
Rules of
Office of Administration
Division 20—Personnel Advisory Board and
Division of Personnel
Chapter 2—Classification and Pay Plans

Title	Page
1 CSR 20-2.010 The Classification Plan	3
1 CSR 20-2.020 The Pay Plan	4

**Title 1—OFFICE OF
ADMINISTRATION**

**Division 20—Personnel Advisory
Board and Division of Personnel
Chapter 2—Classification and Pay Plans**

1 CSR 20-2.010 The Classification Plan

PURPOSE: The Personnel Division and the Personnel Advisory Board have the authority and responsibility for preparation, adoption, maintenance and revision of a classification plan for all positions in the classified and covered services. This rule provides the framework within which this authority is exercised.

(1) Preparation of Plan. The director shall ascertain the duties, authority and responsibilities of all positions subject to the law. At the earliest possible date after a division of service or branch becomes subject to the provisions of the law and after consultation with the appointing authority involved, the director shall prepare and recommend to the Personnel Advisory Board a plan for the classification of the affected positions. This plan shall group positions in a division of service in classes, based on their duties, authority and responsibilities. The position classification plan shall set forth for each class of position, a class title and a statement of the duties, authority and responsibilities the knowledges, skills and abilities, and the qualifications that are necessary or desirable for the satisfactory performance of duties of the class; provided that no plan shall be adopted which prohibits the substitution of experience for education for each class of position excepting a class of position as may be designated by the appointing authorities as required to be filled on the basis of educational qualifications in order to comply with federal law or regulations. Upon adoption by the Personnel Advisory Board, the plan for position classification in a division of service shall become part of the general classification plan for the classified and covered service (see section 36.100, RSMo).

(2) The classification plan shall be maintained as follows:

(A) Revisions of Plan. The classification plan shall be so developed and maintained that all positions substantially similar with respect to the kind, difficulty and responsibility of work are included in the same class; and that the same schedule of pay may be applied with equity to all positions in a class (see section 36.110, RSMo). Whenever any change in organization, creation of a new

position or change in duties or responsibilities of individual positions makes the revision of the classification plan necessary, the director shall recommend the necessary revisions to the board. Any change in the classification plan recommended by the director shall take effect when approved by the board or on the ninetieth day after it is recommended to the board if the board shall not have previously disapproved it. Whenever, in the opinion of the director, there is an urgent necessity for the immediate establishment of a new class in the classification plan, the director may establish a class on an interim basis, pending approval of the class by the board as recommended by the director. After a class of positions has been approved by the board, the director is authorized to make those changes in the class title or in the statement of duties and required qualifications for the class as the director finds necessary for current maintenance of the classification plan; provided, however, that changes which materially affect the nature and level of a class or which involve a change in salary range for the class shall be approved by the board (see section 36.120, RSMo);

(B) Allocation of New Positions. Before establishing a new position in a division of service subject to the law, an appointing authority shall notify the director in writing of his/her intention to do so, together with a statement of the duties, authorities and responsibilities to be assigned. The director shall allocate any new position to a class (see section 36.120, RSMo);

(C) Reallocation of Positions Necessitated by Revisions of Plan. If any change is made in the classification plan by which a class of position is divided, altered or abolished or classes combined or a new class established, the director shall reallocate the positions affected to their appropriate classes in the amended classification plan and shall determine comparability and relative level between the old class and the classes in the revised plan. For positions in the classified service, a regular employee who is occupying a position thus reallocated shall be given status as a regular employee in the class to which his/her position is reallocated, subject to the following conditions (see section 36.120, RSMo):

1. If the class to which his/her position in the classified service was reallocated is of higher level or of a level similar to the class to which it was previously allocated s/he shall be deemed to have gained status as a regular employee in such class by means of upward or lateral reclassification; provided, however, that the director may require that the employee achieve a satisfactory grade in a noncom-

petitive test for fitness for the class to which his/her position has been reallocated; and

2. If the class to which his/her position in the classified service was reallocated is of lower level than the class to which it was previously allocated, s/he shall be given status as a regular employee in the class by means of downward reclassification, or s/he shall be transferred to a position in a class of level comparable to the class to which his/her position was previously allocated. In any case in which a regular employee continues in the reallocated position by means of a downward reclassification, his/her name, subject to the approval of the director, may be placed on the reinstatement register for the class to which his/her position was previously allocated or on any other appropriate reinstatement register; and

