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For Department of State Use Only
Sequence Number: 12-10-08
Rule ID(s): 3918
File Date: 12/17/08
Effective Date: 04/30/209

Proposed Rules Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

Agency/Board/Commission:	Tennessee Human Rights Commission
Division:	
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Revision Type:

- Amendment
 New
 Repeal

Rules Revised

Chapter Number	Chapter Title
1500-01	Rules for Acting Upon Complaints of Discrimination
Rule Number	Rule Title
1500-01-.02	Practice and Procedure

Chapter 1500-01
Rules for Acting Upon Complaints of Discrimination

Amendments

Rule 1500-01-.02 Practice and Procedure, paragraph (1) is amended by deleting the present language in its entirety and replacing it with the following:

(1) Nature of discriminatory practice notices and who must post. Every employer, employment agency, labor organization, real estate broker, salesperson, or operator, and financial institution subject to Tennessee Code Annotated (T.C.A.), Title 4, Chapter 21 and Tennessee Code Annotated Title 8 Chapter 50, Section 103, hereinafter referred to as the Tennessee Human Rights Act, and Tennessee Disability Act, or Act, shall post and maintain at their establishments fair employment practice notices and/or fair housing practice notices furnished by the Tennessee Human Rights Commission indicating the substantive provisions of the Tennessee Human Rights Act and the Tennessee Disability Act, where complaints may be filed, and such other information as the Tennessee Human Rights Commission deems pertinent.

Rule 1500-01-.02 Practice and Procedure, paragraph (4) subparagraph (a) is amended by deleting the present language in its entirety and replacing it with the following:

- (a) "Act" includes the Tennessee Human Rights Act, T.C.A Title 4, and Chapter 21, and the Tennessee Disability Act, T.C.A. Title 8 Chapter 50 Section 103.

Rule 1500-01-.02 Practice and Procedure, paragraph (4) subparagraph (g) is amended by deleting the present language in its entirety and replacing it with the following:

- (g) "Discriminatory Practice" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice which constitutes different treatment or preference of a person or persons based on race, creed, color, religion, sex, age, national origin, or disability.

Rule 1500-01-.02 Practice and Procedure, paragraph (4) subparagraph (l) is amended by deleting the present language in its entirety and replacing it with the following:

- (l) "Disability" means, with respect to a person:
1. A physical or mental impairment that substantially limits one (1) or more of such person's major life activities;
 2. A record of having such an impairment; or
 3. Being regarded as having such an impairment.
 4. "Disability" does not include current, illegal use of, or addiction to, a controlled substance.

Authority: T.C.A. §§ 4-21-102, 4-21-302, 4-21-406, 4-21-602, 4-21-904, 4-21-905, and 8-50-103; and Public Chapter No. 706 of the Public Acts of 2008.

Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105th General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Not applicable. The amendments to these rules are not substantive and change only the terms in our rules that referred to “handicap, handicaps, and handicapped” to “disability, disabilities, and disabled.”

Additional Information Required

The following is submitted pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed rule affects THRC Rule 1500-01-.02 Practice and Procedure in four different paragraphs. The rules are being amended pursuant to Public Chapter 706 which requires that "handicap, handicaps, and handicapped" be changed to "disability, disabilities, and disabled."

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Public Chapter 706, which requires a change to terms in our statute that refer to "handicap, handicaps, and handicapped" to "disability, disabilities, and disabled."

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Not Applicable. The amendments to this rule do not involve changes in the substance of the rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

No fiscal impact.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Shalini Rose, General Counsel
Kelly Sheeman, Associate Counsel

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Shalini Rose, General Counsel
Kelly Sheeman, Associate Counsel

- (H) Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.