

HOUSE BILL 56

By Potts

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 50, relative to compensation history of applicants for employment.

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

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 2, Part 1, is amended by adding the following new section:

(a) As used in this section:

(1) "Compensation" includes wages, salary, bonuses, benefits, fringe benefits, and equity-based compensation; and

(2) "Employer" includes any private employer, this state, and any political subdivision of this state.

(b) It is an unlawful employment practice for an employer to screen an applicant for employment based upon the applicant's compensation history by:

(1) Requiring that the applicant's compensation history satisfy minimum or maximum criteria; or

(2) Seeking orally, in writing, or through an employee or agent the compensation history of the applicant, including by requesting or requiring that the applicant provide compensation history information as a condition of:

(A) Being interviewed by the employer;

(B) Continuing to be considered for an offer of employment;

(C) An offer of employment; or

(D) An offer of compensation.

(c) This section does not prohibit:

(1) An employer from considering the compensation of a current employee of the employer during a transfer, move, or hire of the employee to a new position with the same employer; or

(2) An applicant for employment from voluntarily sharing compensation history information with an employer.

(d) A violation of this section is a Class B misdemeanor punishable only by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each instance of a violation constitutes a separate offense.

(e) The department of labor and workforce development shall enforce this section.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it, and applies to offenses committed on or after that date.