# 2017 TN AFL-CIO Top Bills Status (April 14th)

|  |  |
| --- | --- |
| [SB127/HB54](https://tls.mleesmith.com/2017-2018/pdf/SB0127.pdf) | [GOVERNMENT REGULATION: Discriminatory actions by government against business.](https://tls.mleesmith.com/2017-2018/pdf/SB0127.pdf) |
| *Sponsors:* | Sen. Green, Mark , Rep. Zachary, Jason |
| *Summary:* | Prohibits state and local governments from taking discriminatory action against a business based on the business's internal policies. |
| *Amendment Summary:* | Senate Amendment 1 (003286) makes a technical correction and specifies that this bill prohibits state and local governments from taking discriminatory action against a business on the basis of the business's internal policies that are in compliance with state and federal law. Senate Amendment 2 (003814) adds language to the original bill to expand the prohibition of state and local governments from taking discriminatory action against a business on the basis of personnel and employee benefit policies of the business entity that are in compliance with federal law. Senate Amendment 3 (004225) deletes and rewrites language in the bill such that the proposed prohibition for state and local governments from taking discriminatory action against a business entity is based specifically on that business’s healthcare insurance policies and the coverage provided thereunder; family leave policies; minimum wage policies; or anti-discrimination policies; provided that such policies are in compliance with state and federal statues, rules, and regulations. |
| *Fiscal Note:* | (Dated February 6, 2017) Other Fiscal Impact To the extent a business contracts with or receives a grant from a state or local government entity and adopts a policy in compliance with state law but out of compliance with federal law, federal funds may be withheld. The extent of any potential federal withholding is based on multiple unknown factors and cannot be reasonably determined. |
| *Senate Status:* | 03/09/17 - Senate passed with amendment 3 and previously adopted amendments 1 and 2. Senate amendment 3 (004225). |
| *House Status:* | 04/05/17 - House State Government Subcommittee deferred to the first calendar of 2018. |
| *Position:* | Oppose |
| [SB177/HB157](https://tls.mleesmith.com/2017-2018/pdf/SB0177.pdf) | [WORKERS COMPENSATION: Changes to bureau of workers' compensation annual report deadline.](https://tls.mleesmith.com/2017-2018/pdf/SB0177.pdf) |
| *Sponsors:* | Sen. Overbey, Doug , Rep. Eldridge, Jimmy |
| *Summary:* | Changes the date by which the bureau of workers' compensation must produce its report of all the employers that failed to obtain coverage or self-insure during the previous fiscal year from December 31 to December 1. Broadly captioned. |
| *Fiscal Note:* | (Dated February 5, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 02/02/17 - Referred to Senate Commerce & Labor Committee. |
| *House Status:* | 02/03/17 - Referred to House Consumer & Human Resources Subcommittee. |
| [SB209/HB165](https://tls.mleesmith.com/2017-2018/pdf/SB0209.pdf) | [LABOR LAW: Veteran hiring preferences.](https://tls.mleesmith.com/2017-2018/pdf/SB0209.pdf) |
| *Sponsors:* | Sen. Green, Mark , Rep. Pitts, Joe |
| *Summary:* | Authorizes private employers to give hiring preference to honorably discharged veterans, spouses of a veteran with a service-connected disability, unremarried widows or widowers of a veteran who died of a service-connected disability, and unremarried widows or widowers of a member of the military who died in the line of duty. |
| *Amendment Summary:* | House Amendment 1 (003754) adds language to the original bill that specifies that private employers are not required to provide preference in hiring to the persons listed. |
| *Fiscal Note:* | (Dated February 5, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 03/13/17 - Senate passed. |
| *House Status:* | 03/09/17 - House passed with amendment 1 (003754). |
| *Executive Status:* | 03/29/17 - Enacted as Public Chapter 0009 effective March 22, 2017. |
| *Position:* | Support |
| [SB261/HB939](https://tls.mleesmith.com/2017-2018/pdf/SB0261.pdf) | [WORKERS COMPENSATION: Appeals of workers' compensation cases.](https://tls.mleesmith.com/2017-2018/pdf/SB0261.pdf) |
| *Sponsors:* | Sen. Johnson, Jack , Rep. Carter, Mike |
| *Summary:* | Amends language requiring the workers' compensation board no later than forty-five calendar days, to issue a written decision affirming, reversing, modifying a compensation order and/or remanding a case. Any party dissatisfied or aggrieved by a final judgment of the workers' compensation appeals board may appeal to the supreme court by filing an application for permission to appeal. If the judgement or decree is appealed by the supreme court, interest on the judgment or decree shall be computed from the date that the judgment is entered by the court of workers' compensation claims at an annual rate equal to two percent less than the formula rate per year published by the commissioner of financial institutions. When calculating the accrual interest, the average prime loan rate on the day the judgment or decree is entered shall be used. Total judgment awarded is computed by the total number of weeks multiplied by the benefit rate without any reduction. The decision of the workers' compensation judge shall become final thirty days after the workers' compensation judge enters a compensation order, unless the compensation order is timely appealed to the workers' compensation appeals board within thirty calendar days after issuance of a compensation order. |
