



February 05, 2025

Interaction with Tennessee's Parental Leave Act

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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Interaction with Tennessee's Parental Leave Act

Reference Number: CTAS-1046

Tennessee has a parental leave law (T.C.A. § 4-21-408) that applies to all employers who employ 100 or more full-time employees at a job site or location. This state law allows both male and female employees to take up to four months off for adoption, pregnancy, childbirth and nursing an infant, as long as the employee has been employed for 12 months. The leave may be with or without pay, at the option of the employer. This law requires that the employee give *at least three months advance notice*, except in cases of medical emergency.

The FMLA does *not* supersede the Tennessee law, since the Tennessee law provides greater benefits. Therefore, if you have 100 or more employees, and an employee gives at least three months' advance notice, you must allow the employee to take leave up to a total of four months (which can include the 12 workweeks of FMLA leave) for adoption, pregnancy, childbirth and nursing an infant. Note that under Tennessee's law the employee may choose to begin leave before the birth of the child; for adoption the four-month period begins at the time the employee receives custody of the child. For a discussion of the interaction of the state law with the FMLA, see *Op. Tenn. Att'y Gen.* 94-006 (1/13/94).

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