

SENATE BILL 1769

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 36, Chapter 3, Part 6 and Title 50, Chapter 1,
relative to victims of domestic abuse or sexual
assault.

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

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by adding the following as a new section:

(a) An employer shall not discharge or take any adverse employment action against an employee who is a victim of domestic abuse or sexual assault, as defined in § 36-3-601, for taking time off from work to:

(1) Seek or obtain medical attention, counseling, or legal assistance related to the domestic abuse or sexual assault;

(2) Obtain victim services from a domestic violence shelter, domestic violence program, or rape crisis center;

(3) Obtain an order of protection or restraining order;

(4) Meet with a district attorney or other law enforcement official;

(5) Attend, participate in, or prepare for a criminal or civil court proceeding related to the domestic abuse or sexual assault; or

(6) Secure new temporary or permanent housing if it is to protect the health, safety, and welfare of the employee and as a result of the domestic abuse or sexual assault.

(b)

(1) As a condition of taking time off for a purpose set forth in subsection (a), the employee must give the employer reasonable advance notice of the

employee's intention to take time off unless such advance notice is not feasible. If advance notice is not feasible, the employee shall notify the employer of the employee's unscheduled absence as soon as practicable.

(2) Within two (2) business days after returning from the requested time off, the employee may be required to provide supporting documentation including, but not limited to, documentation described in subdivision (b)(3).

(3) When an unscheduled absence occurs, the employer shall not take any action against the employee if the employee, within two (2) business days after the beginning of the unscheduled absence, provides documentation to the employer in any of the following forms:

(A) A police report indicating that the employee was a victim of domestic abuse or sexual assault;

(B) A court order protecting the employee from the perpetrator of an act of domestic abuse or sexual assault, or other evidence from a court, district attorney, or law enforcement agency that the employee has attended or participated in a court or grand jury proceeding or has met with the district attorney or other law enforcement official;

(C) A written statement from a medical professional, domestic violence advocate or advocate for victims of sexual assault, healthcare provider, counselor, or attorney that the employee was undergoing treatment or receiving services related to domestic abuse or sexual assault; or

(D) Evidence of newly secured housing obtained as a result of domestic abuse or sexual assault.

(c) To the extent allowed by law, the employer shall maintain the confidentiality of any employee requesting leave under subsection (a), as well as the confidentiality of any supporting documentation provided by the employee to the employer under this section.

(d) An employee may use any accrued paid leave or, if paid leave is unavailable to the employee, unpaid leave, not to exceed a total of eight (8) days per calendar year, as time off for a purpose specified in subsection (a), unless a longer period of time is otherwise available to an employee under the applicable terms of employment or is provided by a collective bargaining agreement.

(e) The entitlement of any employee under this section shall not be diminished by any collective bargaining agreement term or condition.

(f)

(1) Any employee discharged or subject to an adverse employment action in violation of this section may bring a civil action against the employer to enjoin future acts in violation of this section and to recover economic damages plus reasonable attorney fees and costs.

(2) The employee has one (1) year from the date of termination of employment or the date of adverse employment action to file an action pursuant to this section.

(g) For purposes of this section:

(1) "Employee" means a natural person who performs services for an employer for valuable consideration; and

(2) "Employer" means a person or entity receiving services from an employee and, in return, giving compensation of any kind to the employee.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.