



State of Tennessee

PUBLIC CHAPTER NO. 275

SENATE BILL NO. 866

By Gresham, Hensley

Substituted for: House Bill No. 408

By Casada, Butt, Joe Carr

AN ACT to amend Tennessee Code Annotated, Title 49, relative to granting of special privileges to professional employees' organizations.

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

SECTION 1. Tennessee Code Annotated, Section 49-5-715, is amended by deleting the section in its entirety and by substituting instead the following:

49-5-715.

(a) Leave to hold statewide office as an officer, director, trustee or agent of a professional employees' association may be granted if the local board approves the leave after the person requesting the leave provides the director of schools with proof of election and proof of the term of office. Acceptable proof of election shall include, but not be limited to, certification by the professional employees' association of the date of the election and the results of the election. Leave shall be granted from a date certain to a date certain pursuant to § 49-5-704.

(b) For purposes of this section only, "professional employees' association" or "association" means any organization or association granting membership to professional employees of LEAs and professionals employed by the state department of education; provided, however, that membership in the organization or association statewide exceeds one thousand (1,000) dues-paying members.

(c) Any person on leave under this section shall retain all rights enumerated in § 49-5-708.

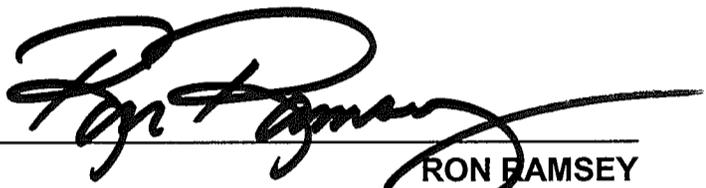
(d) Association service leave shall be leave without pay. The person on leave is entitled to maintain benefits only if the full cost of the benefits is paid by either the person on leave or the association for which the person is serving as an officer, director, trustee or agent. During the leave period, the person's position with the LEA shall be maintained without advancement on the salary scale and with no accrual of sick leave or personal and professional leave. At the end of leave taken pursuant to this section, the person taking the leave shall be returned to the person's former position or a comparable position. Leave shall only be granted with the understanding that the recipient, immediately following the leave of absence, will return to the LEA for a period at least equal to the period of the leave. Prior to the person being allowed to return to a position in the LEA, the person or the association shall reimburse the LEA for any additional expenses incurred in staffing the position while the person was on leave.

(e) Any president of a professional employees' association who was granted leave from an LEA to hold the office prior to the effective date of this act may continue to hold the office of president with leave from the LEA until the end of the leave and termination of the agreement that covers the leave; provided, however, that the agreement shall not be modified or extended after the effective date of this act. If a person who was president of an association before the effective date of this act is re-elected after the effective date of this act, then any new agreement between an LEA and a person who is re-elected shall be entered in accordance with subsections (a) through (d).

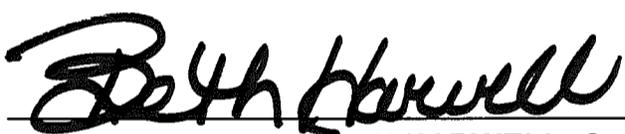
SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

SENATE BILL NO. 866

PASSED: April 11, 2013



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of April 2013



BILL HASLAM, GOVERNOR