

HOUSE BILL 2895

By Miller

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 13; Title 39; Title 50; Title 67 and Title 71,
relative to state minimum wage regulations.

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

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 2, Part 1, is amended by adding the following language as a new section:

50-2-114.

(a) As used in this section:

(1) "Commissioner" means the commissioner of labor and workforce development;

(2) "Employ" means to permit or suffer to work in employment or a gainful occupation;

(3) "Employee" means a natural person who performs services for an employer for valuable consideration, and does not include a self-employed independent contractor;

(4) "Employer" means:

(A) A person, association, or legal or commercial entity receiving services from an employee and, in return, giving compensation of any kind to the employee; and

(B) Includes the state; and

(5) "Wages" means compensation paid to an employee in the form of legal tender of the United States or checks or drafts on banks negotiable into cash on demand or upon acceptance at full value. Wages may include the

reasonable cost to the employer, as determined by the commissioner, of furnishing meals or lodging to an employee, if furnished by the employer and used by the employee.

(b) The commissioner shall set the minimum hourly wage rate by which each employer shall pay its employees. The minimum hourly wage rate shall not be less than fifteen dollars (\$15.00) per hour, and shall be adjusted annually by the commissioner to reflect any inflation in accordance with the consumer price index.

(c) An employer who violates this section is liable to any affected employee for the amount of unpaid wages. Upon a judgment being rendered in favor of any employee in any action brought in any court of competent jurisdiction to recover unpaid wages under this section, the judgment must include, in addition to any unpaid wages adjudged to be due, an amount equal to the wages as damages. The court shall, in addition to any judgment awarded to any employee, require the employer to pay court costs and reasonable attorney's fees incurred by any prevailing employee. An employee must institute an action to recover damages in accordance with this section within three (3) years from the date the wages were due.

(d) This section does not interfere with, impede, or in any way diminish the right of any employee to bargain collectively through representatives of the employee's own choosing in order to establish wages in excess of the applicable minimum wages set under this section.

(e) Employees excluded under 29 U.S.C. § 213 are exempt from this section to the same extent those employees are exempt under that federal law.

(f) The commissioner shall promulgate rules to effectuate the purposes of this section. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 8-23-203, is amended by deleting the language:

All blind persons employed in the state of Tennessee whose salary is paid by the state of Tennessee shall be paid not less than the federal minimum wage as provided by the Fair Labor Standards Act of 1938, compiled in 29 U.S.C. § 201 et seq.

and substituting:

All blind persons employed in this state whose salary is paid by this state must be paid not less than the federal minimum wage as provided by the federal Fair Labor Standards Act of 1938 (29 U.S.C. § 201 et seq.), or the minimum hourly wage rate under § 50-2-114, whichever is greater.

SECTION 3. For the purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2020, the public welfare requiring it.