

## Employee Notice Requirements

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal 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 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.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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## Employee Notice Requirements

**Reference Number:** MTAS-856

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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*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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