
Rules of
Office of Administration
Division 20—Personnel Advisory Board and
Division of Personnel
Chapter 1—Organization and Operation

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

1 CSR 20-1.010 General Organization

PURPOSE: This rule describes the general organization and operation of the Personnel Division and the Personnel Advisory Board and the methods and procedures where the public may obtain information or make submissions or requests.

(1) Division of Personnel. The Division of Personnel is a division of the Office of Administration of the state government. It is responsible for the administration of a uniform system of classification and pay and a system of personnel management based on merit principles in accordance with the provisions of the State Personnel Law. In addition, it is the duty of the division to—

(A) Promote uniformity in employment conditions and compensation of state employees;

(B) Establish and direct a central labor relations function for the state which shall coordinate labor relations activities in individual state agencies, including participation in negotiations and approval of agreements;

(C) Develop, implement and administer a central training program of mandatory and elective training for persons employed in management positions in agencies of state government, and encourage and assist in the development of specialized training activities as can best be administered internally by these individual agencies;

(D) Provide aid to departments in personnel matters; and

(E) Develop a career system of state service that will enable the state to utilize all its personnel in as efficient and effective a manner as possible without restrictions of department, agency or other entity of the executive branch of state government.

(2) Personnel Advisory Board. Within the Division of Personnel is the Personnel Advisory Board consisting of seven (7) members who are nominated by the commissioner of administration and appointed by the governor with the advice and consent of the senate. Four (4) members of the board shall be public members, citizens of the state who are not state employees or officials, of good character and reputation, who are known to be in sympathy with the application of merit principles to public employment. Two (2) members shall be employees of either a merit agency or an agency covered by uniform classification and pay, one a member of executive

management, and one a non-management employee. Members who are employees shall not participate in disciplinary appeal decisions from their agencies. The state equal employment opportunity officer shall be a member of the board. No member of the board, during his/her term of office, or for at least one (1) year prior to that, shall be a member of any local, state or national committee of a political party or an officer or member of a committee in any partisan political club or organization, or hold, or be a candidate for, a partisan public office. An employee member who leaves state employment or otherwise fails to further qualify for the appointment shall vacate the position. The Personnel Advisory Board prescribes rules, approves classification and pay plans prepared by the Division of Personnel and conducts appeal hearings for examination applicants and employees in agencies subject to the State Personnel Law. In addition to these and other duties imposed upon the board by law and elsewhere in these rules, it is also the duty of the board to—

(A) Represent the public interest in the improvement of public personnel administration in the state;

(B) Advise the governor and the director on problems concerning personnel administration;

(C) Advise and assist the director in fostering the interest of institutions of learning and civic, professional and employee organizations in the improvement of personnel standards in the public service;

(D) Make any investigation which it may consider desirable concerning the administration of the personnel subject to this law; and

(E) Make annual reports, and special reports, as it considers desirable, to the governor and general assembly regarding personnel administration in the state service and recommendations for improvement.

(3) Personnel Director. The personnel director is appointed by the governor, subject to the advice and consent of the senate, from a list of the five (5) most qualified applicants provided by the Personnel Advisory Board. S/he shall be appointed for a term of four (4) years beginning on July 1 following the election of a governor, which term may be renewed at its expiration at the option of the governor.

(A) Qualifications. The director must be a person who is familiar with the principles and methods of personnel administration and who is familiar and in sympathy with the application of merit principles and efficient methods of public employment. The personnel director, during his/her term of office or for one

(1) year prior to that, shall not be a member of any local, state or national committee of a political party, be a member of any partisan political club or organization, actively participate in any partisan political campaign, or hold or be a candidate for any partisan public office.

(B) Duties. The director, as executive head of the Personnel Division, directs and supervises all its administrative and technical activities including preparation and maintenance of the position classification and pay plans; the recruitment, examination and certification of eligible job applicants; the review and approval of personnel transactions; the audit and certification of payrolls and the establishment of a system of employee service reports. In addition to the duties imposed elsewhere in these rules, it is also his/her duty to—

1. Attend all meetings of the board and to act as secretary and keep minutes of its proceedings;

2. Establish and maintain a roster of all officers and employees subject to the classification and pay provisions of the State Personnel Law, in which there is set forth for each employee, a record of the class title of the position held; the salary or pay; any change in class title, pay or status; and other data as may be deemed desirable to produce significant facts pertaining to personnel administration;

3. Appoint, under the provisions of the state personnel law, and with the approval of the board, to fix the compensation of employees of the division, and experts and special assistants as may be necessary to carry out effectively the provisions of the law;

4. Direct the activities of the Personnel Division and its staff and to maintain proper discipline and work standards;

5. Develop, in cooperation with appointing authorities, training programs for employees;

6. Investigate from time-to-time the operation and effect of the law and of the rules and to report findings and recommendations to the board and to the governor;

7. Make annual reports regarding the work of the division and special reports as considered desirable to the board, the general assembly and to the governor;

8. Perform any other lawful act which is considered necessary or desirable to carry out the purposes and provisions of the law; and

9. Assist the commissioner of administration with personnel work in all state agencies to upgrade and improve the uniform quality of state employment.

