

SENATE BILL 420

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 50
and Title 58, relative to essential workers.

WHEREAS, tens of millions of workers are required to go to work every day in spite of the threat to their personal health, and millions of essential workers are getting sick and dying at elevated rates due to the prevalence of COVID-19, meaning that workers are risking their lives daily for wages that are not enough to live on. This State shall ensure that all essential workers are paid a livable wage; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) This section shall be known as the Essential Wages for Essential Workers Act.

(b) Each employer in this state shall pay to each employee that is an essential worker an essential hourly wage at a rate of not less than fifteen dollars (\$15.00) per hour for forty (40) hours of time worked per week and one and one-half (1 1/2) times such employee's essential hourly wage for each hour of time worked in excess of forty (40) hours in any week; provided, that an employer is not required to pay the overtime rate to a person employed in a bona fide executive, administrative, or professional capacity.

(c) The essential hourly wage rate set by subsection (b) must increase, based on a forty-hour work week, to seventeen dollars and fifty cents (\$17.50) per hour on July 1, 2021, and to twenty dollars (\$20.00) per hour on July 1, 2022. Overtime wages paid

to essential workers must increase proportionally to the increase in the essential hourly wage as prescribed by this subsection (c).

(d) If the current in-state or federal prevailing wage for government contractors in the same class or functional area is higher than the wage set under subsection (b) or (c), as applicable, an essential worker must be paid at that higher rate.

(e) As used in this section, "essential worker" means:

(1) All classes and categories of workers defined as essential in state law or by executive order issued by the governor or the executive head of a local government; and

(2) All classes and categories of workers defined as essential as determined under guidance by the federal government, including, without limitation, the advisory memorandum titled Guidance on Essential Critical Infrastructure Workers, version 4.0, dated August 18, 2020, issued by the Cybersecurity & Infrastructure Security Agency within the United States department of homeland security.

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