leave. However, California simply cannot continue to burden the private sector with the threat of costly litigation that can literally put them out of business and create further job loss.

For these and other reasons, we respectfully request your **VETO** of **AB 325** when it comes before you for consideration.

Sincerely,



Rick Wells
President and CEO
San Rafael Chamber of Commerce