County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

February 05, 2025

Eligibility Notice

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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County Technical Assistance Service
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Eligibility Notice

Reference Number: CTAS-1030

When an employee requests FMLA leave, or when the employer learns that an employee's leave may be for an FMLA-qualifying reason, the employer is required to notify the employee of the employee's eligibility to take FMLA leave within <u>five business days</u>, absent extenuating circumstances. The eligibility notice must state whether the employee is eligible to take leave under the FMLA, and if not, at least one reason why not. This notice may be oral or in writing. Employers may use the DOL's combined prototype Notice of Eligibility and Rights and Responsibilities (Form WH-381) for this purpose.

If an employee provides notice of a subsequent need for FMLA leave during the same 12-month period and the employee's status has not changed, no further eligibility notice is required. If the employee's status has changed, the employer must notify the employee of the change in eligibility status within five business days, absent extenuating circumstances.

Source URL: *https://www.ctas.tennessee.edu/eli/eligibility-notice*