

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 10—Commissioner of Administration**  
**Chapter 15—Cafeteria Plan**

**PROPOSED AMENDMENT**

**1 CSR 10-15.010 Cafeteria Plan.** The Commissioner is amending sections (1), (2) and (3) and replacing the *Cafeteria Plan for the Employees of the State of Missouri* document referred to in section (2) with an updated version.

*PURPOSE: This amendment makes changes to the benefits available to state and other public entity employees under the State of Missouri's cafeteria plan (the Plan).*

(1) The cafeteria plan for state employees, authorized by section 33.103, RSMo, shall contain the following items:

(A) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost, *[or]* premium **or health savings account contribution** for coverage under any *[plan or program]* **state sponsored health plan** which provides medical benefits or health insurance to or on behalf of any employee or spouse or dependent in the event of illness or personal injury to the employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee;

(B) A provision authorizing the payment through the cafeteria plan, pursuant to a separate but related flexible medical benefits plan, established in conjunction with the cafeteria plan, of amounts expended by a participating employee for medical care of the employee or spouse or dependent, which amounts are not covered or reimbursable to the employee from any other source;

(C) A provision authorizing the payment or reimbursement through the cafeteria plan of employment-related expenses for the care of a spouse or dependent of a participating employee, pursuant to a separate but related dependent care assistance plan of the state, established concurrently with the cafeteria plan;

(D) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any *[plan or program]* **state sponsored health plan** which provides dental benefits or dental insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee;

(E) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any *[plan or program]* **state sponsored health plan** which provides vision care benefits or vision care insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee; and

(F) A provision authorizing a participating employee to reduce his/her future compensation for purposes of participation in the cafeteria plan.

(2) The commissioner of administration shall maintain the cafeteria plan, *[the dependent care assistance plan, and the flexible medical benefits plan,]* in written form, denominated as the *Cafeteria Plan for the Employees of the State of Missouri* included herein.

(3) Voluntary payroll vendors *[that have qualified for inclusion in the Missouri State Employees' Cafeteria Plan under rules set forth in this section and 1 CSR 10-4.010]* **whose products meet the qualifications of Section 125 of Title 26 of the United States Code and Section 33.103, RSMo** must meet the following criteria for solicitation of business on state property:

- (A) The vendor's product must already be qualified by the Office of Administration;
- (B) The vendor may only present the products that *[have qualified for the cafeteria plan]* **qualify under Section 125 of Title 26 of the United States Code and Section 33.103, RSMo**;
- (C) The vendor must schedule solicitation visits with each building manager at least one (1) week in advance. Building managers may make more restrictive policies regarding locations and times of visits as long as the restrictions do not prohibit access to state facilities;
- (D) The vendor must not interrupt employee work time for presentation of products or services or other solicitations;
- (E) The vendor may not utilize employee representatives to distribute product information;
- (F) All marketing materials must have prior approval by the Office of Administration prior to distribution;
- (G) Each vendor must state to employees that their product is not endorsed by the state of Missouri as a state provided benefit and include such statement on all marketing materials; and
- (H) Any vendor violating any one (1) of these criteria may lose their payroll deduction privilege.

## **APPENDIX A MISSOURI STATE EMPLOYEES' CAFETERIA PLAN DOCUMENT**

*AUTHORITY: section 33.103, RSMo Supp. 2012.\* Original rule filed March 15, 1988, effective June 1, 1988. Emergency amendment filed Dec. 13, 1989, effective Dec. 23, 1989, expired April 21, 1989. Amended: Filed Dec. 13, 1989, effective Feb. 25, 1990. Amended: Filed May 15, 1990, effective Sept. 28, 1990. Emergency amendment filed Dec. 4, 1990, effective Jan. 1, 1991, expired April 29, 1991. Amended: Filed Dec. 4, 1990, effective April 29, 1991. Emergency amendment filed Oct. 2, 1991, effective Jan. 1, 1992, expired April 29, 1992. Amended: Filed Oct. 2, 1991, effective Feb. 6, 1992. Emergency amendment filed Aug. 25, 1992, effective Jan. 1, 1993, expired April 30, 1993. Amended: Filed April 25, 1992, effective April 8, 1993. Amended: Filed Aug. 1, 1997, effective Jan. 1, 1998. Emergency amendment filed Dec. 14, 1998, effective Jan. 1, 1999, expired June 29, 1999. Amended: Filed Dec. 14, 1998, effective June 30, 1999. Emergency amendment filed Dec. 15, 1999, effective Jan. 1, 2000, expired June 28, 2000. Amended: Filed Sept. 15, 1999, effective March 30, 2000. Emergency amendment filed Dec. 11, 2000, effective Jan. 1, 2001, expired June 29, 2001. Amended: Filed Feb. 15, 2001, effective July 30, 2001. Emergency amendment filed July 15, 2005, effective Sept. 1, 2005, expired Feb. 27, 2006. Amended: Filed July 15, 2005, effective Dec. 30, 2005. Emergency amendment filed July 14, 2008, effective July 24, 2008, expired Dec. 31, 2008. Amended: Filed July 14, 2008, effective Dec. 30, 2008. Emergency amendment filed Dec. 21, 2010, effective Jan. 1, 2011, expired June 29, 2011. Amended: Filed Dec. 21, 2010, effective July 30, 2011. Emergency amendment filed Dec. 3, 2012, effective Jan. 1, 2013, expired June 29, 2013. Amended: Filed Dec. 3, 2012, effective May 30, 2013. Amended: Filed September 30, 2014.*

*\*Original authority: 33.103, RSMo 1951, amended 1969, 1975, 1977, 1987, 1989, 1990, 1993, 1997, 1998, 1999, 2004, 2005, 2008.*

*PUBLIC COST: This proposed amendment may cost the state up to an average of \$374,000 per year 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 rule with the Commissioner of Administration, P.O. 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.*