

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 1—OFFICE OF ADMINISTRATION  
Division 10—Commissioner of Administration  
Chapter 3—Preapproval of Claims and Accounts**

**EMERGENCY AMENDMENT**

**1 CSR 10-3.010 Preapproval of Claims/Accounts and Direct Deposit: Definitions/Examples.** The commissioner is amending section (6).

*PURPOSE:* This amendment revises this rule to clarify the definition of an employee association.

*EMERGENCY STATEMENT:* This emergency amendment clarifies what was originally intended in this rule: that employee associations and labor unions are discrete classifications of vendors under this rule and section 33.103, RSMo. Emergency amendment of this rule is necessary to advance the public's welfare and the compelling governmental interests of conserving scarce taxpayer resources, preserving the legislature's delegated authority, and enhancing administrative efficiency as a conflict has arisen concerning whether single entities can be both a labor organization and an employee association, the resolution of which will advance the foregoing compelling interests, eliminate the conflict, and significantly reduce the potential liability of the Office of Administration relating to its decisions that a labor union which is an exclusive bargaining representative cannot also be an employee association and to cease the deduction of dues of labor unions without existing labor contracts in accordance with this rule.

*The labor unions in question, who are exclusive bargaining representatives, have suggested that they qualify for dues deductions as employee associations under the existing rule, and while the Office of Administration strongly disagrees with their interpretation and additionally does not believe the labor unions have the ability to recover damages in any potential litigation, this emergency amendment will leave no doubt as to the proper qualifications for dues deductions once it is effective and will therefore resolve the conflict in favor of section 33.103's discretionary grant of authority to the Office of Administration and reduce the state's exposure to the threat of an adverse litigation result more than a proposed amendment alone. Emergency amendment of this rule is also necessary to preserve the compelling governmental interests of reduced administrative uncertainty and increased governmental efficiency by "organiz[ing] the work of the office of administration in such manner as to obtain maximum effectiveness of the personnel of the office" pursuant to section 37.010.4, RSMo. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commissioner believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. This emergency amendment was filed February 11, 2020, becomes effective February 27, 2020, and expires August 24, 2020.*

(6) The following are the requirements established to allow payroll deductions from employee compensation for authorized voluntary products:

(A) Definitions. The following terms and meanings apply to vendor payroll deductions:

1. Vendor - any private insurance carrier or company, a labor union, an employee association, or credit union;
2. Labor union - an exclusive state employee bargaining representative established in accordance with sections 105.500-105.530, RSMo;
3. Employee association - an organized group of state employees that has a written document, such as bylaws, which govern its activity, and that is not an exclusive bargaining representative for state employees established in accordance with sections 105.500-105.530, RSMo;
4. Credit union - a financial institution located in Missouri, which has a state charter and is insured by an agency of the United States government or credit union share guarantee corporation approved by the director of the Missouri Division of Credit Unions; and
5. Dues - a fee or payment owed by an employee to a labor organization as a result of and relating to employment in a bargaining unit covered by an existing labor agreement or a payment owed by an employee for membership in an employee association;

*AUTHORITY:* sections 33.030(3), 33.103, 370.395, and 536.023, RSMo 2016. Original rule filed Aug. 15, 1994, effective Jan. 29, 1995. Amended: Filed Oct. 3, 2018, effective May 30, 2019. Emergency amendment filed Feb. 11, 2020, effective Feb. 27, 2020, expires Aug. 24, 2020. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

*PUBLIC COST:* This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

*PRIVATE COST:* This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.