



County Technical Assistance Service

Published on e-Li (<http://ctas-eli.ctas.tennessee.edu>)

May 30, 2020

Employee Notice Requirements

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Capitol Blvd. Suite 400
Nashville, TN. 37219
615-532-3555 phone
615-532-3699 fax
ctas@tennessee.edu
www.ctas.tennessee.edu

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Employee Notice Requirements

Reference Number: CTAS-1033

The FMLA rules for employee notices^[1] are not as stringent as those for the employer, but employees are required to give their employers reasonable notices related to their leave. When substituting paid leave, employees may be required to follow the employer's usual and customary notice and procedural policies for that type of paid leave.

When the need for leave is foreseeable, the employee must provide at least 30 days advance notice before the FMLA leave is to begin. If 30 days notice is not practicable, notice must be given as soon as practicable (meaning both possible and practical based on the individual circumstances). If the employee fails to give the required 30 day notice, upon request by the employer the employee must explain why giving this notice was not practicable.

The notice may be verbal. It must be sufficient to make the employer aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.

The first time an employee requests leave for an FMLA-qualifying reason the employee need not assert rights under the FMLA or even mention the FMLA. Subsequent requests for leave for the same reason must specifically reference the qualifying reason or the need for FMLA leave.

If the employee fails to give notice as required by the FMLA without reasonable excuse the employee's leave may be delayed, but only if it is clear that the employee had actual notice of the FMLA notice requirements. This condition may be satisfied by proper posting of the general notice and distribution of the general notice either in an employee handbook or other written distribution.^[2]

[1] 29 C.F.R. § 825.302.

[2] 29 C.F.R. § 825.304.

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