

**RULES
OF
DEPARTMENT OF HUMAN RESOURCES**

**CHAPTER 1120-08
LEARNING AND DEVELOPMENT**

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1120-08-.01 LEARNING AND DEVELOPMENT PROVIDED BY THE DEPARTMENT. The Department shall serve as the state's exclusive provider of learning and development programs for state employees.

- (1) The Department shall exclusively provide education which:
 - (a) Improves productivity, effectiveness, and efficiency of government service by enhancing employee performance through performance management;
 - (b) Assists employees in developing professional skills;
 - (c) Offers agencies talent management; and
 - (d) Develops managers and supervisors in effective management and leadership practices.
- (2) The Department shall approve any non-technical training and education provided by an agency prior to implementation to determine if the programs can be offered by the Department.
- (3) The Department shall approve any requests for non-technical out-service training or continuing education as described herein.

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.

1120-08-.02 RESPONSIBILITY FOR LEARNING AND DEVELOPMENT. The Department is responsible for statewide planning, coordination, and review of learning and development programs as well as direct delivery of initiatives, trainings, conferences and/or workshops as identified herein.

Each state agency shall maintain a record of every employee's learning and development activities in a manner identified by the Commissioner. Such records shall be submitted to the Department on a regular basis as established by policy.

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

(Rule 1120-08-.02, continued)

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.

1120-08-.03 MANDATORY EDUCATION. Employees are required to attend certain learning and development workshops provided by the Department as identified 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. Amendment filed August 25, 1994; December 29, 1994. Amendment filed October 25, 1995; effective February 28, 1996. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-08-.04 REQUESTS FOR CONTINUING EDUCATION, LEARNING AND DEVELOPMENT. Upon the identification of a specialized technical need by the agency, an employee may be eligible for continuing education from higher education, vocational, and professional institutions. Agencies shall submit requests for continuing education for courses not offered by the Department to the Commissioner for approval.

Employees, in consultation with the agency, may select one of the following continuing education options:

- (1) Full-time Education. Full-time education lasts for more than eighty (80) work days and may require residency at an institution or facility. During the program, the employee is relieved of regular job responsibilities;
- (2) Part-time Education. Part-time education lasts for less than eighty (80) work days and is held during the employee's regular work hours. The employee maintains regular job responsibilities during this program;
- (3) Short-term Learning. Short-term learning consists of seminars, short courses, and educational workshops that last for less than eighty (80) work days. The employee maintains regular job responsibilities during this program; and
- (4) After Work Hours Education or Learning. After work hours education, learning and development consists of seminars, short courses, and educational workshops and is held outside the employee's scheduled shift. The employee maintains regular job responsibilities during this program.

Authority: T.C.A. §§ 8-30-104 and 8-30-105. **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. Amendment filed August 25, 1994; December 29, 1994. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-08-.05 CONTINUING EDUCATION, LEARNING AND DEVELOPMENT. All state employees are eligible to participate in continuing education, learning, and development related to their current job assignment, subject to the recommendation of the Appointing Authority and the approval of the Commissioner and the Commissioner of Finance and Administration.

- (1) Criteria. The Commissioner may approve continuing education, learning, and development based on any of the following criteria:
 - (a) Lack of availability of programs offered by the Department;
 - (b) Job relatedness;

(Rule 1120-08-.05, continued)

