

SENATE BILL 356

By Walley

AN ACT to amend Tennessee Code Annotated, Title 4 and
Title 50, relative to workers' compensation.

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

SECTION 1. Tennessee Code Annotated, Section 50-6-102, is amended by adding the following as a new subdivision:

() "Labor representative" means a person who works for an organization that exists, in whole or in part, for the purpose of collective bargaining, dealing with an employer concerning grievances, terms, or conditions of employment, or for other mutual aid or protection in connection with employment;

SECTION 2. Tennessee Code Annotated, Section 50-6-236(c), is amended by deleting subdivision (1) and substituting:

(1)

(A) When mediation is held, a person representing the employee and the employer, or the employer's insurer, with the authority to settle, shall attend. The person representing the employee may be a labor representative.

(B) The state or its representative who attends mediation is not required to have final settlement authority. A party entering into mediation shall be prepared to mediate all disputed issues at the beginning of mediation and shall mediate all issues in good faith.

SECTION 3. Tennessee Code Annotated, Section 50-6-236, is amended by adding the following as a new subsection:

() The department shall promulgate rules to allow a labor representative to participate with a party engaged in mediation or another form of alternative dispute resolution for a workers' compensation claim in accordance with this chapter. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. For purposes of promulgating rules, 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.