

TENNESSEE AFL-CIO



LABOR COUNCIL

Printed 03/27/2015

Target Bills

SB72 / HB61 Operation of health insurance exchange by state.

Category Insurance Health
Sponsors Sen. Brian K. Kelsey / Rep. Jeremy Durham
Description Prohibits the state from operating any American Health Benefit Exchange or any other health insurance exchange under the Patient Protection and Affordable Care Act contingent upon the outcome of King v. Burwell.
Senate Status 03/26/2015 - Set for Senate Commerce & Labor Committee- Final Meeting 03/31/15.
House Status 03/26/2015 - Set for House Insurance & Banking Subcommittee- Final Calendar 04/01/15.
Last Action Date 03/26/2015
Position Oppose

SB123 / HB603 Collective bargaining agreements - local governments and labor unions.

Category Labor Law
Sponsors Sen. Brian K. Kelsey / Rep. Jeremy Durham
Description Reaffirms that a local government shall not enter into any collective bargaining agreement with a labor union or employee association.
Senate Status 03/26/2015 - Set for Senate Commerce & Labor Committee- Final Meeting 03/31/15.
House Status 03/25/2015 - House Consumer & Human Resources Subcommittee deferred to 2016.
Last Action Date 03/26/2015
Position Oppose

SB127 / HB24 Go Build Tennessee Act.

Category Construction
Sponsors Sen. Jim Tracy / Rep. Ryan Williams
Description Establishes the Go Build Tennessee Program, to be administered by a designated corporation, for the purpose of securing funding to promote and foster the development of a statewide program designed to increase career opportunities for secondary and post-secondary students in the construction industry. Provides that the program shall be funded by a Go Build Account within the board of licensing contractors, and the corporation shall have access to the funding for the purpose of performing its duties set forth in this act.
Senate Status 03/26/2015 - Set for Senate Commerce & Labor Committee- Final Calendar 03/30/15.
House Status 03/26/2015 - Set for House Business & Utilities Committee 04/01/15.
Last Action Date 03/26/2015
Position Support

SB183 / HB158 Little Hatch Act - public school employees.

Category Campaigns & Lobbying
Sponsors Sen. Joey Hensley / Rep. Glen Casada
Description Makes the "Little Hatch Act" applicable to teachers. Defines "teacher" as any person employed in a public school system as a teacher, helping teacher, teacher's aide, librarian, principal, supervisor, director of schools, or member of the administrative staff. Prohibits a teacher from

displaying campaign literature, banners, stickers or other political advertising on the premises of any building or land owned by an LEA.

Amendment House Education Administration and Planning Committee amendment 1 (004276) provides that the restrictions against campaigning do not apply to a teacher during hours in which the teacher is not performing school duties. Extends the restriction to prohibit campaigning for a candidate for partisan or nonpartisan public office, instead of only for a candidate for political office. Clarifies that that the bill is aimed solely at prohibiting teacher campaigning while performing school duties, whereas the provisions of the Little Hatch Act as applied to other state employees extend to certain other activities.

Senate Status 03/26/2015 - Set for Senate Education Committee- Final Calendar 04/01/15.

House Status 03/26/2015 - Set for House Floor on 04/01/15.

Last Action Date 03/26/2015

Position Oppose

SB475 / HB757 Franchisee not employee of franchisor.

Category Labor Law

Sponsors Sen. Mike Bell / Rep. Andy Holt

Description Clarifies that unless a franchisee enters into an agreement with the US department of labor, neither a franchisee nor a franchisee's employees are deemed employees of the franchisor for any purpose. Specifies that the definitions of "franchisee" and "franchisor" are the same as the federal definitions set out in 16 CFR 436.1. Broadly captioned.

Senate Status 03/23/2015 - Senate passed.

House Status 03/26/2015 - Set for House Floor on 03/30/15.

Last Action Date 03/26/2015

Position Oppose

SB653 / HB483 Increase penalties for violation of OSHA.

Category Labor Law

Sponsors Sen. Sara Kyle / Rep. Mike Stewart

Description Sets minimum penalty, and increases the maximum penalty, for conditions that seriously endanger the health and safety of employees where the employer knows or has reason to know of the condition. Authorizes additional penalties for dangerous conditions that materially contribute to the death of an employee. Authorizes penalty to be assessed against an entity separate from the employer for a safety violation that materially contributes to the death of a person. Allows commissioner to waive or reduce penalty in certain cases where the employee who died has ownership in the company. Allows commission to negotiate a payment plan to pay penalty if payment would cause financial solvency of the violating employer. Increases penalties for nonserious violations of standards or regulations and posting requirements.

