



# TENNESSEE STATE EMPLOYEES ASSOCIATION

## PROVISIONS OF “TEAM” BILL DESTROYING CIVIL SERVICE

### Pay & Compensation

PRESENT LAW	NEW BILL	TSEA’S REQUEST	ADMINISTRATION RESPONSE
DOHR must report to the Legislature on promotions, transfers, dismissals, terminations, demotions, reclassifications from career to executive service and position abolishments	Report to Legislature not required under bill	Restore this provision in Code – need Legislative Oversight	<b>Refused</b>
Failed performance evaluation system	No new system established by statute, although performance is used as a yardstick throughout the new bill.	Establish a statutorily mandated study group (including the TN Dept. of Human Resources and TSEA) to come up with a performance evaluation system with true objective standards.	<b>Administration recognizes that the present performance evaluation system is broken. They plan to fix it, but have not accepted our offer to serve on a study group.</b>  <b>It will be part of Rules.</b>
“executive service” defined to certain positions without protections against firing without cause.	Number of positions to be exec. service expanded with additional discretion for further expansion.	Keep “executive service” classifications at their present level or  allow for 84 doctors and attorneys to be grandfathered and move jobs to executive service when employee leaves or retires	<b>Refused</b>  <b>Refused</b>  <b>All others listed as executive service in Bill are already executive service – somehow already made them executive service without a change in Code</b>



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PRESENT LAW	NEW BILL	TSEA'S REQUEST	ADMINISTRATION RESPONSE
Compensation plans clearly defines salary ranges	Minimum and maximum salary range no longer required to be included in compensation plans.	Make minimum and maximum salary ranges a mandatory part of compensation plan.	<b>May be in their Rules, not in Code</b>
Merit pay allowed if funded by the Legislature	Merit pay provision to be utilized, but no objective criteria established statutorily	Establish objective criteria for merit pay in statute.  "Concrete" and "Uniform" to be reinstated to criteria listed in code	<b>Criteria will be in Rules.</b>  <b>Refused</b>
All persons must receive consideration for merit pay periodically	No periodic consideration for all employees.	Reinstitute periodic consideration for merit pay for all state employees.	<b>Refused</b>
Executive Service Employees not eligible for Merit Pay	Executive Service will be eligible for merit pay	No opposition to this if criteria for merit pay clearly defined	
Promotion List is defined and criteria to maintain in Code	No definition or inclusion of promotion list	Include promotion list in Code	<b>Granted</b> <b>Promotion List defined in code, maintaining list criteria in Rules</b>
Salary increases are to be given to persons in positions which receive a class upgrade.	No salary increases for class upgrade.	Restore salary increase for class upgrade.  Without this, compression will continue.	<b>Refused</b>



# TENNESSEE STATE EMPLOYEES ASSOCIATION

## Hiring of New Employees

PRESENT LAW	NEW BILL	TSEA'S REQUEST	ADMINISTRATION RESPONSE
Certain positions determined to be "executive service" without protections against firing without cause.	Number of positions to be exec. service expanded with additional discretion for further expansion.	Keep "executive service" classifications at their present level or  allow for 84 doctors and attorneys to be grandfathered and move jobs to executive service when employee leaves or retires	<b>Refused</b>  <b>Refused</b>  <b>All others listed as executive service in Bill are already executive service – somehow already made them executive service without a change in Code</b>
Minimum probation for new employees is six months.	Minimum probation for new employees would be one year.	Expressed concern but agreed not to oppose.	
Every job applicant scored for experience, education, training and job examinations (if applicable).  Administrator must hire from top 5 scorers.	All applicants are judged as qualified or not qualified.  Administrator may hire anyone who possesses minimum qualifications.	Restore scored hiring list or consider compromise  Compromise by increasing size of top scorers list, if necessary.	<b>Refused</b>  <b>Refused</b>
Hiring policies do not apply to unskilled workers or custodial workers	Basic Clerical now included with unskilled labor and not subject to hiring process	Questioned this inclusion and what is definition of Basic Clerical	<b>Dept. already treats clerical as unskilled in rules but added this to Code</b>
State employees to be residents of the State of TN	No longer required to be residents of TN	No objection	



