

DATE: April 14, 2005

SUBJECT: Rule Revision - Public Higher Education Fee Waivers for State Employees - Chapter 1540-1-4

ACTION RECOMMENDED: Approval

BACKGROUND INFORMATION: In 1990, the General Assembly passed legislation to allow full-time state employees to take one course at any public postsecondary institution for which the standard fees for the course are waived. It was recently determined, in conjunction with the Department of Personnel, that the rules currently exclude another class of full-time employees.

Seasonal full-time appointments are scheduled to work 1600 hours or more per year. The Department of Personnel views these employees as full time and are accorded benefits including longevity and leave accrual eligibility as regular full-time state employees. There are less than 100 positions statewide working a 10 ½ month schedule, so this will not have a significant impact.

By approving this agenda item, you are adopting two identical sets of rules; public necessity rules that will become effective immediately upon filing with the Secretary of State, and proposed rules that will follow the regular rulemaking process.

Proposed Rules
of
Tennessee Higher Education Commission

Chapter 1540-1-4
Public Higher Education Fee Waivers for State Employees

Presented herein are amended rules of the Tennessee Higher Education Commission submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Higher Education Commission to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue to the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in Suite 1900 of Parkway Towers located at 404 James Robertson Parkway, Nashville, Tennessee 37243 and in the Department of State, Administrative Procedures Division, Eighth Floor, William R. Snodgrass Tower, 312 Eighth Avenue North, Nashville, Tennessee 37243 and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of these proposed rules, contact: Rosie Padgett, Suite 1900, Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37243, (615) 741-3605.

Amended Rules

Chapter 1540-1-4-.01 Definitions is amended by deleting paragraph (2) "Full-time Employees of the State of Tennessee or Employee" in its entirety and replacing it with the following new definition:

1540-1-4-.01 Definitions

- (2) Full-time employee of the State of Tennessee: Employee of the executive, judicial or legislative branches of Tennessee state government:
- (a) classified as "full-time" and scheduled to work one thousand nine hundred and fifty (1,950) hours or more per fiscal year; or
 - (b) employees, regardless of classification, and scheduled to work one thousand six hundred (1600) hours per fiscal year and who receive employment benefits provided to all full-time employees.

Legal Contact and/or party who will approve final copy for publication:

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