

SENATE BILL 1458

By White

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 8 and Title 49, relative to employment  
benefits.

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 as a new section:

(a) As used in this section:

(1) "Birth" has the same meaning as "live birth" as defined in § 68-3-102;

(2) "Eligible employee" means a teacher, principal, supervisor, or other individual required by law to hold a valid license of qualification for employment in a local education agency and who has been employed full-time with a local education agency for at least twelve (12) consecutive months;

(3) "Local education agency" or "LEA" has the same definition as used in § 49-3-302;

(4) "Newly placed minor child" means the adoption of a minor child that results in a change of custody of that child; and

(5) "Stillbirth" has the same meaning as defined in § 68-3-102.

(b) Except as otherwise provided in this section, an eligible employee must be granted absence from work with pay for a period of time equal to twelve (12) work weeks after the birth or stillbirth of the employee's child or the employee's adoption of a newly placed minor child upon the employee giving thirty-days' notice to the employee's LEA; provided, however, that if an employee learns of the birth, stillbirth, or adoption of the employee's child less than thirty (30) days in advance of the birth, stillbirth, or adoption,

then the employee must give notice of the birth, stillbirth, or adoption to the employee's LEA as soon as reasonably possible to be eligible to receive pay granted pursuant to this subsection (b).

(c) An eligible employee who is granted leave pursuant to this section shall not be required to use the employee's sick, annual, or other leave for the leave taken pursuant to this section. The leave granted pursuant to this section counts toward the 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)

(1) Notwithstanding subsection (b), an eligible employee may receive no more than twelve (12) work weeks of paid leave within a twelve-month period.

(2) The twelve (12) work weeks of paid leave granted pursuant to this section does not need to be consecutively taken; provided, that the paid leave granted pursuant to this section is used within twelve (12) months of the birth or stillbirth of the employee's child or the employee's adoption of a newly placed minor child.

(e) Each LEA shall establish policies for implementing this section.

(f) Paid leave under this section must be paid at one hundred percent (100%) of the employee's salary. For the purpose of calculating employment anniversary dates, absence from work pursuant to this section is considered full-time employment.

SECTION 2. This act takes effect upon becoming law, the public welfare requiring it, and applies to leave taken on or after such date.