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STATE OF TENNESSEE

# EXECUTIVE ORDER

BY THE GOVERNOR

No. 11

## AN ORDER ESTABLISHING PAID FAMILY LEAVE FOR EXECUTIVE BRANCH EMPLOYEES

**WHEREAS**, family life is the foundation of society, and promoting strong family bonds promotes stronger communities; and

**WHEREAS**, strong family bonds are fostered when family members are able to support one another during significant life events, such as the birth of a child, periods of serious illness, and periods of active military duty; and

**WHEREAS**, this Administration is committed to promoting a culture of life and supporting working families by making it easier for them to prioritize their own health needs and fulfill their caregiving responsibilities without facing financial insecurity; and

**WHEREAS**, paid family leave has significant and enduring positive effects on the health and well-being of employees and their families; and

**WHEREAS**, paid family leave is associated with numerous family benefits, including: increased ability to care for a new child or seriously ill family member; increased ability to responsibly manage one's own health conditions, including chronic conditions and serious injuries; improved physical, mental, emotional, and behavioral development of children; improved maternal health and well-being; increased involvement of fathers in their children's lives; increased ability to care for aging parents; increased flexibility to respond to unpredictable health events and caregiving demands; and economic security and peace of mind during significant life events; and

**WHEREAS**, paid family leave is associated with numerous benefits for employers, including: improved ability to attract and retain qualified employees at all levels, especially high-

demand and highly skilled employees; increased organizational commitment and engagement; and healthcare cost savings; and

**WHEREAS**, this Administration is committed to providing excellent government service to all Tennesseans; and

**WHEREAS**, in order to fulfill that commitment, it is essential that the Executive Branch of the State of Tennessee recruit, retain, and support top employee talent; and

**WHEREAS**, competition for top employee talent has intensified as Tennessee continues to experience unprecedented levels of economic growth; and

**WHEREAS**, Tennessee's top employers increasingly offer paid family leave benefits to their employees, and paid family leave is one of the leading benefits that employees seek; and

**WHEREAS**, state employees are currently eligible for unpaid leave pursuant to the federal Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2611 *et seq.*, if they satisfy the requirements of FMLA; and

**WHEREAS**, currently, upon the occurrence of certain qualifying events, the Department of Human Resources provides policy guidance for reviewing and certifying the amount of applicable unpaid leave to which an employee is entitled pursuant to FMLA; and

**WHEREAS**, it is the view of this Administration that employees who qualify for unpaid leave under FMLA should instead receive paid leave upon the occurrence of specific qualifying events and upon certification consistent with policy guidance from the Department of Human Resources; and

**WHEREAS**, this Administration is committed to ensuring that state employees are supported and prepared to deliver the highest quality of service to the State's citizens; and

**WHEREAS**, this Administration is committed to ensuring that Tennessee remains the best state in which to live, work, and raise a family.

**NOW THEREFORE**, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and the laws of Tennessee, do hereby declare that paid family leave shall be available to all executive branch personnel who are subject to Tennessee Code Annotated, Title 8, Chapter 30, and who have been employed with the State of Tennessee for the duration set forth below. Accordingly, I hereby direct and order that:

1. Each executive branch employee who is subject to Tennessee Code Annotated, Title 8, Chapter 30, and who has been employed with the State of Tennessee for one (1) year or more within the past seven (7) years and at least twelve-hundred fifty (1250)

hours during the past twelve (12) months shall be eligible for paid family leave upon experiencing one or more of the following qualifying events, which are consistent with the qualifying events under FMLA:

- a. The birth of the employee's son or daughter;
  - b. The placement of a minor son or daughter with the employee for adoption or foster care;
  - c. The need to care for the employee's spouse, son, daughter, or parent if the spouse, son, daughter, or parent has a serious health condition;
  - d. The existence of a serious health condition that makes the employee unable to perform his or her job duties;
  - e. A qualifying exigency, as determined by the Commissioner of Human Resources by policy, arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces; or
  - f. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, or next of kin of the servicemember.
2. An eligible employee shall be entitled to a total of twelve (12) workweeks of paid family leave during the twelve (12) month period immediately following the qualifying event. An employee shall receive no more than twelve (12) workweeks of paid family leave for any twelve (12) month period, even if more than one qualifying event occurs during that period. The Department of Human Resources shall create policy guidance for certifying the appropriate amount of paid family leave that an employee may use for each qualifying event, and this certification guidance shall be consistent with the Department of Human Resources' rules, policies, and practices to certify FMLA leave. The human resources personnel responsible for the employee's department or agency shall certify the appropriate amount of paid family leave that the employee may use for each qualifying event, consistent with the Department of Human Resources' policy guidance.
3. If an eligible employee experienced a qualifying event prior to the effective date of this Order and has not used all of the FMLA leave to which the employee was entitled as a result of the qualifying event, then the employee shall be entitled to paid family leave beginning on the effective date of this Order for the remainder of the FMLA leave that the employee uses on or after the effective date of this Order as a result of that qualifying event. In such circumstance, the duration of paid family leave shall not exceed the paid family leave available under Section 2 of this Order.
4. Paid family leave shall be paid at one hundred percent (100%) of the employee's salary.

5. Days of paid family leave to which an employee is entitled do not have to be used consecutively. Paid family leave must, however, be used within twelve (12) months of the qualifying event entitling the employee to the leave.
6. Paid family leave shall run concurrently with FMLA leave and any other leave to which the employee may be entitled as a result of the qualifying event. That is, paid family leave shall overlap with—and cannot be used in addition or consecutive to—any FMLA or other leave. Nothing in this Order is intended to affect any other paid or unpaid leave benefits to which an employee may be entitled.
7. Paid family leave shall not count against an employee's annual, sick, or compensatory leave balances. However, employees shall not accrue annual, sick, or compensatory leave while using paid family leave.
8. The Commissioner of Human Resources shall adopt policies consistent with this Order to effectuate paid family leave for eligible employees.
9. This Order shall take effect on March 1, 2020.

**IN WITNESS WHEREOF**, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 7th day of January, 2020.

  
GOVERNOR

ATTEST:

  
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SECRETARY OF STATE

