

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

**Chapter 36, RSMo.** In addition, it is the duty of the division to—  
[(B)] *Establish and direct a central labor relations function for the state which shall coordinate labor relations activities in individual state agencies, including participation in negotiations and approval of agreements;*

[(C)] *Develop, implement, and administer a central training program of mandatory and elective training for persons employed in management positions in agencies of state government, and encourage and assist in the development of specialized training activities as can best be administered internally by these individual agencies;*

[(D)](B) *Provide aid to departments in personnel matters; and*

[(E)](C) *Develop a career system of state service that will enable the state to utilize all its personnel in as efficient and effective a manner as possible without restrictions of department, agency, or other entity of the executive branch of state government.*

(2) *Personnel Advisory Board. [Within the Division of Personnel is the Personnel Advisory Board consisting of seven (7) members who are nominated by the commissioner of administration and appointed by the governor with the advice and consent of the senate. Four (4) members of the board shall be public members, citizens of the state who are not state employees or officials, of good character and reputation, who are known to be in sympathy with the application of merit principles to public employment. Two (2) members shall be employees of either a merit agency or an agency covered by uniform classification and pay, one (1) a member of executive management, and one (1) a non-management employee. The state equal employment opportunity officer shall be a member of the board. No member of the board, during his/her term of office, or for at least one (1) year prior to that, shall be a member of any local, state, or national committee of a political party or an officer or member of a committee in any partisan political club or organization or hold, or be a candidate for, a partisan public office. An employee member who leaves state employment or otherwise fails to further qualify for the appointment shall vacate the position. The] As imposed upon the Personnel Advisory Board by statute and elsewhere in these rules, the board prescribes rules and approves classification and pay plans prepared by the Division of Personnel. [In addition to these and other duties imposed upon the board by law and elsewhere in these rules, it is also the duty of the board to—]*

[(A)] *Represent the public interest in the improvement of public personnel administration in the state;*

[(B)] *Advise the governor and the director on problems concerning personnel administration;*

[(C)] *Advise and assist the director in fostering the interest of institutions of learning and civic, professional, and employee organizations in the improvement of personnel standards in the public service;*

[(D)] *Make any investigation which it may consider desirable concerning the administration of the personnel subject to this law; and*

[(E)] *Make annual reports, and special reports, as it considers desirable, to the governor and general assembly regarding personnel administration in the state service and recommendations for improvement.]*

(3) *Personnel Director. [The personnel director is appointed by the governor, subject to the advice and consent of the senate, from a list of the five (5) most qualified applicants provided by the Personnel Advisory Board. S/he shall be appointed for a term of four (4) years beginning on July 1 following the election of a governor, which term may be*

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division  
of Personnel  
Chapter 1—Organization and Operation**

**PROPOSED AMENDMENT**

**1 CSR 20-1.010 General Organization.** The board is amending sections (1)–(4) and deleting section (5).

*PURPOSE: This amendment revises this rule pursuant to changes to Chapter 36, RSMo made by Senate Bill 1007 (2018).*

(1) *Division of Personnel. The Division of Personnel is a division of the Office of Administration of the state government. It is responsible for the administration of a uniform system of classification and pay and a system of personnel management [based on merit principles] in accordance with the provisions of the State Personnel Law,*

renewed at its expiration at the option of the governor.] The director, as executive head of the Personnel Division, directs and supervises all its administrative and technical activities.

(A) *Qualifications.* The director must be a person who is familiar with the principles and methods of personnel administration and who is familiar and in sympathy with the application of merit principles and efficient methods of public employment. The personnel director, during his/her term of office or for one (1) year prior to that, shall not be a member of any local, state, or national committee of a political party, be a member of any partisan political club or organization, actively participate in any partisan political campaign, or hold or be a candidate for any partisan public office.

