

**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 Civil Service 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 leave.
- (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 state service in the executive branch.
- (5) Appointing Authority. An officer having power to make appointments to and separations from positions in state service.
- (6) Appointment. The official designation of a person to fill a position in state service as an employee.
- (7) Bona Fide Offer. An offer of employment to a career employee affected by a reduction in force to a position at a comparable level and in a location previously declared acceptable by the employee.
- (8) Career Employee. An employee who holds a position in an agency in state service in which the employee has obtained career status.
- (9) Career Service. All positions in state service subject to the civil service provisions of the Act.
- (10) Career Status. The status granted an employee by an agency upon completion of any probationary period required for the job classification in that agency.
- (11) 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.
- (12) Classification Specification. A description of a class of positions including classification title, summary, distinguishing features, examples of duties and responsibilities, minimum qualifications, necessary special qualifications, and examination method.
- (13) Commission. The Tennessee Civil Service Commission.
- (14) Commissioner. The Commissioner of the Department of Human Resources.

(Rule 1120-01-.01, continued)

- (15) Compensation Plan. A series of salary ranges to which classes of positions are assigned so that classifications evaluated as substantially equal are assigned to the same salary range.
- (16) 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.
- (17) Department. The Department of Human Resources.
- (18) Dismissal. The termination from 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.
- (19) Eligible. A person who has qualified for appointment to a position in the career service.
- (20) Eligible List. A list of names of all qualified applicants for positions in the career service.
- (21) Emergency Appointment. The appointment of a person to a position in the career service, for a period not to exceed one hundred twenty (120) days, when an emergency makes it impractical or impossible to fill the position through standard appointment procedures.
- (22) Examination. A test or series of tests designed to assess the relative fitness of individuals to perform the duties associated with a particular class of positions.
- (23) Executive Service. All positions in the state service not subject to the civil service provisions of the Act.
- (24) Executive Service Employee. An employee who holds a position in the executive service.
- (25) Flex-Class Position. A position in a job classification series which may be filled with an employee qualified to perform the job at the trainee, entry, intermediate or working level.
- (26) 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.
- (27) Grievance. An unresolved complaint concerning a condition, act or omission that an employee alleges adversely affects the employee's condition of employment that is within the discretion, jurisdiction, or control of the appointing authority or Commission.
- (28) Gross Misconduct. Any job related misconduct which may subject an employee to criminal prosecution.
- (29) Initial Probation/Initial Probationary Period. The first probationary period an employee serves in a continuous period of employment in an agency prior to becoming a career employee in that agency.
- (30) Interim Appointment. The appointment of a person to a position in the career service for a period of one (1) year.
- (31) 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. § 8-30-212.

(Rule 1120-01-.01, continued)

- (32) 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.
- (33) Layoff. A separation of an employee from state service as the result of a reduction in force.
- (34) Legal Residence. The county in which an individual's home is located and to which the individual plans to return if temporarily absent.
- (35) 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.
- (36) List. A compilation of eligibles who may be appointed to positions in accordance with these Rules, such as appointment list, promotional list, layoff list, reemployment list, and transfer list.
- (37) Major Portion of a Month. One-tenth (0.1) of one (1) hour over fifty percent (50%) of the regularly scheduled working hours.
- (38) 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.
- (39) Merit Factor. An employee's job performance, conduct, or any knowledge, skill, ability, or competency on which administrative actions can be based.
- (40) Non-Career Employee. Employees who fall outside of T.C.A. § 8-30-208 and serve in one of the following appointment types: interim, emergency, part-time, seasonal, temporary, temporary provisional or temporary employment of retired state employees. Employees in this category do not gain career status and are not considered career employees.
- (41) Non-Merit Factor. Any factor not defined in item thirty-nine (39) above on which an administrative action can be based.
- (42) Official Duty Station. The town or city where the majority of the employee's duties are performed.
- (43) Organizational or Business Unit. Any agency, board, commission, department, or subdivision recognized as a unit for purposes of administration.
- (44) 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.
- (45) Position. A job consisting of assigned duties, authority, and responsibilities typically performed by one (1) person.
- (46) Position Reclassification. A change in a job classification, typically resulting from a significant reassignment in job duties and responsibilities.
- (47) Probationary Period. A period of at least six (6) months duration used to provide an employee with the opportunity to demonstrate ability to adequately perform the duties of the job.

(Rule 1120-01-.01, continued)

- (48) Promotion. The change of an employee to a position in a classification at a higher salary grade.
- (49) 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.
- (50) Reduction in Force. Any job action due to a shortage of work or funds, or the abolition of a position or other material change in duties or organization that may result in the layoff of a career employee.
- (51) Reemployment/Reappointment List. A list of persons who may be appointed to a class of positions without further certification or examination due to their prior career status in the classification or related classification.
- (52) Referred List. The document or record containing the names of the highest ranking available eligibles for a class of positions for consideration by an appointing authority in filling a vacancy.
- (53) Regular Appointment. The appointment of a person to a regular position in either the career or executive service for an indeterminate period of time.
- (54) Regular Position. A position which is funded on an annual basis and is expected to continue to receive funding.
- (55) Salary Grade. A numeric value which defines the level of the job classification and designates the salary range for a class of positions.
- (56) Salary Range. The minimum to the maximum rates of pay established for a class of positions.
- (57) Seasonal Appointment. An executive service appointment of a person for an indeterminate period of time to be scheduled to work for a certain period usually recurring each year and generally not exceeding sixteen hundred (1,600) hours per year.
- (58) Seasonal Position. An executive service position which is funded for a specific period of time, typically less than one (1) year, and is expected to continue to receive funding.
- (59) 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.
- (60) State. The State of Tennessee.
- (61) 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.
- (62) 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.
- (63) Subsequent Probation. Any probationary period served by a career employee in an agency after the successful completion of an initial probationary period in that agency or after the employee obtains career status in that agency.

(Rule 1120-01-.01, continued)

- (64) Supervisor. An employee who directly plans and evaluates the work of one or more employees, including the performance evaluation process.
- (65) Suspension. An enforced leave of absence without pay for disciplinary purposes or pending an investigation or adjudication of charges made against an employee.
- (66) Temporary Appointment. The appointment of a person to an executive service position for a temporary period, usually less than six (6) months.
- (67) Temporary Provisional Appointment. The appointment of a person to a position in the career service, for a period not to exceed four (4) months, when there is an insufficient referred list or no established eligible list.
- (68) 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.
- (69) Termination. Any action taken that officially separates an employee from state service. This includes employees who elect to resign, retire or who are dismissed from state service.
- (70) Time Period. Time period for most employees is defined as the work week beginning on Sunday and ending Saturday.
- (71) Transfer. A change from one position in a classification to another position in the same classification.
- (72) 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.
- (73) Workday. A scheduled day of work exclusive of holidays or other authorized leave days.
- (74) Work Test Period. The probationary period served by an employee with a disability when substituted for a written and/or performance examination required for appointment or promotion to a class of positions.

Authority: T.C.A. §8-30-201. **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.