Senate Status 03/26/2015 - Set for Senate Commerce & Labor Committee- Final Meeting 03/31/15.

House Status 03/25/2015 - House Consumer & Human Resources Subcommittee deferred to 2016.

Last Action Date 03/26/2015

Position Support

SB721 / HB997 Enacts Tennessee Employee Injury Benefit Alternative.

Category Labor Law

Sponsors Sen. Mark Green / Rep. Jeremy Durham

Description Creates the "Tennessee Employee Injury Benefit Alternative", which provides qualified employers in the state an alternative to the Tennessee workers' compensation system. Establishes eligibility requirements for employers to opt out of the current workers' compensation system and establish an alternative plan. Specifies that an alternative benefit plan provided by an employer who opts out must include the following: (1) medical expenses coverage for at least 156 weeks and \$300,000 per employee; (2) temporary total disability benefits beginning on the fourth day of disability, of at least 70 percent of the employee's average weekly wages up to 110 percent of the state average weekly wage, for at least 156 weeks; and (3) death and scheduled dismemberment benefits up to \$300,000 per employee. Establishes other responsibilities of a covered employer, such as providing notice to each of its employees regarding the switch to the alternative benefits plan. Provides that a qualified employer may self-fund or insure benefits and liabilities with any insurance carrier authorized to do business in this state, provided, however, that the coverage must be from an admitted or non-admitted by approved insurer with an AM Best Rating of A- or better. Establishes other provisions regarding an alternative plan provided by an eligible employer, including the

process for an employee under such a plan to bring a cause of action against the eligible employer. Establishes within the Tennessee insurance guaranty association a Tennessee guaranty fund, for the purpose of continuing benefits provided under an alternative plan that are due or unpaid as a result of an inability of the insurer or employer to meet its obligation. Broadly Captioned. (23 pp.)

Senate Status 03/26/2015 - Set for Senate Commerce & Labor Committee- Final Calendar 03/30/15.
House Status 03/25/2015 - House Consumer & Human Resources Subcommittee deferred to 2016.
Executive Status 03/23/2015 - Workers' Compensation Advisory Council released to standing committees with unfavorable comment.
Last Action Date 03/26/2015
Position Oppose

SB798 / HB1286 Obstructing a highway or other passageway.

Category Criminal Law
Sponsors Sen. Brian K. Kelsey / Rep. Jeremy Durham
Description Makes various changes to the crime of obstructing a highway or other passageway. Prohibits the obstruction of a driveway to which the public has access. Broadens the crime by allowing a person to be charged when obstructing private property. Broadly captioned.
Senate Status 02/18/2015 - Referred to Senate Judiciary Committee.
House Status 03/25/2015 - House Criminal Justice Committee recommended. Sent to House Calendar & Rules.
Last Action Date 03/25/2015
Position Oppose

SB864 / HB903 Tennessee Pay Equality Act.

Category Labor Law
Sponsors Sen. Sara Kyle / Rep. John Ray Clemmons
Description Enacts the "Tennessee Pay Equality Act." Prohibits an employer from discriminating on the basis of sex by paying any employee a wage rate less than the wage rates the employer pays to any employee of the opposite sex. Establishes the employer as liable to the employee or employees affected in at least the amount of their unpaid wages. Establishes a Class A misdemeanor for certain violations. Allows economic council on women to conduct certain research.
Senate Status 03/26/2015 - Set for Senate Commerce & Labor Committee- Final Meeting 03/31/15.
House Status 03/25/2015 - Failed in House Consumer & Human Resources Subcommittee.
Last Action Date 03/26/2015
Position Support

SB885 / HB1018 General assembly approval not needed for governor to expand medicaid.

Category Health Care
Sponsors Sen. Jeff Yarbro / Rep. Mike Stewart
Description Repeals requirement that the general assembly must authorize by joint resolution any expansion of optional enrollment in the medical assistance program, pursuant to the Patient Protection and Affordable Care Act.
Senate Status 03/25/2015 - Senate Health & Welfare Committee deferred.
House Status 03/26/2015 - Set for House Health Subcommittee- Final Calendar 03/31/15.
Last Action Date 03/26/2015
Position Support

SB890 / HB1145 Payroll deductions for dues to state employee organizations.

