

SENATE BILL 538

By Rose

AN ACT to amend Tennessee Code Annotated, Title 3;  
Title 8; Title 16 and Title 50, relative to leave for  
state employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by  
adding the following new section:

(a)

(1) Except as otherwise provided in this section, in addition to leave granted under §§ 8-50-801, 8-50-802, and 8-50-806, an eligible employee must be granted absence from work with pay for a period of time equal to six (6) workweeks if the eligible employee adopts or becomes the foster parent of a minor child.

(2) Leave granted pursuant to this subsection (a) must not be granted more than one (1) time per employee even if the employee adopts or fosters more than one (1) minor child.

(3) If both adoptive or foster care parents are eligible employees, then only one (1) parent may be granted leave under this subsection (a).

(4) If a foster care parent uses only a fraction of the leave granted under this subsection (a) for a foster child, the parent cannot use the balance of leave for fostering a subsequent child.

(5) The employee shall give to the appropriate appointing authority notice of the adoption or becoming a foster parent of not less than thirty (30) days. If the eligible employee learns of the adoption or becoming a foster parent less

than thirty (30) days in advance, the employee must give the notice as soon as reasonably possible.

(b) Leave used by an eligible employee pursuant to this section must not be charged against any sick, annual, or other leave the employee may have accumulated.

(c) Leave granted pursuant to this section must count toward the eligible employee's use of leave required to be given by this state as an employer under the federal Family and Medical Leave Act (29 U.S.C. § 2601 et seq.) and § 4-21-408.

(d) The division of benefits administration within the department of finance and administration, in coordination with the departments of human resources and children's services, shall establish the policies and process for implementing this section with regard to executive branch agencies. With regard to nonexecutive branch agencies, the equivalent of the agency's human resources office shall establish the policies and process for implementing this section as appropriate.

(e) As used in this section, "eligible employee" means an employee who has been employed full-time with the state for at least twelve (12) consecutive months with an entity described in § 8-30-102(a); § 8-30-102(b)(1)-(7), including an administrative board or commission attached to such an entity; or § 8-30-102(b)(10)-(13).

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to each eligible employee who qualifies for leave under this act on or after July 1, 2023.