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## PRESENT LAW

## NEW BILL

## TSEA'S REQUEST

## ADMINISTRATION RESPONSE

Preference for rehire of employees who left state and wish to come back

Eliminated in Code

Not opposed to

Preference for Veterans and Spouses of Veterans in hiring process

Veterans guaranteed an Interview; no spouse priority

Agree to this change, but question priority for spouse not included in new process

Removal of written warnings from personnel file after 2 years

Removal of written warnings on upon written request by employees

Expressed concern but agreed not to oppose change



# TENNESSEE STATE EMPLOYEES ASSOCIATION

## Grievance Rights

PRESENT LAW	NEW BILL	TSEA'S REQUEST	ADMINISTRATION RESPONSE
No Mediation Process in Code	Mediation Process created in Code	Applauded this change in code	<b>Amendment removes Mediation from the Code – Administration wants to address in Rules not Statute</b>
9 person Civil Service Commission. Members appointed by Governor, but can only be removed for cause.	7 person Board of Appeals replaces Commission. Appointed by Governor. Removable at will.	Accepted new Board  Restore “removable for cause”  Accept removal of appeal to governor when removed from Board	<b>Granted Amendment agreed upon for this provision only. Governor also commits to reappointing some present Commission members.</b>
5 step grievance process with all terminations, demotions, and suspensions grievable, with an informal face-to-face meeting with management at the 4 <sup>th</sup> step and a formal hearing before the Civil Service Commission at the 5 <sup>th</sup> step.	3 step grievance hearing with new deadlines for both sides, paper reviews only at step 1 and 2, with formal hearing before new Board of Appeals	Agree to 3 step process but hope to see face-to-face hearing  Agree to new deadlines  Replace step 2 paper review with informal hearing	<b>Step 2 informal hearing may be added in rules. New amendment will also now take away the right to grieve suspension of less than 5 days (the vast majority)</b>
Requirement for “progressive discipline”, administered at the “beginning at the lowest step appropriate to the infraction”	Progressive discipline no longer required in statute.	Restore progressive discipline requirement	<b>Will be in Rules, not Code.</b>



# TENNESSEE STATE EMPLOYEES ASSOCIATION

## PRESENT LAW

## NEW BILL

## TSEA'S REQUEST

## ADMINISTRATION RESPONSE

Career employee has a right to a "due process" hearing before being terminated, suspended or demoted.

No hearing or other notification required prior to actions of terminating, suspending or demoting employee.

Right to "due process" hearing restored.

**Refused**

Deadline to file grievance is 15 work days after occurrence (3 weeks)

Deadline to file grievance is 14 calendar days after occurrence (2 weeks)

Expressed concern but agreed not to oppose.



# TENNESSEE STATE EMPLOYEES ASSOCIATION

## RIF Rights

PRESENT LAW	NEW BILL	TSEA'S REQUEST	ADMINISTRATION RESPONSE
Layoff notice time set at 90 days. Time used for job counseling, relocation, etc.	Layoff notice time reduced from 90 days to 30 days.	Restore notice to 90 days.	<b>Refused</b>
	Job counseling and relocation provisions eliminated.	Restore job counseling, relocation, etc.	<b>Refused</b>
Laid-off employee may be transferred to another department if both agency Commissioners and the Human Resource Commissioner all agree.	No transfer provision.	Restore transfer provision	<b>Refused</b>
		Amend Dept. Policy to allow promotions within dept. without going to this re-instatement list	<b>No indication if it will be changed in DOHR rules</b>
When layoffs are required, employees with the most seniority are protected. (Bumping & Retreating)	Seniority is replaced by performance evaluation scores as criteria for layoff protections	Preserve seniority protections (bumping & retreating) or consider compromise offered.	<b>Refused</b>
State employees laid off are given preference if same job type opens up in next two years. (Recall List)	No more preference.  If opening occurs within 12 months, job interview only.	Restore recall list.	<b>Refused</b>

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