

HOUSE BILL 1949

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 8,
relative to public officers and employees.

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

SECTION 1. Tennessee Code Annotated, Section 8-34-604(a), is amended by deleting the language "Upon retirement," and substituting instead the language "Except as provided in subsection (e), upon retirement,".

SECTION 2. Tennessee Code Annotated, Section 8-34-604, is amended by adding the following language as a new, appropriately designated subsection:

(e) In lieu of creditable service as provided in subsection (a), upon retirement, any employee of the state who has accumulated sick leave under chapter 50, part 8 of this title, or any teacher who has accumulated sick leave under § 49-5-710, or any state university and community college system or University of Tennessee employee member who has accumulated sick leave to an extent not exceeding that sick leave provided under chapter 50, part 8 of this title, may, at the sole discretion of the employee, select that such employee's accumulated sick leave:

(1) Be paid to such employee as a lump sum payment prior to such employee's separation date pursuant to rules established by the department of human resources; provided that such payment shall not be considered earnable compensation for retirement purposes; or

(2) Be used in the same manner as annual leave, or compensatory leave, in order to reach such employee's effective date of retirement pursuant to rules established by the department of human resources.

SECTION 3. Tennessee Code Annotated, Section 8-50-807, is amended by adding the following language as a new subsection:

(e) At the sole discretion of a retiring employee, an employee may elect to:

(1) Be paid a lump sum payment for such employee's accumulated annual leave and compensatory leave prior to the effective date of such employee's retirement; provided, that such payment shall not be considered earnable compensation for retirement purposes; or

(2) Use such employee's accumulated annual leave and compensatory leave to reach the effective date of retirement.

SECTION 4.

(a) The department of human resources is authorized to promulgate rules and regulations as the department may deem necessary to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) The treasury department is authorized to promulgate rules and regulations as the department may deem necessary to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 5. This act shall take effect January 1, 2010, the public welfare requiring it.