



## Paid Maternity and Paternity Leave in Selected Tennessee Cities and Towns

MTAS Research and Information Center | January 2023

A survey was conducted to determine which cities in a selected group offer paid maternity and/or maternity leave and if employees are required to exhaust their sick leave before using the leave.

The survey was sent to 34 active email address and 20 surveys were completed for a 58% response rate.

### 1. Do you offer paid maternity leave? (20 responses)

Response	Count	Percentage
Yes	2	10%
No	18	90%

2. What is the length of time for your PAID maternity leave? Please enter number of DAYS below. For example, if you offer one month of paid maternity leave, please enter 30 days.

City	Response
Sevierville	30 days
Rogersville	42 days

### 3. Do you offer paid paternity leave? (20 responses)

Response	Count	Percentage
Yes	1	5%
No	19	95%

4. What is the length of time for your PAID paternity leave? Please enter number of DAYS below. For example, if you offer one month of paid paternity leave, please enter 30 days.

City	Response
Sevierville	30 days

5. Do you require sick leave to be exhausted prior to using paid leave? (15 responses)

Response	Count	Percentage
Yes	6	40%
No	9	60%
No response	5	

6. Is this a policy you are considering implementing in the future? (9 responses)

Response	Count	Percentage
Yes	1	11%
No	8	89%
No response	11	

7. Would you be willing to share your municipality's policy regarding paid maternity and/or paternity leave?

3 policies were shared with MTAS and will be attached to the final version of this report.

## Section 14. Parental Leave

The City of Sevierville will provide up to 160 hours (216 hours for Firefighters) of paid parental leave to full time employees following the birth of an employee's child or the placement of a child with an employee in connection with an adoption. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave and Tennessee Maternity Leave, as applicable. This policy will be in effect for births and adoptions occurring on or after September 19, 2022.

Eligible employees must meet the following criteria:

- Have been employed with the City of Sevierville for at least 12 months.
- Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
- Be a full-time employee.

In addition, employees must meet one of the following criteria:

- Have given birth to a child.
- Be a spouse or committed partner of a woman who has given birth to a child.
- Have adopted a child (the child must be age 17 or younger). The adoption of a new spouse's child is excluded from this policy.

### Amount, Time Frame and Duration of Paid Parental Leave

- Eligible employees will receive a maximum of 160 hours (216 hours for Firefighters) of paid parental leave per birth or adoption. The fact that a multiple birth or adoption occurs (e.g., the birth of twins or adoption of siblings) does not increase the 160 hour (216 hours for Firefighters) total amount of paid parental leave granted for that event. In addition, in no case will an employee receive more than 160 hours (216 hours for Fire employees) of paid parental leave in a rolling 12-month period, regardless of whether more than one birth or adoption occurs within that 12-month time frame.
- Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.
- Approved paid parental leave may be taken at any time during the 12-month period immediately following the birth or adoption of a child with the employee. Paid parental leave may not be used or extended beyond this 12-month time frame.
- Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the 12-month time frame indicated above. Any unused paid parental leave will be forfeited at the end of the 12-month time frame.
- Upon termination of the individual's employment at the City of Sevierville, he or she will not be paid for any unused paid parental leave for which he or she was eligible.

### Coordination with Other Policies

- If you are eligible for leave under both the FMLA and Tennessee Maternity Leave Act, paid Parental Leave taken under this policy will run concurrently with both leaves; thus, any leave taken under this policy that falls under the definition of circumstances qualifying for leave due to the birth or placement of a child due to adoption, will be counted toward the 12 weeks of available FMLA leave and 4 additional weeks of TN Maternity Leave per 12-month period.
- All other requirements and provisions under the FMLA will apply. In no case will the total amount of leave—whether paid or unpaid—granted to the employee under the FMLA exceed 12 weeks and TN Maternity Leave exceed 4 weeks during the 12-month period. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA and TN Maternity Leave Act.
- After the paid parental leave (and any short-term disability leave for employees giving birth) is exhausted, the balance of FMLA leave and Tennessee Maternity Leave (if applicable) will be compensated through employees' accrued sick and vacation time. Upon exhaustion of accrued sick and vacation time, any remaining leave will be unpaid leave. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.
- The City will maintain all benefits for employees during the paid parental leave period just as if they were taking any other company paid leave such as paid vacation leave or paid sick leave.
- An employee who takes paid parental leave that does not qualify for FMLA leave (such as exhaustion of FMLA leave) will be afforded the same level of job protection for the period of time that the employee is on paid parental leave as if the employee were on FMLA-qualifying leave.

