

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

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

TABLE OF CONTENTS

1120-05-.01	Evaluations	1120-05-.05	Records
1120-05-.02	Employees to be Evaluated	1120-05-.06	Training
1120-05-.03	Evaluation Process	1120-05-.07	Appeal
1120-05-.04	Use in Making Human Resources Decisions	1120-05-.08	Repealed
		1120-05-.09	Repealed

1120-05-.01 EVALUATIONS. Each agency shall provide formal written evaluations of the performance of major job duties and responsibilities for all employees, except as noted below, on dates and in such manner as prescribed by the Commissioner.

Authority: T.C.A. § 8-30-319. **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-.02 EMPLOYEES TO BE EVALUATED. The performance of all employees in the state service will be evaluated in a manner subject to this Rule, except for:

- (1) Seasonal employees;
- (2) Part-time employees;
- (3) Limited term employees;
- (4) Temporary employees;
- (5) Employees of the Governor's office;
- (6) Deputy Commissioners, Assistant Commissioners and employees in equivalent positions;
- (7) Emergency employees;
- (8) Temporary provisional employees;
- (9) Interim employees; and
- (10) Executive service employees.

Authority: T.C.A. § 8-30-319. **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-.03 EVALUATION PROCESS. An agency shall conduct, at a minimum, the following evaluation process:

- (1) An initial discussion between the supervisor and the employee for the purpose of explaining and clarifying the performance evaluation process, major job duties and responsibilities for

(Rule 1120-05-.03, continued)

which performance will be assessed, and the performance necessary to maintain or achieve a high rating.

- (2) Periodic reviews of job performance to provide constructive performance feedback, discuss means of enhancing performance and, if appropriate, to discuss the consequences of mediocre or unsatisfactory performance.
- (3) A formal written assessment of the employee's performance which provides the employee with the opportunity to agree or disagree and comment upon the assessment.
- (4) A managerial review of the evaluation of each employee, confirming that the evaluation process has been properly completed and appropriately and logically described.
- (5) A review of the formal written evaluation of each employee by the appointing authority or designee, which when signed, becomes the official record of the performance of the major job duties and responsibilities of the employee.

Authority: T.C.A. § 8-30-319. **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.

1120-05-.04 USE IN MAKING HUMAN RESOURCES DECISIONS. When employee performance of major job duties, authority and responsibilities is deemed to be a relevant factor in determining eligibility to compete in promotional examinations, satisfactory or unsatisfactory completion of a probationary period, eligibility to receive merit pay or lump sum performance bonuses, or as a factor in reduction in force, demotions, suspensions, or dismissals, the performance evaluation described in this Rule will be the evaluation serving as the basis for such decisions. Nothing in this Rule should be construed to imply that performance of major job duties and responsibilities as evaluated in the job performance planning and evaluation system is the only relevant factor that may be used in making the decisions described in this Rule.

Authority: T.C.A. § 8-30-202, 8-30-203, 8-30-204, 8-30-214, 8-30-304, 8-30-314, 8-30-319, 8-30-320, 8-30-325, and 8-30-326. **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-.05 RECORDS. Each agency shall record the formal evaluation of each employee in that employee's human resources file in a manner prescribed by the Commissioner.

Authority: T.C.A. § 8-30-319. **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-.06 TRAINING. The appointing authority shall ensure that persons responsible for conducting and/or reviewing the performance evaluation of any employee have completed a training program specified by the Commissioner.

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-.07 APPEAL. An employee who receives a job evaluation pursuant to this Rule may file a grievance within fifteen (15) workdays after the receipt of any final performance evaluation on procedural grounds under the provisions of T.C.A. § 8-30-328 (k)(1). Such grievances are limited to the provisions of the informal procedure with the final step being the appointing authority. Employees who are dissatisfied with the appointing authority's decision may submit such decision, with all documentation, to the Commissioner for review. Notwithstanding any law or regulation to the contrary, the decision of the Commissioner shall be final and not subject to further review.

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. Repeal and new rule filed December 14, 2010; effective May 31, 2011.

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.