

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

**CHAPTER 1120-05  
PERFORMANCE MANAGEMENT**

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**1120-05-.01 PERFORMANCE REVIEWS.** Each agency shall provide written plans detailing the standards of performance and the expected outcomes for all employees and shall periodically review the results on dates and in such manner as prescribed by the Commissioner.

**Authority:** T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **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. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012. Amendments filed February 7, 2017; effective May 8, 2017.

**1120-05-.02 EMPLOYEES TO BE REVIEWED.** The performance of all employees in the state service shall be reviewed in a manner subject to this Rule and the policies of the department.

**Authority:** T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **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. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012. Amendments filed February 7, 2017; effective May 8, 2017.

**1120-05-.03 PERFORMANCE MANAGEMENT REVIEW PROCESS.** An agency shall conduct, at a minimum, the following performance review procedure for eligible employees:

- (1) Individual Performance Plan. The supervisor and the employee shall have an initial discussion for the purpose of explaining and clarifying the performance management process, defined work outcomes and behavioral expectations for which performance shall be reviewed, and the expected performance necessary to maintain or achieve an acceptable rating. Defined employee work outcomes and behavior expectations shall be specific, measurable, achievable, relevant to the strategic objective of the employee's state agency or division and time sensitive.
- (2) Periodic Reviews. Supervisors shall provide periodic reviews of performance to provide constructive feedback, discuss means of enhancing performance results and, if appropriate, to discuss the consequences of unsatisfactory performance. Employees shall receive a minimum of two (2) periodic reviews during the review cycle or as prescribed by the Commissioner.
- (3) Annual Review. Employees shall receive an annual written review of the expected performance standards at the end of the performance cycle.

**Authority:** T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **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

(Rule 1120-05-.03, continued)

*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. Repeal and new rule filed July 5, 2012; effective October 3, 2012. Amendments filed February 7, 2017; effective May 8, 2017. Amendments filed May 17, 2019; effective August 15, 2019.*

**1120-05-.04 USE IN MAKING HUMAN RESOURCES DECISIONS.** Performance reviews may be used as follows:

- (1) To determine salary increases and decreases within the limits established by the compensation plan;
- (2) As a factor in making or denying promotions; and
- (3) As a means of determining employees:
  - (a) Who are candidates for promotion or transfer; or
  - (b) Who, because of a low job performance reviews, are candidates for demotion, suspension, dismissal or reduction in force.

**Authority:** T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **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. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012. Amendments filed February 7, 2017; effective May 8, 2017.

**1120-05-.05 RECORDS.** Each agency shall record the performance review of each employee in a manner prescribed by the Commissioner. Performance evaluations of all employees shall not be considered public records under T.C.A. § 10-7-503. Nothing in this section shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions.

**Authority:** T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **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. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012. Amendments filed February 7, 2017; effective May 8, 2017.

**1120-05-.06 TRAINING.** Each supervisor responsible for conducting and/or reviewing the performance of any employee shall complete all training programs specified by the Commissioner as set forth in policy.

**Authority:** T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **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. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012. Amendments filed February 7, 2017; effective May 8, 2017. Amendments filed January 18, 2023; effective April 18, 2023.

**1120-05-.07 ADMINISTRATIVE REVIEW.** An employee who receives a completed annual performance review may file a request for administrative review based on procedural violations as follows:

- (1) Appointing Authority. Within fourteen (14) calendar days of receipt of the annual review, an employee may file a written request for administrative review, along with all relevant

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documentation, to the Appointing Authority. The Appointing Authority shall respond in writing to the employee within fourteen (14) calendar days of receipt of the request.

- (2) Department Administrative Review. Within fourteen (14) calendar days of the receipt of the Appointing Authority's written decision, an employee may file a written request for administrative review, along with all relevant documentation, to the Commissioner. The Commissioner shall issue a written response within fourteen (14) calendar days. The decision of the Commissioner shall be final and not subject to further review. Performance ratings are not eligible for administrative reviews.

**Authority:** T.C.A. §§ 8-30-104, 8-30-105, and 8-30-313. **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. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012. Amendments filed February 7, 2017; effective May 8, 2017. Amendments filed January 18, 2023; effective April 18, 2023.

#### **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 of 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 of 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.