(4) **Methods of Operation.** The Personnel Division conducts its general operations with headquarters in Jefferson City, Missouri. It also conducts periodic examinations in a number of other locations throughout the state for the convenience of applicants and to meet the needs of the state service. Public hearings on rule changes and the pay plan are normally held by the Personnel Advisory Board in Jefferson City as are the regular meetings of the board.

(5) **Public Information Procedures.** Notices of merit system examinations describing eligibility requirements and procedures for filing applications are published by the Personnel Division, posted in its office and provided to state agencies and institutions in which positions exist in the class for which the examinations are offered. Application forms are available at the Personnel Division and from a merit system agency or institution. Further information concerning examinations available, application procedures, employee appeal rights and procedures for submission of appeals, general merit system provisions and related matters may be obtained from the Jefferson City office of the Personnel Division.

AUTHORITY: section 36.070, RSMo Supp. 1995. Original rule filed July 9, 1947, effective July 19, 1947. Amended: Filed April 23, 1974, effective May 2, 1974. Amended: Filed Dec. 8, 1975, effective Dec. 19, 1975. Amended: Filed Feb. 25, 1992, effective Aug. 6, 1992. Amended: Filed May 15, 1996, effective Nov. 30, 1996.*

**Original authority: 36.070, RSMo 1945, amended 1979, 1995.*

1 CSR 20-1.020 Definitions

PURPOSE: This rule defines the meanings of specific words and terms used in the rules of the Personnel Advisory Board and the Personnel Division.

(1) **Definitions.**

(A) The following words and terms, used with specific intent throughout these rules or in their administration, are defined for clarity. As used in these rules, the following words and terms, unless the content clearly requires otherwise, shall have the meaning indicated as follows:

1. **Agency, state agency, or agency of the state** means each department, board, commission or office of the state, except for offices of the elected officials, the general assembly, the judiciary, and academic institutions;

2. **Allocation** means the assignment of an individual position to an appropriate class, multiple classes, or class and band on the basis of the duties, authority and responsibilities of the position;

3. **Appointing authority** means an officer or agency subject to the law having power to make appointments to positions under the law;

4. **Appointment** means the lawful hiring of an individual by an appointing authority;

5. **Board** means the Personnel Advisory Board;

6. **Broad classification band** means a grouping of positions with similar levels of responsibility or expertise;

7. **Certificate** means a listing of eligibles in grade order sent to agencies in the classified service to be used in filling a current or anticipated vacancy at a specific work location. There are three (3) types of certificates: reinstatement, open and promotional;

8. **Certified eligible** means an individual whose name appears on a certificate, who indicates a willingness to accept appointment under conditions specified, and who ranks in the selection group;

9. **Class or class of positions** means a group of positions subject to the law sufficiently alike in duties, authority and responsibilities to justify the same class title and qualifications and the same schedule of pay to all positions in the group;

10. **Class specification** means the written description of a class containing a title, a statement of the customary duties, authority, responsibilities and other significant characteristics of the class and the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class based on the specified knowledges, skills and abilities;

11. **Classification** means the systematic analysis, evaluation and grouping of positions, not employees, on the basis of their duties, authorities, responsibilities and other significant characteristics into relatively homogeneous classes;

12. **Classification plan** means the plan prepared, adopted, maintained and administered by the Division of Personnel and under the authority and responsibility of the Personnel Advisory Board which sets forth, for each class of positions, a class title, class specification, overtime and equal employment opportunity (EEO) category designations;

13. **Classified service** means those positions in agencies which are subject to the merit system provision contained in the law and these rules and the classification and pay provisions enumerated in 1 CSR 20-2.010

and 1 CSR 20-2.020. Agencies having positions in the classified service are defined by 1 CSR 20-1.040(1);

