



HOUSE BILL 2616

By Moon

AN ACT to amend Tennessee Code Annotated, Title 8,
relative to executive sessions for consideration of
employment by a governing body.

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

SECTION 1. Tennessee Code Annotated, Section 8-44-102, is amended by adding the following subsection (e):

(e) Executive sessions for consideration of employment of director-level staff by a governing body:

(1) An executive session may be conducted by a governing body to interview applicants for employment as director-level staff of the body. Public notice of such an executive session is not required;

(2) Decisions may not be made in the executive session but must be deliberated and voted on in an open, publicly noticed meeting;

(3) The minutes of such session shall disclose all persons who were in attendance except job applicants who attend for the purpose of being interviewed by said body;

(4) Attendance is limited to members of said body, relevant staff invited by the body, and job applicants;

(5) Further, to review and consider the contents of an application for employment or appointment by said body, a job applicant may request that the applicant's application remain confidential; and

(6) Upon being selected for employment or appointment, the selected applicant's interview, if recorded, and application may be subject to a public

records request pursuant to § 10-7-503. Notwithstanding § 10-7-503, the application and interview of applicants not selected must remain confidential upon request.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 1 to HB2616

Crawford
Signature of Sponsor

AMEND Senate Bill No. 2162*

House Bill No. 2616

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-44-102, is amended by adding the following as a new subsection:

(e)

(1) A governing body may conduct an executive session for the purpose of interviewing applicants for employment as director-level staff of the body. A governing body conducting an executive session pursuant to this subsection (e):

(A) Is not required to provide public notice of such executive session;

(B) Shall not make hiring decisions or deliberate in the executive session.

All deliberation and voting must be done in an open, publicly noticed meeting;

(C) Shall cause the minutes of such session to disclose all persons who were in attendance, except the applicants who attend for the purpose of being interviewed by the governing body;

(D) Shall limit attendance to members of the governing body, relevant staff invited by the body, and the applicants;

(E) Shall treat an applicant's application materials as confidential, and such materials are not open to public inspection, upon request by the applicant; and

(F) Shall treat the selected applicant's interview, if recorded, and application materials as public records, subject to a public records request pursuant to § 10-7-503, upon the applicant being selected for employment or

appointment. Notwithstanding § 10-7-503, the application materials and interview of applicants not selected must remain confidential upon request.

(2) As used in this subsection (e), "director-level" means a position that:

(A) Is filled by the mayor or a vote of the governing body or by the mayor with confirmation by the governing body, excluding the chief of police; and

(B) Has authority over the operation and employees of a department, agency, or division of the governmental entity.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.