



# State of Tennessee

## PUBLIC CHAPTER NO. 904

HOUSE BILL NO. 2469

**By Representatives Dunn, Clemmons, Faison, Hardaway, Keisling, Crawford**

**Substituted for: Senate Bill No. 2166**

**By Senators Massey, Yager, Bowling, Briggs, Yarbrow**

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 30, relative to proceedings against state employees.

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

SECTION 1. Tennessee Code Annotated, Section 8-30-318(h)(1)(A), is amended by adding the following language after the second sentence of the subdivision:

The appointing authority or designee shall provide to the complainant in advance of the meeting a copy of any and all documents or other evidence in the appointing authority's or designee's possession that is relevant to the meeting, including, but not limited to, reports, videos, and recordings. The appointing authority or designee must make all reasonable efforts to gather all relevant documents and evidence that are germane to the meeting prior to conducting the meeting for purposes of providing such information to the complainant. If a document or other evidence is part of an active criminal investigation or prosecution by any law enforcement agency, or is otherwise deemed confidential under existing law, then the document or evidence must not be provided in advance of the hearing; provided, that the employee may view the document or other evidence during the meeting, if such document or other evidence will be relied upon by the appointing authority for purposes of issuing a decision. If viewed, the employee shall acknowledge in writing that the employee viewed the document or evidence. Any documents or evidence in possession of the appointing authority or designee prior to the meeting that was not provided to the complainant in accordance with this subdivision (h)(1)(A) must not be considered by the appointing authority for purposes of issuing a decision.

SECTION 2. Tennessee Code Annotated, Section 8-30-318(h)(1)(B)(i), is amended by adding the following language after the second sentence of the subdivision:

The commissioner shall provide to the complainant a copy of any and all documents or other evidence in the commissioner's possession that is relevant to the review of the complaint, including, but not limited to, reports, videos, and recordings. The commissioner must make all reasonable efforts to gather all relevant documents and evidence that are germane to the review of the complaint prior to issuing a decision for purposes of providing such information to the complainant. If a document or other evidence is part of an active criminal investigation or prosecution by any law enforcement agency, or is otherwise deemed confidential under existing law, including any documents viewed under subdivision (h)(1)(A), then the document or evidence must not be provided to the employee; provided, that the employee may make an appointment with the department of human resources to view the document or other evidence, if such document or other evidence will be relied upon by the commissioner for purposes of issuing a decision. If viewed, the employee shall acknowledge in writing that the employee viewed the document or evidence. Any documents or evidence in possession of the commissioner prior to issuing a decision that was not provided to the complainant or that the complainant was not allowed to view prior the issuance of the decision must not be considered by the commissioner for purposes of issuing the decision.

SECTION 3. Tennessee Code Annotated, Section 8-30-318(q), is amended by deleting all language after the first sentence of the subsection.

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SECTION 4. Tennessee Code Annotated, Title 8, Chapter 30, Part 3, is amended by adding the following new section:

For purposes of calculating time with respect to any proceedings against state employees under this part, time must be counted by calendar days, excluding holidays.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 19, 2018

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 3<sup>rd</sup> day of May 2018

  
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BILL HASLAM, GOVERNOR