

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and [Personnel
Division] Division of Personnel
Chapter 1—Organization and Operation

PROPOSED AMENDMENT

1 CSR 20-1.040 Merit System Service. The Personnel Advisory Board is amending section (3).

PURPOSE: This amendment changes the party from whom either an appointing authority or an employee may request an opinion regarding a question on conflicting employment.

(3) **Conflicting Employment.** No employee shall have conflicting employment while in a position subject to the provisions of the law. Each division of service will establish a procedure regarding outside

employment and other activities that could potentially be in conflict with the mission and objectives of the division of service or the state service. This procedure will require that employees inform management of outside employment and will include a provision whereby either the employee *[of]* or the appointing authority may request *[an opinion]* a **determination** from the *[Ethics Commission]* **director of personnel.**

AUTHORITY: section 36.070, RSMo [Supp. 1997] 2000. Original rule filed July 9, 1947, effective July 19, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 16, 2002.

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 Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing on this proposed amendment is scheduled for 11:00 a.m., Tuesday, December 10, 2002, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

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

PROPOSED AMENDMENT

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

PURPOSE: This amendment allows an agency to include in an agreement with a certified bargaining representative an alternative dispute resolution procedure for personnel transactions or administrative decisions that are currently appealable only to the Personnel Advisory Board.

(1) **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 each division of service subject to the State Personnel Law.

(B) **Unless an agency has entered into an agreement with a certified bargaining representative that provides otherwise, /7/**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 Personnel Advisory Board or review by the personnel director.

AUTHORITY: section 36.070, RSMo [1986] 2000. Original rule filed Dec. 8, 1975, effective Dec. 19, 1975. Amended: Filed Dec. 1, 1992, effective July 8, 1993. Amended: Filed Sept. 16, 2002.

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

PRIVATE COST: This proposed amendment may or may not cost private entities more than five hundred dollars (\$500) in the aggregate.

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FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	1 CSR 20-4.020 Grievance Procedures
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
The following departments could be affected by this proposed amendment: Agriculture, Corrections, Economic Development, Health and Senior Services, Insurance, Labor & Industrial Relations, Mental Health, Natural Resources, Public Safety, Revenue, Social Services and Office of Administration.	Unknown. Whether any cost is incurred is dependent on a number of contingencies: First, whether a department enters into an agreement with a certified bargaining representative; second, whether the agreement contains a provision for alternative dispute resolution such as arbitration, where the agency would pay for a portion of the service; and third, whether any disputes end up in arbitration and whether the agency would in fact incur any costs associated with the arbitration. According to the American Arbitration Association, the average arbitration fee for labor agreement disputes is \$500 per day.

III. WORKSHEET

For arbitration between state agency and certified bargaining representative, assuming the agreement requires the agency to pay half of the costs –

\$250 x unknown number of days

IV. ASSUMPTIONS

The total costs may or may not exceed \$500, depending on the various circumstances set forth above.

FISCAL NOTE**PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	1 CSR 20-4.020 Grievance Procedures
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Potentially any labor union who is a certified bargaining representative for state employees.	N/A	<p>Unknown. Labor unions could incur the cost of arbitration services based on various contingencies: First, whether any state agency enters into an agreement with a certified bargaining representative; second, whether the agreement contains a provision for alternative dispute resolution, such as arbitration; and third, whether any disputes end up in arbitration and whether the union would in fact incur any costs associated with the arbitration.</p> <p>According to the American Arbitration Association, the average arbitration fee for labor agreement disputes is \$500 per day.</p>

III. WORKSHEET

For arbitration between state agency and union, assuming the agreement requires the union to pay half of the costs –

\$250 x unknown number of days

IV. ASSUMPTIONS

The total costs may or may not exceed \$500, depending on the various circumstances set forth above.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

PROPOSED AMENDMENT

1 CSR 20-5.010 Hours of Work and Holidays. The Personnel Advisory Board is amending subsection (2)(D) by deleting paragraph 1. and renumbering the remaining paragraphs accordingly.

PURPOSE: This amendment removes references to monthly pay periods because all agencies are converted to the SAM II system and to semi-monthly pay periods.

(2) Holidays shall be governed by the following provisions:

(D) All full-time employees, regardless of such schedule, shall receive credit for the same number of paid holidays as employees whose regular work schedule is Monday through Friday.

[1. Part-time employees, paid on a monthly pay period, who are in pay status from eighty to one hundred nineteen (80–119) hours in a month, including one-half (1/2) credit for those eligible holidays, shall receive one-half (1/2) credit, and those employees who are in pay status from one hundred twenty to one hundred fifty-nine (120–159) hours in a month, including three-fourths (3/4) credit for those eligible holidays, shall receive three-fourths (3/4) credit. Part-time employees who are in pay status one hundred sixty (160) or more hours in a month, including full credit for those eligible holidays, shall receive full credit. Other part-time employees are not entitled to compensation or credit for holidays not worked.]

[2.] 1. Part-time employees, paid on a semi-monthly pay period, who are in pay status from forty to fifty-nine (40–59) hours in a semi-monthly pay period, including one-half (1/2) credit for those eligible holidays, shall receive one-half (1/2) credit, and those employees who are in pay status from sixty to seventy-nine (60–79) hours in a semi-monthly pay period, including three-fourths (3/4) credit for those eligible holidays, shall receive three-fourths (3/4) credit. Part-time employees who are in pay status eighty (80) or more hours in a semi-monthly pay period, including full credit for those eligible holidays, shall receive full credit. Other part-time employees who are scheduled to work less than one-half (1/2) time in a semi-monthly pay period or who are paid on a per-diem basis are not entitled to compensation or credit for holidays not worked.

[3.] 2. Personnel whose normal duties require them to remain on duty at their workstation for shifts of twenty-four (24) hours or longer shall be exempt from the provisions of this section. Their holidays and holiday compensation shall be as established by the appointing authority, subject to review and approval by the personnel advisory board, consistent with the work schedule necessary to accommodate the safety and convenience of the public;

AUTHORITY: section 36.070, RSMo [Supp.] 2000. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 16, 2002.

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

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Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

PROPOSED AMENDMENT

1 CSR 20-5.020 Leaves of Absence. The Personnel Advisory Board is amending subsections (1)(A), (1)(C) and (1)(D). The board is amending subsection (2)(B). The board is amending subsections (4)(A)–(4)(E) and renumbering accordingly. The board is also amending subsection (8)(B) by adding a new paragraph 5. and renumbering accordingly.

