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Chairman Ron Wyden
221 Dirksen Senate Office Building
Washington, D.C. 20510

Ranking Member Mike Crapo
239 Dirksen Senate Office Building
Washington, D.C. 20510

August 17, 2021

Dear Chairman Wyden and Ranking Member Crapo,

Thank you for your service and leadership to our nation.

On behalf of millions of bereaved Americans, we encourage you to include bereavement leave in the FY22 budget reconciliation framework, our nation's first federal job protection for newly bereaved individuals.

Today, bereavement is not acceptable grounds for taking unpaid leave under the Family and Medical Leave Act, except for miscarriage or stillbirth losses or when a soldier is killed in action. Employees who need time off from work to grieve and cope with the death of a loved one have no legal right to take leave, with narrow exceptions in two states and two localities. While many employers offer bereavement leave, a stark disparity exists between those who are in the highest and lowest income brackets. According to the Bureau of Labor Statistics, in March 2018, 81 percent of the top wage earners had access to paid funeral leave, while 23 percent of the lowest wage earners had access to the same benefits.¹ This disparity is unacceptable and we must protect families during one of their most vulnerable times.

Bereavement shares a powerful intersectionality with multiple national public health emergencies, including COVID-19, overdose, homicide, and suicide. It plays a key gatekeeping role in determining whether we as a nation can turn the corner on these ongoing public health crises towards national recovery and wellbeing. Unbeknownst to most, the unexpected death of a loved one is both among the most common major life stressors, and the single worst lifetime experience, reported by Americans in national surveys.² To that end, racial inequalities in bereavement are magnified across the life course as Black Americans are more likely than White Americans to experience the death of children, spouses, siblings, and parents. Black Americans are three times as likely as White Americans to have two or more family members die by the time they reach the age of 30.³

This watershed moment -- providing wage support and job protection for bereaved Americans -- offers a rare opportunity to bring together a diverse array of seemingly disconnected, separately raging crises to support our nation's grieving individuals, families, communities and our nation.

¹ <https://www.bls.gov/ncs/ebs/benefits/2018/ownership/civilian/table32a.htm>

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4869975/>

³ <https://pubmed.ncbi.nlm.nih.gov/28115712/>

Losing a loved one is not only a personal tragedy, but casts a long shadow that can extend for decades as it places surviving parents, children, siblings, and spouses at significant risk for impaired health, premature death, and underachievement. *Some* additional risks include serious mental health disorders, teen pregnancy, violent crime involvement, youth delinquency, substance abuse, diminished academic attainment, diminished lifetime income, and less purpose in life, among many others.⁴

As you outline the reconciliation framework, we request that bereavement job and wage protection include the following:

- 1) **Leave Allotment:** *Five days* of paid leave following the death of a loved one.
- 2) **Schedule:** Leave may be taken up to 12 months following the death, at the discretion of the employee.
- 3) **Wage replacement:** Partial wage replacement, up to \$4,000 per month.
- 4) **Age of a child:** Define the child age up to age 26 bringing age parity with existing health care and tax law.
- 5) **Definition of a family member or loved one:** Given the diverse composition of family composition's, we suggest defining a family member or loved one as: (1) Spouses, domestic partners, and both different-sex and same-sex significant others: or (2) Any other family member within the second degree of consanguinity or affinity: or (3) A member of the covered employee's household, including a minor's parents, regardless of the sex or gender of either parent. Parenthood should be defined as legal parents, foster parents, same-sex parent, stepparents, those serving in loco parentis, and other persons operating in caretaker roles.
- 6) **Effective Date:** Year one.

These measures will not only safeguard newly bereaved families, but will help stabilize a family's well-being and economic solvency. Losing the head of a household, for example, can threaten a family's food and housing security overnight. Compounding hardships, such as the high cost of funerals or judicial proceedings, can send a family into severe economic hardship. Additionally, switching car titles, converting life insurance policies and other administrative affairs, along with following religious or cultural guidance, can strain a family's ability to cope. **The threat of losing your job, in addition to these hardships, is unacceptable and downright unAmerican.**

On behalf of millions of bereaved Americans and Evermore, a nonpartisan nonprofit dedicated to making the world a more livable place for bereaved families by raising awareness of the consequences and implications of bereavement for society, advancing sound research that drives policy and program investments, and advocating on behalf of bereaved families for whom very limited legal protections are available in the aftermath, we urge you to act now.

Mortality has reached an unprecedented level, touching the doorsteps of millions of fellow Americans. Undoubtedly, now is the time to act.

Sincerely,
Joyal Mulheron
Executive Director, Evermore

⁴ <https://live-evermore.org/wp-content/uploads/2020/11/Evermore-Bereavement-Facts-and-Figures-2020.pdf>