

SENATE BILL 939

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 8 and Title 50, to enact uniform standards  
regarding claims of prohibited employment  
actions.

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

SECTION 1. Tennessee Code Annotated Title 50, Chapter 1, is amended by adding thereto a new Part 7, as follows:

50-1-701.

(a) The general assembly hereby finds:

(1) The laws of this state protect individuals from certain prohibited employment actions, including discrimination in employment and retaliatory discharge.

(2) It is in the public interest to provide uniform standards for causes of action involving allegations of discrimination in employment or retaliatory discharge, whether the causes of action are based upon the statutes or the common law of this state.

(3) It is in the public interest to provide uniform standards for defenses available to employers in cases alleging discrimination in employment or retaliatory discharge.

(4) The uniform standards should apply to all causes of action for discrimination in employment or retaliatory discharge, whether the causes of action arise under the statutes or the common law of this state.

(b) It is the intent of the general assembly that the standards set forth in this act shall apply to causes of action arising under the statutes and the common law of this

state. It is further the intent of the general assembly that this act shall supersede all existing statutes and common law principles that are inconsistent with the uniform standards set forth herein.

50-1-702.

(a) At every stage of the proceedings in actions asserting claims for discrimination in employment or retaliatory discharge, whether such claims are based upon statutes of this state or the common law of this state, the individual asserting such a claim shall have the burden of proving:

(1) In the case of a civil cause of action brought pursuant to title 4, chapter 21, or § 8-50-103, that the challenged employment action and the injury or harm alleged was due solely to an act prohibited by that chapter or section;

(2) In the case of a civil cause of action brought pursuant to § 50-1-304, that the discharge or termination was solely because of an act prohibited by that section; and

(3) In the case of a civil cause of action brought under the common law for retaliatory discharge or discharge in violation of public policy, including but not limited to a discharge in retaliation for the exercise of rights under the workers' compensation laws, that the sole reason for the discharge was:

(A) The employee's exercise or attempted exercise of a statutory or constitutional right; or

(B) Another reason which violates a clear public policy evidenced by an unambiguous constitutional, statutory, or regulatory provision.

(b) Notwithstanding any statute or common law principle to the contrary, at every

stage of the proceedings in actions asserting claims for discrimination in employment or retaliatory discharge, whether such claims are based upon statutes of this state or the common law of this state, the employer shall prevail if the employer shows that the challenged employment action was based upon a legitimate business purpose.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.