(D) Reallocation of Positions Within the Established Plan. The director may investigate the duties of any position in the classified and covered service subject to the law to determine the correctness of allocation and to provide for maintenance of the classification plan. Before making any permanent and substantial change in the duties, authority or responsibilities of a position subject to the law, an appointing authority shall notify the director in writing of his/her intention to do so, together with a statement of the duties, authorities and responsibilities to be assigned. If the duties of his/her position are changed or if at any time an employee does not believe that the duties of the position are appropriate to his/her classification, s/he may make a request in writing to the director for a review of the duties of his/her position, setting forth reasons for the review. If those reasons appear to be substantial, the director shall make an investigation of the position with a view to determining the correctness or incorrectness of the allocation (see section 36.120, RSMo). If a position is found to be incorrectly allocated, the director, at any time, may reallocate the position to its appropriate class in the classification plan. When the allocation of a position is changed, the director shall notify the appointing authority. The appropriate personnel action shall be taken by the appointing authority upon receipt of the notice of reallocation. If the position is filled at the time of reallocation, the appointing authority immediately shall notify the incumbent regarding the allocation change. If the incumbent does not agree with the new allocation, s/he may submit to the director in writing a request for a review of the allocation of the position specifying the reasons why the incumbent believes the allocation is incorrect. A regular employee who is occupying a position in the classified

service which is reallocated to a different class shall continue in this position only in accordance with the rules governing promotion, transfer, demotion or, with the approval of the director, by reclassification, except that in any case in which a position is reallocated to a higher class, the position's incumbent, with the approval of the director, may attain regular status in the higher class if s/he achieves a satisfactory grade on a noncompetitive test of fitness for the class to which his/her position was reallocated.

(3) Class specifications and class titles shall be provided and used in the classification plan as follows:

(A) Content of Specifications. The director shall provide and may amend as provided in subsection (2)(A) written specifications for each class in the classification plan. Each of the class specifications shall include a class title, a description of the duties, authority and responsibilities of the work, the knowledges, skills and abilities, and a statement of the qualifications that are necessary or desirable for the satisfactory performance of the duties of the class;

(B) Interpretation of Class Specifications. The statement in the class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the established classes as determined by their duties and responsibilities and are not to be construed as declaring what the duties or responsibilities of any position may be or as limiting or modifying the power of an appointing authority to assign, direct and control the work of employees under his/her supervision. The use of a particular expression or illustration as to the duties shall not be held to exclude others not mentioned that are of a similar kind or quality nor shall any specific omission necessarily mean that a factor is not included;

(C) Use in Allocation. In determining the class to which any position should be allocated, the director shall consider the specification describing each class as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, the necessary or desirable knowledges, skills and abilities, the qualifications required and relationships to other classes; and

(D) Class Titles. Following the adoption of the classification plan and the allocation of classes in positions in the classified or covered service, the class titles set forth shall be used to designate those positions in all official records, vouchers, payrolls and communications. No person shall be appointed to or employed in a position in divisions of the ser-

vice subject to this law under a class title which had not been approved by the director as appropriate to the duties performed (see section 36.130, RSMo).

AUTHORITY: section 36.070, RSMo (1986). Original rule filed July 9, 1947, effective July 19, 1947. Amended: Filed Dec. 23, 1947, effective Jan. 2, 1948. Amended: Filed June 1, 1954, effective June 11, 1954. Amended: Filed July 21, 1967, effective July 31, 1967. Amended: Filed Dec. 8, 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.*

**Original authority 1945, amended 1979.*

1 CSR 20-2.020 The Pay Plan

PURPOSE: The Personnel Division and the Personnel Advisory Board have the authority and responsibility for preparation, adoption and administration of a pay plan for agencies covered by the classification and pay provisions of the State Personnel Law. This rule provides the framework within which this authority is exercised.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Preparation. After consultation with appointing authorities and the state fiscal officers and after a public hearing, the director, from time-to-time as circumstances require, shall prepare and recommend to the board a pay plan for all classes subject to the State Personnel Law. The pay plan shall include for each class of positions, a pay range with a minimum and a maximum rate, and such provision for intermediate rates of pay as the director considers necessary or equitable. The pay plan may include provision for grouping of management positions with similar levels of responsibility or expertise into broad classification bands for purposes of determining compensation and provision for

such salary differentials and other pay structures as the director considers necessary or equitable. In establishing the rates and ranges of pay, the director shall give consideration to the experience in recruiting for positions in the state service, the rates of pay prevailing in the state for the services performed and for comparable services in public and private employment, living cost, maintenance or other benefits received by employees and the financial condition and policies of the state. The initial pay plan for divisions of service or branches, when first brought under the provisions of the law, shall be prepared in this same manner and, upon adoption, become a part of the general pay plan.

(2) Adoption. The pay plan shall take effect when approved by the board and the governor. Each employee appointed to a position subject to these rules, after the adoption of the pay plan, shall be paid according to the provisions of the pay plan for the position in which s/he is employed; provided that the commissioner of administration certifies that there are funds appropriated and available to pay the adopted pay plan. The pay plan also shall be used as the basis for preparing budget estimates for submission to the legislature as these budget estimates concern payments for services performed in positions subject to the State Personnel Law.

(3) Effect of Amendments, Revisions and Additions. When amendments or revisions to the pay plan are effective, rates of pay of employees shall be adjusted to that step in the amended scale comparable to the step in the old scale, unless a lesser adjustment is specifically requested and justified by an appointing authority and approved by the director. This approval shall be conditioned upon uniformity of treatment for all employees of a division of service. When a new or revised class of positions is established in the classification plan, the director shall recommend for approval of the board an appropriate pay range within the pay plan.

