

SENATE BILL 1058

By Green

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 1, relative to the employer-employee relationship in the context of a firearm or firearm ammunition transported or stored by a handgun carry permit holder.

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

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by adding the following language as a new section:

**50-1-312.**

(a) For the purposes of this section:

(1) "Employee" means a natural person who performs services for an employer for valuable consideration and who possesses a valid handgun carry permit recognized in this state; and

(2) "Employer" means a person, association, or legal or commercial entity receiving services from an employee and, in return, giving compensation of any kind to the employee.

(b)

(1)

(A) No employer shall discharge or take any adverse employment action against an employee solely for transporting or storing a firearm or firearm ammunition in an employer parking area in a manner consistent with § 39-17-1313(a).

(B) An employee discharged, or subject to an adverse employment action, in violation of subdivision (b)(1)(A) shall have a cause

of action against the employer to enjoin future acts in violation of this section and to recover economic damages plus reasonable attorney fees and costs.

(C) Any action brought under this section shall be filed in the chancery or circuit court having jurisdiction in the county where the alleged violation of subdivision (b)(1)(A) occurred.

(2) In any action brought pursuant to this section, the employee shall have the burden of establishing a prima facie case of discharge, or adverse employment action, based solely on the employee's transporting or storing a firearm or firearm ammunition in the employer's parking area in a manner consistent with § 39-17-1313(a). If the employee satisfies this burden, the burden shall then be on the employer to produce evidence that one (1) or more legitimate reasons existed for the employee's discharge or adverse employment action. The burden on the employer is one of production and not persuasion. If the employer produces such evidence, the presumption of discharge, or adverse employment action, raised by the employee's prima facie case is rebutted, and the burden shifts to the employee to demonstrate that the reason given by the employer was not the true reason for the employee's discharge, or adverse employment action, and that the stated reason was a pretext for discharge or adverse employment action. The allocations of burdens of proof set out in this subdivision (b)(2) shall apply at all stages of the proceedings, including motions for summary judgment. The employee at all times retains the burden of persuading the trier of fact that the employee has been the victim of discharge, or adverse employment action, based solely on the employee's adherence with § 39-17-1313(a).

(3) The employee has one (1) year from the date of termination of employment, or the date of adverse employment action, to file an action pursuant to this section.

(c) The presence of a firearm or ammunition within an employer's parking area in accordance with § 39-17-1313 does not by itself constitute a failure by the employer to provide a safe workplace.

(d) Except as otherwise provided in § 39-17-1313 for parking areas, nothing in this section shall be construed as prohibiting an employer from prohibiting firearms or firearm ammunition on the premises of the employer.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to employee terminations, and adverse employment actions, occurring on and after that date.