PURPOSE: This amendment removes references to monthly pay periods because all agencies are converted to the SAM II system and to semi-monthly pay periods. Additionally, it amends the rules to avoid pro-rating of an employee's annual and sick leave in the event of a furlough. The amendments regarding military leave allow one hundred twenty (120) hours of such leave in a federal fiscal year and provide clarification relating to the advance notice of military orders and the employee's return to work following military duty. The amendment also acknowledges statutory authorization for time off to serve as a bone marrow or organ donor.

(1) Annual leave or vacation with pay shall be governed by the following provisions:

(A) Employees who are employed on a full-time basis in positions of a continuing or permanent nature shall be entitled to annual leave or vacation with full pay as follows:

[1. If they are paid on a monthly pay period, computed at the rate of ten (10) hours for each calendar month of service in which they are in pay status for one hundred sixty (160) or more hours, until they complete ten (10) years of total state service. Employees who have completed ten (10) years of total state service shall earn annual leave at the rate of twelve (12) hours per month. Employees who have completed fifteen (15) years of total state service shall earn annual leave at the rate of fourteen (14) hours per month;]

[2.] 1. If they are paid on a semi-monthly pay period, computed at the rate of five (5) hours for each semi-month of service, in which they are in pay status for eighty (80) or more hours, until they complete ten (10) years of total state service. Employees who have completed ten (10) years of total state service shall earn annual leave at the rate of six (6) hours per semi-month. Employees who have completed fifteen (15) years of total state service shall earn annual leave at the rate of seven (7) hours per semi-month;

[3.] 2. For the purposes of this rule—

[A. For employees paid on a monthly pay period, this shall mean, any month during which an employee is eligible to earn any annual leave credit under this and subsequent sections shall be a month of state service. For employees paid on a monthly pay period, annual leave will be credited at the rate of one-half (1/2) the full-time accrual rate for months in which the employee is in pay status from eighty to one hundred nineteen (80–119) hours and three-fourths (3/4) the full-time rate for months in which they are in pay

status from one hundred twenty to one hundred fifty-nine (120–159) hours;]

[B.] A. For employees paid on a semi-monthly pay period, any semi-month during which an employee is eligible to earn any annual leave credit under this and subsequent sections shall be a semi-month of state service. For employees paid on a semi-monthly pay period annual leave will be credited at the rate of one-half (1/2) the full-time accrual rate for semi-months in which the employee is in pay status from forty (40) hours and prorated for all hours in which they are in pay status from forty to eighty (40–80) hours;

[C.] B. Personnel whose normal duties require them to remain on duty at their workstation for shifts of twenty-four (24) hours or longer shall be exempt from the provisions of this section. Their annual leave compensation shall be as established by the appointing authority, subject to review and approval by the personnel advisory board, consistent with the work schedule necessary to accommodate the safety and convenience of the public;

[4.] 3. Annual leave shall not be credited to employees who have ceased active duty preliminary to separation from the state service except that this provision shall not apply to an employee who has submitted a formal notice of retirement;

[5.] 4. Except when granted in accordance with subsection (1)(E), annual leave or vacation with pay shall be granted at the times public service will best permit and only on written application approved by the appointing authority;

[6.] 5. Annual leave shall not be credited to any employee while on a paid leave of absence for educational purposes when that leave is for a period of three (3) or more months;

6. Notwithstanding any other provisions to the contrary, any employee placed on a furlough without pay, pursuant to 1 CSR 20-3.070(8), or who voluntarily requests a leave of absence without pay in lieu of being furloughed, shall continue to earn annual leave as if the employee had actually been working during the time of the furlough. Upon approval of the appointing authority, an employee in a position subject to a furlough may take a voluntary leave of absence without pay in lieu of being furloughed;

(C) Employees who are employed on an intermittent or regularly scheduled part-time basis except those employed in positions of limited duration requiring less than the equivalent of six (6) months of full-time employment in any twelve (12)-month period, shall earn annual leave in accordance with the schedule of leave accruals enumerated in *[paragraph(1)(A)2.] subsection (1)(A);*

(D) The maximum allowable accumulation of annual leave shall not exceed *[twenty-four (24) times an employee's current full-time monthly accrual rate or] forty-eight (48) times an employee's current full-time semi-monthly accrual rate.* This maximum accrual shall apply in the following manner:

1. At the close of business on October 31 of any calendar year, unliquidated accumulation of annual leave which exceeds the maximum allowable accumulation shall lapse and credit for the excess leave shall not be carried forward to the month of November;

2. An employee entitled to annual leave who has resigned or otherwise separated from the service shall be entitled to receive reimbursement for the amount of this accrued leave which does not exceed the maximum allowable accumulation;

3. An employee who transfers to another department or who is appointed to a position in another department without break in service shall be entitled to receive reimbursement, under the provisions of subsection (1)(G), for the amount of this accrued leave which does not exceed the maximum allowable accumulation;

4. If, in the initial year of transition to the annual application of the annual leave maximum, an appointing authority finds that there has been a serious reduction in contributions by employees to a ShareLeave program as defined by 1 CSR 20-5.025, the appointing authority may request from the board a temporary authorization to add leave with pay as defined by 1 CSR 20-5.020(8)(B)5. to the ShareLeave balance as a means to maintain the program;

(2) Sick leave shall be governed by the following provisions:

(B) Employees who are employed on a full-time basis in positions of a continuing or permanent nature shall be allowed sick leave with full pay as follows:

[1. If they are paid on a monthly pay period, computed at the rate of ten (10) hours for each calendar month of service in which they are in pay status for one hundred sixty (160) or more hours. Sick leave will be credited at the rate of one-half (1/2) the full-time accrual rate for months in which they are in pay status from eighty to one hundred nineteen (80–119) hours and three-fourths (3/4) the full-time rate for months in which they are in pay status from one hundred twenty to one hundred fifty-nine (120–159) hours.]

