

HOUSE BILL 2905

By Sargent

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 5 and Title 50, Chapter 7, relative to benefits under the employment security law.

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

SECTION 1. Tennessee Code Annotated, Section 50-7-303(a)(2), is amended by adding the following new subdivision:

(C)

(i) A discharge by an employer shall be deemed to be a discharge for misconduct connected with the claimant's work if an employer provides evidence that the employer received four (4) or more complaints concerning the employee from customers who received services directly from such employee; provided that the employer provides evidence that the:

(a) Employer notified the employee of such complaints within ten (10) days of receiving each complaint; and

(b) Employee was given a reasonable opportunity to correct his or her performance.

(ii) Evidence establishing a discharge pursuant to (a)(2)(C)(i) shall be admissible, regardless of whether such evidence is hearsay, and whether corroborated by direct witness testimony, if such evidence is accompanied by an affidavit of its custodian or other qualified person certifying the evidence as a business record and meeting the requirements of Rule 803(6) of the Tennessee Rules of Evidence.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.