

right to appeal the deduction pursuant to this rule; and

C. The Division of Accounting will provide notice of the deduction to the state agency no later than when notice is provided to the employee.

(3) Appeal Procedure.

(A) Timing of Appeal. Appeals of deductions must be received in hard-copy by mail or hand-delivery in the Office of the Commissioner, State Capitol Building, Room 125, PO Box 809, Jefferson City, Mo 65102-0809, no later than thirty (30) calendar days after the later of the date notice is sent to the employee or the effective date of the deduction from the employee's compensation warrant, or by the next working day thereafter if the appeal period ends on a weekend or holiday. For example, if an employee was paid on January 15, received notice of the deduction prior to that date, and wishes to appeal a deduction taken from that paycheck, an appeal must be received no later than February 14, or by the next working day thereafter if February 14 falls on a weekend or holiday.

(B) Effect of Appeal on Pending Deduction. The submission of an appeal prior to the effective date of the deduction will not prevent the deduction from occurring so long as the state agency and/or Division of Accounting have complied with the applicable deduction procedure described in this rule, except in instances where a final decision is reached to modify the amount of the deduction or reverse the deduction with sufficient time remaining to effectuate the final decision prior to the deduction.

(C) Contents of Appeal. Appeals should set out in clear, concise language the employee's understanding of the events preceding the deduction, any inaccuracies in the state agency's communications to the employee regarding the deduction, the reason(s) why the employee believes the deduction is inappropriate, and attach all evidence supporting the employee's position.

(D) Standard of Review. Appeals shall involve a review of the appropriateness of the deduction in light of all of the relevant facts and law.

(E) Optional Hearing. The commissioner or his/her designee may or may not decide to hold an informal hearing to gather additional information regarding the deduction. It is expected that the employee, one or more representatives of the state agency, and/or one (1) or more representatives of the Division of Accounting will attend this hearing if held. The employee may request that the commissioner or his/her designee allow the attendance of individuals with first-hand knowledge relevant to the deduction. The parties shall all proceed in a respectful and orderly fashion as directed by the commissioner or his/her designee so as to allow the commissioner or his/her designee the opportunity to gather information regarding the deduction.

(F) Final Decision. At any time following the receipt of a timely appeal of a deduction after sufficient information has been gathered to make an informed decision, the commissioner shall issue a written decision disposing of the employee's appeal by either upholding the deduction, modifying the amount of the deduction, or reversing the deduction. The employee may request a stay of the appeal pending the resolution of other relevant administrative, civil, or criminal proceedings and the commissioner or his/her designee may rule on the request in an exercise of their discretion. Any unrulable request for stay will be presumed denied.

(4) Appeals from Final Decisions. Final decisions of the commissioner under this rule may be appealed pursuant to section 536.150, RSMo.

*AUTHORITY: sections 33.103 and 536.023, RSMo 2016. Emergency rule filed April 16, 2020, effective April 30, 2020, expires Oct. 30, 2020. Original rule filed April 16, 2020.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule 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 rule 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 20—Personnel Advisory Board and Division of Personnel**  
**Chapter 5—Working Hours, Holidays and Leaves of Absence**

**PROPOSED RULE**

**1 CSR 20-5.030 Borrowed Leave**

*PURPOSE: This rule provides for borrowed leave use and availability in response to Coronavirus Disease 2019 (COVID-19).*

(1) Scope. This rule establishes the availability and eligibility requirements of borrowed leave within state agencies subject to section 36.350, RSMo, notwithstanding any other rule in this chapter to the contrary. The board expects that section (2) of this rule will be rescinded when the availability of borrowed leave in response to the COVID-19 pandemic is no longer necessary.

(2) Borrowed Leave.

(A) State agencies may permit employees who have exhausted their sick leave balance to borrow against future sick leave accruals in circumstances caused directly or indirectly by COVID-19 as specified in this rule.

(B) Borrowed leave may be approved by state agencies in accordance with a written interagency memorandum issued by the Commissioner of the Office of Administration. The board does not anticipate that this memorandum will substantially affect the legal rights of, or procedures available to, the public or any segment thereof, because it only impacts the internal management of state agencies. In response to the exigencies created by the COVID-19 pandemic, the memorandum may describe any of the following:

1. The circumstances in which borrowed leave may be approved;
2. The amount of borrowed leave available, which may vary by circumstance;
3. Documentation requirements applicable to borrowed leave, which may vary by circumstance;
4. Additional requirements applicable upon taking threshold amounts of borrowed leave;
5. The procedure by which borrowed leave will be repaid while the employee remains in state service;
6. The establishment of ShareLeave programs by which eligible employees may donate leave hours to assist recipient employees in the repayment of borrowed leave; and
7. Any other procedures or requirements incident to the administration of leave as the commissioner believes to be appropriate and necessary to address the emergency created by the COVID-19 pandemic.

