

5.01.01.06 Leave Transfer Between The State Universities & The College System of Tennessee & State and Local Education Agencies



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Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges, System Office

Purpose

The purpose of this policy is to establish the criteria and process regarding leave transfer between the State University and Community College System and State Agencies.

Policy/Guideline

I. Leave Transfer

- A. Any regular employee of any agency, office or department of the State of Tennessee or of any State college who leaves one of these employers for employment with another without a break in service shall have all annual and sick leave transferred.
- B. Moreover, if an employee leaves the State University and Community College System institutions/Board of Regents System Office and is re-employed with a State agency prior to his/her termination date with the State University and Community College System, he/she shall have all unused annual leave transferred/reinstated to the employing agency and shall not be entitled to payment for annual leave beginning with the date of re-employment.

- C. Any payment for annual leave upon the termination which is later found to have been in violation of this policy shall be repaid to the State University and Community College System institutions/System Office by the terminating employee.
- D. When a former employee who has at least one (1) full year of State employment in good standing returns to full-time service with one of these employers, he/she shall be credited immediately with all sick leave to which he/she was entitled at the time of termination. The last employer shall be responsible for certifying eligibility for this sick leave credit to the re-employing agency, college or university.
- E. If any teacher employed by a local school board in Tennessee leaves the employment of that board in good standing and becomes a full-time state employee within six months of the date of termination, upon certification of accrued and due sick leave by the previous employer, he/she shall be immediately credited with all sick leave to which he or she was entitled at the time of the previous termination.
- F. Teacher is defined pursuant to TCA 8-34-101 (49). "Teacher":
 - 1. Means any person employed in a public school, as a teacher, librarian, principal, superintendent or chief administrative officer of a public school system, administrative officer of a department of education, a supervisor of teachers, a reserve officer training corps (ROTC) instructor, or any other position whereby the state requires the employee to be certificated as a teacher, or licensed as a nurse, physical therapist, or occupational therapist in a public school; provided, that any teacher who has taught in the public schools for a period of at least one (1) year who transfers to a position

- within the Tennessee public school system that does not require a teacher's certificate shall continue participation in the retirement system as a teacher;
2. Does not include a physical therapist or an occupational therapist employed with the Metropolitan Nashville Public Schools District; and
 3. Includes any person who is employed in a public school on or after July 1, 1972, as a guidance counselor but who is not retired as of July 1, 2019.

Sources

Authority

T.C.A. § 49-8-203; T.C.A. § 8-34-101

History

TBR Meetings: August 15, 1975; June 25, 1976; December 2, 1977; June 30, 1978; June 29, 1979; June 26, 1981; September 18, 1981; September 24, 1983; September 30, 1983; June 28, 1985; June 2, 1987; September 16, 1988; September 22, 1989; June 13, 2024.

The provisions of this policy adopted at the August 15, 1975, meeting, became effective on January 1, 1976, and changes in eligibility to earn leave or in the amount of leave earned for a period of service were prospective only.