14. **Covered service** means those positions in agencies subject to the classification and pay provisions contained in 1 CSR 20-2.010 and 1 CSR 20-2.020, but which are not subject to the merit system provisions of the law and these rules. Agencies having positions in the covered service are defined by 1 CSR 20-1.045(1);

15. **Declination** means the definite refusal to accept appointment and assignment after having indicated a desire to be considered for that appointment and assignment;

16. **Demotion**, in the general classification plan, means a change of an employee from a position in one (1) class to a position in another class which is assigned a lower pay range within the pay plan. In the broad classification bands, demotion, also termed a downward interband appointment, means a change of an employee from a position in one (1) band to a position in a lower band. A demotion may also involve the involuntary movement of an employee from a position in a band to a position in a range where the salary is decreased and is adjusted to an available step;

17. **Director** means the director of the Division of Personnel of the Office of Administration;

18. **Disabled veteran** means a veteran who has served on active duty in the armed forces at any time who receives a compensation as a result of a service-connected disability claim allowed by the federal agency responsible for the administration of veterans' affairs or who receives disability retirement or disability pension benefits from a federal agency as a result of such a disability or a National Guard veteran who was permanently disabled as a result of active service to the state at the call of the governor;

19. **Division of service** means a state department or any division or branch or any agency of the state government, the positions and employees in which are under the same appointing authority;

20. **Effective date of the law** means July 1, 1946;

21. **Eligible** means a person whose name is on a register or who has been determined to meet the qualifications for a class or position;

22. **Exempt service** means those positions in agencies not subject to the merit system provisions of the law and which according to 1 CSR 20-1.045(2) may be filled without regard to 1 CSR 20-2.010 and 1 CSR 20-2.020 governing classification and pay. These

positions are found in agencies which are otherwise subject to the classification and pay provisions of the law and these rules. Agencies having positions in the exempt service are defined by 1 CSR 20-1.045(1);

23. Homemakers and caretakers mean persons who gave care to young children and were not otherwise gainfully employed for a period of at least two (2) years;

24. Incumbency status means a determination made by the Division of Personnel that an employee in the classified service may be placed in a class by means of reclassification;

25. Incumbent means the employee occupying a position;

26. Initial band appointment means an original appointment of a new employee to a position in the broad classification bands or the appointment of an employee from a position in a range to a position in the broad classification bands in accordance with an applicable statute and rules;

27. Interband appointment means the upward or downward movement of an employee in the broad classification bands from a position in one (1) band to a position in a higher or lower band;

28. Law means the State Personnel Law;

29. Merit system means those positions, both classified and unclassified, in agencies covered by 1 CSR 20-1.030(1)(A) and 1 CSR 20-1.040 of these rules;

30. Open certificate means a listing of eligibles for employment in the classified service in grade order, irrespective of employment status, who have indicated that they wish to be considered for employment at a specific work location where a current or anticipated vacancy exists within a specific class;

31. Open competitive examination means a test for positions in a particular class, admission to which is open to all applicants who meet the stated minimum qualifications;

32. Original appointment means an appointment of a new employee to a position of a permanent or continuing nature made in accordance with an applicable statute and rules;

33. Original probationary period means a period following an original appointment which is sufficient to demonstrate the employee's ability to perform the duties of the position;

34. Parental preference means the credit allowed in recognition of persons who have terminated employment with the state of Missouri to serve as full-time homemakers and caretakers of children under the age of ten (10). This credit is added to the passing grade earned in an examination conducted for the

establishment of registers of eligibles. For purposes of this rule, the person must have resigned from state service with the executive, judicial or legislative branches in good standing;

35. Part-time certificate means a listing of eligibles for employment in the classified service, issued to agencies in grade order which contains the names of eligibles available for part-time employment equivalent to eighty percent (80%) or less of a full-time position;

36. Pay differential means the payment of an authorized rate(s) of pay which exceed the range of compensation prescribed for a class due to differing work conditions, assignment, incumbent qualifications or other designated factor. The establishment and usage of these differentials are approved by the Personnel Advisory Board;

37. Pay plan means the plan prepared, adopted, maintained and administered by the Division of Personnel under the authority of the Personnel Advisory Board which sets forth for each class of positions a pay range or bands with a minimum and a maximum rate and intermediate rates as may be established, as well as any pay differentials authorized by the board;

38. Personnel rules means the rules of the Personnel Advisory Board and the Division of Personnel;

39. Position means the fundamental unit of classification and allocation comprised of a set of current duties and responsibilities, assigned or delegated by competent authority;

