

**RULES
OF THE
TENNESSEE DEPARTMENT OF HUMAN RESOURCES**

**CHAPTER 1120-05
PERFORMANCE PLANNING AND EVALUATION**

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1120-05-.01 EVALUATIONS. Each agency shall provide written plans detailing the standards of performance and the expected outcomes for all employees and shall periodically evaluate the results on dates and in such manner as prescribed by the Commissioner.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 in the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-05-.02 EMPLOYEES TO BE EVALUATED. The performance of all employees in the state service shall be evaluated in a manner subject to this Rule and the policies of the department.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 in the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-05-.03 EVALUATION PROCESS. An agency shall conduct, at a minimum, the following evaluation procedure:

- (1) Performance Plan. The supervisor and the employee shall have an initial discussion for the purpose of explaining and clarifying the performance evaluation process, defined work outcomes and behavioral expectations for which performance shall be evaluated, and the performance necessary to maintain or achieve an acceptable rating. Defined employee work outcomes and behavior expectations shall be specific, measurable, achievable, relevant to the strategic objective of the employee's state agency or division and time sensitive.
- (2) Periodic Reviews. Supervisors shall provide periodic reviews of performance to provide constructive feedback, discuss means of enhancing performance results and, if appropriate, to discuss the consequences of unsatisfactory performance. Employees shall receive a minimum of two (2) periodic reviews during the review cycle.
- (3) Evaluation of Performance. Employees shall receive a formal written evaluation of the expected performance standards at the end of the performance cycle which grants the employee the opportunity to comment.
- (4) Official Review. An official review of the performance evaluation shall occur in accordance with policy. Once approved, the evaluation becomes the record of the employee's performance.

(Rule 1120-05-.03, continued)

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 in the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed January 8, 1991; effective May 1, 1991. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-05-.04 USE IN MAKING HUMAN RESOURCES DECISIONS. Performance evaluations may be used as follows:

- (1) to determine salary increases and decreases within the limits established by the compensation plan;
- (2) as a factor in making or denying promotions; and
- (3) as a means of determining employees:
 - (a) who are candidates for promotion or transfer; or
 - (b) who, because of a low job performance evaluation, are candidates for demotion, suspension, dismissal or reduction in force.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 in the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-05-.05 RECORDS. Each agency shall record the evaluation of each employee in a manner prescribed by the Commissioner. Performance evaluations of all employees shall not be considered public records under T.C.A. § 10-7-503. Nothing in this section shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 in the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-05-.06 TRAINING. The Appointing Authority shall ensure that persons responsible for conducting and/or reviewing the performance evaluation of any employee complete a training program specified by the Commissioner.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 in the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-05-.07 ADMINISTRATIVE REVIEW. An employee who receives a completed performance evaluation may file a request for administrative review based on procedural violations as follows:

- (1) Appointing Authority. Within fourteen (14) days of receipt of the evaluation, an employee may file a written request for review, along with all relevant documentation, to the Appointing Authority. The Appointing Authority shall respond in writing to the employee within fifteen (15) days.

(Rule 1120-05-.07, continued)

- (2) Department Review. Within fourteen (14) days of the receipt of the Appointing Authority's written decision, an employee may file a written request for review, along with all relevant documentation, to the Commissioner. The Commissioner shall issue a written response within fifteen (15) days. The decision of the Commissioner shall be final and not subject to further review.

Authority: T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 in the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-05-.08 REPEALED.

Authority: T.C.A. §§8-30-202, 8-30-203 and 8-30-204. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 in the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Repeal and new rule filed December 14, 2010; effective May 31, 2011.

1120-05-.09 REPEALED.

Authority: T.C.A. §8-30-328. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 in the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. New rule filed August 25, 1994; effective December 29, 1994. Repeal and new rule filed December 14, 2010; effective May 31, 2011.