| *Amendment Summary:* | Senate Commerce & Labor Committee Amendment 1 (005419) deletes language of the original legislation that gives the Court of Worker’s Compensation jurisdiction over contested physician fees and charges of hospitals under Tenn. Code Ann. § 50-6-226(a)(4) and appeals of decisions of the Claims Commission involving injury or death to members of the National Guard. Adds language that specifies that appeals that are currently heard by the Claims Commission will remain under the jurisdiction of the Claims Commission. |
| *Fiscal Note:* | (Dated March 19, 2017) Increase State Revenue - $7,500/Bureau of Workers Compensation Decrease State Revenue - $2,500/Department of Treasury Increase State Expenditures - $7,500/Bureau of Workers Compensation Decrease State Expenditures - $2,500/Department of Treasury |
| *Senate Status:* | 04/10/17 - Senate deferred to first calendar of 2018. |
| *House Status:* | 04/05/17 - House Consumer & Human Resources Subcommittee deferred to second calendar 2018. |
| [SB262/HB180](https://tls.mleesmith.com/2017-2018/pdf/SB0262.pdf) | [LOCAL GOVERNMENT: Local government requirements on employee scheduling.](https://tls.mleesmith.com/2017-2018/pdf/SB0262.pdf) |
| *Sponsors:* | Sen. Johnson, Jack , Rep. Lynn, Susan |
| *Summary:* | Prohibits a local government from adopting or enforcing any ordinance, regulation, resolution, policy, or any other legal requirement that regulates or imposes a requirement upon an employer pertaining to employee scheduling. |
| *Amendment Summary:* | Senate Amendment 1, House Consumer & Human Resources Committee Amendment 1 (003719) adds language to the original bill that clarifies local governments may regulate or impose a requirement upon an employer pertaining to employee scheduling when necessary to avoid creating a public or private nuisance. |
| *Fiscal Note:* | (Dated February 6, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 03/20/17 - Senate passed with amendment 1 (003719). |
| *House Status:* | 03/27/17 - House passed. |
| *Executive Status:* | 04/13/17 - Enacted as Public Chapter 0107 effective April 7, 2017. |
| *Position:* | Oppose |
| [SB297/HB666](https://tls.mleesmith.com/2017-2018/pdf/SB0297.pdf) | [WORKERS COMPENSATION: Revises various provisions of the Workers' Compensation Law.](https://tls.mleesmith.com/2017-2018/pdf/SB0297.pdf) |
| *Sponsors:* | Sen. Briggs, Richard , Rep. Hill, Matthew |
| *Summary:* | Creates a new subsection that authorizes the system of utilization review established by the administrator to be available only to evaluate the necessity, appropriateness, efficiency, and quality of medical care services that meet or exceed a cost threshold of one thousand five hundred dollars as listed on the comprehensive medical fee schedule. Adds language that states the employee has the right to file a petition for benefit determination to toll the statute of limitations at any time after the occurrence of an injury but before the expiration of the period for which benefits are sought. An injured employee shall accept medical benefits, provided that in any case when the employee has suffered an injury and expressed a need for medical care, the employer shall designate a group of three or more independent reputable physicians, surgeons, or chiropractors or specialty practice groups not associated in practice together if available in the injured employee's community. If three or more independent reputable physicians, surgeons, chiropractors, or specialty practice groups not associated in practice together are not available in the employee's community, the employer shall provide a list of three independent reputable physicians, surgeons, or chiropractors not associated in practice together, within a one hundred mile radius of the employee's county of residence. Amends language to include the liability of the employer for the services provided to the employee shall be limited to the maximum allowable fees that are established in the applicable medical fee schedule. In case death results from the injury or occupational disease, the employer shall pay the burial expenses of the deceased employee not exceeding ten thousand dollars. If at the time, the period of compensation ends, and the employee has not returned to work with the pre-injury employer, or has returned to work and is receiving wages or a salary that is less than one hundred percent of the wages or salary the employee received from the employee's pre-injury employer on the date of injury; the injured employee may file a claim for increased benefits. |
| *Amendment Summary:* | Senate Amendment 2 (007141) adds that the bill does not apply to: (A) diagnostic procedures ordered in accordance with the treatment guidelines by the authorized treating physician or chiropractor in the first 30 days after the date of injury; or (B) diagnostic studies recommended by the treating physician in the event the initial treatment regimen is nonsurgical, without diagnostic testing, and is not successful in returning the injured worker to employment. Requires recommended invasive procedure to be subject to utilization review at any time. Defines "Diagnostic procedures" and "Initial treatment". Requires the employer to provide a list of 3 independent reputable physicians, surgeons, chiropractors, or specialty practice groups that are within a 125 mile radius of the employee's community of residence if 3 or more independent reputable physicians, surgeons, chiropractors, or specialty practice groups not associated in practice together are not available in the employee's community. Two of the list of three independent reputable physicians, surgeons, chiropractors, or specialty practice groups must not be associated