

Amendment No. 1 to HB0757

**Stewart
Signature of Sponsor**

AMEND Senate Bill No. 475*

House Bill No. 757

by adding the following language as a new SECTION 2 and by redesignating the existing SECTION 2 as SECTION 3:

SECTION 2. 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; provided, that wages may include the reasonable cost to the employer, as determined by the commissioner,

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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 ten dollars and ten cents (\$10.10) per hour, and shall be adjusted annually by the commissioner to reflect any inflation in accordance with the consumer price index.

(c) Any employer who violates this section shall be liable to any affected employee for the difference between the wages paid to the employee and the wages owed pursuant to this section. 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 shall 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 action to recover damages pursuant to this section shall be instituted within three (3) years from the date the wages were due.

(d) Nothing in this section shall 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 pursuant to 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 that are not inconsistent with the federal Fair Labor Standards Act of 1938 (29 U.S.C. § 201 et seq.). All rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.