

[(10)](2) Veterans' Preference. In any competitive examination [given] for the purpose of establishing a register of eligibles, veterans, disabled veterans, surviving spouses, and spouses of disabled veterans shall be given preference in appointment and examination as provided by law.

[(A) Amount of Preference. A veteran or a veteran's surviving spouse whose name appears on a register of eligibles and who shall have made a passing grade shall have five (5) points added to his/her final grade, and the rank of that person on the register shall be determined on the basis of this augmented grade. The spouse of a disabled veteran whose name appears on a register of eligibles and who shall have made a passing grade shall have five (5) points added to his/her final grade, and his/her rank on the register shall be determined on the basis of this augmented grade. This preference shall be given only in the event that the veteran is not already employed in the state service and that the disability renders him/her unqualified for entrance into the state service. A disabled veteran whose name appears on a register of eligibles and who shall have made a passing grade shall have ten (10) points added to his/her final grade, and the rank of that person on the register shall be determined on the basis of this augmented grade.]

[(B)](A) Proof of Eligibility. Proof of eligibility for veterans' preference shall be provided by applicants in the form of their discharge papers, a [certified copy, photostatic] copy of their discharge papers, or other satisfactory evidence of honorable service. Applicants also shall submit on a form, as may be required by the director, proof of disability certified by the appropriate federal agency responsible for the administration of veterans' affairs. Any papers submitted to establish proof of service of disability, upon request, shall be returned to veterans.

[(11)](3) Parental Preference. In any competitive examination [given] for the purpose of establishing a register of eligibles, a parental preference shall be given to persons who were previously employed by the state but terminated such employment to care for young children. This preference shall be given only for persons who were full-time homemakers and caretakers of children under the age of ten (10) and were not otherwise gainfully employed for a period of at least two (2) years.

[(A) Amount of Preference. If the name of a person eligible for a parental preference appears on a register of eligibles who made a passing grade, such person shall have five (5) points added to the final grade, and the rank of such person on the register shall be determined on the basis of this augmented grade.]

[(B)](A) Proof of Eligibility. Proof of eligibility for parental preference shall be provided by applicants on a preference claim form and, upon request, other evidence such as birth certificates, income tax returns, or other documents may be required by the director.

[(12) Notification of Examination Results. Each person who takes an examination shall be given written notice as to whether s/he passed or failed the examination and the notice shall include the final passing grade with which his/her name has been placed on the register. Each person competing in an examination shall be entitled to inspect his/her rating and examination papers within thirty (30) days after the mailing of notification of examination results, but examination papers shall not be open to the general public. This inspection shall be permitted only during regular business hours and at the office of the Division of Personnel.]

[(13)](4) Error in [Rating] Examination. A manifest error in [rating] an examination which affects the [relative ranking] appointment of persons [in the examination] shall be corrected if called to the attention of the director within thirty (30) days after the establishment of the register, but this correction shall not invalidate any

appointments previously made from this register unless it is established that the error was made in bad faith and with intent to deprive the person of [certification] consideration.

[(14) Appeals From Rating. Any competitor may appeal to the director for reconsideration of his/her rating in any examination as provided in 1 CSR 20-4.010(1)(B).]

**AUTHORITY:** sections 36.060 and 36.070, RSMo Supp. [2010 and section 36.070, RSMo 2000] 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 3—Personnel Selection, Appointment,**  
**Evaluation and Separation**

**PROPOSED AMENDMENT**

**1 CSR 20-3.020 Registers.** The board is amending sections (1) and (9) and deleting existing sections (2)–(8).

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

(1) Establishment of Registers. The director [shall] may establish and maintain the registers necessary to provide an adequate supply of qualified candidates [for positions in the classified service]. [Registers shall be by class of employment and shall be statewide in application except where these rules or action of the director specifically makes provision for establishment of lists by geographical area or organizational unit.]

[(2) Reinstatement Register. The director shall establish and maintain reinstatement registers which shall contain the names of persons who have been regular employees in a particular class and who have been laid off in good standing or demoted in lieu of layoff, due to lack of work or funds, or the abolition of a position or material changes in duties or organization. Names shall be placed on the reinstatement registers in the order of service credits as determined by these rules and shall remain on the register for a period of three (3) years, except that the director may extend the time during which a name may remain on the register, not to

exceed five (5) years, when the needs of the service so require. In the case of ties in service credits, names shall be placed on the appropriate reinstatement register in the layoff order outlined in 1 CSR 20-3.070(1)(B)3. The director may remove the name of a person from a reinstatement register or refuse to certify his/her name for a position if s/he finds, after giving him/her notice and opportunity to be heard, that the person is not qualified to perform the necessary duties satisfactorily. A regular employee who resigns in good standing is not eligible to be placed on a reinstatement register but is eligible for reemployment without competitive certification from a register as provided in 1 CSR 20-3.030(6).