in practice together. Deletes the language "not exceeding seven thousand five hundred dollars ($7,500)" from subsection (c) and substituting instead the language "not exceeding ten thousand dollars ($10,000)". House Consumer & Human Resources Committee Amendment 1 (006981) deletes all language after the enacting clause. Changes guidelines in which an appeal procedure pursuant to the administrator's system of utilization review is reviewed. Specifies that all recommended invasive procedures be subject to utilization review at any time. Requires that the physicians, surgeons, chiropractors or specialty practice groups included on the employer's medical review panel not be associated in practice together. Increases, from $7,500 to $10,000, the maximum amount to be paid by an employer for burial expenses in a case where death results from injury or occupational disease. |
| *Fiscal Note:* | (Dated March 25, 2017) Decrease State Revenue Net Impact $100,000/Bureau of Workers Compensation Increase State Expenditures $353,900/General Fund |
| *Senate Status:* | 04/13/17 - Senate passed with amendment 2 (007141), which adds that the bill does not apply to: (A) diagnostic procedures ordered in accordance with the treatment guidelines by the authorized treating physician or chiropractor in the first 30 days after the date of injury; or (B) diagnostic studies recommended by the treating physician in the event the initial treatment regimen is nonsurgical, without diagnostic testing, and is not successful in returning the injured worker to employment. Requires recommended invasive procedure to be subject to utilization review at any time. Defines "Diagnostic procedures" and "Initial treatment". Requires the employer to provide a list of 3 independent reputable physicians, surgeons, chiropractors, or specialty practice groups that are within a 125 mile radius of the employee's community of residence if 3 or more independent reputable physicians, surgeons, chiropractors, or specialty practice groups not associated in practice together are not available in the employee's community. Two of the list of three independent reputable physicians, surgeons, chiropractors, or specialty practice groups must not be associated in practice together. Deletes the language "not exceeding seven thousand five hundred dollars ($7,500)" from subsection (c) and substituting instead the language "not exceeding ten thousand dollars ($10,000)". |
| *House Status:* | 04/12/17 - House Consumer & Human Resources Committee recommended with amendment 1 (006981), which deletes all language after the enacting clause. Changes guidelines in which an appeal procedure pursuant to the administrator's system of utilization review is reviewed. Specifies that all recommended invasive procedures be subject to utilization review at any time. Requires that the physicians, surgeons, chiropractors or specialty practice groups included on the employer's medical review panel not be associated in practice together. Increases, from $7,500 to $10,000, the maximum amount to be paid by an employer for burial expenses in a case where death results from injury or occupational disease. Sent to House Calendar & Rules. |
| [SB332/HB419](https://tls.mleesmith.com/2017-2018/pdf/SB0332.pdf) | [LABOR LAW: Changes to requirements for employees to leave premises upon ceasing work.](https://tls.mleesmith.com/2017-2018/pdf/SB0332.pdf) |
| *Sponsors:* | Sen. Johnson, Jack , Rep. Eldridge, Jimmy |
| *Summary:* | Decreases the amount of time that an employee has to leave the employer's premises from the time the employee ceased working for the employer from 12 hours to 10 hours. Broadly captioned. |
| *Fiscal Note:* | (Dated February 17, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 02/08/17 - Referred to Senate Commerce & Labor Committee. |
| *House Status:* | 02/08/17 - Referred to House Consumer & Human Resources Subcommittee. |
| *Position:* | Neutral |
| [SB404/HB356](https://tls.mleesmith.com/2017-2018/pdf/SB0404.pdf) | [EDUCATION: Payroll deduction of dues to professional employees' organizations.](https://tls.mleesmith.com/2017-2018/pdf/SB0404.pdf) |
| *Sponsors:* | Sen. Gresham, Dolores , Rep. Dunn, Bill |
| *Summary:* | Adds language that allows a local board of education to provide its professional employees payroll deduction for dues of professional employees' organizations, but does not require an LEA to do so. If an LEA makes available to its professional employees payroll deduction for the dues of one professional employees' organization, then the LEA shall make available to its professional employees payroll deduction for the dues of any professional organization; provided, that the requested deduction is made in writing from the professional employee. A professional employee who authorizes a deduction of dues of a professional employees' organization, may at any time, revoke the authorization for payroll deduction. If an LEA provides payroll deduction of dues of a professional employees' organization for its professional employees, then the LEA may withhold up to ten percent of the dues deducted for administrative expenses. |
| *Amendment Summary:* | House Education Administration and Planning Committee Amendment 1, Senate Education Committee Amendment 1 (005795) removes the last section of the bill which authorized LEAs to withhold up to 10% of the dues for an administrative fee. House Finance Subcommittee Amendment 1 (007120) deletes and replaces language of the bill as amended by amendment (005795) without making any substantive changes to the legislation. |