Category Public Employees
Sponsors Sen. Brian K. Kelsey / Rep. Glen Casada
Description Increases the minimum size for forms that authorize payroll deductions for state employee membership dues to certain employee associations from three inches by five inches, to three inches by six inches.
Senate Status 02/19/2015 - Referred to Senate State & Local Government Committee.
House Status 03/26/2015 - Set for House State Government Committee 03/31/15.
Last Action Date 03/26/2015
Position Oppose

SB953 / HB886 Group insurance plan for state employees.

Category Public Employees
Sponsors Sen. Lee Harris / Rep. Craig Fitzhugh
Description Extends group insurance to state employees. Decreases the requirement for state employees from 24 months to 60 days to obtain group insurance. Decreases the requirement from having to work 1,450 hours to 640 hours within a fiscal year in order to qualify for the state group insurance, whether compensated on an hourly, daily, monthly, or piecework basis.
Senate Status 03/26/2015 - Set for Senate State & Local Government Committee Regular Calendar 03/31/15.
House Status 03/26/2015 - Set for House State Government Subcommittee 04/01/15.
Executive Status 03/16/2015 - Joint Council on Pensions and Insurance released to standing committees with unfavorable comment.
Last Action Date 03/26/2015
Position Support

SB1063 / HB1257 State's minimum hourly wage rate.

Category Labor Law
Sponsors Sen. Lee Harris / Rep. Johnnie Turner
Description Requires the commissioner of labor and workforce development to set the state's minimum hourly wage rate at not less than \$10.10 per hour and requires the commissioner to adjust the rate annually to reflect inflation in accordance with the consumer price index. Establishes a cause of action for employees if employers violate the state's minimum hourly wage rate. Sets the wage rate paid to blind persons employed by the state to the greater of the state minimum hourly wage rate or the federal minimum wage as provided by the Fair Labor Standards Act.
Senate Status 03/26/2015 - Set for Senate Commerce & Labor Committee- Final Meeting 03/31/15.
House Status 03/25/2015 - Failed in House Consumer & Human Resources Subcommittee.
Last Action Date 03/26/2015
Position Support

SB1066 / HB768 Employee handbooks to include leave statute for adoption, pregnancy.

Category Labor Law
Sponsors Sen. Lee Harris / Rep. Craig Fitzhugh
Description Requires employee handbooks to include the leave statute for adoption, pregnancy, and childbirth in subsequent editions occurring after May 27, 2005. Broadly Captioned.
Senate Status 03/24/2015 - Taken off notice in Senate Commerce & Labor Committee.
House Status 03/26/2015 - Set for House State Government Subcommittee 04/01/15.
Last Action Date 03/26/2015
Position Support

SB1081 / HB967 Enacts the "Tennessee First Act."

Category Taxes General
Sponsors Sen. Lee Harris / Rep. Johnny W. Shaw
Description Creates the "Tennessee First Act." Provides a preference for contractors located in Tennessee for certain state contracts. Creates a sliding scale of such preference.
Senate Status 02/19/2015 - Referred to Senate State & Local Government Committee.
House Status 03/25/2015 - House State Government Subcommittee referred bill to TACIR.
Last Action Date 03/25/2015
Position Support

SB1199 / HB766 Remove prohibition on local governments regulating contractors.

Category Local Government
Sponsors Sen. Jeff Yarbro / Rep. Bo Mitchell
Description Removes the provision that no county or municipality shall require the state licensee or its employees to pass any county or municipal test or examination and impose any additional requirements upon the state licensee or its employees.
Senate Status 03/26/2015 - Set for Senate Commerce & Labor Committee- Final Meeting 03/31/15.
House Status 03/24/2015 - Failed in House Business & Utilities Subcommittee.
Last Action Date 03/26/2015

SB1370 / HB1027 Public Construction Contractor Safety Act.

