

**Conference Committee Report on
House Bill No. 1981 / Senate Bill No. 2226**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1981 (Senate Bill No. 2226) has met and recommends that the following amendments be deleted: Senate Amendment 1 (16690), House Amendment 1 (15669), House Amendment 2 (16174), House Amendment 3 (16619).

The Committee further recommends that the following amendment be adopted:

by deleting all language after the caption and substituting instead the following language:

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 the following language as a new part:

50-1-501. This part shall be known and may be cited as the “Healthy Workplace Act”.

50-1-502. As used in this part:

(1) “Abusive conduct” means acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, such as:

(A) Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;

(B) Verbal, non-verbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or

(C) The sabotage or undermining of an employee’s work performance in the workplace;

(2) “Agency” means any department, commission, board, office or other agency of the executive, legislative or judicial branch of state government; and

(3) "Employer" means any agency, county, metropolitan government, municipality, or other political subdivision of this state.

50-1-503.

(a) No later than March 1, 2015, the Tennessee advisory commission on intergovernmental relations (TACIR) shall create a model policy for employers to prevent abusive conduct in the workplace. The model policy shall be developed in consultation with the department of human resources and interested municipal and county organizations including, but not limited to, the Tennessee Municipal League, the Tennessee County Services Association, the municipal technical advisory service (MTAS), and the county technical assistance service (CTAS).

(b) The model policy created pursuant to subsection (a) shall:

(1) Assist employers in recognizing and responding to abusive conduct in the workplace; and

(2) Prevent retaliation against any employee who has reported abusive conduct in the workplace.

(c) Each employer may adopt the policy created pursuant to subsection (a) as a policy to address abusive conduct in the workplace.

50-1-504.

Notwithstanding § 29-20-205, if an employer adopts the model policy created by TACIR pursuant to subsection (a) or adopts a policy that conforms to the requirements set out in subsection (b), then the employer shall be immune from suit for any employee's abusive conduct that results in negligent or intentional infliction of mental anguish. Nothing in this section shall be construed to limit the personal liability of an employee for any abusive conduct in the workplace.

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

Senator Jack Johnson

Representative Vince Dean

Senator Jim Kyle

Representative Antonio Parkinson

Senator Ken Yager

Representative Mark Pody