

belief or expression of such belief. Any person who violates the provisions of this section is guilty of a class three election offense, punishable by a term of imprisonment for not more than one (1) year and a fine of not more than two thousand five hundred dollars (\$2,500), or both such fine and imprisonment. Any person convicted of a violation of this section shall lose such person's position in the agency.

(3) *Fraud or Obstruction.* No person shall make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment or in any matter commit or attempt to commit any fraud preventing the impartial execution of the merit system law or these rules. No person, directly or indirectly, shall give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position subject to the law or these rules. No employee of the Personnel Division, examiner, or other person shall defeat, deceive, or obstruct any person in the right to examination, eligibility certification, or appointment under the law, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in a division of service subject to the law. Any person who violates any provision of this section shall be guilty of a misdemeanor (see section 36.160, RSMo).]

[(4)](1) Prohibition of Discrimination.

(A) **Unlawful /D/discrimination proscribed under Missouri law or any applicable federal law** against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration, because of political or religious opinions or affiliations or because of race, creed, color, national origin, ancestry, or any other non-merit factors is prohibited. Discrimination on the basis of age or sex or physical disability is prohibited except where specific age, sex, or physical requirements constitute a *bona fide* occupational qualification necessary to proper and efficient administration.

[(B) *In any case of alleged discrimination for which a review is not provided by the Missouri Commission on Human Rights and Chapter 213, RSMo, or by other provisions of these rules, an applicant or employee who feels adversely affected in an opportunity for employment, in his/her status as an employee, or in his/her condition of employment because of this discrimination, under this rule, may appeal to the Administrative Hearing Commission for a review of the alleged discriminatory action or practice. The request for this review shall be filed by the applicant or employee in writing with the Administrative Hearing Commission within thirty (30) calendar days after the date on which the action or practice is alleged to have occurred and shall set forth in substantial detail the particulars and other information as may be required by the Administrative Hearing Commission.*]

*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 enti-

ties 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 4—Appeals, Investigations, Hearings and  
Grievances**

**PROPOSED RESCISSION**

**1 CSR 20-4.010 Appeals.** This rule prescribed the circumstances under which examination applicants and employees may have filed appeals with the Personnel Advisory Board and established the procedures for the hearing of those appeals.

*PURPOSE:* This rule is being rescinded because it is inconsistent with Chapter 36, RSMo, effective August 28, 2018.

*AUTHORITY:* section 36.060, RSMo Supp. 2010 and 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*. Emergency rescission filed Aug. 17, 2018, effective Aug. 28, 2018, expires Feb. 28, 2019. 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 4—Appeals, Investigations, Hearings and  
Grievances**

**PROPOSED AMENDMENT**

**1 CSR 20-4.020 Grievance Procedures.** The board is adding a new section (1) and amending existing sections (1)–(3).

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

**(1) Prohibited Grievance Procedures.**

(A) No state agency may establish a grievance procedure permitting a state employee, including a part-time employee other than a regular employee, to grieve—

1. Any of the following, however any of the same may be denominated, imposed by an appointing authority or anyone acting on the appointing authority's behalf:

- A. Discipline;
- B. Suspension;
- C. Demotion;
- D. Notice of unacceptable conduct or conditional employment;
- E. Leave denial;
- F. Transfer;
- G. Shift change;
- H. Reprimand;
- I. Furlough; or

J. Any employment action that could be alleged to have an adverse financial impact on a state employee.

(B) No state agency may enter into an agreement with a certified bargaining unit providing for the same or any alternative dispute resolution procedure regarding the matters prohibited in subsection (1)(A).

(C) The foregoing prohibitions shall not apply to grievance procedures that allow for the presentation of allegations that one (1) of the types of employment actions described in subsection (1)(A) was taken for a reason prohibited by law.

*[(1)](2) Grievance Procedure Established.* The settlement of differences within the classified service between management and employees shall be provided through the establishment of an orderly grievance procedure *[in] for each [division of service subject to the State Personnel Law] position covered under section 36.030.1(2), RSMo.*

(A) The established grievance procedure in any division of service shall apply to employment conditions and related matters over which the appointing authority has complete or partial jurisdiction and for which redress is not provided by the personnel law, rules, or procedures.

(B) Notwithstanding subsection (A) of this section, an agency may enter into an agreement with a certified bargaining representative that allows for an alternative dispute resolution procedure that a represented employee may elect in lieu of the agency's established grievance procedures or the employee's right to appeal to the Administrative Hearing Commission as provided by the personnel law, rules, or procedures.

(C) Unless an agency has entered into an agreement with a certified bargaining representative that provides otherwise, the grievance procedure shall not apply in instances where the grievance involves personnel transactions or administrative decisions of the appointing authority for which the personnel law or rules provide a specific appeal to the Administrative Hearing Commission. Because the director of the Division of Personnel is not subject to an established grievance procedure, neither a grievance procedure nor alternative dispute resolution procedure may include provisions for grieving decisions made by the director under authority granted by the personnel law or regulations.

(D) The responsibility and authority of appointing authorities to create, promulgate, and enforce operational policies for the efficient and effective operation of the divisions of service is not altered by the ability of employees to use the grievance process to question the application of these policies or to seek clarifications or modifications of them.

