

(4) For the purposes of leaves of absence as set out in 1 CSR 20-5.020, an eligible employee shall be defined as—

(A) Any employee of the state of Missouri covered by the provisions of section 36.350, RSMo; and

(B) Any state paid employee of elected state officials, specifically employees of the Offices of the Governor, Lieutenant Governor, Secretary of State, State Auditor, Treasurer, Attorney General, Houses of the Missouri State Legislature, the Missouri State Judiciary, Missouri State Courts Administrator, Missouri Consolidated Health Care Plan, Missouri State Employees' Retirement System, and other state funded public entities, shall be considered eligible employees under 1 CSR 20-5.020 upon submission of written certification of adherence to the provisions of 1 CSR 20-5.020 and acceptance by the Personnel Advisory Board of the public entity for coverage under the rule.

(5) Records. Pursuant to section 36.420, RSMo, the records of the Personnel Division, except examinations, service reports, personal histories, and other records that are or may be closed pursuant to Chapter 610, RSMo, shall be public records and shall be open to public inspection, during regular office hours at reasonable times and in accordance with procedures as the board may prescribe.

AUTHORITY: section 36.070, RSMo Supp. [1998] 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 RESCISSION

1 CSR 20-1.030 Personnel Rules. This rule stated the general purpose of the rules of the Personnel Advisory Board and Personnel Division and provided for amendment and compliance.

PURPOSE: This rule is being rescinded because it is largely duplicative of provisions of Chapters 36 and 536, RSMo.

AUTHORITY: section 36.070, RSMo 2000. Original rule filed July 9, 1947, effective July 19, 1947. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Aug. 31, 2018.

PUBLIC COST: This proposed rescission will not cost state agencies

or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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

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

PROPOSED AMENDMENT

1 CSR 20-1.040 [Merit System] Unclassified Service. The board is deleting sections (1) and (3), amending existing section (2), amending the title and purpose statement.

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

PURPOSE: This rule defines the [classified and] unclassified service of the state under coverage of [all provisions of] the State Personnel Law.

[(1) The Classified Service. The classified service shall consist of and all provisions of the State Personnel Law and these rules, including those provisions which relate to selection, appointment, pay, tenure and removal, shall apply to those agencies enumerated in subsection (1)(A) of this rule and other agencies as may be provided for by law or regulations for grant-in-aid programs to maintain personnel standards on a merit basis, except those offices, positions and employees enumerated in subsection (1)(B) of this rule.

(A) All offices, positions and employees of the Department of Mental Health, the Department of Social Services, the Department of Corrections, the Department of Health, the Division of Employment Security, Mine Safety and On-Site Consultation Sections of the Division of Labor Standards, and Administration Operations of the Department of Labor and Industrial Relations, the Department of Natural Resources, the Office of Administration, the Missouri State Water Patrol, the Missouri Veterans' Commission, Capitol Police, and State Emergency Management Agency of the Department of Public Safety, the Divisions of Tourism and Job Development and Training, the Missouri Housing Development Commission and the Office of Public Counsel of the Department of Economic Development.

(B) As provided for in section 36.031, RSMo, persons employed or appointed as attorneys are covered by those provisions of the rules governing classification and pay, but are not subject to those provisions of the State Personnel Law and these rules governing selection, appointment, tenure or removal.]

[(2)](1) [The Unclassified Service.] Certain positions may be established and filled without regard to provisions of the State

Personnel Law or of these rules which relate to the classification and allocation of positions or which relate to the selection, appointment, compensation, [tenure] and removal of persons employed in these positions. The following positions [in the agencies covered by the State Personnel Law], as well as others that may be provided in law, including section 36.030.2, RSMo, comprise this unclassified service[, except that merit status will be retained by incumbents of positions which previously have been subject to the law]:

[(A)] Within each department established by law, the departmental director, and five (5) principal assistants designated by the departmental director;

[(B)] Within each division of service, the division director, and three (3) principal assistants designated by the division director, except that the exemptions for principal assistants shall not apply to the Division of Personnel;]

[(C)](A) Deputy(ies) or other policy-making assistants to the unclassified department director or division director as warranted by the size and complexity of the organization and as approved by the Personnel Advisory Board. Appointing authorities shall submit to the board a written request for each unclassified deputy or other policy-making assistant position describing the size and complexity of the organization, the reasons for requesting the unclassified position, and the relationship of the proposed position to other administrative positions in the agency both classified and unclassified. The duties assigned to unclassified deputies or other policy-making assistants shall not be designed to replace a classified position occupied by an incumbent or to result in the downward reclassification, layoff, or demotion of an incumbent of a classified position;

[(D)](B) The administrative head of each state medical, penal, and correctional institution, as warranted by the size and complexity of the organization and as approved by the board in the same manner and under the same conditions as provided for unclassified deputies and other policy-making assistants; and

[(E)] Members of boards and commissions and one (1) principal assistant for each board or commission when the members are appointed by the governor or by a director of a department of the executive branch of government;

[(F)] Chaplains and attorneys regularly employed or appointed in any department or division subject to this law, except as provided in section 36.031, RSMo;

[(G)] Patients or inmates in state institutions who also may be employees of those institutions;

[(H)] Persons employed in an internship capacity in a state agency or institution as a part of their formal training at a college, university, business, trade, or technical school except that by appropriate resolution of the governing authorities of any such agency or institution, the Division of Personnel may be called upon to assist in selecting persons to be appointed to internship positions;

[(I)] Persons employed in work assignments with a geographic location principally outside the state of Missouri;

[(J)] Special assistants as designated by an appointing authority, except that the number of such special assistants shall not exceed one percent (1%) of a department's total authorized full-time equivalent workforce. The number of special assistants allowed in each department will be determined at the beginning of each fiscal year based on the department's budget as authorized in the previous legislative session, and the authorized number of special assistants shall apply throughout the fiscal year, unless an appointing authority requests a special review during the year because of a significant change in a department's authorized work force; and]

[(K)](C) Other persons whose employment is such that standard selection [by competitive examination] and standard classification and compensation practices are not practical under all circumstances as determined by the director. The circumstances which justify that determination shall include the following:

1. Cooperative education programs with secondary schools involving part-time employment of students;

2. Positions involving short-term, part-time, or intermittent work schedules which do not exceed the equivalent of one-half (1/2) time in a year, except that this rule will not be used to [retain] maintain permanent[, or] continuing [employees] employment, or both, in a division of service;

3. New positions for which allocation to an existing class is not practicable when those positions must be filled pending a review of the duties involved and preparation of a class specification for approval by the board;

4. Interns, trainees, and participants in special state or federal training, rehabilitation, or employment programs providing that the objectives of these programs are best served by selection or allocation procedures other than those based on competitive examination or uniform classification and pay; or

5. Situations in which the special needs of the service cannot be met by other appointment or classification and pay procedures provided in these rules.

[(3)] *Conflicting Employment. No employee shall have conflicting employment while in a position subject to the provisions of the law. Each division of service will establish a procedure regarding outside employment and other activities that could potentially be in conflict with the mission and objectives of the division of service or the state service. This procedure will require that employees inform management of outside employment and will include a provision whereby either the employee or the appointing authority may request a determination from the Personnel Advisory Board.]*

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

PROPOSED AMENDMENT

1 CSR 20-1.045 [Uniform Classification and Pay] Covered Service. The board is amending section (1), deleting sections (2) and (3), amending the title and purpose statement.

PURPOSE: This amendment revises this rule pursuant to changes to