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# Emergency Rules

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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**

**EMERGENCY 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).

*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) 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

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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.

*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. 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.*