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Maternity Leave in Tennessee

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In 1988, Tennessee joined a growing list of states with legislation requiring employers to provide maternity leave to female employees.

The Tennessee law came in the wake of a Supreme Court decision that a California law wasn't in violation of the 1978 Pregnancy Disability Act. The California law mandated that California employers provide up to four months of unpaid disability leave to pregnant employees and that they reinstate these employees in the same jobs if possible.

Under the Tennessee act, a female employee who has been employed for at least 12 consecutive months as a full-time employee by the same employer may be on leave from work up to four months for the purpose of pregnancy, childbirth, and nursing the infant. The law doesn't require employers to provide paid leave to pregnant employees but allows a general right to reinstatement to their former position or a similar position in the organization.

According to the Maternity Leave Act of 1987 (Chapter 21 of the Acts of 1987), a female employee who gives at least a three-month advance notice to her employer of her anticipated date of departure for maternity purposes, her length of maternity leave, and her intention to return to full-time employment shall be restored to her previous or a similar position with the same status, pay, length of service credit, and seniority as of the date of her leave. If a medical emergency causes her maternity leave to begin

earlier than originally anticipated, she doesn't forfeit her rights and benefits under the act if she fails to give a three-month advance notice.

The act recognizes that some positions require special skills and training; therefore, if the employee's job is so unique that the employer can't, after reasonable effort, fill the position temporarily, then the employer shall not be liable for failure to reinstate the employee. Also, since the act's purpose is for pregnancy, childbirth, and nursing the infant, the employer isn't obligated to reinstate the employee if it is found that the employee used the time to actively pursue other employment opportunities or if the employer finds that the employee has worked part-time or full-time for another employer.

The act doesn't affect any bargaining agreement or company policy that provides greater or additional benefits than those under the act; nor does it require any employer to provide maternity leave to male employees; nor does it apply to employers with fewer than 100 full-time employees on a permanent basis.

Enforcement of this act shall be sought by filing an original complaint with the Circuit or Chancery court in the county having jurisdiction.

If you have questions about the Tennessee Maternity Leave Act, please contact your MTAS management consultant or Richard Stokes in Nashville at (615) 256-8141.

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