

REGULATION AND POLICY MANAGEMENT BRANCH

P.O. Box 942883
Sacramento, CA 94283-0001



September 18, 2026

SECOND NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED

Pursuant to the provisions of Government Code Section 11346.8(c) and Section 44 of Title 1 of the California Code of Regulations (CCR), the California Department of Corrections and Rehabilitation (CDCR or the department) hereby provides notice of proposed changes made to CCR sections regarding bereavement leave for incarcerated persons.

You are receiving this notice because you provided a comment regarding the proposed regulations.

Notice of Change to Regulations 26-01 was published in the Office of Administrative Law Regulatory Notice Register on January 23, 2026. The first Notice of Change to Text as Originally Proposed (Renotice) was published on March 20, 2026. The department has determined that additional changes to the proposed regulations are necessary.

Amendments to the proposed text originally noticed to the public and the first Notice of Change to Regulations as Originally Proposed (Renotice) are indicated by **bold dotted underline** for newly added text and **~~bold dotted underline with strikethrough~~** for newly deleted text. The single **underline** and **~~strikethrough~~** formatting from the original proposed text noticed to the public and the **bold double underline** and **~~bold double strikethrough~~** from the first Notice of Change to Text as Originally Proposed have been retained in this amended text. These proposed changes are being made available for public comment. Only those comments relating directly to the amendments indicated by **bold dotted underline** or **~~bold dotted underline with strikethrough~~** will be considered.

The attached regulation text contains the following changes:

Section 3045.2. Excused Time Off (ETO).

Subsection 3045.2(a) is amended to establish that work groups F and M are eligible for use of Excused Time Off (ETO). This is necessary as these work groups may include firefighters or other workers who are eligible for Bereavement Leave.

New subsection 3045.2(d)(7) is adopted. This new provision adds Bereavement Leave as an authorized use of Excused Time Off (ETO). This is necessary for consistency with section 3045.4, because ETO will immediately be available to incarcerated persons asking for Bereavement Leave.

3045.4. Incarcerated Person Bereavement Leave.

Subsection 3045.4(a)(2)(A) is amended to change the revision date of the CDCR Form 340, which is incorporated by reference.

Subsection 3045.4(a)(2)(B) is amended to replace the term “granted” with “available to the incarcerated person” and add “except in cases of exigent circumstances described in subsection (e).” The first change is necessary to make clear that ETO will be granted consistent with the incarcerated person’s request, rather than granted immediately regardless of the time off requested (e.g., the incarcerated person requests to use their Bereavement Leave the following week after learning of a family member’s death rather than immediately). The second amendment is to clarify that ETO shall not be granted when there is an exigent circumstance consistent with subsection (e). Both amendments are for clarification only and do not change the meaning or effect of the proposed regulations.

Subsection 3045.4(a)(3) is amended to clarify the proposed provision. The amended language makes clear that the warden or their designee may approve the request for Bereavement Leave or delay the request until the exigent circumstances have concluded. This is necessary for clarity, as previous language stated the request may be denied, when in fact the request is being delayed due to exigent circumstances rather than denied. Additionally, examples of acceptable substantiation are included for clarity purposes. While this list is not comprehensive, it provides several examples of common documentation that an incarcerated person may provide to prove the need for Bereavement Leave.

Subsection 3045.4(b) is amended to add the phrase “Upon approval of Bereavement Leave” to clarify that the incarcerated person shall not be paid their regular compensation until the Bereavement Leave is approved. This change is for clarity only and does not affect the meaning or intent of this provision. Additionally, the phrase “and the previously granted ETO shall be converted to Bereavement Leave” is added to clarify that ETO is a temporary status pending approval of the incarcerated person’s claim, whereupon the ETO shall be converted to Bereavement Leave.

Subsection 3045.4(c) is amended to replace the phrase “the relief shall not exceed” with “Incarcerated persons shall be granted.” This change is to make clear that eligible incarcerated persons shall receive three days of Bereavement Leave. The phrase “the relief shall not exceed” could have been interpreted as providing for fewer than three days.

Subsection 3045.4(e) is amended to provide an example of an exigent circumstance that could delay the granting of Bereavement Leave. This same example is used in the enabling statute (Penal Code section 2710).

New subsection 3045.4(i) is adopted to establish that incarcerated persons who make false claims for bereavement leave are subject to existing disciplinary action pursuant to subsection 3323(h)(9)(A), which provides that “refusal to work or perform assigned duties” will subject the incarcerated person to a credit forfeiture of between 0-30 days. This provision is necessary to prevent the use of false claims to avoid work or assigned duties.

Forms Incorporated by Reference

The CDCR Form 340, Death Notification, incorporated by reference in the proposed regulations, has been amended. The amendments are largely non-substantive, breaking up a single section

in the previous version of the form into two sections in the updated form, for clarity and simplicity only.