(B) *Duties.* The director, as executive head of the Personnel Division, directs and supervises all its administrative and technical activities including preparation and maintenance of the position classification and pay plans; the recruitment, examination, and certification of eligible job applicants; the review and approval of personnel transactions; the audit and certification of payrolls and the establishment of a system of employee service reports. In addition to the duties imposed elsewhere in these rules, it is also his/her duty to—

1. Attend all meetings of the board and to act as secretary and keep minutes of its proceedings;

2. Establish and maintain a roster of all officers and employees subject to the classification and pay provisions of the State Personnel Law, in which there is set forth for each employee, a record of the class title of the position held; the salary or pay; any change in class title, pay, or status; and other data as may be deemed desirable to produce significant facts pertaining to personnel administration;

3. Appoint, under the provisions of the state personnel law, and with the approval of the board, to fix the compensation of employees of the division, and experts and special assistants as may be necessary to carry out effectively the provisions of the law;

4. Direct the activities of the Personnel Division and its staff and to maintain proper discipline and work standards;

5. Develop, in cooperation with appointing authorities, training programs for employees;

6. Investigate from time-to-time the operation and effect of the law and of the rules and to report findings and recommendations to the board and to the governor;

7. Make annual reports regarding the work of the division and special reports as considered desirable to the board, the general assembly, and to the governor;

8. Perform any other lawful act which is considered necessary or desirable to carry out the purposes and provisions of the law; and

9. Assist the commissioner of administration with personnel work in all state agencies to upgrade and improve the uniform quality of state employment.]

(4) *Methods of Operation.* The Personnel Division conducts its general operations with headquarters in Jefferson City, Missouri. *It also conducts periodic examinations in a number of other locations throughout the state for the convenience of applicants and to meet the needs of the state service.* Public hearings on rule changes and the pay plan are normally held by the Personnel Advisory Board in Jefferson City as are the regular meetings of the board.

[(5) *Public Information Procedures.* Notices of merit system examinations describing eligibility requirements and procedures for filing applications are published by the Division of Personnel, posted in its office, and provided to state agencies and institutions in which positions exist in the class for which the examinations are offered. The Division of

*Personnel will use various means to make applications available which may include paper and electronic forms. Further information concerning examinations available, application procedures, employee appeal rights and procedures for submission of appeals, general merit system provisions and related matters may be obtained from the Jefferson City office of the Division of Personnel.]*

*AUTHORITY:* section 36.070, RSMo [2000] Supp. 2018. Original rule filed July 9, 1947, effective July 19, 1947. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Aug. 17, 2018, effective Aug. 28, 2018, expires Feb. 28, 2019. Amended: Filed Aug. 31, 2018.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Personnel Advisory Board, Attn: Melissa K. Theis, Secretary, 301 W. High St., Room 430, Jefferson City, MO 65101. To be considered, comments must be received no later than the date of the public hearing, November 5, 2018, which is thirty-five (35) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 AM, November 5, 2018, at the Harry S Truman State Office Building, 301 W. High St., Room 430, Jefferson City, MO 65101.

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division  
of Personnel  
Chapter 1—Organization and Operation**

**PROPOSED AMENDMENT**

**1 CSR 20-1.020 Definitions.** The board is amending the rule purpose, section (1), and adding new sections (2)–(5).

*PURPOSE:* This amendment revises this rule pursuant to changes to Chapter 36, RSMo made by Senate Bill 1007 (2018).

*PURPOSE:* This rule defines the meanings of specific words and terms used in the rules of the Personnel Advisory Board and the Personnel Division, including leaves of absence.

(1) Definitions.

(A) *[The following words and terms, used with specific intent throughout these rules or in their administration, are defined for clarity.]* As used in these rules, the following words and terms, unless the [content] context clearly requires otherwise, [shall] have the meaning indicated [as follows] below:

[1. *Agency, state agency, or agency of the state means each department, board, commission or office of the state, except for offices of the elected officials, the general assembly, the judiciary, and academic institutions;]*

[2.]1. Allocation means the assignment of an individual position to an appropriate class, multiple classes, or class and band on the basis of the duties, authority, and responsibilities of the position;

[3. *Appointing authority means an officer or agency subject to the law having power to make appointments to positions under the law;]*

[4.]2. Appointment means the lawful hiring of an individual by an appointing authority;