

**RULES  
OF  
TENNESSEE DEPARTMENT OF HUMAN RESOURCES**

**CHAPTER 1120-01  
DEFINITIONS**

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1120-01-.01 Definitions

**1120-01-.01 DEFINITIONS.** The following definitions shall apply to terms as they appear in these Rules, unless the context clearly requires otherwise:

- (1) Act. Tennessee Excellence, Accountability, and Management ("T.E.A.M.") Act as codified in Tennessee Code Annotated.
- (2) Active Pay Status. Term applied to an employee who is actually working or who is using paid leave other than paid terminal leave or sick leave bank grants.
- (3) Affirmative Action Plan. A statistical document which identifies and analyzes patterns in the participation and utilization of women and minorities in the workforce.
- (4) Agency. Any entity that employs and exercises authority over any employee in the state service in the executive branch.
- (5) Appeal. A written complaint by a preferred employee concerning a disciplinary dismissal, demotion or suspension or by a state agency concerning a decision of the Commissioner in Step II of the appeals process.
- (6) Applicant Assessment. An assessment designed to determine the qualifications, fitness, and ability of the applicant to perform the duties of the classification for which the applicant has applied. The assessment may consist of a written, oral, or physical exam, or a demonstration of skills, or any combination of such types. The assessment may also consist of an evaluation of education, experience, skill, ability, competency, knowledge, aptitude, capacity, character, and other qualifications as, in the judgment of the Commissioner or agency, may determine and measure the relative ability of the applicant.
- (7) Appointing Authority. A commissioner, department, officer or agent having power to make appointments to, and separations from, positions in state service.
- (8) Appointment. The official designation of a person to fill a position in the state service as an employee.
- (9) Board. The Board of Appeals as established in T.C.A. § 8-30-108.
- (10) Classification/Class of Positions. A group of positions sufficiently alike in duties, authority and responsibilities such that the same general qualifications may reasonably be required and the same schedule of pay equitably applied to all positions in the group.
- (11) Classification Specification. A description of a classification, including classification title, summary, distinguishing features, examples of duties and responsibilities, minimum qualifications, necessary special qualifications, and assessment method.
- (12) Commissioner. The Commissioner of the Department of Human Resources.

(Rule 1120-01-.01, continued)

- (13) Compensation Plan. A series of salary ranges to which a class of positions are assigned so that classifications evaluated as substantially equal are assigned to the same salary range.
- (14) Demotion. The change of an employee to a position in a classification at a lower salary grade for causes related to performance of duties or conduct which affects an employee's ability to successfully fulfill the requirements of the job.
- (15) Department. The Department of Human Resources.
- (16) Dismissal. The termination from the state service of an employee for causes related to performance of duties or conduct which may affect an employee's ability to successfully fulfill the requirements of the job.
- (17) Eligible. A person who has qualified for appointment to a position in the preferred service.
- (18) Eligible List. A list of names of all qualified applicants for a position in the preferred service.
- (19) Emergency Appointment. The appointment of a person to a position for a period, not to exceed one hundred twenty (120) days, in the event of an emergency.
- (20) Executive Service. All positions in the state service not subject to the preferred service provisions of the Act.
- (21) Executive Service Employee. An employee who holds a position in the executive service. Executive Service employees serve at the pleasure of the Appointing Authority and do not have the ability to appeal a suspension, demotion, or dismissal as defined in Rule 1120-11.
- (22) Flex-Classification Position. A position in a classification series which may be filled with an employee qualified to perform the job at the trainee, intermediate or working level.
- (23) Full-Time. A position or an employee budgeted for or scheduled to work a full-time schedule as defined by the Commissioner and the Commissioner of Finance and Administration, usually one thousand nine hundred and fifty (1,950) hours or more per year.
- (24) Gross Misconduct. Any job related misconduct which may subject an employee to criminal prosecution.
- (25) Initial Probation/Initial Probationary Period. The first probationary period an employee serves in an agency in a continuous period of employment prior to becoming a preferred employee in that agency.
- (26) Interim Appointment. The appointment of a person to a position for a period not to exceed one (1) year.
- (27) Involuntary Reduction in Rank. The change of an employee to a position in a classification at a lower salary grade as a result of a reduction in force or in compliance with T.C.A. § 8-30-312.
- (28) Lateral Reclassification. A change from a position in one classification to a position in another classification with the same salary grade and similar duties, authority, responsibilities, and qualification requirements.
- (29) Layoff. A separation of an employee from state service as the result of a reduction in force.
- (30) Legal Residence. The county or state in which an individual's home is located and to which the individual plans to return if temporarily absent.