| *Fiscal Note:* | (Dated February 24, 2017) Increase Local Revenue Exceeds $100,000/Permissive Increase Local Expenditures Exceeds $100,000/Permissive |
| *Senate Status:* | 04/05/17 - Senate Education Committee recommended with amendment 1 (005795). Sent to Senate Finance. |
| *House Status:* | 04/12/17 - Failed in House Finance Subcommittee after adopting amendment 1 (007120). House Finance Subcommittee Amendment 1 (007120) deletes and replaces language of the bill as amended by amendment (005795) without making any substantive changes to the legislation. |
| *Position:* | Oppose |
| [SB577/HB42](https://tls.mleesmith.com/2017-2018/pdf/SB0577.pdf) | [EDUCATION: Department of education bicycle safety curriculum.](https://tls.mleesmith.com/2017-2018/pdf/SB0577.pdf) |
| *Sponsors:* | Sen. Gresham, Dolores , Rep. Butt, Sheila |
| *Summary:* | Urges the department of education to include the proper use and positioning of bicycle helmets in its pilot bicycle safety curriculum. Broadly captioned. |
| *Fiscal Note:* | (Dated January 20, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 03/29/17 - Taken off notice in Senate Education Committee. |
| *House Status:* | 04/05/17 - Taken off notice in House Education Instruction and Programs Subcommittee. |
| *Position:* | Oppose |
| [SB638/HB358](https://tls.mleesmith.com/2017-2018/pdf/SB0638.pdf) | [PUBLIC EMPLOYEES: TSEA dues cannot be automatically deducted from state employees' payroll.](https://tls.mleesmith.com/2017-2018/pdf/SB0638.pdf) |
| *Sponsors:* | Sen. Gardenhire, Todd , Rep. Sexton, Cameron |
| *Summary:* | Removes provisions authorizing the Tennessee State Employees Association to automatically deduct association dues from the payroll of state employees. |
| *Fiscal Note:* | (Dated February 16, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 04/04/17 - Taken off notice in Senate State & Local Government Committee. |
| *House Status:* | 03/22/17 - Taken off notice in House State Government Subcommittee. |
| *Position:* | Oppose |
| [SB646/HB977](https://tls.mleesmith.com/2017-2018/pdf/SB0646.pdf) | [EDUCATION: Eligibility for Tennessee Promise scholarship.](https://tls.mleesmith.com/2017-2018/pdf/SB0646.pdf) |
| *Sponsors:* | Sen. Massey, Becky , Rep. Calfee, Kent |
| *Summary:* | Permits students enrolled in an apprentice training program to be eligible for the Tennessee Promise scholarship if they would otherwise meet all of the requirements for the scholarship. |
| *Fiscal Note:* | (Dated April 5, 2017) Increase State Expenditures $596,200/FY17-18/Tennessee Promise Scholarship Special Reserve Account Exceeds $596,200/FY18-19 and Subsequent Years/ Tennessee Promise Scholarship Special Reserve Account |
| *Senate Status:* | 02/13/17 - Referred to Senate Education Committee. |
| *House Status:* | 02/15/17 - Referred to House Education Administration and Planning Subcommittee. |
| *Position:* | Support |
| [SB668/HB1387](https://tls.mleesmith.com/2017-2018/pdf/SB0668.pdf) | [LABOR LAW: Save Tennessee Call Center Jobs Act.](https://tls.mleesmith.com/2017-2018/pdf/SB0668.pdf) |
| *Sponsors:* | Sen. Harris, Lee , Rep. Jernigan, Darren |
| *Summary:* | States that an employer who intends to relocate a call center or other such operating unit that comprises at least thirty percent of a call center from Tennessee to a foreign country has 120 days to notify the commissioner of labor and workforce development. Enforces that employers who violate this are subject to a civil penalty of up to $10,000 for each day a violation occurs. |
| *Fiscal Note:* | (Dated March 23, 2017) Increase State Expenditures Exceeds $1,000,000 Other Fiscal Impact Secondary economic impacts may occur as a result of this legislation. Any such secondary economic impacts that occur over extended periods of time may justify any additional expenses incurred by the state. However, due to multiple unknown factors, the net overall impact to the state over extended periods of time cannot be quantified with reasonable certainty. |
| *Senate Status:* | 02/13/17 - Referred to Senate Commerce & Labor Committee. |
| *House Status:* | 02/15/17 - Referred to House Consumer & Human Resources Subcommittee. |
| *Executive Status:* | 03/27/17 - Taken off notice in Joint Council on Pensions and Insurance |
| *Position:* | Support |
| [SB851/HB618](https://tls.mleesmith.com/2017-2018/pdf/SB0851.pdf) | [GOVERNMENT CONTRACTS: Hearing to determine the prevailing wage rate for state highway construction projects.](https://tls.mleesmith.com/2017-2018/pdf/SB0851.pdf) |
| *Sponsors:* | Sen. Briggs, Richard , Rep. Staples, Rick |
| *Summary:* | Extends the period by which the prevailing wage commission is required to give notice of its determination after a hearing to determine the prevailing wage rate for state highway construction projects from 10 days to 14 days. Broadly captioned. |
| *Fiscal Note:* | (Dated February 11, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 04/11/17 - Taken off notice in Senate State & Local Government Committee. |
| *House Status:* | 04/12/17 - Taken off notice in House State Government Subcommittee. |
| *Position:* | Neutral |
| [SB916/HB543](https://tls.mleesmith.com/2017-2018/pdf/SB0916.pdf) | [GOVERNMENT ORGANIZATION: Changes sunset period for the department of labor and workforce development.](https://tls.mleesmith.com/2017-2018/pdf/SB0916.pdf) |
| *Sponsors:* | Sen. Bell, Mike , Rep. Faison, Jeremy |
| *Summary:* | Reduces sunset period for the department of labor and workforce development from June 30, 2019, to June 30, 2018. |
| *Fiscal Note:* | (Dated February 8, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 04/12/17 - Taken off notice in Senate Government Operations Committee. |
