

SENATE BILL 808

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 8,
relative to paid volunteer leave.

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

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by
adding the following new section:

(a)

(1) Volunteer leave may be granted:

(A) To each officer and employee described in § 8-30-102(b)(1) who is scheduled to work one thousand six hundred (1,600) hours or more in a fiscal year, whether compensated on an annual, hourly, daily, monthly, or other basis, at the rate of fifteen (15) hours per year on the service anniversary date of the employee following one (1) full year of consecutive full-time service and at the beginning of each subsequent year, at the discretion of the head of the department or agency and with the approval of the commissioner of human resources; and

(B) To each state officer and employee other than individuals described in § 8-30-102(b)(1) who is scheduled to work one thousand six hundred (1,600) hours or more in a fiscal year, whether compensated on an annual, hourly, daily, monthly, or other basis, at the rate of fifteen (15) hours per year on the service anniversary date of the employee following one (1) full year of consecutive full-time service and at the beginning of each subsequent year, at the discretion of the head of the department or

agency and with the approval of the commissioner of human resources.

For purposes of this subdivision (a)(1)(B), service anniversary dates must be adjusted to account for gaps in paid employment as a state employee.

(2) Volunteer leave must be considered a non-cumulative benefit for all earned days not used. Saturdays, Sundays, and official holidays falling within a leave period must not be charged as leave, unless such days are considered workdays for the employee in the employee's particular assignment. Part-time employees, employees holding temporary positions for less than six (6) months, seasonal employees, and emergency employees in the preferred service are expressly excluded from this subsection (a).

(3) Volunteer leave may only be used for absence from duty because of non-state Tennessee community commitments and obligations, such as activities with nonprofit organizations, schools, or community initiatives, as a non-paid volunteer following prior approval from a direct supervisor as the attendance of the employee is necessary for the volunteer activities, except as otherwise provided in this section.

(4) An employee utilizing volunteer leave shall submit formal written verification of hours dedicated to volunteering at the pre-approved commitment location to the direct supervisor or in a manner prescribed by the department of human resources within seven (7) days after the usage date.

(5) An employee utilizing volunteer leave shall abide by the standards outlined in the most recently published State of Tennessee – Code of Conduct, particularly Standard 3, which asserts that clear distinctions must be made between comments, statements, or actions made as a private individual and as a representative of Tennessee. Further, employees utilizing volunteer leave shall

not speak on behalf of their respective department or agency without prior authorization to do so. Employees utilizing volunteer leave shall not make unauthorized commitments or promises of any kind purporting to bind the department or agency.

(b) The eligible employee must provide the appropriate appointing authority with not less than fourteen (14) days' notice. If the eligible employee learns of the need for leave less than fourteen (14) days in advance, the employee must give notice as soon as reasonably possible and the deciding supervisor may still approve the request so long as taking the leave will not disrupt the employee's normal job duties.

(c) Leave used by an eligible employee pursuant to this section must not be charged against sick, annual, or other leave the employee may have accumulated. Volunteer leave must be administered in alignment with the existing state leave policies and must not affect sick leave, annual leave, or other benefits.

(d) Leave taken under this section may be used intermittently pursuant to this part and must not result in a reduction in the total amount of leave to which the eligible employee is entitled under this section beyond the amount of leave actually taken.

(e) An eligible employee who exercises the employee's right to leave under this section, upon the expiration of that leave, is entitled to be restored to the position held by the eligible employee when the leave commenced, or to a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment, including fringe benefits to which the eligible employee had been entitled at the commencement of leave.

(f) During leave taken pursuant to this section, the employer shall maintain healthcare benefits the eligible employee had prior to taking such leave for the duration of the leave as if the eligible employee had continued in employment continuously from

the date the eligible employee commenced the leave until the date the leave terminated; provided, however, that the eligible employee must continue to pay the eligible employee's share of the cost of the health benefits as required prior to the commencement of the leave.

(g) It is unlawful for an employer or a person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, a right protected under this section without proper cause and explanation as part of the supervisor approval process as described in subdivision (a)(3). An employer shall not take retaliatory personnel action or otherwise discriminate against a person because the employee exercised rights protected under this section. It is unlawful for an employer to count paid leave under this section as an act that may lead to or result in discipline, discharge, demotion, suspension, or other adverse action. Violations of this section by an employer may result in administrative penalties as determined by the department of human resources.

(h) The department of human resources shall establish procedures and policies implementing this section with regard to executive branch agencies. With regard to nonexecutive branch agencies, the equivalent of the agency's human resources office shall establish procedures and policies for implementing this section, as applicable.

(i) As used in this section, "eligible employee" means an employee who has been employed full-time with this state for at least twelve (12) months with an entity described in § 8-30-102(a) or § 8-30-102(b).

SECTION 2. For purposes of promulgating rules and carrying out administrative duties necessary to effectuate the provisions and intent of this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, including eligibility for leave under this act, this act takes effect on July 1, 2025, the public welfare requiring it.