

**PURPOSE**

It is the policy Nashville State Community College (“College”) to provide a period of up to four (4) months of leave to eligible employees for adoption, pregnancy, childbirth and nursing the infant, where applicable, in accordance with T.C.A. § 4-21-408. With regard to adoption, the four (4) month period shall begin at the time the employee receives custody of the child.

**DEFINITIONS**

N/A

**POLICY/GUIDELINE**

- I. Eligibility
  - A. Employees who have been employed by the State for at least twelve (12) consecutive months as full-time employees, as determined by the employer at the job site or location, are eligible for this leave.
  - B. Subsequent references within this policy to an employee shall assume eligibility of that individual.
- II. Relevant Policies
  - A. Upon receipt of a written request for parental leave, the Office of Human Resources will process the request in accordance with the provisions of this policy and the employee’s eligibility for leave under Nashville State Policy 05.02.02. Reference may also need to be made to Nashville State Policies 05.02.01, 05.02.03 and 05.01.00.
- III. Notice; Employment Rights and Benefits; Reinstatement
  - A. Employees who give at least three (3) months advance notice to the College 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.
  - B. Employees who are prevented from giving three (3) months advance notice because of a medical emergency which necessitates that leave begins earlier than originally anticipated shall not forfeit their rights and benefits under this policy solely because of their failure to give three (3) months advance notice.
  - C. 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 policy solely because of their failure to give three (3) months advance notice.
  - D. Leave will be granted as paid or unpaid pursuant to the policies of the Tennessee Board of Regents and the College.
    - 1. Such leave shall not affect the employees’ right to receive annual leave, 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 employees’ employment position.

2. However, the College need not provide for the cost of any benefits, plans or programs during the period of leave unless such it so provides for all employees on leaves of absence.
- E. If an employee's job position is so unique that the College cannot, after reasonable efforts, fill that position temporarily, then the College shall not be liable for failure to reinstate the employee at the end of the parental leave period.
  - F. The purpose of this policy is to provide leave time to employees for adoption, pregnancy, childbirth and nursing the infant, where applicable.
    1. Therefore, if the College finds that the employee has utilized the period of leave to actively pursue other employment opportunities or if the College finds that the employee has worked part-time or full-time for another employer during the period of leave, the College shall not be liable for failure to reinstate the employee at the end of such leave.
  - G. Whenever the College shall determine that the employee will not be reinstated at the end of such leave because the employee's position cannot be filled temporarily or because the employee has used such leave to pursue employment opportunities or to work for another employer, the College shall so notify the employee.

#### IV. Sick Leave

- A. Use of accrued sick leave for adoption or childbirth is limited to sixty (60) working days following the birth of a child or placement for adoption unless medical complications arise that fit ordinary rules regarding the use of sick leave.
- B. In the event both parents are state employees, the aggregate amount of sick leave that may be used for adoption is limited to sixty (60) working days total for both parents following the placement for adoption. In the event of childbirth, each parent may take up to sixty (60) working days when both parents are state employees.
- C. In order to be eligible to use sick leave as parental leave, a statement from the attending physician indicating the expected date of delivery must accompany the request for leave.
  1. Additional information from the attending physician may be required if there are complications and the period of absence must begin sooner than agreed, extend further than agreed, or require the use of sick leave beyond the period beginning with the period of hospitalization and extending for sixty (60) work days following the birth of a child or placement for adoption.
- D. After the sixty (60) working days following the birth of a child or placement for adoption or, if extended, after employee's physician determines that the employee should be released, thus ending the period of sick leave, the employee may use accrued annual leave or leave without pay for the remainder of the four-month parental leave.

#### V. Annual Leave; Compensatory Time

- A. Accrued annual leave and compensatory time may be used for the entire leave period.

#### VI. Leave of Absence

- A. When accrued annual and sick leave balances are depleted prior to the end of the four (4) month parental leave period, the employee will be placed in a leave of absence status. Refer to College Policy 05.01.03 regarding continuation of insurance coverage for employees on unpaid leave of absence.

#### VII. Family and Medical Leave

- A. To be eligible for Family and Medical Leave (FML) which provides for up to twelve (12) work weeks of leave, an employee must have:
  1. Worked for the State at least 12 months; and,

2. Worked a minimum of 1250 hours during the year preceding the start of the leave.
- B. Employees who are eligible for FML will have parental leave processed in conjunction with the provisions of College Policy 05.02.02, Family and Medical Leave, regarding election of paid/unpaid leave, continuation of insurance coverage, etc. Parental leave and FML periods shall run concurrently.
  - C. At the end of the FML period, an employee is also entitled to receive the difference between the four months granted under this policy and the 12 workweeks granted under FML. Accrued annual leave or leave of absence may be used for the remainder of the parental leave period.
  - D. During work weeks that an employee takes leave designated as FML, the College is responsible for paying the employer's portion of the employee's insurance premium, whether the leave is paid or unpaid.
  - E. Employees who choose to take any unpaid leave over the amount to which they are entitled under FML should be made aware that they will be responsible for paying the employer's portion of the insurance premium for the remainder of the leave period if they wish to ensure continued coverage.
  - F. This policy supersedes TBR Policies 5.01.01.02, Adoptive Parents Leave, 5.01.01.08, Maternity Leave, and 5.01.01.16, Paternity Leave.

**SOURCES**

T.C.A. § 49-8-203; T.C.A. § 4-21-408

**RELATED POLICIES**

Nashville State Policies 05-02-00, 05-2-01, 05-02-02 and 05-02-03

*Approved by President's Cabinet 2/14/22*