



**DEPARTMENT OF PUBLIC SAFETY  
POLICIES & PROCEDURES**



<b>POLICY NUMBER</b>	
PRs: 09	
<b>EFFECTIVE DATE:</b> 05/27/2020	<b>ORIGINAL ISSUED ON:</b> 05/27/2020
<b>REVISION NO:</b>  ORIGINAL	

**SUBJECT: BEREAVEMENT LEAVE**

**1.0PURPOSE**

The purpose of this policy is to provide guidelines for bereavement leave for all Department of Public Safety (DPS) employees.

**2.0POLICY**

It is the policy of the DPS to provide its employees' bereavement leave in accordance with state and federal law, State Personnel Board rules and the New Mexico Administrative Code.

**3.0APPLICABILITY**

This policy applies to all employees of the DPS.

**4.0REFERENCES**

- A. State Personnel Board Rules 1.7.7.10 NMAC and 1.7.7.14 NMAC
- B. DPS Policy PRS. 15 Absences from work

**5.0 DEFINITIONS**

- A. Bereavement Leave –Administrative Leave granted for a period of mourning after a loss (death) of a covered loved one which includes but is not limited to: travel, participating in the funeral or service arrangements and to attend the service. The Department’s Cabinet Secretary may grant up to forty (forty) hours of bereavement leave, not to exceed eight (8) hours per day. The leave will be granted as follows:
  - 1. Immediate Family member up to 40 hours
  - 2. Family member up to 24 hours
  - 3. Living in a household member – 16 hours
- B. Child or Children – means the biological child(ren), legally adopted child(ren), foster child(ren), stepchild(ren), or legal wards(s) of an employee

## BEREAVEMENT LEAVE POLICY

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- C. Department – Department of Public Safety (DPS)
- D. Domestic Partner – means two individuals who have shared a common, primary residence for at least twelve (12) consecutive months, sign an affidavit of domestic partnership, and meet the following criteria:
1. Both domestic partners must be unmarried.
  2. Domestic partners must have been in a mutually exclusive relationship, intending to do so indefinitely, and the relationship is similar to a marriage relationship in the State of New Mexico.
  3. Domestic partners must meet the age requirements for marriage in New Mexico (18 years of age) and be mentally competent to consent to contract.
  4. Domestic partners must not be related by blood to the degree prohibited in a legal marriage in the State of New Mexico.
  5. Domestic partners must be jointly responsible for the common welfare of each other and share financial obligations.
  6. Domestic partner must not be married or a member of another domestic partnership; nor have been so during the past twelve (12) months. If domestic partnership dissolves and the same two people want to be partners again, they must once again meet the 12-month requirements.
  7. Domestic partners must provide proof of one of the following: joint mortgage or lease; joint ownership of a motor vehicle; joint bank account; joint credit account; domestic partner named as beneficiary of life insurance; domestic partner named as beneficiary of retirements benefits; domestic partner named as primary beneficiary in the employee's will; domestic partner assigned durable property or health care power of attorney; or documentation of sharing a household expenses by both partners.
  8. Family Member – means an individual who is the spouse or domestic partner of or is by blood, marriage, or legal adoption, a parent, grandparent, great-grandparent, child, foster child, grandchild, grand-grandchild, brother, sister, niece, nephew, aunt or uncle, or is living in the household of the employee.
  9. Immediate Family Member - For bereavement leave requests, an immediate family member includes a spouse, domestic partner, grandparent (step, adoptive or natural), parent (step, adoptive or natural), child (step, adoptive or natural) and brother, sister (step, adoptive or natural) and/or grandchild.

## **BEREAVEMENT LEAVE POLICY**

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10. Spouse – A husband, wife, or an individual in a lawfully recognized same-sex or common law marriage or marriage that was validly entered into outside of the United States if it could have been entered into in at least one state.
- E. Family Member – means an individual who is the spouse or domestic partner of or is by blood, marriage, or legal adoption, a parent, grandparent, great-grandparent, child, foster child, grandchild, grand-grandchild, brother, sister, niece, nephew, aunt or uncle, or is living in the household of the employee.
- F. Immediate Family Member - For bereavement leave requests, immediate family member includes a spouse, domestic partner, grandparent (step, adoptive or natural), parent (step, adoptive or natural), child (step, adoptive or natural) and brother, sister (step, adoptive or natural) and/or grandchild.
- G. Spouse – A husband, wife, or an individual in a lawfully recognized same-sex or common law marriage or marriage that was validly entered into outside of the United States if it could have been entered into in at least one state.

### **6.0 PROCEDURE**

- A. To request Bereavement Leave, an eligible employee shall:
1. In the event of the death of an immediate family member, family member, or an individual living in the household, an employee will notify their immediate supervisor in writing with the request for bereavement leave. The written request will be on the “Request for Bereavement Leave” form.
  2. The employee will provide the following information: Relationship to the deceased and the date(s) the employee is requesting for bereavement leave. This must be done within 10 days following the death. Only under extenuating circumstances will the leave be approved outside the period.
  3. If an employee is requesting bereavement leave for the death of a domestic partner’s immediate family member or family member, the employee will need to provide the documentation required for proof of domestic partnership.
  4. The immediate supervisor will provide the written request from the employee to the Departments Human Resources Director or designee.
- B. Approval Process for Bereavement Leave:
1. The Departments Human Resources Director or designee will request in writing to the Department Cabinet Secretary a request for bereavement leave to include the relationship and date(s) the employee is requesting.

