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Legislation Affecting Human Resources

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During the 2000 legislative session, the Tennessee General Assembly passed two public acts that affect the area of human resources. The first, Chapter No. 693, allows cities and counties to conduct background investigations and require fingerprint samples before employment with the organization. The second, Chapter No. 888, amends the waiting period for unemployment compensation.

**Chapter No. 693 (SB2557/HB2741)**

*Criminal background checks on potential employees.* Amends Title 6, Chapter 54, Part 1 to include a new section that authorizes municipalities to obtain certain information on applicants applying for employment. Specifically, the bill provides that a municipality may require any applicant to release all investigative records to help in verifying the accuracy of criminal violations.

The bill also authorizes the municipality to require applicants to supply a fingerprint sample and submit to a criminal history background investigation. The investigation should be conducted by the Tennessee Bureau of Investigation (TBI). The check, however, is not limited to only information obtained by the TBI, but can include investigative information from the Federal Bureau of Investigation (FBI).

The bill requires the municipality to reimburse the TBI for its cost in conducting the investigation. The municipality, however, may require the applicant to bear the cost of the background investigation if the applicant is subsequently hired by the local government.

The cost of the investigation is set by the FBI. T.C.A. § 38-6-103e(2) provides that any local government purchasing an investigation must report the use of the investigative material to the clerk of the court as a part of the court costs and until the purchase price is recovered. Thereafter, the service fee will be disbursed by the clerk to the TBI for payment to the state treasurer.

The bill also allows a municipality to establish the job titles or classifications that will be fingerprinted and/or investigated. Currently, state law allows the acquisition of fingerprints from police
officers (T.C.A. § 38-8-106); teachers and any position requiring proximity to school children (T.C.A. § 49-5-413); any person working with children as volunteers or paid employees in a religious, charitable, scientific, educational, athletic or youth service institute or organization (T.C.A. § 37-1-414); and any child welfare agency, such as child care institutions, child placement agencies, group care homes, detention center or foster care facility (T.C.A. § 71-3-532).

This act became effective May 9, 2000.

Chapter No. 888 (SB2749/HB2667) Unemployment compensation for waiting period. Amends T.C.A. § 50-7-302(a)(5) to allow unemployment benefits to be paid for the one week waiting period. According to the Personal Eligibility Conditions of the law, an unemployed claimant is eligible to receive benefits if (1) the claimant made a claim for benefits; (2) the claimant has furnished his/her social security number; (3) the claimant has registered to work and continues to report at the employment office; (4) the claimant is able to work, available to work, and makes a reasonable effort to secure work; and (5) the claimant has been unemployed for a waiting period of one week. No week, however, shall be counted as a week of unemployment unless the claimant has made a claim for benefits, and is determined eligible and certified for benefits in the waiting period. In addition, each of the three consecutive weeks must immediately follow the waiting period. If these conditions are met, then the claimant can draw compensation for the waiting period. Additionally, the claimant must have satisfied the wage requirements of the law.

This bill went into effect July 2, 2000.
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