*[(2)](3) Objectives of Grievance Settlements.* To every extent possible, the grievance procedure shall be designed to—

- (A) Resolve the grievance quickly;
- (B) Settle the disagreement informally at the employee-supervisor level, when possible;
- (C) Correct, if possible, the cause of the grievance to prevent future similar complaints; and
- (D) *[Assure] Promote* fair and equitable treatment of *[all]* employees and to promote harmonious relations generally among employees, supervisors, and administrative staff.

*[(3)](4) Management Responsibility.* *[Each appointing authority shall prepare and submit to the personnel director for review, for the purpose of ascertaining conformance with this rule, formal written procedures for submission of grievances by employees and for prompt and orderly consideration and determination of the grievances by supervisors and administrators. The appointing authority shall be responsible for carrying out the provisions of the grievance procedure.]*

(A) Unless an agency has entered into an agreement with a certified bargaining representative that provides for an alternative method of resolving grievances which includes subjects for which redress is provided by the personnel law, rules, or procedures, the grievance procedures of each division of service shall distinguish between issues subject to review through personnel law, rules, or procedures and other matters subject to the grievance procedure. If there are separate procedures for filing internal complaints of discrimination, sexual harassment, retaliation for grievances, or other matters, these shall also be identified.

(B) The grievance procedure shall include the following minimum provisions:

1. Except where the agency has a separate procedure as stated in subsection (3)(A), or unless the agency has entered into an agreement with a certified bargaining unit representative that provides otherwise, the procedure shall begin with the immediate supervisor and, if not resolved to the satisfaction of the grievant at the beginning or succeeding steps, shall end with the appointing authority;

2. The procedure shall require that the grievance and responses be in written form beginning at the first step, unless agreed to by both parties. A copy of all written responses will be delivered to the grievant. A copy of all written grievances and responses will be filed with the appointing authority or his/her designated representative;

3. The procedure shall include specific time frames for filing and responding to grievances at each step. The procedure may include a method of extending time frames initiated by the grievant or management, or both;

4. The procedure shall include a provision prohibiting retaliation or harassment for filing a grievance and for investigating charges of alleged retaliation or harassment. Each agency must give employees alleging retaliation for grievances an opportunity to address this allegation to a higher level than the alleged incident;

5. The procedure shall permit group as well as individual grievances;

6. The procedure shall allow the grievant reasonable time off from duty for attendance at formal grievance hearings; and

7. The procedure shall include a method for informing all employees of the existence of the grievance procedure and for providing a copy of the grievance procedure and appropriate forms to employees desiring to file a grievance.

*AUTHORITY: sections 36.025 and 36.070, RSMo [2000] Supp. 2018. Original rule filed Dec. 8, 1975, effective Dec. 19, 1975. 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 30—Division of Facilities Management, Design  
and Construction  
Chapter 2—Capital Improvement and Maintenance  
Budget**

**PROPOSED RESCISSION**

**1 CSR 30-2.020 Definitions.** This rule defined terms and definitions of those terms, as used in the rules under this chapter for the Capital Improvement and Maintenance Budget.

*PURPOSE:* This rule is being rescinded because information contained in this rule will be included with the annual budget instructions from the Division of Budget and Planning within the Office of Administration.

*AUTHORITY:* sections 8.320, 8.360, and 33.220, RSMo 2000. Original rule filed July 9, 1981, effective Feb. 15, 1982. Emergency amendment filed June 14, 1985, effective July 1, 1985, expired Oct. 29, 1985. Amended: Filed June 14, 1985, effective Aug. 26, 1985. Rescinded and readopted: Filed Nov. 5, 2007, effective June 30, 2008. 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 TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Office of Administration, PO Box 809, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 1—OFFICE OF ADMINISTRATION  
Division 30—Division of Facilities Management, Design  
and Construction  
Chapter 2—Capital Improvement and Maintenance  
Budget**

**PROPOSED RESCISSION**

**1 CSR 30-2.030 Assessment Program Planning.** This rule established requirements and provided guidance for the assessment programs which are utilized for Capital Improvement and Maintenance funding.

*PURPOSE:* This rule is being rescinded because information contained in this rule will be included with the annual budget instructions from the Division of Budget and Planning within the Office of Administration.

*AUTHORITY:* sections 8.320, 8.330, 8.360, and 33.220, RSMo 2000. Original rule filed July 9, 1981, effective Feb. 15, 1982. Emergency amendment filed June 14, 1985, effective July 1, 1985, expired Oct. 29, 1985. Amended: Filed June 14, 1985, effective Aug. 26, 1985. Rescinded and readopted: Filed Nov. 5, 2007, effective June 30, 2008. Rescinded: Filed Aug. 31, 2018.

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**Title 1—OFFICE OF ADMINISTRATION  
Division 30—Division of Facilities Management, Design  
and Construction  
Chapter 2—Capital Improvement and Maintenance  
Budget**

**PROPOSED RESCISSION**

**1 CSR 30-2.040 Budget Preparation.** This rule established requirements, organization and content for the Capital Improvement and Maintenance Budget submission.

*PURPOSE:* This rule is being rescinded because information contained in this rule will be included with the annual budget instructions from the Division of Budget and Planning within the Office of Administration.

*AUTHORITY:* sections 8.320, 8.360, and 33.220, RSMo 2000. Original rule filed July 9, 1981, effective Feb. 15, 1982. Emergency amendment filed June 14, 1985, effective July 1, 1985, expired Oct. 29, 1985. Amended: Filed June 14, 1985, effective Aug. 26, 1985. Rescinded and readopted: Filed Nov. 5, 2007, effective June 30, 2008. Rescinded: Filed Aug. 31, 2018.

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