

SENATE BILL 1965

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 36,  
Chapter 5, Part 11 and Title 50, Chapter 1, Part 7,  
relative to employment.

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

SECTION 1. Tennessee Code Annotated, Section 50-1-703(a)(1)(A), is amended by deleting the language "on or after the phase-in period applicable to the particular size employer described in subsection (b)".

SECTION 2. Tennessee Code Annotated, Section 50-1-703(a)(1)(B)(i), is amended by deleting the language "on or after the phase-in period applicable to the particular size employer described in subsection (b)".

SECTION 3. Tennessee Code Annotated, Section 50-1-703(a)(1)(B)(ii)(a), is amended by deleting the language "on or after the applicable phase-in period described in subsection (b)".

SECTION 4. Tennessee Code Annotated, Section 50-1-703(a)(7), is amended by deleting the language "compliance with subdivision (a)(1)" wherever it appears and substituting instead the language "compliance with subdivision (a)(1) and subsection (b)".

SECTION 5. Tennessee Code Annotated, Section 50-1-703(b), is amended by deleting the subsection and substituting instead the following:

(1) Notwithstanding subdivision (a)(1)(B), employers with six (6) or more employees, on or after July 1, 2016, shall enroll in the E-Verify program prior to hiring an employee and shall comply with the requirements in subdivision (a)(1)(B)(ii).

(2) If an employer with at least six (6) employees, but not more than twenty-four (24) employees, is required to enroll in the E-Verify program pursuant to subdivision

(b)(1), and submits an affidavit to the commissioner or the commissioner's designee containing a written statement made under penalty of perjury that the employer would suffer an undue hardship by enrolling in the E-Verify program prior to the assessment of any monetary penalty pursuant to subdivision (f)(2)(b), then the commissioner or the commissioner's designee shall authorize the employer to submit documents pursuant to subdivision (a)(1)(B)(i) instead of enrolling in the E-Verify program.

SECTION 6. Tennessee Code Annotated, Section 50-1-703(c), is amended by deleting the language "violation of subdivision (a)(1)" wherever it appears and substituting instead the language "violation of subdivision (a)(1) or subsection (b)", and is further amended by deleting the language "compliance with subdivision (a)(1)" wherever it appears and substituting instead the language "compliance with subdivision (a)(1) and subsection (b)".

SECTION 7. Tennessee Code Annotated, Section 50-1-703(d), is amended by deleting the language "violated subdivision (a)(1)" in subdivision (1) and substituting instead the language "violated subdivision (a)(1) or subsection (b)", and is further amended by deleting the language "violation of subdivision (a)(1)" wherever it appears in subdivision (3) and substituting instead the language "violation of subdivision (a)(1) or subsection (b)".

SECTION 8. Tennessee Code Annotated, Section 50-1-703(d)(1)(B), is amended by deleting the language "if a final order is issued" and substituting instead the language "pursuant to subsections (f)-(j)".

SECTION 9. Tennessee Code Annotated, Section 50-1-703(d)(3)(A), is amended by deleting the language "sixty (60)" and substituting instead the language "thirty (30)".

SECTION 10. Tennessee Code Annotated, Section 50-1-703(e), is amended by deleting the language:

commissioner shall issue a final order on the date the contested case hearing concludes or is waived and assess penalties in accordance with subsections (f)-(j)

and substituting instead:

initial order shall be deemed a final order not subject to further review. If there is a contested case hearing, the commissioner or the commissioner's designee shall issue a final order

SECTION 11. Tennessee Code Annotated, Section 50-1-703(f)(1), is amended by deleting the language:

If the commissioner issues a final order for a violation of subdivision (a)(1) by a private employer, or a violation of § 50-1-704, then the commissioner shall assess and substituting instead:

If the commissioner or the commissioner's designee issues a final order, or an initial order is deemed a final order, not subject to further review, for a violation of subdivision (a)(1) by a private employer, or a violation of § 50-1-704, then the commissioner or the commissioner's designee shall assess

SECTION 12. Tennessee Code Annotated, Section 50-1-703(f)(2), is amended by designating the existing language as a new subdivision (A), and by adding the following language as a new subdivision (B):

(B) In addition to the civil penalties provided in subdivision (f)(1), the commissioner shall also assess a monetary penalty in the amount of five hundred dollars (\$500) for any violation of subsection (b).

SECTION 13. Tennessee Code Annotated, Section 50-1-703(f)(3), is amended by deleting the language "subdivision (a)(1)" and substituting instead the language "subdivision (a)(1) and subsection (b)".

SECTION 14. Tennessee Code Annotated, Section 50-1-703(g), is amended by deleting the language "subdivision (a)(1)" and by substituting instead the language "subdivision (a)(1) or subsection (b)".

SECTION 15. Tennessee Code Annotated, Section 50-1-703(j), is amended by deleting the language "subdivision (a)(1)" and by substituting instead the language "subdivision (a)(1) or subsection (b)".

SECTION 16. Tennessee Code Annotated, Section 36-5-1106(b), is amended by deleting the language:

any agencies administering the worker's compensation program of a state or territory;  
and to the Title IV-D agency in this state

and substituting instead the language:

to any agencies administering the worker's compensation program of a state or territory;  
to any agencies administering the Tennessee Lawful Employment Act, compiled in title  
50, chapter 1, part 7; and to the Title IV-D agency in this state

SECTION 17. This act shall take effect July 1, 2016, the public welfare requiring it, and shall apply to violations occurring on or after that date.