

<b>System-wide Policy: HR0338 - Family and Medical Leave</b>	
<b>Version: 4</b>	<b>Effective Date: 05/18/2023</b>

## HR0338 – Family and Medical Leave

### SECTION 1. Policy Statement

To provide time off to eligible University employees consistent with the Family and Medical Leave Act, 29 U.S.C. § 2601 et seq. (“FMLA”) and Tennessee Parental Leave Act (“TPLA”), Tenn. Code Ann. § 4-21-408. The purpose of this policy is to provide employees a basic understanding of their rights and obligations under FMLA and TPLA. Employees who have questions regarding this policy or who want to apply for leave under the FMLA or TPLA should contact the campus contacts as indicated in this policy.

Those seeking to take parental leave should read this policy in conjunction with HR0339 – Parental Leave Policy.

#### I. FAMILY AND MEDICAL LEAVE

The FMLA provides eligible employees up to twelve (12) weeks of job protected leave for qualifying events.

##### A. WHO IS ELIGIBLE FOR LEAVE?

To be eligible for FMLA leave, an employee must meet both of the following conditions:

1. The employee has been employed for at least 12 months (based on the date the leave is scheduled to begin). The 12 months of employment need not be consecutive in order to satisfy this eligibility requirement.
2. The employee has performed at least 1,250 hours of work during the preceding 12-month period (based on the date the leave is scheduled to begin). Full-time faculty with 12 months of service are presumed to satisfy the 1,250-hour requirement.

##### B. WHAT EVENTS QUALIFY FOR LEAVE?

The following events provide an eligible employee up to twelve (12) weeks of job-protected family medical leave per year under the FMLA:

1. To care for and bond with a child after birth, adoption, or foster care placement;
2. To care for their own serious health condition which makes the employee unable to perform their job, including pregnancy, prenatal medical care, and childbirth;
3. To care for an employee’s immediate family member (spouse, son, daughter, parent as defined by the FMLA which includes someone who stood *in loco parentis* to the employee when the employee was a child) who has a serious health condition.

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4. For a qualifying exigency arising out of a family member's armed service as defined by 29 U.S.C. § 2612(a)(1)(E).

The following events provide an eligible employee up to twenty-six (26) weeks of job-protected family medical leave per year under the FMLA:

1. Covered service member family leave as defined by 29 U.S.C. § 2612(a)(3).

#### **C. HOW IS LEAVE MEASURED?**

The twelve-month period during which FMLA benefits are calculated begins on the first day of the employee's first FMLA leave period of the year. For example, if an employee commences FMLA leave on February 1 and exhausts his or her leave, he or she will not be entitled to FMLA leave until February 1 of the following year.

#### **D. HOW TO APPLY FOR FMLA LEAVE**

An employee must provide at least thirty (30) days' notice to the University of the need for medical leave when the need for leave is foreseeable. If the need for medical leave is not foreseeable, notice must be given as soon as practicable under the circumstances. An employee must provide sufficient information for the University to determine whether the FMLA may apply to the leave request. The appropriate forms must be completed by the employee or the University and are available from the campus contacts indicated below.

## **II. TENNESSEE PARENTAL LEAVE ACT**

The TPLA provides eligible employees up to four (4) months (to be run concurrently with any FMLA leave) of job-protected leave for qualifying events.

#### **A. WHO IS ELIGIBLE FOR LEAVE?**

To be eligible for TPLA leave, an employee must meet both of the following conditions:

1. The employee must be full-time; and
2. The employee must have been employed for at least twelve (12) consecutive months prior to taking leave.

#### **B. WHAT EVENTS QUALIFY FOR LEAVE?**

The following events provide an eligible employee up to sixteen (16) weeks (to be run concurrently with any FMLA leave) of job-protected family medical leave per year under the TPLA:

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1. Pregnancy
2. Adoption
3. Childbirth
4. Nursing an Infant

#### C. HOW TO APPLY FOR TPLA LEAVE?

Employees should give at least three (3) months' advance notice to the University of their anticipated date of departure for such leave, their length of leave, and their intention to return to full-time employment after leave. Exceptions to this notice requirement exist and will be applied in accordance with University procedure and Tennessee law.

### III. BENEFITS DURING FMLA AND TPLA LEAVE

While an employee is on paid medical leave, whether through the use of accrued leave or Paid Parental Leave under HR0339, the University will continue to pay the employer's share of the basic group insurance premium up to 12 weeks as required by federal law.

If the employee is on unpaid medical leave and wishes to continue the medical insurance, the employee must pay in advance a monthly or quarterly sum equal to his or her share of the premium to the [campus](#) insurance office or the UT System Payroll, Benefits, and Retirement. For further information on how employee benefits could be impacted by leave taken under this policy, please contact your campus FMLA coordinator.