| *House Status:* | 02/14/17 - Referred to House Government Operations Committee. |
| *Position:* | Neutral |
| [SB948/HB1194](https://tls.mleesmith.com/2017-2018/pdf/SB0948.pdf) | [LABOR LAW: Voluntary Employee Retirement Accounts Program Act.](https://tls.mleesmith.com/2017-2018/pdf/SB0948.pdf) |
| *Sponsors:* | Sen. Yarbro, Jeff , Rep. Hicks, Gary |
| *Summary:* | Creates the voluntary employee retirement accounts program to provide a cost-effective group retirement program for employers in this state electing to participate in the program and employees. Permits a participating employer to elect to discontinue participation in accordance with program requirements. Establishes a special agency account in the state general fund to be known as the voluntary employee retirement accounts program fund. Requires the fund to include the individual retirement accounts of enrollees, which shall be accounted for as individual accounts. Specifies that moneys in the fund shall consist of moneys received from enrollees and participating employers pursuant to automatic payroll deductions and contributions to savings. Requires any fund balance remaining unexpended at the end of a fiscal year to be carried forward into the subsequent fiscal year. Requires the fund to be administered by the state treasurer. Also creates the voluntary employee retirement accounts board consisting of seven members. Specifies powers and duties of board. (14 pp.) |
| *Senate Status:* | 02/13/17 - Referred to Senate State & Local Government Committee. |
| *House Status:* | 02/15/17 - Referred to House State Government Subcommittee. |
| *Executive Status:* | 03/20/17 - Joint Council on Pensions and Insurance deferred to summer study. |
| *Position:* | Support |
| [SB959/HB792](https://tls.mleesmith.com/2017-2018/pdf/SB0959.pdf) | [LABOR LAW: Disqualification for unemployment benefits.](https://tls.mleesmith.com/2017-2018/pdf/SB0959.pdf) |
| *Sponsors:* | Sen. Tracy, Jim , Rep. Sparks, Mike |
| *Summary:* | Includes conscious disregard for the rights or interests of the employer's business to the actions of the employee that may constitute misconduct and disqualify them from receiving unemployment benefits. |
| *Fiscal Note:* | (Dated March 22, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 02/13/17 - Referred to Senate Commerce & Labor Committee. |
| *House Status:* | 03/23/17 - Withdrawn in House. |
| *Position:* | Oppose |
| [SB982/HB1346](https://tls.mleesmith.com/2017-2018/pdf/SB0982.pdf) | [LABOR LAW: Requires investigations of complaints under the general assembly's policy on workplace discrimination and harassment.](https://tls.mleesmith.com/2017-2018/pdf/SB0982.pdf) |
| *Sponsors:* | Sen. Harris, Lee , Rep. Camper, Karen |
| *Summary:* | Requires the attorney general and reporter to conduct investigations of complaints under the general assembly's policy on workplace discrimination and harassment. |
| *Fiscal Note:* | (Dated March 15, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 02/13/17 - Referred to Senate Judiciary Committee. |
| *House Status:* | 04/12/17 - Taken off notice in House State Government Subcommittee. |
| *Position:* | Support |
| [SB1029/HB834](https://tls.mleesmith.com/2017-2018/pdf/SB1029.pdf) | [LABOR LAW: Reasonable accommodation for any pregnant employee.](https://tls.mleesmith.com/2017-2018/pdf/SB1029.pdf) |
| *Sponsors:* | Sen. Yarbro, Jeff , Rep. Jones, Sherry |
| *Summary:* | Requires employers to make a reasonable accommodation for any pregnant employee upon request. Authorizes the employer to require medical documentation concerning a reasonable accommodation. Requires the employer to provide notice of a pregnant employee's right to a reasonable accommodation. |
| *Fiscal Note:* | (Dated March 1, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 02/13/17 - Referred to Senate Commerce & Labor Committee. |
| *House Status:* | 02/14/17 - Referred to House Consumer & Human Resources Subcommittee. |
| *Position:* | Support |
| [SB1094/HB1309](https://tls.mleesmith.com/2017-2018/pdf/SB1094.pdf) | [LABOR LAW: Notice to employee - rescinding of a previously approved 30-minute break waiver.](https://tls.mleesmith.com/2017-2018/pdf/SB1094.pdf) |
| *Sponsors:* | Sen. Kyle, Sara , Rep. Turner, Johnnie |
| *Summary:* | Changes from seven days to 10 days the amount of notice that must be provided by an employer or employee specializing in food or beverage service of the rescinding of a previously approved 30-minute break waiver. Broadly captioned. |
| *Fiscal Note:* | (Dated February 13, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 04/04/17 - Taken off notice in Senate Commerce & Labor Committee. |
| *House Status:* | 04/05/17 - Taken off notice in House Consumer & Human Resources Subcommittee. |
| *Position:* | Support |
| [SB1095/HB129](https://tls.mleesmith.com/2017-2018/pdf/SB1095.pdf) | [LABOR LAW: Raising the minimum wage of tipped employees from $2.13 to $2.50.](https://tls.mleesmith.com/2017-2018/pdf/SB1095.pdf) |
| *Sponsors:* | Sen. Kyle, Sara , Rep. Thompson , Dwayne |
| *Summary:* | Raises the minimum wage paid to tipped employees from $2.13 to $2.50 per hour. Authorizes an employer to take a tip credit toward its minimum wage obligations up to the amount permitted by federal law. |
| *Fiscal Note:* | (Dated March 22, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 02/13/17 - Referred to Senate Commerce & Labor Committee. |
| *House Status:* | 02/03/17 - Referred to House Consumer & Human Resources Subcommittee. |
| *Position:* | Support |
| [SB1105/HB477](https://tls.mleesmith.com/2017-2018/pdf/SB1105.pdf) | [LABOR LAW: Tennessee Pay Equality Transparency Act.](https://tls.mleesmith.com/2017-2018/pdf/SB1105.pdf) |
