

Highlight of the Week...

TSEA efforts lead to legislation setting caseload limits for DCS moving in the Senate.

After some legislative maneuvering, TSEA has helped move a bill [SB1158](#) that will put the needs of Tennessee's children first once the legislation fully passes in both houses. It will limit Department of Children Services (DCS) workers' active cases to 20.

The new legislation will help address the large workloads that are challenging DCS workers. TSEA has long expressed concerns about the ongoing lack of adequate funding and chronic understaffing within the Department of Children's Services.

Understaffing has led to heavier caseloads for workers creating a situation that potentially places children at risk and unfairly shifts the responsibility to workers in the department.

A statewide uniform caseload standard will ensure that DCS workers are able to devote the necessary time and resources to the critical cases they must oversee.

This legislation's next stop will be in Senate Calendar and Rules Committee and [House Civil Justice Committee](#). TSEA lobbying team will continue working this bill and hopefully paving the way for final passage. If you have time this week please send the members of [Senate Judiciary Committee](#) an email or phone call thanking them for their vote on this bill.

Call to Action...

HELP LET LEGISLATORS' MAKE A VOTE

We are heading into the finale weeks of this year's legislative session. Now is the time for you to [contact your legislators](#) and ask them to vote for TSEA legislation. We encourage all TSEA members to reach out to the Senate and House committees that will be hearing our bills through email or phone calls. Click the hyperlinks below to find the committee members and bills they will be hearing this coming week.

HB 1409 by Weaver / SB 1282 by Jackson

An Act to authorize hazard pay and other supplemental pay

[Senate State & Local Government Committee](#)

[House State Government Subcommittee](#)

It is the nature of the state's business that some employees must perform hazardous duties or duties in hazardous locations, or both. The state should recognize that employees must be compensated for their willingness to take on hazardous duties.

This bill would allow all full and part-time employees assigned to positions or job locations classified as "hazardous" are eligible for hazard duty pay. Hazard duty pay (HDP) is a supplement to the employee's base pay. Employees may receive HDP while holding a specific position (HDP-P) or a location (HDP-L) that has been classified as one of the three hazardous classifications. Employees that hold a position in a location that has been classified as eligible for HDP will receive the differential pay that provides the greater monetary benefit.

HB 1156 by Pody / SB 1185 by Niceley

List of all State Contracts

[Senate State & Local Government Committee](#)

[House State Government Subcommittee](#)

Requires the Chief Procurement Office (CPO) to provide the Comptroller of the Treasury (Comptroller) a list of all state governmental entity contracts, grants, cost of each, and update the list each time a state governmental entity enters into, cancels, amends, or extends a grant or contract. Requires the Comptroller to make the list available on the Comptroller's website. Requires the cost of creating and maintaining such a list to be offset by an administrative fee charged by the CPO on any contracts entered into, renewed, or amended on or after July 1, 2017.

HB 975 by Hawk/ SB 1390 by Hensley

TEAM Act Reform

[Senate State & Local Government Committee](#)

[House State Government Subcommittee](#)

The bill as amended by the above referenced amendment would make changes to the TEAM Act which was passed in 2012. The amendment seeks to accomplish rights that any individual would expect in their chosen career. Below is a section-by-section overview of the amendment.

SECTION 1. When applicants hear the word "interview" they expect a face-to-face interview. This provision makes it clear when an assessment or survey is used such method must be disclosed in the job description and/or announcement. Currently there is a false perception, especially among veterans, that they will receive a face-to-face interview. This administration does not consistently offer a face-to-face interview in the initial step of the hiring process and TSEA believes this policy should be made clear from the beginning of the application process.

SECTION 2. Given DOHR's expertise and support of state employees, this section is intended to clarify the role of DOHR when departments are considering outsourcing. The amendment further requires that the commissioner of DOHR shall have input on all contracts with the private sector to perform the functions or jobs currently held by state employees. Also, DOHR shall be involved in any communications with employees whose job would be lost because of a private contractor. TSEA believes DOHR brings an objective prospective to the process.

SECTION 3. Any appointing authority that implements a layoff, furloughs employees, or reduces hours of employment for any reason shall supply written notice to the DOHR Commissioner and the DOHR Commissioner must have input throughout the process.