Category Transportation General
Sponsors Sen. Sara Kyle / Rep. Mike Stewart

Description Creates the "Public Construction Contractor Safety Act." Requires the department of transportation to consult with the department of labor and workforce development in order to create a standardized prequalification questionnaire and rating system to assess bidders and to consider bidders' occupational safety and health record when awarding contracts. Orders the department of transportation to use the services of a private sector management consulting firm to assist in developing, instituting, and evaluating the prequalification questionnaire and results. Prohibits subcontractors from performing any construction work on any project exceeding \$500,000 unless the subcontractors themselves have valid prequalification scores. Requires any bidder or subcontractor seeking a prequalification score to submit to the department certain information. Requires all contracts for department projects to authorize the department to take corrective action in the case of a citation from an occupational safety and health agency and any infractions, as determined by the department, must be posted on the department's website. (11 pp.)

Senate Status 03/25/2015 - Taken off notice in Senate Transportation & Safety Committee.
House Status 03/26/2015 - Set for House Transportation Subcommittee 04/01/15.
Last Action Date 03/26/2015
Position Support

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Bills That Have Passed House & Senate

SB86 / HB76 Tax credits and economic incentives - co-employment relationships.

Category Professions & Licensure

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Provides that for purposes of determining tax credits and other economic incentives that are based on employment and are provided by the state or a local government entity, covered employees may be deemed employees solely of the client, whereas before they were required to be. Provides that a client simply may be eligible for any tax credit or other benefit arising as a result of the employment of covered employees, whereas before they were required to be eligible. Part of Administration Package.

Senate Status 03/05/2015 - Senate passed.

House Status 03/26/2015 - House passed.

Executive Status 03/26/2015 - Sent to the speakers for signatures.

Last Action Date 03/26/2015

Position Support

SB103 / HB92 Additional employees covered by OSHA.

Category Labor Law

Sponsors Sen. Mark S. Norris / Rep. Gerald McCormick

Description Allows employees covered by the Longshoremen's and Harbor Workers' Compensation Act to be covered by the Occupational Safety and Health Act of 1972. Part of Administration Package.

Senate Status 03/02/2015 - Senate passed.

House Status 03/19/2015 - House passed.

Executive Status 03/24/2015 - Sent to governor.

Last Action Date 03/24/2015

Position Support

SB629 / HB549 Made in Tennessee Act - made permanent.

Category Economic Development

Sponsors Sen. Paul Bailey / Rep. Jason Powell

Description Makes the Made in Tennessee Act permanent instead of repealing on January 1, 2016.

Amendment Senate amendment 1 (004093) removes the words "pilot program" from the code to reflect the permanency of the act.

Senate Status 03/19/2015 - Senate passed with amendment 1. Senate amendment 1 (004093) removes the words "pilot program" from the code to reflect the permanency of the act.
House Status 03/26/2015 - House concurred in Senate amendment 1 (004093), which removes the words "pilot program" from the code to reflect the permanency of the act.
Executive Status 03/26/2015 - Sent to the speakers for signatures.
Last Action Date 03/26/2015
Position Support

"Dead," Off Notice, Moved to 2016 Bills

SB659 / HB579 Tennessee Minimum Wage Act.

Category Labor Law
Sponsors Sen. Sara Kyle / Rep. G.A. Hardaway
Description Enacts the "Tennessee Minimum Wage Act," which establishes a minimum wage that increases annually on July 1, up until 2017, providing: (1) \$8.15 per hour in 2015; (2) \$9.60 per hour in 2016; and (3) \$10.10 per hour or .5% percent higher than the federal minimum wage, whichever is greater, in 2017. Provides a minimum wage of \$4.74 per hour for employees in the service industry who receive tips and \$6.15 per hour for employees that are compensated by way of gratuities. Authorizes the department to promulgate rules and regulations in compliance with federal law.
Senate Status 02/18/2015 - Referred to Senate Commerce & Labor Committee.
House Status 03/25/2015 - Failed in House Consumer & Human Resources Subcommittee.
Last Action Date 03/25/2015
Position Support

SB662 / HB552 Leave time for parental involvement in schools.

Category Labor Law
Sponsors Sen. Sara Kyle / Rep. Craig Fitzhugh
Description Requires employers to provide employees with school-aged children four hours a year in which to attend or be involved in school related activities. Specifies the eligibility criteria and the conditions employers can place on employees seeking to take leave. Prohibits employer from taking any adverse action against employee for requesting or taking this leave. Creates civil action against employer for taking adverse action against an employee for taking leave.
Senate Status 02/18/2015 - Referred to Senate Commerce & Labor Committee.
House Status 03/11/2015 - Failed in House Consumer & Human Resources Subcommittee.
Last Action Date 03/11/2015
Position Support

SB663 / HB557 Study on development of paid family and medical leave program.