[2.] 1. If they are paid on a semi-monthly pay period, computed at the rate of five (5) hours for each semi-month of service in which they are in pay status for eighty (80) or more hours. For employees paid on a semi-monthly pay period sick leave will be credited at the rate of one-half (1/2) the full-time accrual rate for semi-months in which the employee is in pay status from forty (40) hours and pro-rated for all hours in which they are in pay status from forty to eighty (40–80) hours. Sick leave will be credited for semi-months in which they are in pay status;

[3.] 2. Sick leave shall not be credited to employees who have ceased active duty preliminary to separation from the state service except that this provision shall not apply to an employee who has submitted a formal notice of retirement;

[4.] 3. In all cases where an employee has been absent on sick leave, the employee immediately upon return to work shall submit a statement in a form the appointing authority may require indicating that the absence was due to illness, disease, disability or other causes for which sick leave is allowed under these rules. The appointing authority shall establish and advise employees of required procedures for initial and continuing notification by the employee to the appointing authority regarding absence due to illness and for submission of a written request for allowance of sick leave together with proof of illness as the appointing authority deems necessary;

[5.] 4. Sick leave shall not be credited to any employee while on a paid leave of absence for educational purposes when that leave is for a period of three (3) or more months;

5. Notwithstanding any other provisions to the contrary, any employee placed on a furlough without pay, pursuant to 1 CSR 20-3.070(8), or who voluntarily requests a leave of absence without pay in lieu of being furloughed, shall continue to earn sick leave as if the employee had actually been working during the time of the furlough. Upon approval of the appointing authority, an employee in a position subject to a furlough may take a voluntary leave of absence without pay in lieu of being furloughed;

(4) Military leave shall be governed by the following provisions:

(A) Employees who are members of the national guard or any of the reserve components of the armed forces of the United States shall be entitled to leaves of absence from their respective duties, without loss of pay or leave, impairment of performance appraisal, or loss of any rights or benefits to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty under competent orders for a period not to exceed a total of *[fifteen (15) calendar days] one hundred twenty (120) work hours* in any federal fiscal year *[These limitations] (October 1 through September 30).* **Any employee entitled to military leave shall only be charged military leave for any hours which that employee would otherwise have been required to work had it not been for such military leave. The minimum charge for military leave shall be one (1) hour and additional charges for military leave shall be in multiples of the minimum charge. The one hundred twenty (120) work hour limitation** shall not apply to periods of military service during which *[they] employees* are engaged in the service of this state at the call of the governor and as ordered by the adjutant general. *[The employee shall file with the appointing authority an*

official order from the appropriate military authority as evidence of this duty for which military leave with pay is granted.] Other absences required by military duty, not elsewhere provided for in these rules, may be charged to accrued annual leave, compensatory time or leave of absence without pay;

(B) As evidence of military duty for which leave with pay is granted, the employee shall provide to the appointing authority an advance notice, either orally or in writing, of an official order from competent military authorities. When either military necessity prevents the employee from giving advance notice or circumstances make it impossible or unreasonable for the employee to provide advance notice, the notice requirement can be delayed or excused;

[(B)] (C) Employees who are employed in positions of a continuing or permanent nature and who enter the armed forces of the United States for any of the following reasons shall be granted a leave of absence without pay for the period of military training and service required of the employee:

1. Because of an order issued under the Military Selective Service Act (or under any prior or subsequent corresponding law) requiring the employee's induction into the armed forces;

2. Because of an order issued by a military authority calling an employee to active duty from organized units of the national guard, any component of the armed forces of the United States or the public health service reserve, for a period of time in excess of *[that]* **the one hundred twenty (120) work hours of federal military leave** covered by subsection (4)(A);

3. Because an employee enlists in any component of the armed forces of the United States for a period of not more than five (5) years;

4. Because an employee who is a member of a component of the armed forces of the United States voluntarily or involuntarily enters *[upon]* active duty, or whose active duty is voluntarily or involuntarily extended during a period when the President is authorized to order units of the armed forces of the United States to active duty;

5. Because an employee not covered by other provisions of these rules is required to report for active duty for training or inactive duty training in the armed forces of the United States or an organized unit of the national guard; and

6. Because an employee who is a member of a component of the armed forces of the United States or an organized unit of the national guard is ordered to an initial period of active duty for training of not less than twelve (12) consecutive weeks;

[(C)] (D) An employee's return to active status following **military** leave granted under any of the provisions of subsection *[(4)(B)]* (4)(C) shall be subject to the following rules:

1. *[The employee shall make application for return to active status within ninety (90) days after being relieved from training or service or from hospitalization continuing after discharge for a period of not more than one (1) year, except that employees entering the service under paragraph (4)(B)6. of this rule must make application for reemployment within thirty-one (31) days;]* **The time frame for an employee's return to employment depends on the length of military service performed by the employee. If military service was from one to thirty (1-30) days, the employee shall report at the beginning of the first regularly scheduled workday or eight (8) hours after the end of the military duty; if military service was between thirty-one (31) and one hundred eighty (180) days, application for return to employment must be submitted not later than fourteen (14) days after completion of military duty; if military service was more than one hundred eighty-one (181) days, application for return to employment must be submitted not later than ninety (90) days after completion of military duty. The application for return to employment may be extended to a period of not more than two (2) years when an employee suffers service-related injuries and continues to be hospitalized after discharge. An appointing authority may require the returning employee to pro-**

vide documentation of the length and character of his/her military service to assist in determining eligibility for and timeliness of return to employment; however, when such documentation is unavailable to the returning employee, he/she must be returned to employment until the documentation is available;

2. Employees granted leave under paragraph *[(4)(B)5.]* (4)(C)5. and subsection *[(4)(E)]* (4)(F) must report for work at the beginning of the next regularly scheduled working period after expiration of the last calendar day necessary to travel from the place of military training, preinduction processing or hospitalization incident to either of these to the place of employment following release, or within a reasonable time after that if delayed return is due to factors beyond an employee's control. Failure to report for work at the regularly scheduled working period shall make the employee subject to the procedures of the appointing authority with respect to absence from scheduled work;

3. Any person receiving a dishonorable discharge from the armed forces resulting from a general court martial may be reinstated to a position subject to the law or these rules only with the approval of the appointing authority; and

4. Return from a leave of absence is authorized providing that the employee is relieved from active duty not later than five (5) years after the date of entering upon active duty or as soon after the expiration of that five (5)-year period as the employee is able to obtain orders relieving him/her from active duty;

[(D)] (E) If an employee is granted leave under the provisions of subsection *[(4)(B)]* (4)(C) and meets the restoration requirements of subsection *[(4)(C)]* (4)(D), the employee is entitled to exercise restoration rights as follows:

1. If the employee is still qualified to perform the duties of the position involved, the employee has the right to be restored by that appointing authority or his/her successor in interest to the former position held or to a position of like seniority, status and pay, without loss of position, seniority, accumulated leave, impairment of performance appraisal, pay status, work schedule including shift, working days and days off assigned to the employee at the time that the leave commenced; *[without loss of position, seniority, accumulated leave, impairment of performance appraisal, pay status, work schedule including shift, working days and days off assigned to the employee at the time that the leave commenced;]* or, if not qualified to perform the duties of the former position, by reason of disabilities sustained during military service, but qualified to perform the duties of any other position in the employ of the appointing authority or his/her successor in interest, the employee has the right upon request to be restored to the other position the duties of which the employee is qualified to perform and which will provide that person like seniority, status and pay, or the nearest approximation of them consistent with the circumstances in the individual case, unless the appointing authority's circumstances have so changed as to make it impossible or unreasonable to do so;

