

EMPLOYMENT LAW SUMMARY

Tennessee Employee Leave Laws - Overview



Because You're Different

Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, Tennessee employers must provide their employees with leave mandated by state law.

Tennessee has state laws regarding:

- Jury duty leave;
- Voting leave;
- Volunteer firefighter leave;
- Volunteer rescue squad leave;
- Military leave; and
- Maternity leave.

In addition, federal laws not addressed in this document, such as the federal Family and Medical Leave Act, require covered employers to provide employees with leave in certain circumstances. This Employment Law Summary provides a high-level overview of Tennessee's employee leave laws.

OVERVIEW OF EMPLOYEE LEAVE LAWS

TYPE OF LEAVE	REQUIREMENTS
Jury Duty Leave	Employers with five or more employees must provide paid leave to eligible employees summoned to jury duty. Notice requirements apply. Leave is paid, although employers may deduct any payment employees receive for the jury service. The following employees are entitled to jury duty leave: •Permanent employees; and •Temporary employees who have been employed for at least six months. Employers may not discharge an employee for taking jury duty leave.
Voting Leave	Employees may be absent from work for a reasonable amount of time, up to three hours, to vote, unless the polls are open for at least three consecutive hours outside of the employee's work hours. Employees must request leave to vote before noon on the day before the election. Leave is paid if it occurs during the employee's normal working hours. Employers must provide unpaid leave for employees who are serving as part-time voting machine technicians.
Volunteer Firefighter Leave	Employers must provide paid leave to an employee who is a volunteer firefighter and who responds to a fire call . Notice and certification requirements apply. Employers may not terminate an employee who is a volunteer firefighter and who is late for or absent from work because he or she responds to an emergency.
Volunteer Rescue Squad Leave	Employers must allow employees to be late for or absent from work if they are volunteer rescue squad members who responded to an emergency that occurred outside of the employee's normal work hours. Certification requirements apply. Leave is unpaid.

TYPE OF LEAVE

REQUIREMENTS

Military Leave

Tennessee law provides USERRA reemployment protections to employees who are on active duty with the Tennessee army and air national guard, the Tennessee state guard or civil air patrol. In addition, these employees are entitled to an unpaid leave of absence for duty or training in the service of Tennessee, including emergency duties. To be eligible, the service members must:

- Report for work within eight hours of completing their service (if their service was 30 days or less); or
- Submit an application for reemployment with the employer within 14 days after completing their service (if their service was 30-180 days).

If reporting or applying to the employer within the required time is not reasonably practicable, the person must report or apply as soon as it is reasonably practicable. An employee whose service in the uniformed services was more than 180 days must submit an application for reemployment to their employer within 90 days after completion of their service.

Unless impossible or unreasonable under the circumstances of the employee's call to active state duty, the employee must provide advance notice of their duty order.

Employers are also prohibited from:

- Terminating or refusing to hire an employee because of their membership in the Tennessee National Guard.
- Terminating a Tennessee National Guard member because of absence from work while attending any prescribed drill, including annual field training.

Maternity Leave

Employers with **100 or more full-time, permanent employees** must provide eligible employees with maternity leave. Eligible employees may take up to **four months of leave** for:

- Adoption;
- Pregnancy;
- Childbirth; or
- Nursing an infant.

To be eligible for maternity leave under the Tennessee law, an employee must have been employed **full-time for at least 12 consecutive months**.

An eligible employee must give at least **three months' advance notice** of his or her anticipated date of departure, length of leave and intention to return to full-time employment after leave, unless notice is not possible. Leave may be paid or unpaid, at the discretion of the employer. Job protections apply to employees taking maternity leave.

Covered employers must include the maternity leave requirements in all employee handbooks.

Employers with **50 or more employees** are also subject to the federal Family and Medical Leave Act (FMLA). When an employee leave is covered by just one law, either the FMLA or TMLA, then the provisions of the applicable law apply. When a leave is covered by both the FMLA and TMLA, employers must apply the provisions of federal and state law that are more generous to employees..

In addition, employers must allow employees who are veterans unpaid **time off for Veterans Day** if the employee provides one-month's written notice of their intent to take the holiday off, the employee provides written proof of their veteran status, and the employee's absence will not impact public health or safety, or cause the employer significant economic or operational disruption.

SPECIAL NOTE: The laws discussed in the chart above are statewide laws. Cities, towns and counties across the country have also passed local ordinances requiring employee leave in certain situations. Employers must comply with all state and local laws that apply to them.

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