

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.]

*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 20-1.045 [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

Chapter 36, RSMo made by Senate Bill 1007 (2018).

*PURPOSE: This rule defines the covered [and exempt] service of the state under coverage of the uniform classification and pay provisions of the State Personnel Law contained in section 36.031, RSMo.*

(1) *[The Covered Service.]* The covered service shall consist of, and the uniform classification and pay provisions of the State Personnel Law and these rules shall apply to, all offices, positions, and employees of those departments and agencies of the executive branch of state government[, including attorneys, except for the elective offices, institutions of higher learning, the Department of Highways and Transportation, the Department of Conservation, those positions in the Missouri State Highway Patrol, the compensation of which is established by sections 43.070 and 43.080, RSMo, those positions for which the Missouri Constitution specifically provides the method of selection, classification or compensation, and employees within these agencies as are specifically exempted from the uniform classification and pay provisions of the law (see section 36.031, RSMo)] as specified in Chapter 36, RSMo.

*[(2) The Exempt Service. The following offices and positions in the agencies covered by the uniform classification and pay provisions of the law comprise the exempt service and are exempt from the operations of the law and of these rules and may be established without regard to those provisions which relate to the allocation and compensation of positions in those agencies:*

*(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;*

*(C) Deputy(ies) or other policy-making assistants to the exempt 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 exempt deputy or other policy-making assistant position describing the size and complexity of the organization, the reasons for requesting the exempt position and the relationship of the proposed position to other administrative positions in the agency both covered and exempt;*

*(D) 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 exempt deputies and other policy-making assistants;*

*(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 these internship positions;*

*(I) Persons employed in work assignments with a geo-*

*graphic 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 work force. 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) Other persons whose employment is such that standard classification and compensation practices are not practical under all circumstances as determined by the director. The circumstances which justify this 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 permanent, or continuing employees, 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 allocation procedures other than those based on uniform classification and pay; or*

*5. Situations in which the special needs of the uniform classification and pay service cannot be met by the allocation procedures provided in these rules or by allocation through the uniform classification and pay process.*

*(3) Implementation. The personnel director shall conduct job studies and position reviews and establish new and revised job classes as are necessary for appropriate assignment of positions to the covered and exempt services. Upon completion of the job studies and related tasks necessary to integrate an agency into the classification plan administered by the Personnel Advisory Board and Division of Personnel, that agency shall be subject to the rules governing the classification plan as contained in 1 CSR 20-2.010. Following the integration of an agency into the classification plan, compensation of employees within that agency may not exceed the maximum step of the pay range for the class to which their individual position is assigned, except that any employee whose salary exceeds the established maximum at that time will be subject to the provisions of 1 CSR 20-2.020(4)(D)6. The full pay plan provisions contained in 1 CSR 20-2.020 shall be made applicable to the agency when the funds necessary to adjust employees to steps within the assigned pay ranges have been appropriated and made available.]*

*AUTHORITY: sections 36.031 and 36.070, RSMo Supp. [1995] 2018. Original rule filed Feb. 25, 1992, effective Aug. 6, 1992. Amended: Filed May 15, 1996, effective Nov. 30, 1996. 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 20-1.050 Records and Reports.** This rule prescribed the confidentiality of certain records and specified the form in which reports or personnel changes were to be made.

*PURPOSE:* This rule is being rescinded because its two (2) sections have been moved to other rules in this division.

*AUTHORITY:* section 36.070, RSMo 1986. Original rule filed July 9, 1947, effective July 19, 1947. 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.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission 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 2—Classification and Pay Plans**

**PROPOSED AMENDMENT**

**1 CSR 20-2.010 The Classification Plan.** The board is deleting section (1), renumbering thereafter, and amending existing sections (2) and (3).

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

*[(1) Preparation of Plan.* The director shall ascertain the duties, authority and responsibilities of all positions subject

to the law. At the earliest possible date after a division of service or branch becomes subject to the provisions of the law and after consultation with the appointing authority involved, the director shall prepare and recommend to the Personnel Advisory Board a plan for the classification of the affected positions. This plan shall group positions in a division of service in classes, based on their duties, authority and responsibilities. The position classification plan shall set forth for each class of position, a class title and a statement of the duties, authority and responsibilities the knowledges, skills and abilities, and the qualifications that are necessary or desirable for the satisfactory performance of duties of the class; provided that no plan shall be adopted which prohibits the substitution of experience for education for each class of position excepting a class of position as may be designated by the appointing authorities as required to be filled on the basis of educational qualifications in order to comply with federal law or regulations. Upon adoption by the Personnel Advisory Board, the plan for position classification in a division of service shall become part of the general classification plan for the classified and covered service (see section 36.100, RSMo).]

*[(2)](1)* The classification plan shall be maintained as follows:

(A) Revisions of Plan. The classification plan shall be so developed and maintained that all positions substantially similar with respect to the kind, difficulty, and responsibility of work are included in the same class[;] and that the same schedule of pay may be applied with equity to all positions in a class (see section 36.110, RSMo)[.]; [Whenever any change in organization, creation of a new position or change in duties or responsibilities of individual positions makes the revision of the classification plan necessary, the director shall recommend the necessary revisions to the board. Any change in the classification plan recommended by the director shall take effect when approved by the board or on the ninetieth day after it is recommended to the board if the board shall not have previously disapproved it. Whenever, in the opinion of the director, there is an urgent necessity for the immediate establishment of a new class in the classification plan, the director may establish a class on an interim basis, pending approval of the class by the board as recommended by the director. After a class of positions has been approved by the board, the director is authorized to make those changes in the class title or in the statement of duties and required qualifications for the class as the director finds necessary for current maintenance of the classification plan; provided, however, that changes which materially affect the nature and level of a class or which involve a change in salary range for the class shall be approved by the board (see section 36.120, RSMo);]

*[(B) Allocation of New Positions.* Before establishing a new position in a division of service subject to the law, an appointing authority shall notify the director in writing of his/her intention to do so, together with a statement of the duties, authorities and responsibilities to be assigned. The director shall allocate any new position to a class (see section 36.120, RSMo);]

(C) Reallocation of Positions Necessitated by Revisions of Plan. If any change is made in the classification plan by which a class of position is divided, altered or abolished or classes combined or a new class established, the director shall reallocate the positions affected to their appropriate classes in the amended classification plan and shall determine comparability and relative level between the old class and the classes in the revised plan. For positions in the classified service, a regular employee who is occupying a position thus reallocated shall be given status as a regular employee in the class to which his/her position is reallocated, subject to the following conditions (see section 36.120,