



<b>Approved by:</b> Juan Williams, Commissioner	<b>Policy Number:</b> 12-067 (rev. 04/19)
<b>Signature:</b> 	<b>Supersedes:</b> 11-024; 86-028; 86-031
<b>Application:</b> Executive Branch Agencies, Human Resource Officers, All Employees	<b>Effective Date:</b> February 1, 2013
<b>Authority:</b> T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-30-201, T.C.A. § 8-30-202	<b>Rule:</b> Chapter 1120-02

## Designating Positions as Preferred or Executive Service

State service is divided into the preferred service and the executive service. Pursuant to Tenn. Code Ann. § 8-30-202, the following positions have been designated as executive service:

1. Any officer or employee appointed by the governor and all positions permanently assigned to the governor's office and governor's residence.
2. Any deputy commissioner or equivalent authority and any assistant commissioner or equivalent in each department or state agency. Equivalent authority is determined by duties, responsibilities, and reporting relationships. Salary level may be an indicator, but may not be the only factor considered. Chief executive officers of commissions and agencies are considered equivalent to or higher than assistant commissioners.
3. Wardens and directors of correctional facilities identified in Title 41 and chief officers of mental health institutes or developmental centers identified in Title 33. These individuals are not considered equivalent to assistant commissioners for the purposes of this policy.
4. The head of a division or major unit within a state agency or regional director or manager for a state agency, regardless of the title of the position, who, as a substantial part of the position's duties, provides meaningful input on the development of agency/departmental policy goals or the implementation of agency/departmental policy.
5. The highest ranking employee of a state agency who has a primary responsibility for one (1) or more of the following functions:
  - a. Public information and legislative affairs;
  - b. Fiscal, budget, and audit matters;
  - c. Security or internal affairs;
  - d. Information technology systems; and

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- e. Human Resources.
- 6. A clinical director, medical director, or other licensed physician.
- 7. A licensed attorney engaged in the practice of law and representing the state in such capacity.
- 8. Any position serving in a confidential capacity to a commissioner, deputy commissioner, assistant commissioner or equivalent authority. Positions serving in a “confidential capacity” are administrator and professional positions to commissioners, deputy, or assistant commissioners, or equivalent authorities. While this does not require a direct report, the Department will determine when an administrative or professional position has a relationship to a commissioner, deputy, or assistant commissioner or equivalent that rises to the level of confidential. In addition, the executive secretary, or similar job classifications, may be included in this category because of the nature of the secretary’s work.

Excluding the positions or their equivalents listed above, all other full-time positions in state service are preferred service.

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