

Emergency Rules

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and
Division of Personnel
Chapter 2—Classification and Pay Plans**

EMERGENCY AMENDMENT

1 CSR 20-2.010 The Classification Plan. The board is deleting section (1) 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).

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) 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, RSMo):

1. If the class to which his/her position in the classified service was reallocated is of higher level or of a level similar to the class to which it was previously allocated s/he shall be deemed to have gained status as a regular employee in such class by means of upward or lateral reclassification; provided, however, that the director may require that the employee achieve a satisfactory grade in a noncompetitive test for fitness for the class to which his/her position has been reallocated; and

2. If the class to which his/her position in the classified service was reallocated is of lower level than the class to which it was previously allocated, s/he shall be given status as a regular employee in the class by means of downward reclassification, or s/he shall be transferred to a position in a class of level comparable to the class to which his/her position was previously allocated. In any case in which a regular employee continues in the reallocated position by means of a downward reclassification, his/her name, subject to the approval of the director, may be placed on the reinstatement register for the class to which his/her position was previously allocated or on any other appropriate reinstatement register; and]

[(D)](B) Reallocation of Positions Within the Established Plan. The director may investigate the duties of any position in the classified and covered service subject to the law to determine the correctness of allocation and to provide for maintenance of the classification plan. Before making any permanent and substantial change in the

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duties, authority, or responsibilities of a position 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. If the duties of his/her position are changed, or if at any time an employee does not believe that the duties of the position are appropriate to his/her classification, s/he may make a request in writing to the director for a review of the duties of his/her position, setting forth reasons for the review. If those reasons appear to be substantial, the director shall make an investigation of the position with a view to determining the correctness or incorrectness of the allocation (see section 36.120, RSMo). If a position is found to be incorrectly allocated, the director, at any time, may reallocate the position to its appropriate class in the classification plan. When the allocation of a position is changed, the director shall notify the appointing authority. The appropriate personnel action shall be taken by the appointing authority upon receipt of the notice of reallocation. If the position is filled at the time of reallocation, the appointing authority immediately shall notify the incumbent regarding the allocation change. If the incumbent does not agree with the new allocation, s/he may submit to the director in writing a request for a review of the allocation of the position specifying the reasons why the incumbent believes the allocation is incorrect. **An [regular] employee who is occupying a position [in the classified service] which is reallocated to a different class shall continue in this position only [in accordance with the rules governing promotion, transfer, demotion or, with the approval of the director, by reclassification, except that in any case in which a position is reallocated to a higher class, the position's incumbent, with the approval of the director, may attain regular status in the higher class] if s/he [achieves a satisfactory grade on a noncompetitive test of fitness for the] meets the minimum qualifications for the class to which his/her position was reallocated.**

vice subject to this law under a class title which had not been approved by the director as appropriate to the duties performed (see section 36.130, RSMo).]

AUTHORITY: section 36.070, RSMo [1986] 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.

[(3)](2) Class specifications and class titles shall be provided and used in the classification plan as follows:

(A) Content of Specifications. The director shall provide and may amend as provided in subsection *[(2)(A)] (1)(A)* written specifications for each class in the classification plan. Each of the class specifications shall include a class title, a description of the duties, authority, and responsibilities of the work, the knowledge/s/, skills and abilities, and a statement of the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class;

(B) Interpretation of Class Specifications. The statement in the class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the established classes as determined by their duties and responsibilities and are not to be construed as declaring what the duties or responsibilities of any position may be or as limiting or modifying the power of an appointing authority to assign, direct, and control the work of employees under his/her supervision. The use of a particular expression or illustration as to the duties shall not be held to exclude others not mentioned that are of a similar kind or quality nor shall any specific omission necessarily mean that a factor is not included; **and**

(C) Use in Allocation. In determining the class to which any position should be allocated, the director shall consider the specification describing each class as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, the necessary or desirable knowledge/s/, skills and abilities, the qualifications required, and relationships to other classes/; **and**].

[(D) Class Titles. Following the adoption of the classification plan and the allocation of classes in positions in the classified or covered service, the class titles set forth shall be used to designate those positions in all official records, vouchers, payrolls and communications. No person shall be appointed to or employed in a position in divisions of the ser-