



Department of Corrections and Rehabilitation

NOTICE OF CHANGE TO REGULATIONS

Sections: 3000, 3045.4	NCR Number: 26-01	Publication Date: January 23, 2026
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INSTITUTION POSTING AND CERTIFICATION REQUIRED

This Notice announces the proposed amendment of section 3000 and adoption of new section 3045.4 of the California Code of Regulations (CCR), Title 15, Crime Prevention and Corrections, Division 3, Chapter 1, regarding bereavement leave for incarcerated persons.

PUBLIC COMMENT PERIOD

The public comment period will close on **March 10, 2026**. Any person may submit written comments about the proposed regulations by mail to the California Department of Corrections and Rehabilitation (CDCR), Regulation and Policy Management Branch (RPMB), P.O. Box 942883, Sacramento, CA 94283-0001, or by e-mail to RPMB@cdcr.ca.gov. All written comments must be received or postmarked no later than **March 10, 2026**.

PUBLIC HEARING INFORMATION

A public hearing regarding these proposed regulations will be held **March 10, 2026, from 10:00 a.m. to 11:00 a.m. in Room 101, located at 8260 Longleaf Dr., Building C, Elk Grove CA**. The purpose of the hearing is to receive comments about the proposed regulations. It is not a forum to debate the proposed regulations. No decision regarding the permanent adoption of these regulations will be rendered at this hearing. Written comments submitted during the prescribed comment period are given the same significance and weight as oral comments presented at the hearing. This hearing site is accessible to the mobility impaired.

POSTING

This Notice shall be posted immediately upon receipt at locations accessible to incarcerated or supervised persons, and employees in each Department facility and field office not later than five calendar days after receipt. Also, institutions and facilities shall make this Notice available for review by incarcerated persons in restricted housing who do not have access to the posted copies, and shall distribute it to incarcerated person law libraries and advisory councils. CDCR Form 621-A (Rev. 05/19), Certification of Posting, shall be returned to RPMB by mail or email. See Department Operations Manual Section 12010.6.7 for posting and certification of posting procedures.

CONTACT PERSON

Inquiries regarding this Notice should be directed to Josh Jugum, by mail to California Department of Corrections and Rehabilitation, RPMB, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone at (279) 223-2317, or e-mail to RPMB@cdcr.ca.gov. Inquiries regarding the subject matter of these regulations should be directed to Carlos Santos, Division of Adult Institutions, at (279) 223-3778.

Original Signed By:

JASON D. JOHNSON
Undersecretary, Operations
California Department of Corrections and Rehabilitation

Attachment

NOTICE OF PROPOSED REGULATIONS
California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the department), proposes to amend section 3000 and adopt new section 3045.4 in the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, regarding Bereavement Leave for Incarcerated Persons.

PUBLIC COMMENT PERIOD

The public comment period begins **January 23, 2026** and closes on **March 10, 2026**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, contact the program contact person listed below.

CONTACT PERSONS

<u>Primary Contact</u>	<u>Back-Up</u>	<u>Program Contact</u>
Josh Jugum	Y. Sun	C. Santos
Telephone: (279) 223-2317	Telephone: (279) 223-2316	Telephone: (279) 223-3778
Regulation and Policy	Regulation and Policy	Division of Adult Institutions
Management Branch	Management Branch	P.O. Box 942883
P.O. Box 942883	P.O. Box 942883	Sacramento, CA 94283-0001
Sacramento, CA 94283-0001	Sacramento, CA 94283-0001	

PUBLIC HEARING

Date and Time:	March 10, 2026 – 10:00 a.m. to 11:00 a.m.
Place:	8260 Longleaf Drive, Building C, first floor, Room 101 Elk Grove, CA 95758

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

Additional provisions of law cited in the amended CCR sections: Sections 243(f)(4), 2717.3, 3000.03, 3411, 3414, 5058, 5058.3, 6252 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code; Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2084, 2600, 2601, 2700, 2710, 2717.1, 2717.6, 2932.5, 2905, 3003.5(a), 3007.05, 3020, 3450, 3550, 4570, 4576, 5005, 5009, 5050, 5054, 5068, 6250, 6250.5, 6258.1, 7000 et seq., 7286.5, 11180 and 11191,

Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Sections 11007, 11351, 11352, 11378 and 11379, Health and Safety Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; In re Bittaker, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Madrid v. Cate (USDC ND Cal. C90-3094 TEH); Sassman v. Brown (E.D. Cal. 2015) 99 F.Supp.3d 1223; Mitchell v. Cate, USDC ED 2:08-CV-01196-TLN-EFB; In re Garcia (2012) 202 Cal.App.4th 892; and Quine v. Beard, No. C 14-02726 JST.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Assembly Bill 2624, signed in 2024, adopted section 2710 into the Penal Code. Consistent with this statute, the proposed regulations incorporate Incarcerated Person Bereavement Leave which is a benefit that provides incarcerated persons with paid compensation for approved time off from assigned work and educational programs to grieve the loss of an immediate family member. Exceptions apply if the incarcerated person is employed in a position requiring emergency response and exigent circumstances necessitate their employment during the requested period. In such cases, the warden or their designee shall grant the requested leave as soon as practicable after the exigent circumstance has ended.

This action will:

- Implement, interpret and make specific Penal Code section 2710, which requires that incarcerated persons be allowed relief from prison employment after the death of an immediate family member.
- Establish processes for the notification, substantiation, and documentation of the death of an immediate family member, and the granting of time off for the incarcerated person.
- Establish that the granting of time off may be delayed by exigent circumstances, consistent with the penal code.
- Establish that Bereavement Leave must be used within three months of the date of the death of the immediate family member.

DOCUMENTS INCORPORATED BY REFERENCE

- CDCR Form 340, Death Notification (01/25).
- Death Notification Form (01/25). This is an automated form in the department's Strategic Oversight Management System.

Justification for incorporating forms by reference:

The department uses over 1,500 forms, many of which are regulatory. It would be unduly cumbersome, expensive and impractical to print all these forms in the CCR text, therefore the department has always incorporated forms by reference, except in specific circumstances which do not apply in the case of these regulations.

The adopted, amended, and/or repealed forms included in this rulemaking action are available to the public for review and are included in the notice of rulemaking sent to all parties who have requested notification

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulations will benefit incarcerated persons by providing a standardized process for granting Bereavement Leave when an incarcerated person experiences the death of an immediate family member, pursuant to Penal Code section 2710, which may be beneficial to their wellbeing

and rehabilitative efforts.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern bereavement leave for incarcerated persons.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate, which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 - 17630.

FISCAL IMPACT STATEMENT

- | | |
|--|-------------|
| • Cost or savings to any state agency: | <i>None</i> |
| • Cost to any local agency or school district that is required to be reimbursed: | <i>None</i> |
| • Other nondiscretionary cost or savings imposed on local agencies: | <i>None</i> |
| • Cost or savings in federal funding to the state: | <i>None</i> |

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The department has made an initial determination that this action will not have a significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states because the proposed regulations affect the internal management of CDCR only, and place no requirements or restrictions on businesses.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small businesses because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulation will not have any impact on the following:

- Creation or elimination of jobs within California.
- Creation of new businesses or elimination of existing businesses within California.
- Expansion of businesses currently doing business with the state.
- The state's environment.

The department has determined that the proposed regulations do not impact the health and welfare of California residents. However, the regulations may benefit incarcerated persons by improving their wellbeing within CDCR institutions.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

TEXT OF PROPOSED REGULATIONS

In the following text, underline indicates newly added text.

California Code of Regulations

Title 15. Crime Prevention and Corrections

Division 3. Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Article 1. Behavior

Section 3000. Definitions

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Incarcerated Person Bereavement Leave means a benefit that provides incarcerated persons with paid and approved time off from assigned work and educational programs to grieve the loss of an immediate family member.

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NOTE: Authority cited: Sections 243(f)(4), 2717.3, 3000.03, 3411, 3414, 5058, 5058.3, 6252 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2084, 2600, 2601, 2700, 2710, 2717.1, 2717.6, 2932.5, 2905, 3003.5(a), 3007.05, 3020, 3450, 3550, 4570, 4576, 5005, 5009, 5050, 5054, 5068, 6250, 6250.5, 6258.1, 7000 et seq., 7286.5, 11180 and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Sections 11007, 11351, 11352, 11378 and 11379, Health and Safety Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; In re Bittaker, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Madrid v. Cate (USDC ND Cal. C90-3094 TEH); Sassman v. Brown (E.D. Cal. 2015) 99 F.Supp.3d 1223; Mitchell v. Cate, USDC ED 2:08-CV-01196-TLN-EFB; In re Garcia (2012) 202 Cal.App.4th 892; and Quine v. Beard, No. C 14-02726 JST.

Article 3.5 Incarcerated Person Work Timekeeping

New section 3045.4 is adopted.