(Rule 1120-01-.01, continued)

- (31) Limited Term Appointment. The governor, the governor's cabinet, and members of boards, commissions, agencies and authorities receive limited executive service appointments. Limited term appointments do not require the use of eligible lists.
- (32) List. A compilation of eligibles who may be appointed to positions in accordance with these Rules, such as appointment list, promotion list or layoff list.
- (33) Major Portion of a Month. One-tenth (0.1) of one (1) hour over fifty percent (50%) of the regularly scheduled working hours.
- (34) Manager. An employee who supervises, plans and coordinates the work of other supervisors or an employee who serves in a staff policy making or recommending capacity in an agency. Managers may conduct and/or review performance evaluations.
- (35) Non-Preferred Employee. Employees who fall outside the provisions of the Act and serve in one of the following appointment types: interim, emergency, part-time, seasonal, temporary, or temporary employment of retired state employees. Employees in this category do not become preferred service employees.
- (36) Official Duty Station. The town or city where the majority of the employee's duties are performed.
- (37) Organizational or Business Unit. Any agency, board, commission, department, or subdivision recognized as a unit for purposes of administration.
- (38) Part-Time. A position or an employee budgeted or scheduled to work a part-time schedule as defined by the Commissioner and the Commissioner of Finance and Administration, usually less than sixteen hundred (1,600) hours per year.
- (39) Position. A job consisting of assigned duties, authority, and responsibilities typically performed by one (1) person.
- (40) Position Reclassification. A change in a job classification, typically resulting from a significant reassignment in job duties and responsibilities.
- (41) Preferred Service. All offices and positions of employment in the state service that have been placed under the preferred service provisions of the Act.
- (42) Preferred Service Employee. An employee who holds a position in an agency in the state service, in which the employee has successfully completed the requisite probationary period.
- (43) Probationary Period. A period of at least twelve (12) months' duration used to provide an employee with the opportunity to demonstrate ability to successfully adhere to the standards of performance and expected work outcomes required for the position.
- (44) Promotion. The change of an employee to a position in a classification at a higher salary grade.
- (45) Reallocation/Reallocated. A change from one classification to a new or existing classification based on a change in the nature or structure of the classification plan.
- (46) Reduction in Force. Any job action due to a lack of funds, a reduction in spending authorization, lack of work, efficiency or other material change in duties or organization that may result in the layoff of one or more preferred service employees.

(Rule 1120-01-.01, continued)

- (47) Referred List. The document or record containing the names of the applicants meeting minimum qualifications for a class of positions for consideration by an Appointing Authority in filling a vacancy.
- (48) Regular Appointment. The appointment of a person to a regular position in either the preferred or executive service for an indeterminate period of time.
- (49) Regular Position. A position which is funded on an annual basis and is expected to continue to receive funding.
- (50) Salary Grade. A numeric/alpha value which defines the level of the job classification and designates the salary range for a class of positions.
- (51) Salary Range. The minimum to the maximum rates of pay established for a class of positions.
- (52) Seasonal Appointment. A part-time appointment of a person for an indeterminate period of time, typically scheduled to work for a certain period and generally not exceeding sixteen hundred (1,600) hours per year.
- (53) Seasonal Position. A part-time position which is funded for a specific period of time, typically less than one (1) year, and is expected to continue to receive funding. These employees are considered to be non-preferred employees.
- (54) Sick Leave Bank. A pool of sick leave hours donated by member employees for use by qualifying members who are medically certified as unable to perform the duties of their jobs as a result of a personal illness, injury, accident, disability, medical condition, or quarantine.
- (55) State. The State of Tennessee.
- (56) State Employee. A person employed in a position in state government. For the purposes of these Rules only, "state employee" excludes employees of state universities and local education agencies.
- (57) State Service. All officers and positions of trust or employment in the executive branch and all boards, commissions and agencies in state government except those specifically excluded by the Act.
- (58) Supervisor. An employee who oversees, directs, or manages the work, work flow, or employees in the performance of their daily duties. A supervisor shall be physically present in Tennessee while supervising employees working within Tennessee unless business reasons require out-of-state travel.
- (59) Suspension. An enforced leave of absence for disciplinary purposes for such length of time as the appointing authority considers appropriate, not exceeding thirty (30) days in any twelve (12) month period.
- (60) Terminal Leave. The annual leave balance of a retiring employee. Any leave balance remaining after the employee's last actual workday is considered terminal leave.
- (61) Termination. Any action taken that officially separates an employee from the state service. This includes employees who elect to resign, retire or who are dismissed from the state service.

(Rule 1120-01-.01, continued)

- (62) Temporary Appointment. The appointment of a person to a preferred service position for a temporary period, not to exceed six (6) months, until an appropriate list has been established by the Department.
- (63) Temporary Staffing Service. The utilization of a temporary staffing service vendor having a contract with the State to provide short-term temporaries to perform the duties, for a period not to exceed ninety (90) days, of an existing preferred service position.
- (64) Time Period. Time period for most employees is defined as the work week beginning on Sunday and ending Saturday.
- (65) Transfer. A change from one position in a classification to another position in the same classification.
- (66) Voluntary Reduction in Rank. The change of an employee to a position in a classification at a lower salary grade based on an employee's request and the concurrence of the Appointing Authority.
- (67) Workday. A scheduled day of work exclusive of holidays or other authorized leave days.

**Authority:** T.C.A. § 8-30-101, et seq. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 of the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 29, 1994. Amendment filed October 25, 1995; effective February 28, 1996. Amendment filed May 6, 1996; effective July 20, 1996. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.