40. Position description means an official written statement of the duties, responsibilities, supervisory relationships and other basic data of a position used in the position classification and allocation process;

41. Position management means the monitoring and control of the establishment of positions and of the movement of incumbents in and out of positions as well as the maintenance of current and historical information that identifies and defines each position;

42. Position review means an investigation of the duties and responsibilities of a position, which may include an interview of the incumbent and his/her supervisor, to determine the appropriateness of the position's allocation;

43. Probationary employee means a person serving a probationary period;

44. Probationary period means a period which is sufficient to demonstrate the employee's ability to perform the duties of the position following an original appointment, promotional appointment, reemploy-

ment appointment or reinstatement appointment as qualified in 1 CSR 20-3.040(2) or following an initial band appointment or interband appointment to a position in a higher band as qualified in 1 CSR 20-2.015(5);

45. Promotion, in the general classification plan, means a change of an employee from a position in one (1) class to a position in another class which is assigned a higher established pay range within the pay plan. In the broad classification bands, promotion, also termed an upward interband appointment, means a change of an employee from a position in one (1) band to a position in a higher band. A promotion may also involve the movement of an employee from a position in a band to a position in a range where the salary is adjusted in excess of that necessary to place the employee on a step within the range;

46. Promotional certificate means a listing of eligibles for employment in the classified service in grade order which contains the names of regular, reemployment probationary, promotional probationary or reinstatement probationary employees of a division of service;

47. Promotional examination means a test for positions in a particular class, in the classified service, admission to which is open to all persons who meet the stated minimum qualifications and who are employees with regular status, or who are in reemployment probationary, promotional probationary or reinstatement probationary status in positions in that agency;

48. Promotional probationary period means a period following a promotional appointment which is sufficient to demonstrate the employee's ability to perform the duties of the position;

49. Promotional register means a list of persons in the classified service who have been found qualified by a promotional examination for appointment to a position in a particular class;

50. Provisional appointment means an appointment made to fill a classified position, when the director is unable to certify sufficient eligibles from a register;

51. Public hearing means a hearing held after public notice at which any person may have a reasonable opportunity to be heard;

52. Public notice means notice posted on the official bulletin board of the Division of Personnel. The notice announcing a public hearing to be conducted by the Personnel Advisory Board shall advise the public of the time, date and place of the meeting and its tentative agenda, and will be posted at least

twenty-four (24) hours prior to the commencement of the meeting, unless this notice is impossible or impractical;

53. Qualifications, as stated on the class specification, means the education, experience, and/or certification or licensure necessary for the satisfactory performance of the duties of the class;

54. Reallocation means the change in the allocation of an individual position on the basis of duties, authority and responsibilities of the position or an official change in the classification plan;

55. Reclassification means a classification change of an employee in conjunction with a position reallocation or movement within a multilevel allocated position. For a position in the classified service, the use of reclassification is applicable to an employee having incumbency status, as ascertained from a position review conducted by the Division of Personnel;

56. Reemployment means appointment, without competitive certification, of an individual who had regular status and left a class or employment in good standing. Reemployment could be made to the same or comparable class in the general classified service or to the same class and the same or lower band in the broad classification bands;

57. Register means a reinstatement register, a promotional register or a register of eligibles;

58. Register of eligibles means a list of persons who have been found qualified for appointment to a position in the classified service;

59. Regular appointment means a change of employee status given to an employee after successful completion of a probationary period;

60. Regular employee means an employee who has been given a regular appointment and has successfully completed a probationary period as defined by the law;

61. Regular promotion means an appointment given to an employee after successful completion of a promotional probationary period;

62. Reinstatement means an action which returns an employee to a class in which the employee held regular status in one (1) of the following circumstances: appointment from a reinstatement register, ordered reinstatement or reinstatement to former or comparable class during promotional probationary period;

63. Reinstatement certificate means a listing of former employees, in the classified service, in order of service credit, who have been laid off or demoted in lieu of layoff;

64. Reinstatement register means a list of persons who have been regular employees in the classified service and who have been laid off in good standing due to lack of work or funds, demoted or downward reclassified in lieu of layoff;

65. Salary adjustment means a change in salary rate resulting from a general structure increase or a range-repositioning change;

66. Salary advancement means an increase in salary within the range or band prescribed for the class established in the pay plan given in recognition of work performance, length of service, or both; additional duties, responsibilities or skill; to maintain equity within and between classifications; to effect a within-grade salary increase; or in conjunction with a promotion, upward job reclassification or end-of-probation transaction;