- (c) Cost-effectiveness; or
 - (d) Availability of programs in public Tennessee higher education institutions;
- (2) Appointing Authority Responsibilities. The Appointing Authority shall:
- (a) Submit to the Commissioner, in advance, an approval request for each employee to attend continuing education, learning, and development;
 - (b) Monitor employee attendance and performance; and
 - (c) Document completion and maintain a public record.
- (3) Salary and Related Expenses. In the event the Appointing Authority grants reimbursement to the employee for salary and related expenses, the Appointing Authority shall approve, in advance, reimbursement for the following and submit the authorization to the Commissioner:
- (a) Travel. Reimbursement shall be for travel in accordance with the State's comprehensive travel regulations;
 - (b) Tuition. The Appointing Authority shall determine and approve tuition reimbursement subject to the approval of Finance and Administration; and
 - (c) Salary. Salary payment is based on the following types of continuing education and learning:
 - 1. Full-time. Employees in full-time education shall receive seventy-five percent (75%) of their regular salary. When the State requires an employee to obtain additional education, employee compensation is possible at full salary with the prior approval of the Commissioner and the Commissioner of Finance and Administration. If an employee receives salary assistance through scholarships, fellowships, grants or other outside sources, the total amount received from the State and outside sources during the continuing education period shall not exceed the employee's regular salary. The employee shall submit a notarized statement of salary funding and sources to the Appointing Authority.
 - 2. Part-time. Employees in part-time education shall receive their regular salary.
 - 3. Short-term. Employees in short-term learning shall receive their regular salary.
 - 4. After work hours. An employee in after work hours education or learning is not eligible for additional salary payment.
 - (d) Distribution of salary. The Appointing Authority is responsible for payment of the employee's reimbursement for salary. Distribution is contingent upon completion of the program and shall be documented by the attended institution.
- (4) Employment status during full-time continuing education, learning and development.
- (a) Leave Status. An employee engaged in authorized full-time continuing education, learning, and development is on educational leave during the period approved by the Appointing Authority. The Appointing Authority must approve any extension of this leave. An employee shall not accrue sick or annual leave during this period.

(Rule 1120-08-.05, continued)

- (b) **Salary Increases and Adjustments.** If eligible, an employee in full-time continuing education, learning, and development shall continue to receive any salary increases or adjustments permitted by law.
 - (c) **Continuous Service.** Full-time continuing education, learning, and development shall not interrupt continuous service for purposes of service credit.
 - (d) **Payroll Deductions.** All prior authorized deductions shall continue during full-time continuing education, learning, and development provided the adjusted salary covers the deductions.
 - (e) **State Contributions.** Contributions from the State to the employee's insurance premiums and retirement account shall continue.
- (5) **Employee's responsibilities.**
- (a) An employee in full-time continuing education, learning and development shall contractually agree to work for the agency for twelve (12) months or twice the total educational leave, whichever is greater. If the employee fails to fulfill the contract, the employee shall reimburse the State for expenses incurred during the full-time continuing education, learning and development, including salaries and wages paid by the State. Neither sick nor terminal leave shall be used to reduce the reimbursement period.
 - (b) An employee in continuing education, learning and development shall be held to the same attendance and performance standards as other work assignments. An employee shall reimburse the State for all costs, including salary, resulting from unexcused absences and incompleteness of a learning and development program. Collection of reimbursement is the responsibility of the agency.
 - (c) If an activity in continuing education, learning and development is terminated prior to completion, either at the convenience of the State or because of death, prolonged illness, disability, or similar conditions beyond the control of the employee, neither the employee nor the employee's estate may be responsible for reimbursement of expenses.
 - (d) If an employee is discharged for any cause from the State or the educational institution, relief of financial obligation is in the sole discretion of the Appointing Authority, and is not subject to appeal.

Authority: T.C.A. §§ 8-30-104 and 8-30-105. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 of the Introduction 8-30-104 and T.C.A. § 8-30-10588. Amendment filed August 25, 1994; December 29, 1994. Repeal 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.

1120-08-.06. CONTINUING EDUCATION UNITS. The Department may grant Continuing Education Units (CEUs) for continuing education, learning and development which meets national standards. Generally, one (1) CEU unit shall be granted for each ten (10) hours of instruction. Agencies shall apply to the Commissioner for approval of CEU credit for courses not offered by the Department.

Authority: T.C.A. §§ 8-30-104 and 8-30-105. **Administrative History:** Original rule filed July 5, 2012; effective October 3, 2012. Amendments filed February 7, 2017; effective May 8, 2017.

1120-08-.07. CERTIFICATION. The Department shall provide certifications as established by law and as determined by the Department.

(Rule 1120-08-.07, continued)

Authority: T.C.A. §§ 8-30-104 and 8-30-105. **Administrative History:** Original rule filed July 5, 2012; effective October 3, 2012.

1120-08-.08 EXCLUSIONS. Attendance at conferences, symposiums, conventions, official meetings, and expositions provided by profession-based organizations or associations does not require approval by the Commissioner.

Authority: T.C.A. §§ 8-30-104 and 8-30-105. **Administrative History:** Original rule filed July 5, 2012; effective October 3, 2012.