(3) Repayment of Borrowed Leave. Employees approved to borrow against future sick leave accruals must repay the borrowed leave in full. In addition to repaying borrowed leave with sick leave, the interagency memorandum may specify that other accumulated time may be used by employees and, in the event of separation must be used, to repay borrowed leave. In the event an employee separates from

state service prior to full repayment of borrowed leave, the remaining balance will be deducted from the employee's compensation warrants in accordance with subdivision (4) of subsection 2 of section 33.103, RSMo, and guidelines established pursuant thereto. To the extent the employee's compensation warrants are insufficient to fully repay their borrowed leave balance, collection of the remaining balance is authorized.

*AUTHORITY:* section 36.350, RSMo 2016, and sections 36.060 and 36.070, RSMo Supp. 2019. Emergency rule filed April 16, 2020, effective April 30, 2020, expires Oct. 30, 2020. Original rule filed April 16, 2020.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule 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 rule with the Personnel Advisory Board, Attn: Casey Osterkamp, 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.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 2—Health Requirements for Movement of  
Livestock, Poultry and Exotic Animals**

**PROPOSED AMENDMENT**

**2 CSR 30-2.005 Vesicular Stomatitis Restrictions on Domestic and Exotic Ungulates (Hoofed Animals) Entering Missouri.** The director is amending section (1).

*PURPOSE:* This amendment reflects current scientific research on Vesicular Stomatitis disease control.

(1) In addition to any other entry requirements, any domestic or exotic ungulate(s) (hoofed animal) originating from a [state] county affected with Vesicular Stomatitis, meaning a [state] county with a premises under quarantine for Vesicular Stomatitis, must meet the following requirements:

(B) The Certificate of Veterinary Inspection must be issued within seven (7) days prior to entering Missouri and must state that the animals listed are free of clinical signs of Vesicular Stomatitis and have not been exposed to Vesicular Stomatitis or located [within ten (10) miles of] on a premises quarantined for Vesicular Stomatitis within the past [thirty (30)] fourteen (14) days.

(C) These requirements shall remain in place until a quarantine release has been issued for all affected premises in the [state] county from which the animal originates.

*AUTHORITY:* section 267.645, RSMo [2000] 2016. Emergency rule filed July 14, 1995, effective July 24, 1995, expired Nov. 20, 1995. Original rule filed Aug. 15, 2005, effective March 30, 2006. Amended: Filed April 30, 2020.

*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 by website: <https://agriculture.mo.gov/proposed-rules/> or by mail: Missouri Department of Agriculture, attn: Dr. Steve Strubberg, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days of publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 40—Family Support Division  
Chapter 2—Income Maintenance**

**PROPOSED AMENDMENT**

**13 CSR 40-2.160 State Hearing Procedures.** The department is updating sections (1)-(8) and adding new sections (9)-(18) that cover discovery, continuances, representation, dismissal, and timely hearing decisions.

*PURPOSE:* The department is amending the entire rule to conform to changes in federal and state law, particularly federal regulations and state laws that have been issued since 1990. The amendment also accounts for changes in technology, and addresses issues that commonly occur in the appeals process and that the rule, in its current form, does not address.

(1) [If an Old Age Assistance, Nursing Care, Aid to Dependent Children, General Relief, Permanent and Total Disability Assistance or Aid to the Blind application is not acted upon within a reasonable length of time after the filing of the application or is denied in whole or in part, or if any benefits are cancelled or modified and concurrently with each reinvestigation, the applicant or recipient shall be notified in writing by the county family services office of his/her right to appeal to the director of the Division of Family Services; however, those recipients receiving the maximum payment allowed by law will not be notified of their right to appeal on the basis of the amount of grant, following the completion of a reinvestigation of their case. (Original rule filed Sept. 26, 1951, effective Oct. 6, 1951.)] This rule outlines the procedure for participant appeals resulting from the operation of the programs administered by the Missouri Department of Social Services pursuant to section 208.080, RSMo. For anything in this rule that conflicts with appeals of decisions regarding Temporary Assistance screening or testing for illegal controlled substances, the regulation at 13 CSR 40-2.440 shall control. For anything in this rule that conflicts with a federal or state law or regulation relevant to the program for which the appeal is made, the relevant federal or state law or regulation controls.

(2) Definitions.

(A) "Authorized Representative" means an individual or organization who a participant has legally authorized to act on behalf of the participant in the appeal process as provided for under 13 CSR 40-2.015. Participants shall designate an authorized representative in ways that are approved by the division and are authorized by state and federal law. If the participant is unable to reduce such authorization to writing or to a form approved by the division, the hearing officer or other division employee may assist the participant in doing so as allowed by law.

(B) "Division" means the relevant division of the Department of Social Services to whom a participant is requesting an appeal. Pursuant to section 208.080, RSMo, this shall be either the Family Support Division, Children's Division, or MO HealthNet Division.

(C) "Electronic access account" means the use of available