

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 4—Appeals, Investigations, Hearings and Grievances

1 CSR 20-4.020 Grievance Procedures. The Personnel Advisory Board is amending section (1).

PURPOSE: This amendment removes prohibitions on state agencies' ability to establish grievance procedures for employees to grieve certain employment actions.

(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] a dismissal or any other action that would limit the right to terminate employment at-will.

(B) Subsequent to the effective date of this rule, 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)] a dismissal or any other employment action* was taken for a reason prohibited by law.

(D) A "grievance procedure" as used in this section means a right to a process or practice whereby an employee could have a decision addressing any of the foregoing matters reviewed either within or outside the employee's agency.

(E) The prohibition on the creation of a grievance procedure contained in this section does not prohibit a state agency from adopting policies allowing for the reporting of instances of unlawful discrimination or other illegal acts, as well as policies permitting the agency the discretion to review and address other employee concerns regarding other employees, facilities, or other aspects of their work environment. Such policies are specifically excluded from the grievance procedures prohibited by this rule.

(F) The grievance procedure found in sections (2)–(4) of this rule shall not apply to state employees, including part-time employees, other than regular employees. **This section does not prevent an employing agency from bargaining over a grievance procedure addressing employment actions other than dismissal, so long as no terms affect the employing agency's right to terminate at will non-regular employees.**

AUTHORITY: sections 36.025 and 36.070, RSMo Supp. 2018. Original rule filed Dec. 8, 1975, effective Dec. 19, 1975. Amended: Filed Dec. 1, 1992, effective July 8, 1993. Amended: Filed Sept. 16, 2002, effective March 30, 2003. Amended: Filed April 14, 2005, effective Nov. 30, 2005. Emergency amendment filed Aug. 27, 2010, effective Sept. 7, 2010, expired March 5, 2011. Amended: Filed Aug. 27, 2010, effective Feb. 28, 2011. Emergency amendment filed Aug. 17, 2018, effective Aug. 28, 2018, expired Feb. 28, 2019. Amended: Filed Aug. 31, 2018, effective Feb. 28, 2019. Amended: Filed February 3, 2023.*

**Original authority: 36.025, RSMo 2018 and 36.070, RSMo 1945, amended 1979, 1995, 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 TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Personnel Advisory Board, Attn: Alyssa Bish, Secretary, 301 W. High St., Room 430, Jefferson City, MO 65101. 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.*