



POLICY

Approved by: Rebecca R. Hunter, Commissioner	Policy Number: 12-036
Signature: <i>Rebecca R. Hunter</i>	Supersedes: 11-049, 10-029
Application: Executive Branch Agencies, Appointing Authorities, Human Resource Officers, Managers and Supervisors	Effective Date: October 3, 2012
Authority: T.C.A. § 4-3-1703, T.C.A. § 8-30-104, T.C.A. § 8-30-406	Rule: Chapter 1120-06

Subject:

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 or the proper operation of the agency. The Department must approve any period of discretionary leave that exceeds ten (10) working days. The appointing authority must make such requests in writing directly to the Commissioner of Human Resources, prior to the expiration of the ten (10) working days allowed or as soon as practicable.

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

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. 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 conducting investigations and/or participation in an appeals hearing.

As stated above, when an extension beyond the first ten (10) working days is necessary, the appointing authority is to submit a written request to the Commissioner. Agencies shall send a request, absent extenuating circumstances, prior to the completion of the first 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 an ending date, if known. If the end date is not known, the agency

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shall request a maximum time of ten (10) working days. The Commissioner may approve extensions up to ten (10) working days. Upon approval, the Department will return a signed copy to the agency.

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

For each discretionary leave granted, the agency is to notify the Office of the Assistant Commissioner for Technical Services 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 Office of the Deputy Commissioner or the Assistant Commissioner for Technical Services.