

SENATE BILL 1596
By Cooper J

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 7; Title 50, Chapter 9 and Title 50, Chapter 1, relative to unemployment compensation benefits.

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

SECTION 1. Tennessee Code Annotated, Section 50-7-303(a), is amended by deleting subdivision (2) in its entirety and by substituting instead the following language:

(2)

(A) If the administrator finds that a claimant has been discharged from such claimant's most recent work for misconduct connected with such claimant's work, such disqualification shall be for the duration of the ensuing period of unemployment and until such claimant has secured subsequent employment covered by an unemployment compensation law of this state, or another state, or of the United States, and was paid wages thereby ten (10) times such claimant's weekly benefit amount. A discharge resulting from a positive result from a drug test for drugs will be deemed to be a discharge for misconduct connected with such claimant's work. A discharge resulting from an alcohol test where the claimant's blood alcohol concentration level is equal to or greater than ten-hundredths of one percent (.10%) by weight for non-safety-sensitive positions,

and four-hundredths of one percent (.04%), as determined by blood or breath testing, for safety-sensitive positions, shall be deemed to be a discharge for misconduct connected with work. Notwithstanding the provision of any law or rule of evidence to the contrary, the properly authenticated result of a drug or alcohol test shall be admissible in any administrative or judicial proceeding concerning benefits provided under this chapter, and may constitute substantial and material evidence to serve as the basis for denial of benefits without corroborating evidence. Such evidence shall create a rebuttable presumption that the claimant has engaged in misconduct connected with such claimant's work.

(B) A discharge resulting from a refusal to take a drug test or an alcohol test authorized by the provisions of chapter 9 of this title, shall be deemed to be a discharge for misconduct connected with work where it is based upon substantial and material evidence of the employee's refusal. As regards an injured employee, refusal shall not be presumed from failure to take such test during a period of approved medical leave.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it, and shall apply to claims for unemployment compensation pending on or after the effective date.