#### Requests for Paid Parental Leave

- The employee will provide his or her supervisor and the Human Resource department with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary HR forms and provide all documentation as required by the HR department to substantiate the request.
- As is the case with all company policies, the City has the exclusive right to interpret this policy.

**CITY OF KINGSPORT  
PERSONNEL POLICIES**

**Section No: 12**

**Effective Date: May 20, 2008**

**Subject: Leave for Adoption, Pregnancy,  
Childbirth, and Infant Nursing**

**Resolution Number: 2008-213**

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Leave for adoption, pregnancy, childbirth, and infant nursing is provided pursuant to the Tennessee Maternity Leave Act (T.C.A. Section 4-21-408) as amended. Adoption, pregnancy, childbirth and infant nursing may be events eligible for leave pursuant to federal law such as FMLA and ADA which may also be applicable.

T.C.A. Section 4-21-408 requires that its provisions be set out verbatim in the personnel policies.

T.C.A. Section 4-21-408 states:

(a) Employees who have been employed by the same employer for at least twelve (12) consecutive months as full-time employees, as determined by the employer at the job site or location, may be absent from such employment for a period not to exceed four (4) months for adoption, pregnancy, childbirth and nursing an infant, where applicable, referred to as "leave" in this section. With regard to adoption, the four-month period shall begin at the time an employee receives custody of the child.

(b) (1) Employees who give at least three (3) months' advance notice to their employer of their anticipated date of departure for such leave, their length of leave, and their intention to return to full-time employment after leave, shall be restored to their previous or similar positions with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of their leave.

(2) Employees who are prevented from giving three (3) months' advance notice because of a medical emergency that necessitates that leave begin earlier than originally anticipated shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) months' advance notice.

(3) Employees who are prevented from giving three (3) months' advance notice because the notice of adoption was received less than three (3) months in advance shall not forfeit their rights and benefits under this section solely because of their failure to give three (3) month's advance notice.

(c) (1) Leave may be with or without pay at the discretion of the employer. Such leave shall not affect the employees' right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employees were eligible at the date of their leave, and any other benefits or rights of their employment incident to the employee's employment position; provided, that the employer need not provide for the cost of any benefits, plans or programs during the period of such leave, unless the city so provides for all employees on leaves of absence.

(2) If an employee's job position is so unique that the employer cannot, after reasonable efforts, fill that position temporarily, then the employer shall not be liable under this section for failure to reinstate the employee at the end of the leave period.

(3) The purpose of this section is to provide leave time to employees for adoption, pregnancy, childbirth and nursing the infant, where applicable; therefore, if an employer finds that the employee has utilized the period of leave to actively pursue other employment opportunities or if the employer finds that the employee has worked part time or full time for another

employer during the period of leave, then the employer shall not be liable under this section for failure to reinstate the employee at the end of the leave.

(4) Whenever the employer shall determine that the employee will not be reinstated at the end of the leave because the employee's position cannot be filled temporarily or because the employee has used the leave to pursue employment opportunities or to work for another employer, the employer shall so notify the employee.

(d) Nothing contained within the provisions of this section shall be construed to:

(1) Affect any bargaining agreement or company policy that provides for greater or additional benefits than those required under this section;

(2) Apply to any employer who employs fewer than one hundred (100) full-time employees on a permanent basis at the job site or location; or

(3) Diminish or restrict the rights of teachers to leave pursuant to title 49, chapter 5, part 7, or to return or to be reinstated after leave.

(e) The provisions of this section shall be included in the next employee handbook published by the employer after May 27, 2005.

An employee may use available sick and vacation leave during leave for adoption, pregnancy, childbirth, and infant nursing. Once all available paid leave is exhausted, the balance of the leave will be unpaid.

Should a leave need to be extended due to complications of the pregnancy, a request for an extension along with a licensed medical practitioner's statement indicating the problem and anticipated length of absence should be submitted to the Human Resources Manager.

Leave taken for adoption, pregnancy, childbirth, and infant nursing counts as time toward Family and Medical Leave Act (FMLA) leave and runs concurrently with FMLA leave.

Employees who are approved for adoption, pregnancy, childbirth, and infant nursing leave must make arrangements with the Human Resources Department to assure continuation of applicable benefits.

### Other Provisions

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. This policy supersedes all policies that conflict with the terms of this policy. Furthermore, this statement constitutes ONLY the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.



The City of Jefferson City does not offer paid maternity or paternity leave, however, we use the FMLA guidelines and when using their FMLA, our employees are required to use their available sick time and/or vacation time to get paid while they are off.