67. Selection group means that number of individuals certified to an appointing authority who may be lawfully appointed and who are prepared to accept appointment under conditions specified. A selection group will number up to fifteen (15) individuals or fifteen percent (15%) of all ranked individuals unless category certification or some other procedure has been established. A selection group may also include five (5) additional available individuals for each succeeding vacancy on the same certificate;

68. Service credit for the purposes of these rules means the Missouri State Employees' Retirement System (MOSERS) creditable service less any purchased service, but including service for which a deferred retirement lump sum option was exercised. Service credits shall be used in determining the order of layoff and the order in which names shall be placed on reinstatement registers;

69. Surviving spouse means the unmarried surviving spouse of a disabled veteran or any person who was killed while on active duty in the armed forces of the United States or an unmarried surviving spouse of a National Guard veteran who was killed as a result of active service to the state at the call of the governor;

70. Suspension means an enforced leave without pay for disciplinary purposes or pending investigation of charges made against an employee;

71. Temporary appointment means an appointment from a register of eligibles to a position in the classified service for a period not to exceed a total of six (6) months in any twelve (12)-month period;

72. Transfer, in the general classification service, means a change of an employee from one (1) position to another position in

the same class or to another class assigned to the same established pay range. In the broad classification bands, a within-band transfer means a change of an employee from one (1) position to another position in the same class or another class assigned to the same established pay band; an out-of-band transfer means the movement of an employee from a position in a band to a position in a range where the action does not constitute a promotion or demotion. A transfer may involve a change of assignment or work location;

73. Unclassified service means those positions in agencies subject to the merit system provisions contained in the law and these rules, but which pursuant to 1 CSR 20-1.040(2) may be filled without regard to 1 CSR 20-2.010 and 1 CSR 20-2.020 governing classification and pay. Agencies having positions in the unclassified service are defined by 1 CSR 20-1.040(1);

74. Veteran means any person who is a citizen of this state, who has been separated under honorable conditions from the armed forces of the United States, who served on active duty during peacetime or wartime for at least six (6) consecutive months, unless released early as a result of a service-connected disability or a reduction in force at the convenience of the government, or any member of a reserve or National Guard component who has satisfactorily completed at least six (6) years of service or who was called or ordered to active duty by the president and participated in any campaign or expedition for which a campaign badge or service medal has been authorized;

75. Veterans' preference and disabled veterans' preference mean the credit allowed veterans in recognition of military service, added to the passing grade earned by them in examination conducted for the establishment of registers; and

76. Waiver means the waiving of any right to consideration for certification and appointment to a position and a request for future consideration.

AUTHORITY: section 36.070, RSMo Supp. 1998. Original rule filed July 9, 1947, effective July 19, 1947. Amended: Filed Dec. 23, 1947, effective Jan. 2, 1948. Amended: Filed March 25, 1948, effective April 4, 1948. Amended: Filed April 23, 1974, effective May 2, 1974. Amended: Filed Dec. 9, 1975, effective Dec. 19, 1975. Emergency amendment filed Sept. 13, 1979, effective Sept. 28, 1979, expired Jan. 25, 1980. Amended: Filed Oct. 12, 1979, effective Jan. 15, 1980. Amended: Filed Feb. 25, 1992, effective Aug. 6, 1992. Amended: Filed July 6, 1993, effective Jan. 31, 1994. Amended: Filed Oct. 31, 1995,*

effective May 30, 1996. Amended: Filed May 15, 1996, effective Nov. 30, 1996. Amended: Filed July 9, 1997, effective Jan. 30, 1998. Amended: Filed March 11, 1999, effective Sept. 30, 1999.

*Original authority: 36.070, RSMo 1945, amended 1979, 1995.

1 CSR 20-1.030 Personnel Rules

PURPOSE: This rule states the general purpose of the rules of the Personnel Advisory Board and Personnel Division and provides for amendment and compliance.

(1) These rules give effect to the provisions of the State Personnel Law. The rules shall be applied in accordance with the purposes of the law, which are interpreted and declared to be as follows:

(A) To establish and maintain for certain employees of the state, a merit system of personnel administration to govern the appointment, promotion, transfer, layoff, removal, discipline and other incidents of state employment on the basis of merit and fitness;

(B) To establish and maintain for certain employees of the state, a uniform system of classification and pay administration to govern the establishment, allocation and compensation of positions within the classification plan and the use of appropriate class titles in the official records, vouchers, payrolls and communications, as provided for in section 36.031, RSMo;

(C) To establish for affected employees, rules governing hours of work, holidays and leaves of absence, as provided for in section 36.350, RSMo;

(D) To establish rules for the appeal of specified personnel actions to the Personnel Advisory Board, pursuant to section 36.390, RSMo; and

(E) To promote effective and efficient personnel management practices in state government and to aid all state agencies in personnel matters.

