

SENATE BILL 373

By Walley

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 50, relative to state employee compensation.

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 23, Part 2, is amended by adding the following new section:

(a) As used in this section:

(1) "Appointing authority" means a person within a state agency having power to make appointments to, and separations from, positions in state service;

(2) "Hazardous duty position" means a position in the service of this state that requires the performance of a hazardous duty; and

(3) "State agency" means an authority, board, branch, commission, committee, department, division, or other instrumentality of this state.

(b)

(1) Each commissioner of a department of state government may, in consultation with its appointing authorities and employees, develop standards for identifying hazardous duty positions within the department and categorizing working conditions not common to a class of employees as mildly hazardous, moderately hazardous, and severely hazardous. If a commissioner develops standards and categories under this subdivision (b)(1), then the commissioner shall consult with, and solicit input from, the commissioners of finance and administration and human resources.

(2) Upon determining that a state employee or class of employees is eligible for a hazardous salary adjustment under this section, the appointing

authority may apply to the appropriate commissioner for the salary adjustment and shall, for each such application, provide sufficient evidence and documentation to substantiate the claim for the hazardous salary adjustment.

(3) Upon review of an application submitted under subdivision (b)(2), a commissioner may approve a hazardous salary adjustment for a qualified employee or class of employees.

(4) Each claim for a hazardous salary adjustment must be submitted as a separate application.

(5) The commissioners of finance and administration and human resources may audit any claim to determine whether a hazardous salary adjustment was appropriate.

(c) When the working conditions of a state employee are exceptionally hazardous and fall within one (1) of the categories for hazardous working conditions developed under subdivision (b)(1), the state employee may receive, upon approval in accordance with subdivision (b)(3), a hazardous salary adjustment granted only for the time the employee is subjected to hazardous working conditions.

(d) For purposes of approving a hazardous salary adjustment under subdivision (b)(3), a state employee is entitled to:

(1) A hazardous salary adjustment of five percent (5%) of the employee's base salary for those hours worked under mildly hazardous conditions;

(2) A hazardous salary adjustment of seven and one-half percent (7.5%) of the employee's base salary for those hours worked under moderately hazardous conditions; and

(3) A hazardous salary adjustment of ten percent (10%) of the employee's base salary for those hours worked under severely hazardous conditions.

(e) A state agency shall compensate a former state employee for an approved hazardous salary adjustment for work performed regardless of whether approval occurs after the state employee transfers to another state agency or is separated from service.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.