(3) *Promotional Registers.* The director shall establish and maintain promotional registers for the various classes of positions as s/he deems necessary or desirable to meet the needs of the service. On each promotional register, the eligibles shall be ranked in order of their ratings earned in a test given for the purpose of establishing this register.

(4) *Registers of Eligibles.* The director shall establish and maintain such registers of eligibles for the various classes of positions subject hereto as s/he deems necessary or desirable to meet the needs of the service. Names of eligibles shall be placed on a register of eligibles in the order of their final earned rating plus veterans' preference credit and parental preference.

(5) *Ties in Final Ratings.* In the case of ties in final ratings, the names shall be placed on a promotional register or register of eligibles in the following order: disabled veterans, other persons eligible for veterans' preference and nonveterans.

(6) *Duration of Promotional Registers and Registers of Eligibles.* The time during which a promotional register or register of eligibles shall remain in force shall be one (1) year from the date on which it was officially established by the director, except that, before the expiration of a register, the director, by order, may extend the time during which the register remains in force when the needs of the service so require. In no event shall the total period during which a register is in force exceed three (3) years from the date on which the register was originally established. An order extending the period during which a register is in force shall contain a statement of the reasons for the extension and the order shall be entered in the records of the Personnel Division. The director may consolidate or cancel registers as the needs of the service require and as authorized by these rules (see section 36.320, RSMo). A register established and replenished through a continuous examination program shall remain in force in the manner provided for other registers. However, those names which have been on the register for a period less than three (3) years at the time the register expires, may with the approval of the director, may be consolidated with an active register, providing that the total time during which a name may remain on one (1) or more active registers may not exceed three (3) years.

(7) *Removal of Names From Registers.* The director may remove a name from a register, permanently or temporarily, for any of the following reasons:

(A) Appointment through certification from the register to fill a permanent position;

(B) Appointment to fill a permanent position at the same or higher salary from a different register, provided that any person whose name is removed may have his/her name restored to any register other than the one from which appointment was made by making written application for

action to the director;

(C) Failure to respond within seven (7) working days from the date of mailing to a written inquiry of the director or appointing authority relative to availability for appointment;

(D) Declination of appointment without good reason or under conditions which the eligible previously indicated s/he would accept, unless a waiver is granted by the director in accordance with 1 CSR 20-3.030(3)(G);

(E) Failure to report for duty within the time specified by the appointing authority;

(F) Expiration of the term during which the register remains in force;

(G) Failure to maintain a record of his/her current postal or e-mail address with the division;

(H) Willful violation of any of the provisions of the law or these rules;

(I) In the case of promotional registers, upon separation from the state service or the division for which the register is established;

(J) Upon a finding by the director that the applicant is not qualified to perform the necessary duties or is physically unfit to effectively perform the duties of the position in which s/he seeks appointment;

(K) Addiction to the excessive use of drugs or intoxicating liquor;

(L) Upon a finding by the director that the applicant has been convicted of a crime which brings into question the qualifications of the applicant for the class involved;

(M) Dismissal from the public service for delinquency; and

(N) Submission of false statement of any material fact or the practice or attempt to practice any fraud or deception in an application or examination or in attempting to secure appointment. Any person whose name is removed from a register under subsection (7)(C), (D), (H), (J), (K), (L), (M) or (N) shall be notified promptly by the director, indicating the reasons for removal.

(8) *Restoration of Names to Registers.* An eligible whose name is removed from a register as provided previously may make a written request to the director for restoration of his/her name to the register for the duration of the register. This request shall set forth the reasons for the conduct resulting in removal of the name from the list and shall further specify the reasons advanced for restoration of the name to the register. The director, after full consideration of the request, may restore the name to the register or may refuse the request. The eligible shall be notified of the director's action and may make a written appeal to the Administrative Hearing Commission to review the director's action. A former employee reinstated or reemployed in the state service shall have his/her name restored to any existing promotional register from which it was removed because of separation from the state service, provided the director approves the employee's written application for this action. A probationary or permanent employee whose name has been removed from a divisional promotional register by transfer or original appointment with probationary or permanent status under a new appointing authority may have his/her name placed on the divisional promotional register for the same class in the new division, provided written application, made by the employee during the duration of the register from which the name was removed, is approved by the new appointing authority and the director.]