Category Labor Law
Sponsors Sen. Sara Kyle / Rep. Craig Fitzhugh
Description Authorizes the department of labor, subject to the availability of federal funding, to study the feasibility of the development or implementation of a paid family and medical leave program. Requires commissioner to apply for the grant through the federal department of labor's women's bureau. Requires the department to report the results to the governor and certain members and committees of the general assembly.
Senate Status 02/18/2015 - Referred to Senate Commerce & Labor Committee.
House Status 03/25/2015 - Taken off notice in House Consumer & Human Resources Subcommittee.
Last Action Date 03/25/2015
Position Support

SB1067 / HB555 Making Work Pay Act.

Category Labor Law
Sponsors Sen. Lee Harris / Rep. Craig Fitzhugh
Description Enacts the "Making Work Pay Act." Requires every employer to pay each employee who works longer than 40 hours in any work week at a rate of no less than one and one-half of the regular rate of pay for those hours that exceed 40. Requires seasonal employment to be paid the one

and one-half overtime rate after 45 hours. Requires employers to post a summary that can easily be seen of this part in the workplace. Establishes a liability to the violators of the minimum wage requirement for the amount of unpaid wages, including additional wages for damage.

Senate Status 03/24/2015 - Taken off notice in Senate Commerce & Labor Committee.

House Status 03/25/2015 - Taken off notice in House Consumer & Human Resources Subcommittee.

Last Action Date 03/25/2015

Position Support

SB1159 / HB974 Tennessee Pregnant Workers Fairness Act.

Category Labor Law

Sponsors Sen. Becky Duncan Massey / Rep. Matthew Hill

Description Enacts the "Tennessee Pregnant Workers Fairness Act." Specifies that an employer failing to make reasonable accommodations for an applicant for employment or employee related to pregnancy, childbirth or related condition is a discriminatory practice based on sex unless such employer can demonstrate that the accommodation would impose an undue hardship on the employer. Gives the employer the burden of proving undue hardship. Specifies that an employer who takes adverse action against an employee who requests or uses an accommodation related to pregnancy or childbirth is a discriminatory practice based on sex. Specifies that an employer who denies employment opportunities to an applicant based on the need of the employer to make reasonable accommodations to the known conditions related to pregnancy or childbirth is also a discriminatory practice. Requires the Tennessee Human Rights Commission to develop courses of instruction and conduct ongoing public education efforts as necessary to inform employers, employees, employment agencies, and applicants for employment about the rights and responsibilities related to this section.

Senate Status 03/17/2015 - Taken off notice in Senate Commerce & Labor Committee.

House Status 03/25/2015 - House Consumer & Human Resources Subcommittee deferred to 2016.

Last Action Date 03/25/2015

Position Support

SB1161 / HB1134 Insurance voucher to expand Medicaid to 138 percent of poverty line.

Category Health Care

Sponsors Sen. Becky Duncan Massey / Rep. Dennis Powers

Description Requires the commissioner of finance and administration to apply for a federal waiver to establish a health insurance voucher program that expands eligibility for Medicaid to 138 percent of the federal poverty line. Provides that the vouchers will be funded with an increase in the hospital assessment from 4.52 percent to six percent. Clarifies that the voucher program shall terminate if the Patient Protection and Affordable Care Act terminates and federal funding for this program is no longer available.

Senate Status 02/19/2015 - Referred to Senate Commerce & Labor Committee.

House Status 03/17/2015 - Taken off notice in House Health Subcommittee.

Last Action Date 03/17/2015

SB1164 / HB1072 TN Promise scholarship - apprentice training program students.

Category Education

Sponsors Sen. Becky Duncan Massey / Rep. Roger Kane

Description Permits students enrolled in an apprenticeship training program to be eligible for the Tennessee Promise scholarship, provided that the program meets certain requirement, such being an association of a trade industry, and being open to anyone 18 years of age or older with a high school diploma, GED or HiSET diploma. Requires such students to meet the same eligibility requirements for the scholarship, and to maintain satisfactory academic progress as determined by the institution to continue to receive the scholarship.

Senate Status 03/11/2015 - Taken off notice in Senate Education Committee.

House Status 03/17/2015 - Taken off notice in House Education Administration and Planning Subcommittee.

Last Action Date 03/17/2015

Position Support