| *Sponsors:* | Sen. Kyle, Sara , Rep. Clemmons, John |
| *Summary:* | Prohibits an employer from punitive actions against employees inquiring about the wages of other employees. Requires employers wishing to prohibit wage discussions to acquire a signed document from their employees that forfeits their right to such a discussion. Specifies that the bill does not require employers to disclose their wages to their employees. |
| *Fiscal Note:* | (Dated February 21, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 03/28/17 - Failed in Senate Commerce & Labor Committee. |
| *House Status:* | 03/29/17 - Taken off notice in House Consumer & Human Resources Subcommittee. |
| *Position:* | Support |
| [SB1106/HB1246](https://tls.mleesmith.com/2017-2018/pdf/SB1106.pdf) | [LABOR LAW: Tennessee Pay Equality Act.](https://tls.mleesmith.com/2017-2018/pdf/SB1106.pdf) |
| *Sponsors:* | Sen. Kyle, Sara , Rep. Clemmons, John |
| *Summary:* | Authorizes employees of a company from inquiring into the wages of their fellow employees. Prohibits employers from penalizing employees who do so. Prohibits employers from discriminating against an employee by providing lower wages simply because of their sex. |
| *Fiscal Note:* | (Dated March 1, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 04/03/17 - Taken off notice in Senate Commerce & Labor Committee. |
| *House Status:* | 03/29/17 - Failed in House Consumer & Human Resources Subcommittee. |
| *Position:* | Support |
| [SB1122/HB1060](https://tls.mleesmith.com/2017-2018/pdf/SB1122.pdf) | [LABOR LAW: Tennessee Minimum Wage Act.](https://tls.mleesmith.com/2017-2018/pdf/SB1122.pdf) |
| *Sponsors:* | Sen. Kyle, Sara , Rep. Deberry Jr., John |
| *Summary:* | Establishes a minimum wage that increases annually on July 1. Provides a minimum wage for employees in the service industry who receive tips and employees that are compensated solely by gratuities. Authorizes the department of labor and workforce development to promulgate rules in compliance with federal law. |
| *Fiscal Note:* | (Dated March 7, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 04/04/17 - Taken off notice in Senate Commerce & Labor Committee. |
| *House Status:* | 04/05/17 - House Consumer & Human Resources Subcommittee deferred to first calendar of 2018. |
| *Position:* | Support |
| [SB1141/HB1184](https://tls.mleesmith.com/2017-2018/pdf/SB1141.pdf) | [LABOR LAW: Leave from employment for adoption, pregnancy, childbirth, or nursing an infant.](https://tls.mleesmith.com/2017-2018/pdf/SB1141.pdf) |
| *Sponsors:* | Sen. Kyle, Sara , Rep. Powell, Jason |
| *Summary:* | Requires that all employers give their employees six weeks of paid leave for adoption, pregnancy, childbirth, or nursing an infant. |
| *Fiscal Note:* | (Dated March 25, 2017) Increase State Expenditures $1,660,100 Increase Federal Expenditures $293,000 Increase Local Expenditures Exceeds $1,000,000\* |
| *Senate Status:* | 04/03/17 - Taken off notice in Senate Commerce & Labor Committee. |
| *House Status:* | 03/29/17 - House Consumer & Human Resources Subcommittee deferred to first calendar 2018. |
| *Position:* | Support |
| [SB1214/HB325](https://tls.mleesmith.com/2017-2018/pdf/SB1214.pdf) | [WORKERS COMPENSATION: Sole proprietors and partners included under the Workers' Compensation Law.](https://tls.mleesmith.com/2017-2018/pdf/SB1214.pdf) |
| *Sponsors:* | Sen. Norris, Mark , Rep. Hawk, David |
| *Summary:* | Removes the requirement that sole proprietors and partners must provide notice to the bureau of workers' compensation when electing to be included under the workers' compensation law. Renames the second injury fund to subsequent injury and vocational recovery fund and authorizes the bureau to use money from the fund to provide vocational recovery assistance to employees with certain limitations. Revises various other provisions regarding appeals of workers' compensation orders. Part of Administration Package. |
| *Amendment Summary:* | House Consumer & Human Resources Committee Amendment 1, Senate Commerce and Labor Committee Amendment 1 (006500) deletes and rewrites the bill such that the substantive changes are as follows: (1) specifies the definition of an employee and when it includes sole proprietor, a partner, or a member of a limited liability company who devotes full time to the proprietorship, partnership, or limited liability company; (2) creates a $20,000 lifetime maximum payout per employee and an aggregate $500,000 per calendar year from the Subsequent Injury and Vocational Recovery Fund; and (3) specifies that an employer of a construction services provider shall provide proof of valid workers' compensation insurance coverage at the employer's place of business and at job sites within one business day of a request. |
| *Fiscal Note:* | (Dated February 19, 2017) Increase State Revenue $5,000/Uninsured Employers Fund/FY17-18 and Subsequent Years Increase State Expenditures $50,000/Subsequent Injury and Vocational Recovery Fund/FY17-18 $100,000/Subsequent Injury and Vocational Recovery Fund/FY18-19 and Subsequent Years Recurring appropriations of $50,000 is included in the Governors Recommended Budget Document for FY17-18 (page A-38). |
| *Senate Status:* | 04/04/17 - Senate Finance, Ways & Means Committee recommended with amendment 1 (006500). Sent to Senate Calendar Committee. |
| *House Status:* | 04/13/17 - Set for House Finance Committee 04/18/17. |
| [SB1217/HB326](https://tls.mleesmith.com/2017-2018/pdf/SB1217.pdf) | [GOVERNMENT REGULATION: UAPA - rules that may constitute unreasonable restraints of trade.](https://tls.mleesmith.com/2017-2018/pdf/SB1217.pdf) |
