


<b>Approved by:</b> Juan Williams, Commissioner	<b>Policy Number:</b> 12-036 (Rev. 09/02/2022)
<b>Signature:</b> 	<b>Supersedes:</b> 11-049, 10-029
<b>Application:</b> Executive Branch Agencies, Appointing Authorities, Human Resources Officers, Managers and Supervisors	<b>Effective Date:</b> October 3, 2012
<b>Authority:</b> T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-30-406	<b>Rule:</b> Chapter 1120-06

## Discretionary Leave with Pay

In accordance with Rules of the Department of Human Resources, an appointing authority may grant discretionary leave with pay to an employee for a period of time not to exceed ten (10) working days when it is considered necessary for the welfare of the employee and/or the proper operation of the agency.

For pay and record purposes, the appointing authority shall immediately submit a copy of an approved discretionary leave with pay document to the Commissioner of the Department of Human Resources.

The definition of discretionary leave with pay is limited to leave granted “for the welfare of the employee or the proper operation of the agency.” Discretionary leave with pay cannot be approved to supplement leave already provided for in Tennessee law, unless there is a declared state of emergency. For example, sick leave is for health-related issues and annual leave is for personal, vacation and recreational needs. Such leave is legislated and cannot be extended or supplemented by granting discretionary leave with pay.

“For the welfare of the employee or the proper operation of the agency” is to ensure the safety and well being of employees or persons in the protective care of the state, to protect state property, and/or to ensure the normal operations of the state. This includes but is not limited to conducting workplace investigations and/or participation in an appeal hearing.

If an extension of discretionary leave with pay beyond ten (10) working days is necessary, the appointing authority must submit a written request to the Commissioner of the Department of Human Resources for up to ten (10) additional days. Agencies shall send a request, absent extenuating circumstances, prior to the completion of the ten (10) working days or as soon as practicable. Written requests must include the reason for the request, a beginning date of the discretionary leave with pay, and a proposed end date, if known. The Commissioner of the Department of Human Resources may approve extensions up to ten (10) working days. Upon approval, the Department of Human Resources will return a signed copy to the requesting agency.

When investigations are required, agencies are to conduct such investigations as quickly as possible.

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For each discretionary leave granted, the agency is to notify the Assistant Commissioner of the Agency Resource Center (ARC) of the final outcome of the leave, which includes, but is not limited to the effective date of termination, demotion, suspension, return to work, or date of an appeals hearing.

Questions regarding this policy may be directed to the Assistant Commissioner of the ARC.