

SENATE BILL 872

By Dickerson

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 7, Part 2, relative to the definition of unemployment.

WHEREAS, on November 13, 2014, the Tennessee Court of Appeals issued an opinion in a case against the Tennessee Department of Labor and Workforce Development, *Metro Government of Nashville & Davidson County v. Tennessee Department of Labor & Workforce Development, et al.*, Case No. M2013-01551-COA-R3-CV, stating that a substitute teacher may be eligible for unemployment benefits paid from the school district where the teacher is employed, even where the teacher is currently on the substitute-teacher rolls for that district and where there has been no separation from the district or other cessation of employment; and

WHEREAS, the Tennessee Court of Appeals reached its decision based, in part, upon an interpretation of the phrase “part total unemployment,” found in Tennessee Code Annotated § 50-7-211, as well as 1991 case law from Florida interpreting that same phrase as it appeared at that time in Florida’s administrative code; and

WHEREAS, Florida repealed the phrase “part-total unemployment” from its administrative code in 1992; and

WHEREAS, with this legislation, the General Assembly now hereby wishes to overturn the Tennessee Court of Appeals’ decision in *Metro Government of Nashville & Davidson County v. Tennessee Department of Labor & Workforce Development, et al.*, Case No. M2013-01551-COA-R3-CV and clarify that, in Tennessee, substitute teachers who are currently on the substitute-teacher rolls for a school district, and where there has been no separation, or other cessation of employment, are not eligible for unemployment benefits; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 50-7-211(b), is amended by adding the following language at the end of that subsection:

No rule shall permit a substitute teacher to be eligible for unemployment benefits from the school district for which the substitute teacher is working unless and until there has been a separation between the substitute teacher and the school district or other clear cessation of substitute-teaching employment.

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