| *Sponsors:* | Sen. Norris, Mark , Rep. Hawk, David |
| *Summary:* | Authorizes commissioners and chief executive officers of administrative departments under which regulatory boards operate to review and either approve or veto rules that may constitute unreasonable restraints of trade. |
| *Amendment Summary:* | Senate Amendment 2 (004380)- Rewrites language in the bill to require each supervising official to ensure that the actions of regulatory boards that displace competition are consistent with a clearly articulated state policy. The supervising official must evaluate whether the action may constitute a potentially unreasonable restraint of trade that requires further review; and if it is determined that an action requires further review, the supervising official must provide notice to the regulatory board within ten (10) business days of the date the action was taken that the action is subject to further review. The supervising official must also review the full evidentiary record regarding the action and, if necessary, supplement the evidentiary record or direct the regulatory board or other involved persons or entities to supplement the evidentiary record. Amends section 2 of the bill to state that prior to a rule being filed by a regulatory board, with the secretary of state, the commissioner or chief executive officer of the administrative department under which a regulatory board operates or to which a regulatory board is administratively attached, or a designee to the extent a conflict of interest may exist with respect to the commissioner or chief executive officer, will remand a rule that may constitute a potentially unreasonable restraint of trade to the regulatory board for additional information, further proceedings, or modification, if the rule is not consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board. |
| *Fiscal Note:* | (Dated February 18, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 03/16/17 - Senate passed with amendment 2 (004380). |
| *House Status:* | 04/10/17 - House passed. |
| *Executive Status:* | 04/10/17 - Sent to the speakers for signatures. |
| [SB1237/HB451](https://tls.mleesmith.com/2017-2018/pdf/SB1237.pdf) | [WORKERS COMPENSATION: Rights to recovery.](https://tls.mleesmith.com/2017-2018/pdf/SB1237.pdf) |
| *Sponsors:* | Sen. Norris, Mark , Rep. Eldridge, Jimmy |
| *Summary:* | Permits a court to apportion fault to an employer who covered an employee under workers' compensation when such employee brings an action against a third-party tortfeasor and reduces the employer's subrogation recovery to the extent such employer has allocated fault. |
| *Amendment Summary:* | Senate Commerce & Labor Committee Amendment 1, House Consumer & Human Resources Committee Amendment 1 (006197) deletes and rewrites the bill such that the only substantive change is to add language that specifies if a court allocates fault against the employer in an amount equal to 50 percent or greater, then the employer shall not be entitled to any reduction. Senate Commerce & Labor Committee Amendment 2, House Consumer & Human Resources Committee Amendment 2 (006645) clarifies that the workers' compensation law remains the exclusive remedy for employees subject to Tenn. Code Ann. § 50-6-112 for personal injury or death by accident pursuant to Tenn. Code Ann. § 50-6-108. |
| *Fiscal Note:* | (Dated February 21, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 04/04/17 - Senate Commerce & Labor Committee recommended with amendment 1 (006197) and amendment 2 (006645). Sent to Senate Calendar Committee. |
| *House Status:* | 04/12/17 - Taken off notice in House Consumer & Human Resources Committee. |
| *Position:* | Neutral |
| [SB1282/HB1409](https://tls.mleesmith.com/2017-2018/pdf/SB1282.pdf) | [WORKERS COMPENSATION: Hazard and other supplemental pay to state employees.](https://tls.mleesmith.com/2017-2018/pdf/SB1282.pdf) |
| *Sponsors:* | Sen. Jackson, Ed , Rep. Weaver, Terri |
| *Summary:* | Allows hazardous salary adjustment for an employee who is subjected to a hazardous condition. Categorizes the rate of incidence of hazardous conditions into three categories with different salary adjustments for each rate. Authorizes a state agency to spend appropriated funds to pay for expenses of an employee who is injured or killed while engaged in the performance of the employee's duties or whose duties require the employee to be exposed to unavoidable dangers peculiar to the employee's job responsibilities. Defines "workweek" as a fixed and regularly recurring period of seven consecutive 24 hour periods. Revises compensatory time off for state employees not serving the legislature or judicial branch. Allows state agencies to provide state employees, at the time of hiring an employee to a classified position additional compensation. |
| *Fiscal Note:* | (Dated March 7, 2017) Increased State Expenditures - $7,500/One-Time Exceeds $4,127,200/Recurring SB 1282 - HB 1409 |
| *Senate Status:* | 04/05/17 - Taken off notice in Senate State & Local Government Committee. |
| *House Status:* | 03/29/17 - Taken off notice in House State Government Subcommittee. |
| [SB1313/HB1391](https://tls.mleesmith.com/2017-2018/pdf/SB1313.pdf) | [ECONOMIC DEVELOPMENT: Establishes the office of apprenticeship and work-study programs.](https://tls.mleesmith.com/2017-2018/pdf/SB1313.pdf) |
| *Sponsors:* | Sen. Yarbro, Jeff , Rep. Jernigan, Darren |