[(9)](2) *Availability of Eligibles.* It shall be the responsibility of eligibles to notify the Personnel Division [in writing], and any applicable appointing authority, of any change in address or other changes affecting availability for employment. However, the director, or any appointing authority, may [circularize] circulate lists or

use other methods to determine at any time the availability of eligibles. Whenever an eligible submits a *[written]* statement restricting the conditions under which s/he will be available for employment, his/her name may be withheld from all certification, or **from consideration for any employment opportunity**, which does not meet the conditions which s/he has specified. An eligible may file a new *[written]* statement at any time within the duration of an eligible list modifying any prior statement as to conditions under which s/he will be available for employment.

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**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division**  
**of Personnel**  
**Chapter 3—Personnel Selection, Appointment,**  
**Evaluation and Separation**

**PROPOSED AMENDMENT**

**1 CSR 20-3.030 Certification and Appointment.** The board is deleting sections (1), (2), and (6) and amending sections (3)–(5).

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

*[(1) Request for Certification. All vacancies in part-time or full-time positions in the classified service shall be filled as provided in the law and these rules. Whenever an appointing authority proposes to fill one (1) or more vacancies in a class of positions subject to the law, the appointing authority shall submit to the director, as far in advance of the desired appointment date as possible, a requisition for the certification of eligible persons from an appropriate register. The requisition shall contain a statement showing the title and number of the positions to be filled and other information as may be required by the director. The appointing authority shall anticipate these actions sufficiently in advance of the desired appointment date to provide for allocation, certification, appointment, and necessary payroll changes (see section 36.240, RSMo).*

*(2) Method of Filling Vacancies. Upon receipt of a request*

*from an appointing authority for certification of eligibles, the director shall certify the proper number of names from the appropriate register or combination of registers. When sufficient names cannot be certified, the director may authorize a provisional appointment in accordance with the provisions of these rules. The order of precedence of registers from which eligibles are certified shall be as follows: 1) an appropriate reinstatement register; 2) an appropriate promotional register; and 3) an appropriate register of eligibles.*

*(A) When vacancies to be filled in a class occur in a division of service from which employees in the class have been laid off, or demoted in lieu of layoff, certification from the reinstatement register first shall be limited to previous employees of the division of service until all the available employees have been reinstated in order of rank on reinstatement register.*

*(B) When a register of eligibles or a promotional register contains the names of persons who are employed in the division in which the vacancy occurs, the appointing authority may request that the director certify those names in their order ahead of the names on the register. All the names on any of those registers shall be certified before any name on the register next in order of precedence, but the last names on a register may be combined with the first names on the register next in precedence in filling a requisition.*

*(C) If an appointing authority wishes to fill an advanced technical, scientific, or professional position for which, in his/her judgment, appointment from a promotional register is not in the best interests of the service, s/he may request in writing that the personnel director give precedence to certification from a register of eligibles rather than from the promotional register. This request should specify in detail the reasons why the position cannot be satisfactorily filled by promotion. If the director, upon review, approves the request, s/he may authorize certification from the register of eligibles for the class involved.]*

*[(3)](1) Certification of eligibles shall be designed to provide the appointing authorities with a viable tool for efficient selection of an effective work force and shall be governed by the following provisions:*

*[(A) Order of Names Certified. Names shall be certified in order of standing on the register from which certification is made. In filling a vacancy in a permanent position subject to this law, the appointing authority first shall reinstate in rank order from the reinstatement register all previous employees of the division of service who have been laid off or demoted in lieu of layoff, and after that shall be entitled to choose from among the top fifteen (15) ranking available eligibles or the names of available eligibles comprising the top ranking fifteen percent (15%) of available eligibles, whichever is greater, plus such additional eligibles as have a final rating equal to the last eligible in the selection group. Upon request of the appointing authority, the director may also certify, for each additional vacancy to be filled from the same certification, the next five (5) ranking available eligibles plus such additional eligibles as have a final rating equal to that of the last eligible in this expanded selection group. If an eligible has been certified from a register and considered in connection with three (3) appointments by the same appointing authority and personally interviewed by that division of service at least one (1) time, the appointing authority may request that the eligible not be certified in the future from the register involved. However, exclusion shall not affect eligibility for certification to other divisions of service or from other registers. If special requirements of domicile or the possession of special skills are specified by the appointing authority in a requisition and the director finds that these requirements would contribute substantially to the effective*