### IV. PAY DURING FMLA AND TPLA LEAVE

Except as provided in HR0339 - Parental Leave Policy, an employee who takes leave that is designated as medical leave must first exhaust, in order, all unused compensatory time, sick leave, annual leave, and personal leave. However, an employee may opt to retain up to five (5) days or 40 hours of sick leave, whichever is less, unless the employee is on an unpaid leave status. Once the employee has exhausted his or her paid leave, he or she will go on unpaid leave for the remainder of the medical leave period.

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## Reason for the Policy

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The purpose of this policy is to provide employees a basic understanding of their rights and obligations under FMLA and TPLA.

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## Scope and Application

This policy will affect all employees who are eligible for protected leave under federal and Tennessee law.

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## Procedures

[UT Health Science Center HR0338-H Family and Medical Leave](#)

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## Definitions

**Family and Medical Leave Act (“FMLA”)**: means the federal law and associated definitions found at 29 U.S.C. § 2601 et seq.

**Tennessee Parental Leave Act (“TPLA”)**: means the federal law and associated definitions found at Tenn. Code Ann. § 4-21-408.

**Child**: means the definition of “Son or daughter” as set forth in the FMLA, at 29 U.S.C. § 2601 et seq.

**Covered service member**: means the definition as set forth in the FMLA, at 29 U.S.C. § 2601 et seq.

**Parent**: means the definition as set forth in the FMLA, at 29 U.S.C. § 2601 et seq.

**Qualifying exigency**: means the definition as set forth in the FMLA, at 29 U.S.C. § 2601 et seq.

**Serious health condition**: means the definition as set forth in the FMLA, at 29 U.S.C. § 2601 et seq.

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## Penalties/Disciplinary Action for Non-Compliance

Failure to comply with the notice requirements set forth in this policy could result in a delay or denial of approval of leave.

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### Responsible Official & Additional Contacts

#### Knoxville

Subject Matter	Office Name	Telephone Number	Email/Web Address
General Information, Procedural Assistance, Document Processing	Human Resources	(865) 974-6642	<a href="https://hr.utk.edu/family-and-medical-leave/">https://hr.utk.edu/family-and-medical-leave/</a> <a href="mailto:FamilyMedicalLeave@utk.edu">FamilyMedicalLeave@utk.edu</a>
Benefits Information	Insurance Office	(865) 974-5251	

#### Chattanooga

Subject Matter	Office Name	Telephone Number	Email/Web Address
General Information, Procedural Assistance, Document Processing	Human Resources	(423) 425-4221	<a href="https://www.utc.edu/finance-and-administration/human-resources/total-compensation/leave-of-absences/fmla">https://www.utc.edu/finance-and-administration/human-resources/total-compensation/leave-of-absences/fmla</a>
Benefits Information	Human Resources	(423) 425-4221	

#### Southern

Subject Matter	Office Name	Telephone Number	Email/Web Address
General Information, Procedural Assistance, Document Processing	Personnel Office	(931) 424-7379	<a href="mailto:jhlubb@utsouthern.edu">jhlubb@utsouthern.edu</a>

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Benefits Information	Personnel Office	(931) 424-7379	
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### System Administration

Subject Matter	Office Name	Telephone Number	Email/Web Address
General Information, Procedural Assistance, Document Processing	Personnel Office	(865) 946-8847	<a href="mailto:systemhr@tennessee.edu">systemhr@tennessee.edu</a> <a href="https://hr.tennessee.edu/">https://hr.tennessee.edu/</a>
Benefits Information	Personnel Office	(865) 974-4341	<a href="mailto:benefits@live.utk.edu">benefits@live.utk.edu</a>

### Martin

Subject Matter	Office Name	Telephone Number	Email/Web Address
General Information, Procedural Assistance, Document Processing	Office of Personnel Services	(731) 881-7845	<a href="mailto:hr@utm.edu">hr@utm.edu</a>
Benefits Information	Office of Personnel Services	(731) 881-7845	

### UTHSC

Subject Matter	Office Name	Telephone Number	Email/Web Address
General Information, Procedural Assistance, Document Processing	Personnel Office	(901) 448-5600	<a href="https://uthsc.edu/hr/employee-relations/fmla.php">https://uthsc.edu/hr/employee-relations/fmla.php</a> <a href="mailto:hr@uthsc.edu">hr@uthsc.edu</a>

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Benefits Information	Insurance Office	(901) 448-8547	<a href="mailto:benefit1@uthsc.edu">benefit1@uthsc.edu</a>
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### Related Policies/Guidance Documents

HR0339 - Parental Leave

HR0380 - Sick Leave

HR0305 - Annual Leave (Vacation)