



<b>Approved by:</b> Juan Williams, Commissioner	<b>Policy Number:</b> 12-020 (Rev. 04/19)
<b>Signature:</b> 	<b>Supersedes:</b> 11-027; 12-020
<b>Application:</b> Executive Branch Agencies, Human Resource Officers	<b>Effective Date:</b> August 1, 2013
<b>Authority:</b> T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-30-202	<b>Rule:</b> 1120-02

## Executive Service Positions Changing to Preferred Service

When an appointing authority submits a written justification requesting to change a filled executive service position to the preferred service as defined in Tenn. Code Ann. § 8-30-202 in the appointing authority's agency, the Commissioner of the Department of Human Resources (Department) will determine:

- (a) if the incumbent meets the minimum qualifications as required by the job specification for the incumbent's job classification, and
- (b) if the incumbent has at least one (1) calendar year of state service performing the major duties in the job classification to which the position is assigned, known as a reasonable test of fitness.

An incumbent who meets the minimum qualifications and has performed the major duties and responsibilities of that job classification for at least one (1) calendar year shall be certified as qualified and will be changed to a preferred service employee.

If, however, the record shows the incumbent does not meet the established minimum qualifications and/or has less than one (1) calendar year of experience, the Department will reevaluate the incumbent's qualifications as necessary within one (1) calendar year beginning from the date the position changed to preferred service. If the reevaluation finds the incumbent meets the minimum qualifications and the one (1) calendar year job performance requirement, the Department will certify both the non-competitive assessment and the reasonable test of fitness and, therefore, the incumbent will be retained as a preferred employee.

At the completion of one (1) calendar year, the Department shall certify to the appointing authority when an incumbent does not meet the minimum qualifications. The appointing authority shall notify the incumbent that they do not qualify and give notice that the incumbent will be dismissed within sixty (60) days after the certification, or within sixty (60) days after the establishment of a list of eligibles for such position, unless the appointing authority certifies to the Department that such incumbent has rendered satisfactory service and should be retained, although without becoming a preferred employee.

<b>DOHR Policy:</b> <b>Incumbents in Newly Established Preferred Positions</b>	<b>Policy Number:</b> 12-020 (Rev. 04/19)
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On the basis of noncompetitive testing, the Department may authorize continued employment of the incumbent in another position of no higher rank in the classification plan for which the incumbent is found to meet the minimum qualifications and, if the incumbent is so employed, the incumbent shall be deemed to be a preferred employee.

Questions regarding this policy may be directed to the Agency Resource Center (ARC).