(2) Amendments to the rules shall be adopted by the board only after public hearing unless adopted as emergency rules as provided by law. The amended rules shall be filed with the secretary of state and shall become effective as provided by law. Following the adoption and filing of any amendment, the director promptly shall transmit the amendment to the appointing authorities.

(3) Compliance. All officers and employees of the state, under the provisions of the state personnel law, shall comply with and aid in all proper ways in carrying out the provisions of this law and these rules and they shall fur-

nish any records or information which the director or the board may request for any purpose. A state officer or employee who shall fail to comply with any of the provisions of this law or these rules shall be subject to all penalties and remedies provided by law for the failure of a public officer or employee to do any act required by law. The director may maintain an action or proceeding at law or in equity as s/he considers necessary or appropriate to secure compliance with the law and these rules (see section 36.440.1 and 36.440.2, RSMo). Any person holding any position of employment covered by the provisions of this law or these rules who shall willfully violate any provision shall forfeit his/her position as well as his/her eligibility rating and, for a period of at least five (5) years from and after the date of that violation, shall be ineligible for appointment to or employment in any position covered by this law (see section 36.460, RSMo).

AUTHORITY: section 36.070, RSMo 1986. Original rule filed July 9, 1947, effective July 19, 1947. Amended: Filed Dec. 8, 1975, effective Dec. 19, 1975. Amended: Filed Feb. 25, 1992, effective Aug. 6, 1992.*

*Original authority: 36.070, RSMo 1945, amended 1979.

1 CSR 20-1.040 Merit System Service

PURPOSE: This rule defines the classified and unclassified service of the state under coverage of all provisions of the State Personnel Law.

(1) The Classified Service. The classified service shall consist of and all provisions of the State Personnel Law and these rules, including those provisions which relate to selection, appointment, pay, tenure and removal, shall apply to those agencies enumerated in subsection (1)(A) of this rule and other agencies as may be provided for by law or regulations for grant-in-aid programs to maintain personnel standards on a merit basis, except those offices, positions and employees enumerated in subsection (1)(B) of this rule.

(A) All offices, positions and employees of the Department of Mental Health, the Department of Social Services, the Department of Corrections, the Department of Health, the Division of Employment Security, Mine Safety and On-Site Consultation Sections of the Division of Labor Standards, and Administration Operations of the Department of Labor and Industrial Relations, the Department of Natural Resources, the Office of Administration, the Missouri State Water

Patrol, the Missouri Veterans' Commission, Capitol Police, and State Emergency Management Agency of the Department of Public Safety, the Divisions of Tourism and Job Development and Training, the Missouri Housing Development Commission and the Office of Public Counsel of the Department of Economic Development.

(B) As provided for in section 36.031, RSMo, persons employed or appointed as attorneys are covered by those provisions of the rules governing classification and pay, but are not subject to those provisions of the State Personnel Law and these rules governing selection, appointment, tenure or removal.

(2) The Unclassified Service. Certain positions may be established and filled without regard to provisions of the State Personnel Law or of these rules which relate to the classification and allocation of positions or which relate to the selection, appointment, compensation, tenure and removal of persons employed in these positions. The following positions in the agencies covered by the State Personnel Law comprise this unclassified service, except that merit status will be retained by incumbents of positions which previously have been subject to the law:

(A) Within each department established by law, the departmental director, and five (5) principal assistants designated by the departmental director;

(B) Within each division of service, the division director, and three (3) principal assistants designated by the division director, except that the exemptions for principal assistants shall not apply to the Division of Personnel;

(C) Deputy(ies) or other policy-making assistants to the unclassified department director or division director as warranted by the size and complexity of the organization and as approved by the Personnel Advisory Board. Appointing authorities shall submit to the board a written request for each unclassified deputy or other policy-making assistant position describing the size and complexity of the organization, the reasons for requesting the unclassified position, and the relationship of the proposed position to other administrative positions in the agency both classified and unclassified. The duties assigned to unclassified deputies or other policy-making assistants shall not be designed to replace a classified position occupied by an incumbent or to result in the downward reclassification, layoff or demotion of an incumbent of a classified position;