If an authorized reduction-in-force takes place, the commissioner shall notify, at the same time but not less than 30 days, the preferred service employee whose position is abolished, the Chairman of State and Local Government in the Senate and the Chairman of State Government Committee of the House. Information provided to the Chairmen shall include the reason for the reduction-in-force, the number of

positions affected by the reduction-in-force, and the efforts to secure new employment for the preferred service employees whose positions are abolished.

SECTION 4. A notice of termination shall include the reason for the termination in clear and precise language and shall state any facts, including but not limited to, witnesses that led to the termination.

SECTION 5. Any written warning or written follow-up to an oral warning, which has been issued to an employee, shall be deemed null and void from the employee's personnel file after a period of two (2) years; provided, that the employee has had no further disciplinary actions with respect to the same area of performance, conduct, and discipline.

Section 6. This act shall take effect July 1, 2017, the public welfare requiring it.

HB 944 by Goins / SB 1047 by Bowling

Contract Accountability

[Senate State & Local Government Committee](#)

[House State Government Subcommittee](#)

This bill with the amendment is an attempt to bring more accountability to the contracting process. As shown by the comptroller's report regarding JLL and their lease management, the failure to adequately oversee contracts can have grave consequences. Lack of oversight opens the door for contractors to overcharge, skimp on services, or even flat-out fail to deliver on contractual obligations, ultimately leaving the public on the hook.

The bill as amended would incorporate oversight costs into any decision to outsource, establish formal contract monitoring and oversight rules, provide adequate resources, including staff, training, and funding, to oversee every contract, and does not allow outsource of contract oversight.

❖ Establish a Presumption of Public Service Delivery

- State departments and agencies may not achieve cost savings due to cost differentials that derive from a bidder's failure to provide health and retirement benefits to its employees
- Wages and benefits must be included in the bid and must be reported to the contracting agency on a quarterly basis
- Establish a Presumption of Public Service Delivery so that the potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by state government.

❖ Think Before You Act Examine Alternatives First

- Agency must demonstrate positive steps at alternatives before they can contract services
 - ◆ Including reorganization
 - ◆ Reevaluation of service
 - ◆ Reevaluation of performance

- ❖ Establish Formal Contract Monitoring and Oversight Rules
 - Cost of monitoring contracts must be added to the total price tag
 - If public equipment and facilities are used, their cost should be included in the costs of the contracted service
 - Cost to train and supervise contractor personnel
- ❖ Pay attention to the bottom line
 - Add threshold to rebid if cost increase
 - Add cost cutting oversight
 - Secure standards for services
- ❖ Legislative Notice and Approvals
 - Any privatization contract that is estimated to cost in excess of five million dollars annually or one hundred million dollars or more over the life of the contract shall also be approved by the General Assembly prior to the state contracting agency soliciting bids for such contract.

HB 1188 by Hill M / SB 1145 by Hensley

Reestablish Oversight

[Senate Health Government Committee](#)

[House State Government Committee](#)

This bill reestablishes the legislative oversight committees on TennCare, children's services, and correction.

The oversight committees can also operate as a mediating body between the state agency and the public. In this role, the committee can help the public understand technically complex issues by publishing reports that communicate the facts in ways the public can understand.

The existence of an oversight committee can have an impact on the quality and fairness of fact-finding even before the committee gains access to the relevant information. When an action by a state agency is done in the knowledge that an outside entity will be reviewing the methods and findings, there is an increased sense of accountability. Government entities must ensure the standard of their work is acceptable. In the long run, it will be costlier and are time-consuming if they are forced to go back and correct mistakes when an oversight committee could have detected errors or deceptions.

SB 1110 by Bowling / HB 1208 by Fitzhugh

State Park Outsourcing

Senate Calendar Committee

[House Agriculture & Natural Resources Committee](#)

Under the legislation, the Tennessee Department of Conservation and Environment — which manages state parks — could not outsource the maintenance, operation or preservation of state parks, including buildings, facilities, structures or improvements. TDEC currently has a request for proposals out to demolish and rebuild the Inn at Fall Creek Falls; the winning bidder would then take over management of the inn and hospitality services at the park.