2. *[Any person]* **An employee** who is restored to or employed in a position in accordance with the provisions of subsection *[(4)(C)]* (4)(D) shall not be discharged from that position without cause within one (1) year after that restoration *[with the exception that those who enter the service under paragraph (4)(B)6. shall not be discharged from that position without cause within six (6) months after that restoration;]* if such employee served in the military for a period of more than six (6) months; if the employee served in the military between one (1) and six (6) months, they shall not be discharged without cause within six (6) months after restoration; employees who serve for thirty (30) days or less are given no protection from discharge without cause;

3. Any person who is restored to or employed in a position in accordance with the provisions of subsection *[(4)(C)]*(4)(D) shall not be denied retention in employment or any promotion or other incident or advantage of employment because of any obligation as a member of a component of the armed forces of the United States; and

4. An employee who obtains leave to enter the service under paragraph [(4)(B)]6. (4)(C)6. is not entitled to retention, preference or displacement right over any veteran with a superior claim under these rules or federal law applicable to reemployment of veterans; and

[(E)] (F) Any employee eligible for leave under subsection [(4)(B)] (4)(C) shall be considered as having been on leave of absence during the period required to report for the purpose of being inducted into, entering or determining by a preinduction or other examination, physical fitness to enter the armed forces of the United States. Upon rejection following preinduction or other examination, or upon discharge from hospitalization incident to that rejection or examination, the employee shall be permitted to return to employment in accordance with the provisions of subsections [(4)(C) and (D)] (4)(D) and (E). An employee's rights to sick leave under section (2) shall not be diminished by subsection [(4)(E)] (4)(F).

(8) Time off with compensation shall be governed by the following provisions:

(B) With the approval of the appointing authority, an employee may be granted time off from duty, with compensation, for any of the following reasons:

1. Attendance at professional conferences, institutes or meetings when attendance, in the opinion of the appointing authority, may be expected to contribute to the betterment of the service. Proof of actual attendance at these meetings may be required by the appointing authority;

2. Attendance at in-service training and other courses designed to improve the employee's performance or to prepare the employee for advancement;

3. Absence, not to exceed five (5) consecutive workdays, due to the bereavement of an employee as a result of the death of the employee's spouse, child, sibling, parent, step-parent, grandparent or grandchild, and spouse's child, parent, step-parent, grandparent or grandchild, or a member of the employee's household. The final decision concerning the applicability and length of such leave under this section shall rest with the appointing authority. Other absences due to the death of loved ones, when approved by the appointing authority, shall be charged to an employee's accumulated annual or compensatory leave;

4. Leaves of absence for volunteers tutoring in a formal tutoring or mentoring program as defined in section 105.268, RSMo; [and]

5. Leaves of absence for five (5) workdays to serve as a bone marrow donor and leaves of absence for thirty (30) workdays to serve as a human organ donor as defined in section 105.266, RSMo. Leave is authorized under these circumstances only when the employee is serving as the donor and written verification is provided to the appointing authority; and

[5.] 6. Because of extraordinary reasons sufficient in the opinion of the appointing authority to warrant such time off with compensation.

AUTHORITY: section 36.070, RSMo 2000. Original rule filed Aug. 20, 1947, effective Aug. 30, 1947. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed May 22, 2002, effective June 1, 2002, expired Nov. 27, 2002. Amended: Filed Sept. 16, 2002.

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to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing on this proposed amendment is scheduled for 11:00 a.m., Tuesday, December 10, 2002, in Room 400 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 22—Packaging and Labeling

PROPOSED AMENDMENT

2 CSR 90-22.140 NIST Handbook 130, "Uniform Packaging and Labeling Regulation." The director is amending section (1).

PURPOSE: This proposed amendment incorporates by reference the provisions of the 2002 edition of *NIST Handbook 130* relating to packaging and labeling.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material. **This publication may be accessed at the NIST website at www.nist.gov/owm.**

(1) The rule for the Division of Weights and Measures for packaging and labeling shall incorporate by reference the section of the [2000/2002] edition of *NIST Handbook 130*, entitled "Uniform Packaging and Labeling Regulation."

AUTHORITY: section 413.065, RSMo [Supp. 1999] Supp. 2002. Original rule filed May 9, 1984, effective Sept. 14, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 12, 2002.

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 Department of Agriculture, Weights and Measures Division, Ron Hooker, Division Director, PO Box 630, 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 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 23—Inspection of Packaged Commodities

PROPOSED AMENDMENT

2 CSR 90-23.010 [NBS] NIST Handbook 133, Technical Procedures and Methods for Measuring and Inspecting Packages

or *Amounts of Commodities*. The director is amending the title of the rule, the summary and section (1).

PURPOSE: *This amendment adopts the most recent edition of NIST Handbook 133 and updates references from National Bureau of Standards (NBS) to National Institute of Standards and Technology (NIST).*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material. NIST Handbook 133 may be accessed through the NIST website at www.nist.gov/owm.*

SUMMARY: *[NBS] NIST Handbook 133 provides procedures to test (by using statistical sampling techniques) individual lots of packages for conformance with legal requirements. Anything that is put into a container, wrapped, or banded and labeled as to quantity may be inspected. The labeled quantity may be of weight, volume, linear, square or cubic measure, count or combination. The examination of packaged commodities may be to determine conformance with federal, state or local net contents labeling regulations. Most often, compliance testing of packaged goods is carried out to protect the consumer/purchaser against buying packages with less in them than the labeled quantity and to advise the manufacturer to improve delivered product quantities when necessary. Inspection for compliance with other labeling requirements (such as size of lettering or units of measurement) also may accompany package quantity compliance testing, but is not covered in this document.*

(1) The technical procedures and methods used by the Division of Weights and Measures for measuring and inspecting packages or amounts of commodities kept, offered, exposed for sale, sold or in the process of delivery, shall be those procedures and methods described and specified in the *[National Bureau of Standards] National Institute of Standards and Technology (NIST) Handbook 133, Checking the Net Contents of Packaged Goods, Fourth Edition (January 2002) as incorporated by reference in this rule.*

AUTHORITY: *section 413.065, RSMo [1986] Supp. 2002. Original rule filed Sept. 14, 1981, effective Dec. 15, 1981. Amended: Filed Sept. 12, 2002.*

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 Department of Agriculture, Weights and Measures Division, Ron Hooker, Division Director, PO Box 630, 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 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 25—Price Verification**

PROPOSED AMENDMENT

2 CSR 90-25.010 Price Verification Procedures. The director proposes to amend section (1).

PURPOSE: *This proposed amendment incorporates by reference the 2002 edition of NIST Handbook 130 relating to price verification procedures.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material. NIST Handbook 130 may be accessed at the NIST website at www.nist.gov/owm.*

(1) The Division of Weights and Measures shall follow the examination procedure for price verification incorporated by reference in the section of *NIST Handbook 130, [2000] 2002* edition, entitled "Examination Procedure for Price Verification."