(D) The administrative head of each state medical, penal and correctional institution, as warranted by the size and complexity of the

organization and as approved by the board in the same manner and under the same conditions as provided for unclassified deputies and other policy-making assistants;

(E) Members of boards and commissions and one (1) principal assistant for each board or commission when the members are appointed by the governor or by a director of a department of the executive branch of government;

(F) Chaplains and attorneys regularly employed or appointed in any department or division subject to this law, except as provided in section 36.031, RSMo;

(G) Patients or inmates in state institutions who also may be employees of those institutions;

(H) Persons employed in an internship capacity in a state agency or institution as a part of their formal training at a college, university, business, trade, or technical school except that by appropriate resolution of the governing authorities of any such agency or institution, the Division of Personnel may be called upon to assist in selecting persons to be appointed to internship positions;

(I) Persons employed in work assignments with a geographic location principally outside the state of Missouri;

(J) Special assistants as designated by an appointing authority, except that the number of such special assistants shall not exceed one percent (1%) of a department's total authorized full-time equivalent workforce. The number of special assistants allowed in each department will be determined at the beginning of each fiscal year based on the department's budget as authorized in the previous legislative session, and the authorized number of special assistants shall apply throughout the fiscal year, unless an appointing authority requests a special review during the year because of a significant change in a department's authorized work force; and

(K) Other persons whose employment is such that selection by competitive examination and standard classification and compensation practices are not practical under all circumstances as determined by the director. The circumstances which justify that determination shall include the following:

1. Cooperative education programs with secondary schools involving part-time employment of students;

2. Positions involving short-term, part-time or intermittent work schedules which do not exceed the equivalent of one-half (1/2) time in a year, except that this rule will not be used to retain permanent, or continuing employees, or both, in a division of service;

3. New positions for which allocation to an existing class is not practicable when those

positions must be filled pending a review of the duties involved and preparation of a class specification for approval by the board;

4. Interns, trainees and participants in special state or federal training, rehabilitation or employment programs providing that the objectives of these programs are best served by selection or allocation procedures other than those based on competitive examination or uniform classification and pay; or

5. Situations in which the special needs of the service cannot be met by other appointment or classification and pay procedures provided in these rules.

(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 the appointing authority may request an opinion from the Ethics Commission.

AUTHORITY: section 36.070, RSMo Supp. 1997. Original rule filed July 9, 1947, effective July 19, 1947. Amended: Filed Sept. 20, 1947, effective Sept. 30, 1947. Amended: Filed April 23, 1974, effective May 2, 1974. Emergency amendment filed Sept. 13, 1979, effective Sept. 28, 1979, expired Jan. 25, 1980. Amended: Filed Oct. 12, 1979, effective Jan. 15, 1980. Amended: Filed Feb. 25, 1992, effective Aug. 6, 1992. Amended: Filed May 15, 1996, effective Nov. 30, 1996. Amended: Filed Sept. 15, 1998, effective March 30, 1999.*

**Original authority: 36.070, RSMo 1945, amended 1979, 1995.*

1 CSR 20-1.045 Uniform Classification and Pay Service

PURPOSE: This rule defines the covered and exempt service of the state under coverage of the uniform classification and pay provisions of the State Personnel Law contained in section 36.031, RSMo.

(1) The Covered Service. The covered service shall consist of, and the uniform classification and pay provisions of the State Personnel Law and these rules shall apply to, all offices, positions and employees of those departments and agencies of the executive branch of state

government, including attorneys, except for the elective offices, institutions of higher learning, the Department of Highways and Transportation, the Department of Conservation, those positions in the Missouri State Highway Patrol, the compensation of which is established by sections 43.070 and 43.080, RSMo, those positions for which the *Missouri Constitution* specifically provides the method of selection, classification or compensation, and employees within these agencies as are specifically exempted from the uniform classification and pay provisions of the law (see section 36.031, RSMo).

(2) The Exempt Service. The following offices and positions in the agencies covered by the uniform classification and pay provisions of the law comprise the exempt service and are exempt from the operations of the law and of these rules and may be established without regard to those provisions which relate to the allocation and compensation of positions in those agencies:

(A) Within each department established by law, the departmental director, and five (5) principal assistants designated by the departmental director;

(B) Within each division of service, the division director, and three (3) principal assistants designated by the division director;

(C) Deputy(ies) or other policy-making assistants to the exempt department director or division director as warranted by the size and complexity of the organization and as approved by the Personnel Advisory Board. Appointing authorities shall submit to the board a written request for each exempt deputy or other policy-making assistant position describing the size and complexity of the organization, the reasons for requesting the exempt position and the relationship of the proposed position to other administrative positions in the agency both covered and exempt;

