

# Emergency Rules

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

**EMERGENCY 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).

*EMERGENCY STATEMENT:* This emergency amendment incorporates and implements changes to the law effected by Senate Bill 1007 (2018), effective August 28, 2018. Emergency amendment of this rule is necessary to preserve the compelling governmental interest of successfully implementing the changes to Chapter 36, RSMo made by Senate Bill 1007 (2018) across the departments and agencies of the executive branch of Missouri state government. Provisions of the existing rule are inconsistent with the provisions of Chapter 36, RSMo, effective August 28, 2018, and must be amended to avoid confusion or improper application, avoid potential liabilities, and ensure consistent implementation of Senate Bill 1007 (2018). A proposed amendment which covers the same material will be filed at a later date to be published in the *Missouri Register*. 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 Personnel Advisory Board believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 17, 2018, becomes effective August 28, 2018, and expires February 28, 2019.

(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, **Chapter 36, RSMo**. In addition, it is the duty of the division to—

(A) Promote uniformity in employment conditions and compensation of state employees;

[(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 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

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*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. An emergency amendment covering this same material will be published in the October 1, 2018, issue of the **Missouri Register**. A proposed amendment covering this same material will be filed at a later date to be published in the **Missouri Register**.*