AUTHORITY: *section 413.065, RSMo [Supp. 1999] Supp. 2002. Original rule filed Aug. 13, 1996, effective Feb. 28, 1997. Amended: Filed April 9, 1998, effective Oct. 30, 1998. Amended: Filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Sept. 12, 2002.*

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 Department of Agriculture, Weights and Measures Division, Ron Hooker, Division Director, PO Box 630, 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 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

PROPOSED AMENDMENT

11 CSR 40-5.110 Fees and Penalties. The Division of Fire Safety is amending subsection (1)(B) and section (4) to clarify the installation/alteration fee and increase the annual inspector license fee.

PURPOSE: *This amendment changes the annual fee of a state licensed elevator inspector from twenty-five dollars (\$25) to one hundred twenty-five dollars (\$125) and clarifies the permit fee for an installation/alteration permit.*

(1) New Construction.

(B) **Installation/Alteration Permit Fee.** *[Permit fees are included in the plan review fees.]* **The installation/alteration permit fee shall be twenty dollars (\$20).**

(4) **Inspector License Fee.** The annual license fee shall be *[twenty-five dollars (\$25).]* **one hundred twenty-five dollars (\$125).**

AUTHORITY: section 701.355, RSMo [1994] 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Sept. 13, 2002.

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 cost private entities eight thousand dollars (\$8,000) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Division of Fire Safety, William Farr, State Fire Marshal, PO Box 844, 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.*

**FISCAL NOTE
 PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	11 CSR 40-5.110
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
64	Independent elevator inspectors	\$8,000

III. WORKSHEET

Currently there are sixty-four (64) state licensed independent elevator inspectors.

$$64 \times \$125.00 = \$8,000$$

IV. ASSUMPTIONS

The Division of Fire Safety issues a state license to qualified independent elevator inspectors to conduct annual safety inspections on elevators and related equipment per state law. There are currently sixty-four (64) individuals that have obtained such a license. These individuals are hired by owners of elevators and related equipment to perform annual safety inspections per compliance with state law.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 19—Energy Assistance

PROPOSED AMENDMENT

13 CSR 40-19.020 Low Income Home Energy Assistance Program. The division is amending the monthly income ranges contained in the LIHEAP Income Ranges Chart immediately following subsection (3)(D) of this rule.

PURPOSE: This amendment adjusts the monthly income amounts on the LIHEAP Income Ranges Chart to reflect changes made in the federal poverty guidelines.

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of a LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household's food stamp file.

*[LIHEAP INCOME RANGES CHART
Monthly Income Amounts*

<i>Household Size</i>	<i>Income Range</i>	<i>Income Range</i>	<i>Income Range</i>	<i>Income Range</i>	<i>Income Range</i>
1	\$0-179	\$180-359	\$360-539	\$540-719	\$720-895
2	\$0-242	\$243-485	\$486-728	\$729-971	\$972-1,209
3	\$0-280	\$281-561	\$562-842	\$843-1,123	\$1,124-1,402
4	\$0-338	\$339-677	\$678-1,016	\$1,017-1,355	\$1,356-1,692
5	\$0-396	\$397-793	\$794-1,190	\$1,191-1,587	\$1,588-1,981
6	\$0-454	\$455-909	\$910-1,364	\$1,365-1,819	\$1,820-2,270
7	\$0-512	\$513-1,025	\$1,026-1,538	\$1,539-2,051	\$2,052-2,560
8	\$0-570	\$571-1,141	\$1,142-1,713	\$1,714-2,284	\$2,285-2,849
9	\$0-628	\$629-1,257	\$1,258-1,886	\$1,887-2,515	\$2,516-3,139
10	\$0-686	\$687-1,373	\$1,374-2,060	\$2,061-2,747	\$2,748-3,428
11	\$0-743	\$744-1,487	\$1,488-2,231	\$2,232-2,975	\$2,976-3,717
12	\$0-801	\$802-1,603	\$1,604-2,405	\$2,406-3,207	\$3,208-4,007
13	\$0-859	\$860-1,718	\$1,719-2,578	\$2,579-3,438	\$3,439-4,296
14	\$0-917	\$918-1,834	\$1,835-2,752	\$2,753-3,670	\$3,671-4,586
15	\$0-975	\$976-1,950	\$1,951-2,926	\$2,927-3,902	\$3,903-4,875
16	\$0-1,033	\$1,034-2,066	\$2,067-3,100	\$3,101-4,134	\$4,135-5,165
17	\$0-1,091	\$1,092-2,182	\$2,183-3,274	\$3,275-4,366	\$4,367-5,454
18	\$0-1,149	\$1,150-2,298	\$2,299-3,448	\$3,449-4,598	\$4,599-5,743
19	\$0-1,207	\$1,208-2,414	\$2,415-3,622	\$3,623-4,830	\$4,831-6,033
20	\$0-1,264	\$1,265-2,528	\$2,529-3,793	\$3,794-5,058	\$5,059-6,322]

