

Amendment No. 6250

WA

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 1165

House Bill No. 1239*

by deleting all language after the enacting clause and substituting the following:

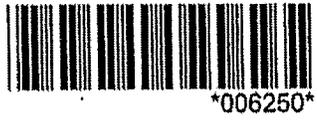
SECTION 1. Tennessee Code Annotated, Section 50-1-703(b), is amended by deleting the subsection and substituting the following:

(b) Notwithstanding subdivision (a)(1)(B), private employers with twenty-five (25) or more employees and governmental entities, on or after January 1, 2020, shall comply with the requirements in subdivision (a)(1)(B)(ii). Private employers and governmental entities are only required to use the E-Verify program to verify the work authorization status of employees hired on or after January 1, 2020.

SECTION 2. This act shall take effect January 1, 2020, the public welfare requiring it.



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Amendment No. 6245

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 758*

House Bill No. 986

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Tennessee Pregnant Workers Fairness Act."

SECTION 2. Tennessee Code Annotated, Title 50, is amended by adding the following new chapter:

50-10-101. The general assembly finds that the state has an interest in assuring that children are given the opportunity to have a healthy start in life. The general assembly also finds that federal and state requirements for employers who employ pregnant workers and rights for those workers must be communicated in a manner that improves understanding of these requirements and rights.

50-10-102.

As used in this chapter:

- (1) "Employer" means a person employing fifteen (15) or more persons in this state;
- (2) "Pregnancy" means an employee's pregnancy and pregnancy-related health conditions;
- (3) "Reasonable accommodation" includes, and is limited to:
 - (A) Providing more frequent, longer, or flexible bathroom breaks;
 - (B) Modifying food or drink policy;
 - (C) Providing modified seating or allowing the employee to sit more frequently if the job requires standing;



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- (D) Providing assistance with manual labor;
- (E) Authorizing a temporary transfer to a vacant position;
- (F) Limiting required lifting;
- (G) Allowing flexible scheduling for prenatal visits;
- (H) The modification of equipment, devices, or an employee's work station; and
- (I) Modifying work schedules; and

(4) "Undue hardship":

(A) means an action requiring significant difficulty or expense;

and

(B) "Undue hardship" does not include a claim by an employer related to requests for:

(i) Reasonable accommodations under subdivisions

(3)(A)-(C); or

(ii) Limitations on lifting more than seventeen (17) pounds.

50-10-103.

(a) An employer shall not:

(1) Fail or refuse to make a reasonable accommodation for an employee for pregnancy, unless the employer can demonstrate that doing so would impose an undue hardship on the employer's program, enterprise, or business;

(2) Take adverse action against an employee who requests, declines, or uses a reasonable accommodation under this section that affects the terms, conditions, or privileges of employment;

(3) Deny employment opportunities to an otherwise qualified employee if the denial is based on the employer's need to make a reasonable accommodation required by this section; or

(4) Require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy.

(b) An employer may request that an employee provide written certification from a healthcare professional currently treating the employee regarding the need for a reasonable accommodation, except for the reasonable accommodations listed in § 50-10-102(3)(A)-(C).

(c) This section does not require an employer to:

- (1) Discharge any employee;
- (2) Transfer any employee with more seniority;
- (3) Promote any employee who is not qualified to perform the new job; or
- (4) Hire new employees that the employer would not have otherwise

hired.

50-10-104.

The department of labor and workforce development shall provide online education materials explaining existing employer responsibilities, under both federal and state law, and all rights of employees who have a pregnancy-related health condition. The online education materials must be prominently displayed on the department's website.

50-10-105.

The attorney general shall investigate complaints, by conference and conciliation, related to the federal Pregnancy Discrimination Act or Americans with Disabilities Act, and annually report findings to the general assembly and the governor.

50-10-106.

Nothing in this section preempts or conflicts with any other provision of law relating to sex discrimination or pregnancy.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.