

HOUSE BILL 2602

By Johnson G

AN ACT to amend Tennessee Code Annotated, Title 8,  
Chapter 23; Title 12, Chapter 4, Part 4 and Title  
50, Chapter 2, relative to minimum wage.

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

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

**50-2-115.**

(a) As used in this section:

(1) "Commissioner" means the commissioner of labor and workforce development;

(2) "Department" means the department of labor and workforce development;

(3) "Employ" means to permit or suffer to work in employment or a gainful occupation;

(4) "Employee" means a person born or naturalized in the United States and subject to the jurisdiction thereof, or a person legally present in this country, either of whom is employed by an employer;

(5) "Employer" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group or persons, not involved in interstate commerce, acting directly or indirectly in the interest of an employer in relation to an employee; and

(6) "Wages":

(A) Means compensation paid to an employee in the form of legal tender of the United States or checks or drafts on banks negotiable into cash on demand or upon acceptance at full value; and

(B) May include the reasonable cost to the employer, as determined by the commissioner, of furnishing meals or lodging to an employee, if furnished by the employer and used by the employee.

(b) Each employer shall pay each employee wages at an hourly rate not less than the federal minimum wage established pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. § 201 et seq.), as amended, or twenty dollars (\$20.00), whichever rate is greater.

(c) Notwithstanding subsection (b), an employer shall not pay an employee less than one and one-half (1.5) times the regular wage rate for any work done by the employee in excess of forty (40) hours during a work week.

(d) An employer who violates the minimum wage requirements of this section is liable to the employee affected for the amount of unpaid minimum wages. Upon a judgment being rendered in favor of an employee in an action brought in a court of competent jurisdiction to recover unpaid wages under this section, the judgment must include, in addition to the unpaid wages adjudged to be due, an amount equal to such wages as damages. In addition to any judgment awarded to the employee, the court shall require the employer to pay court costs and reasonable attorney's fees incurred by the employee.

(e) In the administration of this section, the commissioner shall cooperate, to the fullest extent with this section, with the administrator of the wage and hour division of the United States department of labor.

(f) Employees excluded pursuant to 29 U.S.C. § 213 are exempt from this section to the same extent such employees are exempt under the federal law.

(g) Within existing resources of the department, the commissioner shall promulgate rules to effectuate the purposes of this section that are consistent with the Fair Labor Standards Act of 1938 (29 U.S.C. § 201 et seq.). All such rules must be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules, this act takes effect upon becoming law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2025, the public welfare requiring it.