LIHEAP INCOME RANGES CHART
Monthly Income Amounts

Household Size	Income Range	Income Range	Income Range	Income Range	Income Range
1	\$0-185	\$186-371	\$372-557	\$558-743	\$744-923
2	\$0-249	\$250-499	\$500-749	\$750-999	\$1,000-1,244
3	\$0-288	\$289-577	\$578-866	\$867-1,155	\$1,156-1,439
4	\$0-347	\$348-695	\$696-1,043	\$1,044-1,391	\$1,392-1,735
5	\$0-406	\$407-813	\$814-1,220	\$1,221-1,627	\$1,628-2,030
6	\$0-472	\$473-945	\$946-1,418	\$1,419-1,891	\$1,892-2,359
7	\$0-524	\$525-1,049	\$1,050-1,574	\$1,575-2,099	\$2,100-2,620
8	\$0-583	\$584-1,167	\$1,168-1,751	\$1,752-2,335	\$2,336-2,915
9	\$0-642	\$643-1,285	\$1,286-1,928	\$1,929-2,571	\$2,572-3,210
10	\$0-701	\$702-1,403	\$1,404-2,105	\$2,106-2,807	\$2,808-3,506
11	\$0-760	\$761-1,521	\$1,522-2,282	\$2,283-3,043	\$3,044-3,801
12	\$0-819	\$820-1,639	\$1,640-2,459	\$2,460-3,279	\$3,280-4,096
13	\$0-878	\$879-1,757	\$1,758-2,636	\$2,637-3,515	\$3,516-4,391
14	\$0-937	\$938-1,875	\$1,876-2,813	\$2,814-3,751	\$3,752-4,686
15	\$0-996	\$997-1,993	\$1,994-2,990	\$2,991-3,987	\$3,988-4,981
16	\$0-1,055	\$1,056-2,111	\$2,112-3,167	\$3,168-4,223	\$4,224-5,277
17	\$0-1,114	\$1,115-2,229	\$2,230-3,344	\$3,345-4,459	\$4,460-5,572
18	\$0-1,173	\$1,174-2,347	\$2,348-3,521	\$3,522-4,695	\$4,696-5,867
19	\$0-1,232	\$1,233-2,465	\$2,466-3,698	\$3,699-4,931	\$4,932-6,162
20	\$0-1,291	\$1,292-2,583	\$2,584-3,875	\$3,876-5,167	\$5,168-6,457

AUTHORITY: section 207.020, RSMo 2000. Emergency rule filed Nov. 26, 1980, effective Dec. 6, 1980, expired March 11, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 19, 2002, effective Oct. 3, 2002, expires March 31, 2003. Amended: Filed Sept. 19, 2002.

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 Office of the Director, Division of Family Services, PO Box 88, Jefferson City, MO 65103. 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 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 28—Immunization**

PROPOSED AMENDMENT

19 CSR 20-28.010 Immunization Requirements for School Children. The department amends the Purpose and sections (1), (2), and (3), is removing the forms CD 31, Imm.P.19 and Imm.P.10 and replacing forms Imm.P.11A, Imm.P.12, and Imm.P.14 in the *Code of State Regulations*.

PURPOSE: This amendment deletes language that is repetitive and dictates medical practice, and adds references to the recommendations of the Advisory Committee on Immunization Practices (ACIP). This amendment also updates the department name.

PURPOSE: This rule establishes minimum immunization requirements [required of] for all school children [according to current recommendations] in accordance with recommendations of the Advisory Committee on Immunization Practices (ACIP) and helps assure that appropriate actions are taken by schools to enforce section 167.181, RSMo.

(1) As mandated by section 167.181, RSMo, each superintendent of a public, private, parochial or parish school shall have a record prepared showing the immunization status of every child enrolled in or attending a school under the superintendent's jurisdiction. The school superintendent shall make [this] a summary report [annually] to the Department of Health and Senior Services [on Form CD 31] no later than October 15 of each school year. This date is necessitated by the law which prohibits the enrollment and attendance of children who are in noncompliance. [Immunization information is required in eight (8) categories:] **This report shall include immunization information by grade or age by vaccine antigen (diphtheria, tetanus, pertussis, polio, measles, rubella, mumps and hepatitis B), number of children enrolled, number of children adequately immunized, number of children in progress, and number of children exempt.** Each school superintendent or chief administrator shall submit [to the Department of Health] a summary report [on Form CD 31] for all schools under the administrator's jurisdiction. Separate reports for each school should not be submitted, although separate lists shall be maintained in each school for auditing purposes.

(B) This rule is designed to govern any child—regardless of age—who is attending a public, private, parochial or parish school. If the specific age recommendations are not mentioned within this rule, the Missouri Department of Health and Senior Services should be consulted.

(C) It is unlawful for any child to attend school unless the child has been immunized according to this rule or unless the parent or guardian has signed and placed on file a statement of medical or religious exemption with the school administrator.

1. Medical exemption/s/. A child shall be exempted from the immunization requirements of this rule upon certification by a licensed doctor of medicine or doctor of osteopathy that either the immunization would seriously endanger the child's health or life or the child has documentation of laboratory evidence of immunity to the disease. The Department of Health and Senior Services Form Imm.P.12, **included herein**, shall be on file with the school immunization health record for each child with a medical exemption. This need not be renewed annually.

2. Religious exemption. A child shall be exempted from the immunization requirements of this rule as provided in section 167.181, RSMo if one (1) parent or guardian objects in writing to the school administrator that immunization of that child violates his/her religious beliefs. This exemption on Department of Health and Senior Services Form Imm.P.11A, **included herein**, shall be placed on file with the school immunization health record.

3. Immunization in progress. Section 167.181, RSMo provides that students may continue to attend school as long as they have started an immunization series and satisfactory progress is being accomplished [in the prescribed manner as outlined in the Missouri Immunization Schedules in subsection (3)(B) of this rule]. A Department of Health and Senior Services Form Imm.P.14, **included herein**, shall be on file with the school immunization health record of each student with immunization in progress. Failure to meet the next scheduled appointment constitutes noncompliance with the school immunization law and [legal action] **exclusion** should be initiated immediately. Refer to subsection (1)(A) of this rule regarding exclusion of students in noncompliance.

(2) [The schedules in subsection (3)(B) of this rule contain the immunization schedule recommended by the Missouri Department of Health. The Missouri Department of Health recommends that all children be immunized by health care practitioners in accordance with these recommendations.] For school attendance, children shall [meet the minimum requirements specified in subsections (2)(A)–(H) of this rule or have proper exemption statements on file at school] **be immunized against diphtheria, tetanus, pertussis, polio, measles, rubella, mumps, and hepatitis B, according to the latest Advisory Committee on Immunization Practices (ACIP) Recommended Childhood Immunization Schedule—United States and the latest ACIP General Recommendations on Immunization. As the immunization schedule and recommendations are updated, they will be available from and distributed by the Department of Health and Senior Services.**

[(A) Measles. One (1) dose of live measles vaccine received by injection on or after the first birthday shall be required for school attendance for all children who started kindergarten prior to the 1990–91 school year. All children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 1990–91 school year shall be required to have two (2) doses of live measles vaccine received by injection and separated by at least twenty-eight (28) days on or after the first birthday. Measles vaccine may be given alone or in combination with other vaccines. Exemptions shall be permitted upon receipt of notification of exemption on Form Imm.P.11A or Imm.P.12.

(B) Mumps. One (1) dose of live mumps vaccine received by injection on or after the first birthday shall be required for

school attendance for all children. Mumps vaccine may be given alone or in combination with other vaccines. Exemptions shall be permitted upon receipt of written notification on Form Imm.P.11A or Imm.P.12.

