

To: GMSD School Board
From: Dan Haddow
Re: FMLA Policy Revision (Work Session)
Date: 12.5.16
Policy: [HR 5.305](#)

History/Rationale: A recent TSBA email cited the Family Medical Leave Act and a model policy to take into consideration. Upon review of our current policy, HR 5.305- Family Medical Leave Act, we did not see the Tennessee Maternity Leave Act cited in our policy. Due to this deficiency, our policy was sent to TSBA for review. TSBA's review stated that our policy's content was accurate and legally sound; however, the recommendation was to replace our policy with TSBA's as their policy was easier to follow. I agree and am asking for your consideration as a school board to replace our current policy with the one being proposed in this work session.

A broad scope understanding of this policy:

- 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. With regard to adoption, the four-month period shall begin at the time an employee receives custody of the child. The Tennessee Maternity Leave Act and FMLA also ensures that health coverage previously provided by a Tennessee employer will continue to be offered to the mother during maternity leave (though the employee must pay the premiums).
- Under FMLA and normal conditions, the employee must notify HR at least 30 days before taking maternity leave in Tennessee. This 30-day maternity leave notice is required for normal birth conditions and adoption, though *emergency medical conditions can alter this time requirement*.
- GMSD may not limit the number of maternity leaves taken during an employees' career nor allow this leave to affect employment decisions, including decisions concerning bonuses and promotions.
- Military Caregiver Leave: An eligible employee who is a spouse, child, parent, or next of kin of a covered service member or covered veteran with a serious injury or illness shall be granted up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the covered service member or covered veteran.
- The employee shall be restored to the same position of employment or an equivalent position with no loss of benefits, pay or other terms of employment.

Thank you for the consideration.