
Bereavement Leave To Extend Same Benefit For Employees With Same-Sex Partners

November 2, 2010

On August 31, 2010, Governor Patterson signed into law an amendment to the Civil Rights Law, which will require that employers who provide funeral leave for family members must provide the same leave to same-sex committed partners.

The law prohibits employers from discriminating in the granting of funeral or bereavement to its employees who are in a committed, same-sex relationship; such leave must be extended on the same basis as is offered to those employees who are married. Specifically, it provides that “[n]o employer who extends to its employees funeral or bereavement leave for the death of an employee’s spouse or the child, parent, or other relative of the spouse shall deny the same leave to an employee for the death of the employee’s same-sex committed partner or the child, parent, or relative of the committed partner.” “Same-sex committed partners” are defined as “those who are financially and emotionally interdependent in a manner commonly presumed of spouses.”

Previously, same-sex couples who were legally married outside of New York State were already considered married under New York law, but this law will protect same-sex couples who have not left New York State to marry in another jurisdiction

The Legislature noted that “individuals in same-sex relationships who are prohibited from civil marriage are often not granted bereavement leave to attend the funeral of their partner or partner’s blood relation. This fails to acknowledge the value that any committed relationship contributes to our communities.”

This amendment can be found at the New York Civil Rights Law Section 79-n. Employers should update their funeral and bereavement leave policies to reflect the change in the law.

If you have any questions about this new law or any other employment-related inquiries, please contact one of the members of our Labor and Employment Department, and we will be happy to assist you.

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