(C) Rubella. One (1) dose of live rubella vaccine received by injection on or after the first birthday shall be required for school attendance for all children. Rubella vaccine may be given alone or in combination with other vaccines. Exemptions shall be permitted upon receipt of written notification of exemption on Form Imm.P.11A or Imm.P.12.

(D) Polio. Oral Polio Vaccine (OPV) and/or Inactivated Polio Vaccine (IPV) shall be used.

1. Polio Vaccine. Three (3) doses of polio vaccine shall be required for all students. Children who started kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 1990-91 school year must have received the last dose at age four (4) years or greater; if not, an additional dose is required unless the student has already received four (4) or more doses of polio vaccine. Exemptions shall be permitted upon receipt of written notification of exemption on Form Imm.P.11A or Imm.P.12.

2. Combination of IPV and OPV. If a combination of IPV and OPV are used, four (4) doses are required. Exemptions shall be permitted upon receipt of written notification of exemption on Form Imm.P.11A or Imm.P.12.

(E) Diphtheria. Four (4) doses of diphtheria toxoid shall be required for students starting kindergarten as of and after the beginning of the 1999-2000 school year. Three (3) doses of diphtheria toxoid shall be required for all other students. Children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 1990-91 school year must have received the last dose at age four (4) years or greater; if not, an additional dose is required unless the student has already received six (6) or more doses of diphtheria toxoid. A booster dose of diphtheria toxoid is required ten (10) years from the last diphtheria immunization. The diphtheria toxoid may be given alone or in combination with tetanus toxoid and pertussis vaccine. Exemptions shall be permitted upon receipt of a written notification of exemption on Form Imm.P.11A or Imm.P.12.

(F) Tetanus. Four (4) doses of tetanus toxoid shall be required for students starting kindergarten as of and after the beginning of the 1999-2000 school year. Three (3) doses of tetanus toxoid shall be required for all other students. Children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the 1990-91 school year must have received the last dose at age four (4) years or greater; if not, an additional dose is required unless the child has already received six (6) or more doses of tetanus toxoid. The tetanus toxoid may be given alone or in combination with diphtheria toxoid and pertussis vaccine. A booster dose of tetanus toxoid is required ten (10) years from the last tetanus immunization. Exemptions shall be permitted upon receipt of a written notification of exemption on Form Imm.P.11A or Imm.P.12.]

(G) Pertussis (acellular or whole cell). Four (4) doses of pertussis vaccine shall be required for students starting kindergarten as of and after the beginning of the 1999-2000 school year. Three (3) doses of pertussis vaccine shall be required for all other students six (6) years of age and younger. The last dose must have been received at age four (4) years or greater; if not, an additional dose is required unless the child has already received six (6) or more doses of pertussis vaccine.]

(A) Pertussis vaccine is not required for children seven (7) years of age and older. [Pertussis vaccine may be given alone or in combination with diphtheria toxoid and tetanus toxoid.


Exemptions shall be permitted upon written notification of exemption on Form Imm.P.11A or Imm.P.12.


[(H) Hepatitis B. Three (3) doses of] (B) [h] Hepatitis B vaccine shall be required for all [students entering] children starting kindergarten or who were five (5) or six (6) years of age as of and after the beginning of the [1997-98] 1992-93 school year. [and for all students entering grade seven (7) as of and after the beginning of the 1999-2000 school year. Exemptions shall be permitted upon written notification of exemption on Form Imm.P.11A or Imm.P.12.]


(3) The parent or guardian shall furnish the superintendent or school administrator satisfactory evidence of immunization or exemption from immunization against diphtheria, tetanus, pertussis, polio, measles, mumps, rubella and hepatitis B.

(A) Satisfactory evidence of immunization means a statement, certificate or record from a physician or other recognized health facility or personnel stating that the required immunizations have been given to the person and verifying the type of vaccine [and month and year of administration]. All children [starting kindergarten as of and after the beginning of the 1990-91 school year] shall be required to provide documentation of the month, day and year of vaccine administration.

[(B) The following schedule shall determine when the next dose of vaccine is due for a child found to be in noncompliance with the immunization requirements:]

 MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES SECTION OF VACCINE-PREVENTABLE AND TUBERCULOSIS DISEASE ELIMINATION MEDICAL IMMUNIZATION EXEMPTION		FOR DOCTORS OF MEDICINE OR DOCTORS OF OSTEOPATHY ONLY																		
REQUIRED UNDER THE STATE IMMUNIZATION LAWS (Section 167.181 and Section 210.003, RSMo) FOR SCHOOL, PRESCHOOL, DAY CARE AND NURSERY SCHOOL ATTENDANCE																				
THIS IS TO CERTIFY THAT	NAME OF PATIENT (PRINT OR TYPE)																			
SHOULD BE EXEMPTED FROM RECEIVING THE FOLLOWING CHECKED IMMUNIZATION(S) BECAUSE: <input type="checkbox"/> The child has documented laboratory evidence of immunity to the disease. (Attach the lab slip to this form.) <input type="checkbox"/> In my medical judgment, the immunization(s) checked would endanger the child's health or life.																				
<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Diphtheria</td> <td><input type="checkbox"/> Tetanus</td> <td><input type="checkbox"/> Pertussis</td> <td><input type="checkbox"/> Td</td> <td><input type="checkbox"/> Polio</td> <td><input type="checkbox"/> Hib</td> </tr> <tr> <td><input type="checkbox"/> MMR</td> <td><input type="checkbox"/> Measles</td> <td><input type="checkbox"/> Mumps</td> <td><input type="checkbox"/> Rubella</td> <td><input type="checkbox"/> Hepatitis B</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td colspan="6"><input type="checkbox"/> Varicella</td> </tr> </table>			<input type="checkbox"/> Diphtheria	<input type="checkbox"/> Tetanus	<input type="checkbox"/> Pertussis	<input type="checkbox"/> Td	<input type="checkbox"/> Polio	<input type="checkbox"/> Hib	<input type="checkbox"/> MMR	<input type="checkbox"/> Measles	<input type="checkbox"/> Mumps	<input type="checkbox"/> Rubella	<input type="checkbox"/> Hepatitis B	<input type="checkbox"/> Other	<input type="checkbox"/> Varicella					
<input type="checkbox"/> Diphtheria	<input type="checkbox"/> Tetanus	<input type="checkbox"/> Pertussis	<input type="checkbox"/> Td	<input type="checkbox"/> Polio	<input type="checkbox"/> Hib															
<input type="checkbox"/> MMR	<input type="checkbox"/> Measles	<input type="checkbox"/> Mumps	<input type="checkbox"/> Rubella	<input type="checkbox"/> Hepatitis B	<input type="checkbox"/> Other															
<input type="checkbox"/> Varicella																				
1. Unimmunized children have a greater risk of getting these vaccine-preventable diseases which can lead to serious complications. 2. Unimmunized children are subject to exclusion from child care facilities and school when outbreaks of vaccine-preventable diseases occur.																				
PHYSICIAN NAME (PRINT OR TYPE)		PHYSICIAN REGISTRATION NO.																		
SIGNATURE OF PHYSICIAN		DATE																		
MO 580-0807 (1-02)		Imm.P.12																		

 MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES SECTION OF VACCINE-PREVENTABLE AND TUBERCULOSIS DISEASE ELIMINATION IMMUNIZATIONS IN PROGRESS		FOR PHYSICIANS AND PUBLIC HEALTH NURSES ONLY																		
REQUIRED UNDER THE STATE IMMUNIZATION LAWS (Section 167.181 and Section 210.003, RSMo Cum. Supp. 1996) FOR SCHOOL, PRESCHOOL, DAY CARE AND NURSERY SCHOOL ATTENDANCE																				
THIS IS TO CERTIFY THAT	NAME OF CHILD (PRINT OR TYPE)																			
received the following immunization(s) on _____ as required by State Immunization Laws.																				
MONTH/DAY/YEAR																				
<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> DIPHTHERIA</td> <td><input type="checkbox"/> TETANUS</td> <td><input type="checkbox"/> PERTUSSIS</td> <td><input type="checkbox"/> Td</td> <td><input type="checkbox"/> POLIO</td> <td><input type="checkbox"/> Hib</td> </tr> <tr> <td><input type="checkbox"/> MMR</td> <td><input type="checkbox"/> MR</td> <td><input type="checkbox"/> MEASLES</td> <td><input type="checkbox"/> MUMPS</td> <td><input type="checkbox"/> RUBELLA</td> <td><input type="checkbox"/> Hepatitis B</td> </tr> <tr> <td colspan="6"><input type="checkbox"/> VARICELLA</td> </tr> </table>			<input type="checkbox"/> DIPHTHERIA	<input type="checkbox"/> TETANUS	<input type="checkbox"/> PERTUSSIS	<input type="checkbox"/> Td	<input type="checkbox"/> POLIO	<input type="checkbox"/> Hib	<input type="checkbox"/> MMR	<input type="checkbox"/> MR	<input type="checkbox"/> MEASLES	<input type="checkbox"/> MUMPS	<input type="checkbox"/> RUBELLA	<input type="checkbox"/> Hepatitis B	<input type="checkbox"/> VARICELLA					
<input type="checkbox"/> DIPHTHERIA	<input type="checkbox"/> TETANUS	<input type="checkbox"/> PERTUSSIS	<input type="checkbox"/> Td	<input type="checkbox"/> POLIO	<input type="checkbox"/> Hib															
<input type="checkbox"/> MMR	<input type="checkbox"/> MR	<input type="checkbox"/> MEASLES	<input type="checkbox"/> MUMPS	<input type="checkbox"/> RUBELLA	<input type="checkbox"/> Hepatitis B															
<input type="checkbox"/> VARICELLA																				
and is scheduled to return on _____ for the following immunization(s) _____																				
MONTH/DAY/YEAR																				
NOTE: This child is in compliance with Missouri Immunization Laws as long as he/she continues to receive the appropriate immunization(s) at the correct intervals according to the Missouri Department of Health Immunization Schedule.																				
PHYSICIAN NAME (PRINT OR TYPE)		PHYSICIAN SIGNATURE																		
PUBLIC HEALTH NURSE NAME	DATE	CITY OR COUNTY OF ASSIGNMENT																		
MO 580-0828 (10-01)		Imm.P.14																		

 MISSOURI DEPARTMENT OF HEALTH SECTION OF VACCINE-PREVENTABLE AND TUBERCULOSIS DISEASE ELIMINATION RELIGIOUS IMMUNIZATION EXEMPTION													
REQUIRED UNDER THE STATE IMMUNIZATION LAW (Section 167.181, RSMo) FOR SCHOOL ATTENDANCE													
THIS IS TO CERTIFY THAT	NAME OF CHILD (PRINT OR TYPE)												
SHOULD BE EXEMPTED FROM RECEIVING THE FOLLOWING CHECKED IMMUNIZATION(S) BECAUSE IMMUNIZATION VIOLATES MY RELIGIOUS BELIEFS:													
<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Diphtheria</td> <td><input type="checkbox"/> Tetanus</td> <td><input type="checkbox"/> Pertussis</td> <td><input type="checkbox"/> Td</td> <td><input type="checkbox"/> Polio</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td><input type="checkbox"/> MMR</td> <td><input type="checkbox"/> Measles</td> <td><input type="checkbox"/> Mumps</td> <td><input type="checkbox"/> Rubella</td> <td><input type="checkbox"/> Hepatitis B</td> <td></td> </tr> </table>		<input type="checkbox"/> Diphtheria	<input type="checkbox"/> Tetanus	<input type="checkbox"/> Pertussis	<input type="checkbox"/> Td	<input type="checkbox"/> Polio	<input type="checkbox"/> Other	<input type="checkbox"/> MMR	<input type="checkbox"/> Measles	<input type="checkbox"/> Mumps	<input type="checkbox"/> Rubella	<input type="checkbox"/> Hepatitis B	
<input type="checkbox"/> Diphtheria	<input type="checkbox"/> Tetanus	<input type="checkbox"/> Pertussis	<input type="checkbox"/> Td	<input type="checkbox"/> Polio	<input type="checkbox"/> Other								
<input type="checkbox"/> MMR	<input type="checkbox"/> Measles	<input type="checkbox"/> Mumps	<input type="checkbox"/> Rubella	<input type="checkbox"/> Hepatitis B									
1. Unimmunized children have a greater risk of getting these vaccine-preventable diseases which can lead to serious complications. 2. Unimmunized children are subject to exclusion from school when outbreaks of vaccine-preventable diseases occur.													
PARENT/GUARDIAN NAME (PRINT OR TYPE)	PARENT/GUARDIAN SIGNATURE												
	DATE												
MO 580-1723 (4-00)													
Imm.P.11A													

AUTHORITY: sections 167.181, RSMo Supp. 2001, 192.006[, RSMo Supp. 1998] and 192.020, RSMo [1994] 2000. This rule was previously filed as 13 CSR 50-110.010. Original rule filed April 24, 1974, effective May 4, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 16, 2002.

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 Bryant McNally, JD, MPH, Director, Division of Environmental Health and Communicable Disease Prevention, PO Box 570, Jefferson City, MO 65102, (573) 751-6080. 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.