

SENATE BILL 1015

By Campbell

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8 and Title 50, relative to caregivers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, is amended by adding the following
as a new chapter:

50-12-101. Short title.

This chapter is known and may be cited as the "Family Caregiver
Antidiscrimination Act."

50-12-102. Chapter definitions.

As used in this chapter:

(1) "Commissioner" means the commissioner of labor and workforce
development;

(2) "Employee" means a natural person who performs services for an
employer for valuable consideration, and does not include a self-employed
independent contractor;

(3) "Employer" means a person that employs one (1) or more employees;
and

(4) "Family responsibilities" means the obligations of an employee to
provide for the basic needs of a family member who would qualify as a covered
family member under the federal Family and Medical Leave Act (29 U.S.C. §
2601 et seq.).

50-12-103. Unlawful employment practices – Effect on employer practices.

(a) It is an unlawful employment practice for an employer to:

(1) Fail or refuse to hire or to discharge an employee, or otherwise discriminate against an employee, with respect to compensation, terms, conditions, or privileges of employment because of the employee's family responsibilities, if:

(A) The employee does not violate the employer's attendance and absenteeism policies that are not prohibited by other applicable law; and

(B) The employee's performance at work meets satisfactory standards; or

(2) Limit, segregate, or classify an employee in a way that deprives, or tends to deprive, an employee of employment opportunities, or otherwise adversely affects the employee's status as an employee because of the employee's family responsibilities, except with respect to the employer's attendance and absenteeism standards that are not protected by other applicable law and to the extent the employee's performance at work meets satisfactory standards.

(b) This section does not create an obligation for an employer to make special accommodations for an employee with family responsibilities, as long as all policies related to leave, scheduling, absenteeism, work performance, and benefits are applied in a nondiscriminatory manner.

50-12-104. Enforcement – Rules – Civil action.

(a) The commissioner shall enforce this chapter and may promulgate rules necessary to effectuate this chapter in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) A person adversely affected by an act in violation of this chapter may bring a civil action in the chancery court or circuit court in the jurisdiction where the alleged violation occurred. In the action, a court may issue back pay, compensatory damages, prejudgment interest, reasonable attorney's fees, and any legal or equitable relief that will effectuate this chapter.

(c) A person must bring a civil action pursuant to subsection (b) no later than one (1) year from the date of termination of employment or the date of the adverse employment action. A person is not required to pursue an action in chancery or circuit court, and may bring an action in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. For the purpose of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.