

SENATE BILL 3515

By Tate

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 23 and Title 50, relative to legal
representation for unemployment security
claimants.

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

SECTION 1. Tennessee Code Annotated, Section 50-7-304, is amended by adding the following as new subsections:

(l)

(1) In the case of an appeal that has been filed or requested pursuant to subsection (b), (c), (e) or (i), the commissioner shall designate a Tennessee licensed attorney within the department of labor and workforce development to provide legal representation to the claimant in such appeal and any subsequent appeals, if all of the following apply:

(A) The employer who is a party to the appeal is represented by a licensed attorney;

(B) The claimant requests that the commissioner appoint an attorney to represent the claimant in the appeal; and

(C) The claimant provides proof of indigence that is satisfactory to the commissioner taking into account the claimant's income, property, obligations, the number and ages of dependents and any other matters deemed pertinent.

(2) The commissioner shall not assign an attorney to serve as both an adjudicator and a claimant's counsel with regard to the same claim.

(3) If an attorney is designated to represent a claimant pursuant to this subsection (l), and following the conclusion of the appellate process the claimant is determined to be entitled to benefits, the commissioner shall assess a fee against the employer in the amount of three thousand dollars (\$3,000) for providing legal representation to the claimant. If the claimant is not ultimately determined to be entitled to benefits, then the cost of providing legal representation to the claimant shall be done within the existing resources of the department.

(m) The commissioner shall promulgate rules and regulations to ensure that claimants are provided timely notice of the opportunity to request designation of a legal representative pursuant to subsection (l).

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it, and shall apply to all appeals of determinations in unemployment security claims filed on or after such date.