| *Summary:* | Establishes the office of apprenticeship and work-study programs within the department of economic and community development. Specifies the following functions and duties of the program: (1) Promote federally certified apprenticeship and work-study programs to assist industries that have needs for such programs, either through traditional apprenticeship programs administered by the department, work-study programs administered by the department of education; (2) Establish industry consortiums in which the apprenticeship and work-study programs are organized by industry, and where companies can participate to best meet their individual needs; (3) Maintain complete and consistent program data on the number of persons placed in apprenticeship and work-study programs established under this bill. Provides a tax credit to entities that participate in the programs and reinstates certain apprenticeship programs for certain professional boards and commissions. |
| *Amendment Summary:* | Senate Government Operations Committee Amendment 1 (005623). |
| *Fiscal Note:* | (Dated March 12, 2017) Increase State Revenue $241,400/FY17-18/Office of Apprenticeship $223,200/FY18-19 and Subsequent Years/Office of Apprenticeship Decrease State Revenue $1,000,000/FY19-20 and Subsequent Years/General Fund Increase State Expenditures $241,400/FY17-18/Office of Apprenticeship $223,200/FY18-19 and Subsequent Years/Office of Apprenticeship HB 1391 - SB 1313 |
| *Senate Status:* | 04/04/17 - Taken off notice in Senate Commerce & Labor Committee. |
| *House Status:* | 04/12/17 - Taken off notice in House State Government Subcommittee. |
| *Position:* | Support |
| [SB1411/HB80](https://tls.mleesmith.com/2017-2018/pdf/SB1411.pdf) | [LABOR LAW: TN Minimum Wage Act.](https://tls.mleesmith.com/2017-2018/pdf/SB1411.pdf) |
| *Sponsors:* | Sen. Kyle, Sara , Rep. Hardaway, G.A. |
| *Summary:* | Enacts the "Tennessee Minimum Wage Act." Establishes a minimum wage of $15.00 as of July 1, 2017. Provides a minimum wage for employees in the service industry who receive tips and employees that are compensated solely by gratuities. Defines a "service or tipped employee" to mean any employee engaged in an occupation which the employee customarily and regularly receives more than $30.00 a month in tips. Authorizes the department of labor and workforce development to promulgate rules in compliance with federal law. |
| *Fiscal Note:* | (Dated March 1, 2017) NOT SIGIFICANT |
| *Senate Status:* | 04/04/17 - Taken off notice in Senate Commerce & Labor Committee. |
| *House Status:* | 04/05/17 - House Consumer & Human Resources Subcommittee deferred to first calendar of 2018. |
| *Position:* | Support |
| [SB1421/HB1329](https://tls.mleesmith.com/2017-2018/pdf/SB1421.pdf) | [LABOR LAW: Wage theft.](https://tls.mleesmith.com/2017-2018/pdf/SB1421.pdf) |
| *Sponsors:* | Sen. Harris, Lee , Rep. Stewart, Mike |
| *Summary:* | Amends language that requires an employer who fails to pay the full wages due and owed to an employee, to pay the employee the unpaid wages due, including any interest, and an additional amount equal to two (2) times the unpaid wages due. Allows an employee to file a complaint with the department of labor and workforce development, upon filing a complaint, the department shall investigate whether the employee is entitled to remedies. Adds language to the "Tennessee Wage Protection Act" to specify that "The general assembly finds as a matter of public policy that it is necessary to declare the theft of wages and the denial of fair compensation for work completed to be against the laws and policies of this state. An employee who is the victim of theft of wages or the denial of fair compensation may seek redress pursuant to § 50-2-103." |
| *Fiscal Note:* | (Dated March 30, 2017) NOT SIGNIFICANT |
| *Senate Status:* | 02/13/17 - Referred to Senate Commerce & Labor Committee. |
| *House Status:* | 02/15/17 - Referred to House Consumer & Human Resources Subcommittee. |
| *Position:* | Support |
| [HB115](https://tls.mleesmith.com/2017-2018/pdf/HB0115.pdf) | [PUBLIC EMPLOYEES: Certain prohibitions of payroll deductions of public employees.](https://tls.mleesmith.com/2017-2018/pdf/HB0115.pdf) |
| *Sponsors:* | Rep. Alexander, David |
| *Summary:* | Prohibits a state agency or local government from deducting and remitting from an employee's payroll any dues of an employee association. |
| *House Status:* | 02/02/17 - Withdrawn in House. |
| *Position:* | Oppose |
| [HB1311](https://tls.mleesmith.com/2017-2018/pdf/HB1311.pdf) | [LABOR LAW: Minimum wage for the state.](https://tls.mleesmith.com/2017-2018/pdf/HB1311.pdf) |
| *Sponsors:* | Rep. Turner, Johnnie |
| *Summary:* | Adds new language requiring the commissioner of labor and workforce development to set the minimum hourly wage rate by which each employer must pay its employees. The minimum hourly wage rate shall not be less than ten dollars and ten cents ($10.10) per hour, and must be adjusted annually by the commissioner to reflect any inflation in accordance with the consumer price index. Finds that any employer violating this law to be liable to pay the difference between the wages paid to the employee and wages owed. Amends language to require that all blind persons employed in this state whose salary is paid by the state shall be paid no less than the federal minimum wage as provided by the federal Fair Labor Standards Act of 1938, or the minimum hourly wage rate as set pursuant to this bill, whichever is greater. |
| *Fiscal Note:* | (Dated April 10, 2017) Increase State Expenditures $3,966,400/FY17-18 Exceeds $3,966,400/FY18-19 and Subsequent Years Increase Local Expenditures Exceeds $200,000/FY17-18 and Subsequent Years\* |
| *House Status:* | 02/15/17 - Referred to House Consumer & Human Resources Subcommittee. |
| *Position:* | Support |

© 2017, Tennessee Legislation Service