Contact Person

Inquiries regarding this notice should be directed to Joshua Jugum, Regulation and Policy Management Branch, California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001, by telephone at (279) 223-2317, or e-mail at RPMB@cdcr.ca.gov. In the event the contact person is unavailable, inquiries should be directed to Ying Sun, Associate Director, RPMB, at (279) 223-2316.

Submission of Public Comments

Please submit comments by e-mail to RPMB@cdcr.ca.gov; in writing to Joshua Jugum, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001, before the close of the public comment period. The comment period for these revisions will close on **October 5, 2026**. Comments must be received or postmarked no later than this date. Only those comments relating directly to the enclosed amendments indicated by ~~bold dotted underline~~ or ~~bold dotted underline with strikethrough~~ will be considered.



YING SUN, Associate Director
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation

Attachments

TEXT OF PROPOSED REGULATIONS – SECOND RENOTICE

In the following text, ~~bold dotted underline~~ indicates language newly adopted and ~~bold dotted underline with strikethrough~~ indicates language newly deleted from the first Notice of Change to Regulations as Originally Proposed (Renotice) and the original Notice of Change to Regulations (NCR) 26-01. The ~~bold double underline~~ and ~~bold double strikethrough~~ used in the first Renotice and the underline and ~~strikethrough~~ formatting used with NCR 26-01 has been retained.

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 excused time off from~~ 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

Section 3045.2. Excused Time Off (ETO).

Subsection 3045.2(a) is amended.

(a) It is the policy of the California Department of Corrections and Rehabilitation that incarcerated persons assigned to work groups A-1, ~~and B..F.and.M~~ may use excused time off (ETO) during approved absences from their assignment in the manner set forth in this article.

Subsections 3045.2(b) through 3045.2(c) are unchanged. Subsection 3045.2(d) is unchanged but shown for reference.

(d) Authorized uses of ETO. Excused time off may be approved by work/training supervisors only for the below stated reasons. A proposal to use ETO for any other reason requires approval by the secretary.

Subsections 3045.2(d)(1) through 3045.2(d)(6) are unchanged.

New subsection 3045.2(d)(7) is adopted.

(7) A request for Bereavement Leave pursuant to section 3045.4.

Subsections 3045.2(e) through 3045.2(f) are unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2601, 2620, 2621, **2710**, 2931, 2933 and 5054, Penal Code.

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) (Rev. 02/26) (Rev. 07/26), 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 available to the incarcerated person granted immediately, pursuant to section 3045.2, except in cases of exigent circumstances described in subsection (e).

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

(3) Upon receiving the request and substantiation, the warden or their designee shall, within two business days, approve the request for Bereavement Leave, or, if applicable, delay the request pending conclusion of the exigent circumstances. Examples of substantiation include but are not limited to newspaper/internet obituary; memorial service notification or program; death certificate; law enforcement report; CDCR verification, etc.

(b) Upon approval of Bereavement Leave, 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, and the previously granted ETO shall be converted to Bereavement Leave.

(c) Incarcerated persons shall be granted The relief shall not exceed three days for any one occurrence which 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 **(for example, the incarcerated person is a camp firefighter and deployed from an institutional/camp setting for fire operations)**, 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.

(i) A false claim for bereavement leave shall be subject to disciplinary action pursuant to subsection 3323(h)(9)(A).

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

DEATH NOTIFICATION

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 I:

Incarcerated Person: _____	CDCR# _____	Housing: _____
Incarcerated Person Notified Yes ☐ No ☐	If Yes, Time: _____	Date: _____

Section II:

Information Received by: _____ Person Providing the Information: _____ Relationship to the Incarcerated Person: _____ Phone Number: _____	Date and Time Received: _____ The Deceased: _____ Relationship to the Incarcerated Person: _____ Phone Number where Death can be Verified: _____
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Section III:

Nature of Death: _____ Time of Death: _____ Date of Death: _____	(i.e. Hospital, Mortuary, Coroner's Office, etc) Name of Location Contacted: _____ Name of Person Contacted: _____
Chaplain Services Offered: Yes ☐ No ☐	
Mental Health Services Offered: Yes ☐ No ☐	
Comments: 	
Warden/Designee: _____	Approved ☐ Delayed ☐
Comments: 	

CC: Records (original)
Correctional Counselor I
Chaplain
Mental Health Services

DEATH NOTIFICATION

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 Yes ☐ 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: Yes ☐ No ☐	
Mental Health Services offered: Yes ☐ No ☐	
Comments: 	
Warden/Designee: _____	Approved ☐ Delayed ☐

CC: Records (original)
Correctional Counselor I
Chaplain
Mental Health Services