(D) The administrative head of each state medical, penal and correctional institution, as warranted by the size and complexity of the organization and as approved by the board in the same manner and under the same conditions as provided for exempt deputies and other policy-making assistants;

(E) Members of boards and commissions and one (1) principal assistant for each board or commission when the members are appointed by the governor or by a director of a department of the executive branch of government;

(F) Chaplains and attorneys regularly employed or appointed in any department or division subject to this law, except as provided in section 36.031, RSMo;

(G) Patients or inmates in state institutions who also may be employees of those institutions;

(H) Persons employed in an internship capacity in a state agency or institution as a part of their formal training at a college, university, business, trade, or technical school, except that by appropriate resolution of the governing authorities of any such agency or institution, the Division of Personnel may be called upon to assist in selecting persons to be appointed to these internship positions;

(I) Persons employed in work assignments with a geographic location principally outside the state of Missouri;

(J) Special assistants as designated by an appointing authority, except that the number of such special assistants shall not exceed one percent (1%) of a department's total authorized full-time equivalent work force. The number of special assistants allowed in each department will be determined at the beginning of each fiscal year based on the department's budget as authorized in the previous legislative session, and the authorized number of special assistants shall apply throughout the fiscal year, unless an appointing authority requests a special review during the year because of a significant change in a department's authorized work force; and

(K) Other persons whose employment is such that standard classification and compensation practices are not practical under all circumstances as determined by the director. The circumstances which justify this determination shall include the following:

1. Cooperative education programs with secondary schools involving part-time employment of students;

2. Positions involving short-term, part-time or intermittent work schedules which do not exceed the equivalent of one-half (1/2) time in a year, except that this rule will not be used to retain permanent, or continuing employees, or both, in a division of service;

3. New positions for which allocation to an existing class is not practicable when those positions must be filled pending a review of the duties involved and preparation of a class specification for approval by the board;

4. Interns, trainees and participants in special state or federal training, rehabilitation or employment programs providing that the objectives of these programs are best served by allocation procedures other than those based on uniform classification and pay; or

5. Situations in which the special needs of the uniform classification and pay service cannot be met by the allocation procedures provided in these rules or by allocation through the uniform classification and pay process.

(3) Implementation. The personnel director shall conduct job studies and position reviews and establish new and revised job classes as are necessary for appropriate assignment of positions to the covered and exempt services. Upon completion of the job studies and related tasks necessary to integrate an agency into the classification plan administered by the Personnel Advisory Board and Division of Personnel, that agency shall be subject to the rules governing the classification plan as contained in 1 CSR 20-2.010. Following the integration of an agency into the classification plan, compensation of employees within that agency may not exceed the maximum step of the pay range for the class to which their individual position is assigned, except that any employee whose salary exceeds the established maximum at that time will be subject to the provisions of 1 CSR 20-2.020(4)(D)6. The full pay plan provisions contained in 1 CSR 20-2.020 shall be made applicable to the agency when the funds necessary to adjust employees to steps within the assigned pay ranges have been appropriated and made available.

AUTHORITY: section 36.031, RSMo Supp. 1995. Original rule filed Feb. 25, 1992, effective Aug. 6, 1992. Amended: Filed May 15, 1996, effective Nov. 30, 1996.*

**Original authority: 36.031, 1990.*

1 CSR 20-1.050 Records and Reports

PURPOSE: This rule prescribes the confidentiality of certain records and specifies the form in which reports of personnel changes are to be made.

(1) Records. The records of the Personnel Division, except examinations, service reports, personal histories and other records as may be specified in these rules or by action of the board as confidential, shall be public records and shall be open to public inspection, during regular office hours at reasonable times and in accordance with procedures as the board may prescribe (reference section 36.420, RSMo).

(2) Reports. The director shall prescribe the necessary forms for reports of all personnel changes in the service. The forms shall provide spaces for entering the supporting or otherwise pertinent information as the director shall deem to be needed. The forms or supplementary instructions to appointing authorities shall explain which of the changes call for prior approval of the director before they may become effective, which of them

require reports, when made and which of them need to be reported sufficiently in advance of the end of the payroll period to permit them to be given effect in the checking and approval of the next payroll.

AUTHORITY: section 36.070, RSMo 1986. Original rule filed July 9, 1947, effective July 19, 1947.*

**Original authority: 36.070, RSMo 1945, amended 1979.*