3045.4 Incarcerated Person Bereavement Leave

(a) An incarcerated person shall be allowed relief from prison employment after the death of an immediate family member, as defined in section 3000, of the incarcerated person.

(1) If the incarcerated person is enrolled in an educational program instead of, or in addition to, being employed, the incarcerated person shall additionally be allowed relief from the educational program.

(2) The incarcerated person shall request relief from the warden or their designee, and shall provide notification of the death of an immediate family member to support the request.

(A) A CDCR Form 340, Death Notification (01/25), or Offender Standard Form in SOMS "Death Notification" (01/25), both of which are incorporated by reference, shall be initiated and routed to the assigned Correctional Counselor.

(B) Excused Time Off (ETO) shall be granted immediately, pursuant to section 3045.2.

(3) Upon receiving the request and substantiation, the warden or their designee shall approve or deny within two business days.

(b) The incarcerated person shall be paid their regular compensation for the hours and days the individual is scheduled to work during the period of relief.

(c) The relief shall not exceed three days for any one occurrence and must be used within three months of the date of death.

(d) Excluding exigent circumstances, incarcerated persons on bereavement leave shall continue to have access to medical and mental health services.

(e) The warden or designee shall grant the relief from employment pursuant to this section unless the incarcerated person is employed in a position requiring emergency response including, but not limited to a firefighter, and there is an exigent circumstance requiring their employment during the period requested by the incarcerated person. If the warden or designee denies the relief, the relief shall be granted as soon as practicable after the exigent circumstance has ended.

(f) A warden or designee shall not discipline, retaliate, refuse to hire, unassign, demote, reduce pay, suspend, expel, or discriminate against an individual as a result of either of the following:

(1) An individual's exercise of the right to relief from employment pursuant to subsection (a).

(2) An individual's request for relief from employment or provision of substantiation to support the request pursuant to subsection (a).

(g) This section does not authorize an incarcerated person to leave the prison facility.

(h) This section does not authorize the department to deny an incarcerated person access to other regularly scheduled activities, including, but not limited to, recreation, meals, group sessions, or counseling.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2710 and 5054, Penal Code.

DEATH NOTIFICATION

First and Third Watch Instructions for Staff: Notify a Chaplain. The Chaplain will contact the incarcerated person at the earliest opportunity. Ensure the appropriate staff are available to provide services prior to contacting the incarcerated person. Allow the Chaplain to make the initial report to the incarcerated person. Information regarding a death of an incarcerated person's family member should be handled with discretion. The Chaplain shall contact and coordinate with the incarcerated person's assigned Correctional Counselor.

Second Watch Instructions for Staff: Complete the form with relevant information. Have the incarcerated person report to the assigned counselor's office. Provide the incarcerated person with a phone call. Following the phone call offer the incarcerated person mental health and Chaplain services.

Incarcerated Person: _____	CDCR# _____	Housing: _____
Incarcerated Person Notified <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, Time: _____	Date: _____

Information Received by: _____ Person Providing the Information: _____ Relationship to the Incarcerated Person: _____ Phone Number: _____ Phone Number where Death can be Verified: _____ (i.e. Hospital, Mortuary, Coroner's Office, etc.) Name of Location Contacted: _____ Name of Person Contacted: _____	Date and Time Received: _____ The Deceased: _____ Relationship to the Incarcerated Person: _____ Nature of Death: _____ Time of Death: _____ Date of Death: _____
Chaplain Services Offered: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Mental Health Services Offered: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments: 	
Warden/Designee: _____	<input type="checkbox"/> Approved <input type="checkbox"/> Delayed



DEATH NOTIFICATION OF IMMEDIATE FAMILY

First and Third Watch Instructions for staff: Notify a Chaplain. The Chaplain will contact the incarcerated person at the earliest opportunity. Ensure the appropriate staff are available to provide services prior to contacting the incarcerated person. Allow the Chaplain to make the initial report to the inmate. Information regarding a death in an incarcerated person's family should be handled accordingly. The Chaplain shall contact and coordinate with the incarcerated person's assigned Correctional Counselor.

Second Watch Instructions for staff: Complete the form with relevant information. Have the incarcerated person report to the assigned counselor's office. Provide the incarcerated person with a phone call. Following the phone call offer the incarcerated person mental health and Chaplain services.

