



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 837**

**SENATE BILL NO. 2485**

**By Massey, Yager**

Substituted for: House Bill No. 2269

By Dunn, Littleton

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 30 and Title 49, relative to public employees.

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

SECTION 1. Tennessee Code Annotated, Section 8-30-318(a), is amended by deleting the subsection and substituting instead the following:

(a) The department shall promulgate rules and guidelines establishing an appeal procedure for employees, which shall include the orderly conduct of proceedings.

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

Prior to issuing a decision, the appointing authority or designee may independently collect new evidence or information regarding any factual issue raised during any proceeding under Step I. If the appointing authority or designee independently collects such evidence or information, the appointing authority or designee shall provide a copy of the evidence or information, as soon as practicable, to the complainant. Copies of confidential evidence or information shall not be distributed to the complainant, but the complainant shall be afforded an opportunity to view such evidence or information. The complainant, not later than three (3) days after receiving the evidence or information, may submit a response to the appointing authority or designee in support or opposition to the new evidence or information, and may include with the response any evidence or information obtained by the complainant relating to the response. The appointing authority or designee shall not issue a decision under this subdivision (h)(1)(A) until the complainant has been afforded the opportunity to respond to any new evidence or information in accordance with this subdivision (h)(1)(A), unless doing so violates the fifteen-day timeframe in this subdivision (h)(1)(A).

SECTION 3. Tennessee Code Annotated, Section 8-30-318(h)(1)(B)(i), is amended by adding the following language after the second sentence:

Prior to issuing a decision, the commissioner may independently collect new evidence or information regarding any factual issue raised during any proceeding under Step I. If the commissioner independently collects such evidence or information, the commissioner shall provide a copy of the evidence or information, as soon as practicable, to the complainant. Copies of confidential evidence or information shall not be distributed to the complainant, but the complainant shall be afforded an opportunity to view such evidence or information. The complainant, not later than three (3) days after receiving the evidence or information, may submit a response to the appointing authority or designee in support or opposition to the new evidence or information, and may include with the response any evidence or information obtained by the complainant relating to the response. The commissioner shall not issue a decision under this subdivision (h)(1)(B)(i) until the complainant has been afforded the opportunity to respond to any new evidence or information in accordance with this subdivision (h)(1)(B)(i), unless doing so violates the thirty-day timeframe in this subdivision (h)(1)(B)(i).

SECTION 4. Tennessee Code Annotated, Section 8-30-318(q), is amended by adding the following language after the first sentence:

If more than one (1) representative of a state agency or employee is in attendance at a Step I proceeding, the state agency or employee shall establish good cause for the attendance of the additional representatives at the Step I proceeding. If the state agency or employee fails to establish good cause, the commissioner or designee may exclude the additional representatives from the proceeding.

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

SENATE BILL NO. 2485

PASSED: April 7, 2016

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 21<sup>st</sup> day of April 2016

  
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BILL HASLAM, GOVERNOR