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## Employee Notice Requirements

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Dear Reader:

The following document was created from the Municipal Technical Advisory Services website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website shares information relative to Tennessee municipal government. We hope this information will be useful to you and that it will assist you with questions that arise in your tenure in municipal 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.

The Municipal Technical Advisory Service (MTAS) was created in 1949 to provide technical assistance to elected and appointed municipal officials in Tennessee. We are a resource for Tennessee municipal officials in areas of municipal government, human resources, finance, fire, legal, police, public works, water, and wastewater. We provide personal and professional knowledge growth opportunities on current issues within municipal government.

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# Employee Notice Requirements

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Employees, absent unusual circumstances, are required to follow an employer's policy relating to proper call-in procedures for reporting FML absence(s). Employers may require employees seeking FML to call a "designated number or a specific individual to request leave." 29 C.F.R. § 825.303(c). Under old regulations, an employer could not delay or deny FML if an employee failed to follow protocol.

It is specified that once FML has been granted for an employee's health condition, the employee must thereafter "specifically reference either the qualifying reason or the need for FML. Calling in "sick" without providing more information will not be considered sufficient notice to trigger an employer's obligations under the Act." 29 C.F.R. § 825.303(b).

For unforeseeable absences, it should be "practicable" for employees to request leave "either the same day or the next business day." 29 C.F.R. § 825.302(b).

- **Foreseeable Leave** – Employees must provide employers with at least 30 days advance notice before FML is to begin if the need for leave is foreseeable. When the employee becomes aware of the need for leave and it is less than 30 days out, the employee needs to notify the employer as soon as "practicable," such as the same day the employee becomes aware or the next day.
- **Unforeseeable Leave** – Employees must provide notice as soon as practicable and within the time prescribed by the employer's usual and customary notice requirements. This means following the procedure such as calling in or using a specified number, if requested, by the employer.

## ***Employees on Intermittent Leave***

Remember, if you have employees on intermittent FML, it is imperative that they follow your city's call in procedures for every absence (scheduled or unscheduled) and specify if each leave request will be FMLA related or not FMLA related. Without this information on every absence you will be unable to properly track FML time used.

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**Source URL:** <https://www.mtas.tennessee.edu/reference/employee-notice-requirements>