Section 1

Incarcerated Person's Name: XXXXXXXXXX

CDCR#: XXXXX

Housing: XXXXX

Incarcerated Person Notified: ☐ Yes ☐ No

If yes, time:

If yes, date:

Correctional Counselor:

Work/Program/Education Assignments:

Facility: X
Assignment Type: XXXXXXXXX
Category: XXX
Position Number: XXX
Position Title: XXXXXXXXX

Section 2

Information Received By: S. CDCR

Classification:

Date:

Time:

Name of Person Contacting CDCR:

Relationship to the Incarcerated Person:

Phone Number:

Phone Number where death can be verified:

Name of Deceased:

Incarcerated Persons Relationship to the Deceased:

Section 3

Name of location contacted:

Name of person contacted:

Nature of Death:

Time of Death:

Date of Death:

Correctional Counselor Completing Form:

Date:

Chaplain notified: ☐ Yes ☐ No

Incarcerated Person has been offered to speak with a chaplain: ☐ Yes ☐ No

Mental Health Services has been notified: ☐ Yes ☐ No

Incarcerated Person has been offered to speak with Mental Health Services: ☐ Yes ☐ No

Additional Information:

None

Section 4

Warden/Designee:

Date:

☐ Approved ☐ Delayed

Comments:

None

INITIAL STATEMENT OF REASONS

The California Department of Corrections and Rehabilitation (CDCR or the department) proposes to amend section 3000 and adopt new section 3045.4 in the California Code of Regulations (CCR), Title 15, Division 3. The proposed regulations will grant bereavement leave to incarcerated persons pursuant to Penal Code section 2710.

Assembly Bill 2624, signed in 2024, adopted section 2710 into the Penal Code. Consistent with this statute, the proposed regulations incorporate Incarcerated Person Bereavement Leave which is a benefit that provides incarcerated persons with paid compensation for approved time off from assigned work and educational programs to grieve the loss of an immediate family member. Exceptions apply if the incarcerated person is employed in a position requiring emergency response and exigent circumstances necessitate their employment during the requested period. In such cases, the warden or their designee shall grant the requested leave as soon as practicable after the exigent circumstance has ended.

CONSIDERATION OF ALTERNATIVES:

The department must determine no reasonable alternatives considered, or that have otherwise been identified and brought to the attention of the department, would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Currently, no reasonable alternatives have been brought to the attention of the department, which would alter the department's initial determination.

ECONOMIC IMPACT ASSESSMENT:

In accordance with Government Code Section 11346.3(b), the department has made the following assessments regarding the proposed regulations: This action will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

Significant Adverse Economic Impact on Business

The department has made an initial determination that the proposed regulatory action will not have a significant adverse economic impact on business. Additionally, there have been no facts, evidence, documents, testimony, or other evidence provided which would alter the department's initial determination. The proposed regulations do not have a direct impact on California businesses, as the proposed regulations affect the internal management of CDCR only.

Creation of New or the Elimination of Existing Jobs within the State of California

The department has determined that the proposed regulations will not have an impact on the creation of new or the elimination of existing jobs within California, as the proposed regulations affect the internal management of CDCR only.

Creation of New, Expansion or the Elimination of Existing Businesses Currently Doing Business within the State of California

The department has determined that the proposed regulations will not have an impact on the creation of new or elimination of existing businesses within California or affect the expansion of businesses currently doing business in California, as the proposed regulations affect the internal management of the CDCR only.

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The department has determined that the proposed regulations will have no impact on the health and welfare of California residents, worker safety, or the State's environment.

BENEFITS OF THE REGULATIONS:

The proposed regulations will benefit incarcerated persons by providing a standardized process for granting Bereavement Leave when an incarcerated person experiences the death of an immediate family member, pursuant to Penal Code section 2710.

MATERIALS RELIED UPON:

The department, in proposing amendments to these regulations, has not identified nor has it relied upon any technical, theoretical, or empirical study, report, or similar document.

SPECIFIC PURPOSE AND RATIONALE FOR EACH SECTION, PER GOVERNMENT CODE SECTION 11346.2(b)(1):

Section 3000 is amended to adopt a definition of the term Bereavement Leave. This is necessary to implement and make specific the requirements of Penal Code (PC) section 2710. This new definition includes the term "immediate family member" which is defined elsewhere in this section.

New Section 3045.4 Incarcerated Person Bereavement Leave is adopted into the CCR in accordance with PC section 2710.

Subsections 3045.4(a) through 3045.4(a)(2) are adopted to establish regulatory provisions pursuant to PC sections 2710(a)(1) through (a)(3). These provisions are taken, with minor changes, from the penal code. The department recognizes that this language is duplicative of statute, however this is necessary as the affected population for CDCR regulations includes incarcerated persons. This population may not have immediate access to current California law. By duplicating statutory language, the department can establish the foundation for the regulation to help ensure a complete understanding of the statutory authority. It is the department's position that any duplication of statute in these

regulations does not serve the same purpose as the above-referenced PC Section, and as provided in Government Code section 11349(f), is necessary in order to satisfy the clarity standard as described in Government Code section 11349(c).

