

Legislative Analysis



BEREAVEMENT LEAVE

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House Bill 4745 without amendment

Sponsor: Rep. Terry Brown

Committee: Military and Veterans Affairs and Homeland Security

First Analysis (8-20-07)

BRIEF SUMMARY: The bill would amend Public Act 133 of 1955, which deals with protections for those taking military leave from employment, to require an employer to grant up to 10 days or 80 hours of bereavement leave to an employee who is a parent, spouse, or child of a member of the armed forces killed on active duty.

FISCAL IMPACT: There could be minimal costs to state and local governments depending on their existing leave time policies. Costs would depend on the number of cases.

Violation of the act is a misdemeanor. To the extent that there was an increase in the number of misdemeanor convictions, the bill could increase local costs of jail incarceration or misdemeanor probation supervision, both of which vary with jurisdiction. Any increase in penal fine collections could benefit local libraries.

THE APPARENT PROBLEM:

Coping with the lost of a loved one is typically a traumatic and emotional experience. It can be especially stressful for military family members whose loved one has "made the ultimate sacrifice" for the nation. Supporters of this legislation say that grieving military families must often wait days or even weeks to make final arrangements that are more complicated and time consuming than in standard situations. A witness told the House Committee on Military and Veterans Affairs and Homeland Security that when her son was killed in Iraq, his body was not released for 10 days and that the funeral arrangements took an additional five days. For this reason, legislation has been introduced that would guarantee a sufficient amount of paid bereavement leave from employment for family members of soldiers and sailors who die on active duty.

THE CONTENT OF THE BILL:

House Bill 4745 would amend Public Act 133 of 1955, which deals with protections for those taking military leave from employment, to provide for granting of bereavement leave. Upon request, an employer would have to grant bereavement leave with pay to an employee following the death of his or her spouse, child, or parent during active service in the armed forces of the United States. An employer would not be required to grant an employee paid leave of more than 10 days or 80 hours, whichever is less, for each incident invoking the right to bereavement leave.

Also under the bill, an employer could not discharge, discriminate against, or take any adverse employment action against an employee who takes or requests bereavement leave.

A violation of the act is a misdemeanor.

MCL 32.273b

ARGUMENTS:

For:

Proponents of the bill say that supporting our military families by giving them time to grieve when a soldier or sailor is killed on active duty is one of the ways we can show gratitude for their enormous sacrifice. They say that we need to go beyond waving flags and give our military families real support in their time of need.

Response:

Critics question whether there is really a problem in need of a solution here. They say that they are not aware of any instances of family members of fallen soldiers or sailors being denied appropriate bereavement leave. Businesses already appear to be demonstrating the proper sympathy and compassion, and so it would seem the bill (which could appear anti-business) may not be needed.

POSITIONS:

The Department of Military and Veteran Affairs supports the concept of the bill. (7-25-07)

American Legion supports the bill. (7-25-07)

Veterans of Foreign Wars of Michigan support the bill (7-25-07)

Marine Corps League is neutral on the bill. (6-13-07)

Military Order of the Purple Heart is neutral on the bill. (7-25-07)

Polish Legion is neutral on the bill. (6-13-07)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.