Section 3045.4(a)(2)(A) is adopted to establish the forms that will be initiated and routed upon request for bereavement leave. This is necessary to establish the forms that shall be utilized when providing a death notification. The CDCR Form 340 or Offender Standard Form in SOMS is to be utilized to determine and verify the nature of the relation of the family member who has passed away to the incarcerated person, in order to determine if the bereavement leave can be approved consistent with the penal code. Additionally, this subsection is needed to establish the classification of the staff that are expected to complete the verification process.

Section 3045.4(a)(2)(B) is adopted. This is necessary to provide time off for an incarcerated person from assigned work and education assignments during the interim period prior to the verification of the death of the immediate family member. This time off will be provided upon the incarcerated person's request and will not be compensated or considered Bereavement Leave as defined in section 3000. Upon verification, the leave will be changed to Bereavement Leave and the incarcerated person shall be eligible for payment, consistent with the PC section 2710.

Section 3045.4(a)(3) is adopted. This is necessary to establish a timeframe for review and approval or denial of a Bereavement Leave request. The department determined that two business days was a reasonable and practical timeframe for the review of such requests and any substantiation. Examples of substantiation within this section include and are not limited to newspaper/internet obituary; memorial service notification or program; death certificate; law enforcement report, CDCR verification, etc.

Section 3045.4(b) is adopted. This is necessary to establish the incarcerated person will be compensated their full wages while utilizing Bereavement Leave, pursuant to PC section 2710(b) (see note above regarding the use of statutory language in these regulations).

Section 3045.4(c) is adopted. This is necessary to establish a limit to the number of days of Bereavement Leave that an incarcerated person will receive per occurrence, consistent with requirements within PC section 2710. The department determined that requiring the use of the bereavement leave within three months of the death of the immediate family member is reasonable, as bereavement leave is generally used to grieve a recent loss, or help with arrangements which usually happen soon after death. Additionally, incarcerated persons often change work assignments, housing, or even institutions, and having to track unused bereavement leave for an extended period may create difficulties for record-keeping.

Section 3045.4(d) is adopted. This is necessary to ensure incarcerated persons are afforded access to medical and mental health care consistent with their needs and to prevent any lapse in care.

Section 3045.4(e) is adopted. This is necessary to ensure the incarcerated person has access to the utilization of Bereavement Leave, while also ensuring critical daily departmental operations are not impacted by the absence of the incarcerated person. Delays of Bereavement Leave approvals shall only be utilized in the event there is a critical necessity of having the incarcerated person report to their assignment due to exigent circumstance (e.g.-incarcerated person is a camp firefighter and deployed from institutional/camp setting for fire operations). This is consistent with PC sections 2710(e)(1) and (e)(2).

Section 3045.4(f) is adopted. This is necessary to ensure incarcerated persons are not subjected to any adverse action or negative impact when requesting to utilize or utilizing Bereavement Leave in the observance of the death of an immediate family member, pursuant to PC section 2710(f).

Section 3045.4(f)(1) is adopted. This is necessary to provide an incarcerated person the ability to request and utilize Bereavement Leave in order to obtain relief from assigned work or education assignments when a death of an immediate family member has occurred and the incarcerated person elects to grieve without the burden of a work and/or education requirement.

Section 3045.4(f)(2) is adopted. This is necessary to provide an incarcerated person the ability to request and utilize bereavement leave in order to obtain relief from assigned work or education assignments when a death of an immediate family member has occurred and the incarcerated person elects to grieve without the concern of lost wages from a work assignment or fear of removal from an education requirement while placing the burden of substantiating the death of an immediate family member of the incarcerated person upon that individual.

Section 3045.4(g) is adopted: This is necessary to establish that the use of Bereavement Leave does not automatically trigger or qualify an incarcerated person for approval of a Temporary Community Leave (TCL) from an institution, camp or community program in the event of the death of an immediate family member. TCL process and approval is outlined within section 3082, Temporary Leaves.

Section 3045.4(h) is adopted. This is necessary to ensure consistency of Bereavement Leave from work and education assignments upon the death of an immediate family member, while ensuring the incarcerated person still has access to other recreational activities as desired without fear of being restricted from such activities. This section is consistent with PC section 2710 and ensures access to regularly scheduled activities for the incarcerated person without disruption.