(4) Administration. The implementation and ongoing administration of the pay plan shall be conducted in a manner which promotes equitable pay relationships and the efficient and effective practice of personnel administration. Appointing authorities shall have a responsibility to exercise the discretion included in these rules in a manner which avoids inconsistent, arbitrary or discriminatory pay actions. The pay plan shall be administered in accordance with the following provisions:

(A) Appointment Rate. The minimum rate of pay for a class normally shall be paid upon appointment to the class. The following are exceptions to this practice:

1. If an appointing authority determines that the qualifications of an applicant substantially exceed those normally expected of beginning employees in the class involved, or if an appointing authority determines, based on permanent position-related factors, such as working conditions or physical location of work, that the beginning rate of pay for an individual position or group of positions is insufficient to meet recruitment or staffing needs, an appointment at a rate above the minimum rate is authorized. In these cases, the proposed rate of pay should not exceed that which is being paid to present employees with comparable qualifications or to present employees in similar position-related circumstances; and

2. If an appointing authority finds that the beginning rate of pay for a given class of positions is insufficient to meet minimum recruitment needs, either statewide or in selected areas of the state, the appointment of employees in that class may be made at a higher rate of pay. In these cases, employees in the affected class and area should be advanced at least to the proposed new rate. Establishment of class-wide recruitment rates should be based on the appointing authority's recruitment and retention experience, register experience, local competitive salary data, effect of rates on other classes utilized by the agency and the budgetary impact of establishing those rates;

(B) Salary Advancements. Salary advancements within the pay range for the class occupied by an employee are of three (3) types: probationary salary advancements, specific salary advancements authorized during a fiscal year and discretionary salary advancements, administered in accordance with the following provisions:

1. A probationary salary advancement of up to two (2) steps is authorized for an employee upon successful completion of the original probationary period. As used in this paragraph, successful completion means the granting of regular status to a probationary employee, rather than the evaluation attained in the performance appraisal. An appointing authority may grant a probationary salary advancement of up to two (2) steps following successful completion of a promotional probationary period or completion of six (6) months of service following upward reclassification;

2. Within-grade, market progression or other specific salary advancements which are only authorized during a fiscal year when

specific funding has been appropriated for all agencies. When such funding is approved and appropriated by the legislature, the Personnel Advisory Board will issue guidelines and instructions for implementation of these provisions. Within-grade, market progression or other specific salary advancements may be for one or more steps or for varying amounts or percentages within the range for the class, and may be based on length of total state service, performance appraisal, time in class, relative market position within the range, or any combination of these or other factors;

3. Discretionary salary advancements may be granted by an appointing authority as warranted by the needs of the service, except that the appointing authority shall have a responsibility to exercise this discretion in a manner which avoids inconsistent, arbitrary or discriminatory pay actions. For positions in the classified service, discretionary salary advancements cannot be given during the probationary period, unless approved by the director of the Division of Personnel in cases where it does not affect competitive appointments that would compromise the selection group as enumerated in 1 CSR 20-3.030(3)(A); and

4. The probationary salary advancement and the specific salary advancement authorized during a fiscal year as described in paragraphs (4)(B)1. and 2. shall be given to eligible employees to the extent that funds are available for implementation of these provisions. No employee shall be denied a probationary salary advancement or specific salary advancement authorized during a fiscal year as described in paragraphs (4)(B)1. and 2. in order to provide a salary advancement to another employee authorized under paragraph (4)(B)3.;

(C) The provisions of this rule pertaining to salary advancements shall not apply to salary adjustments made in accordance with section (3) when revisions occur in the pay plan;

(D) Pay Rates in Transfer, Promotion, Reclassification or Demotion. If an employee is transferred, promoted, reclassified or demoted, the employee's rate of pay shall be determined as follows:

1. If the rate of pay in the previous class is less than the minimum rate established for the new class, the rate of pay shall be advanced to at least the minimum for the new class;

2. If the rate of pay in the previous class is more than the maximum rate for the new class, the pay shall be reduced to the maximum rate for the new class or lower for purposes of equity, except as provided for in paragraph (4)(D)6. of this rule;

3. If the rate of pay in the previous class falls within the range of pay for the new class and at an established step of the new range, the salary rate will depend on the type of personnel transaction. In the case of transfer or lateral reclassification, the salary rate shall remain the same unless otherwise provided by the appointing authority due to equity considerations. In the case of promotion or upward reclassification, the salary rate shall be increased one (1) step or more. In the case of downward reclassification, voluntary demotion or demotion for cause, the salary rate will be reduced one (1) step or more as justified by the difference in salary levels between the class to which demoted and the class previously held, or for purposes of equity. At the discretion of the appointing authority, the salary rate in the case of voluntary demotion or downward reclassification may remain unchanged;

4. If the rate of pay in the previous class falls within the range of pay for the new class but does not correspond to an established step in the new salary range, it shall be advanced to at least the next higher step if the action is a promotion or upward reclassification or decreased to, at least, the next lower step or more for purposes of equity if the action is a demotion or downward reclassification;

5. The following upward reclassification or promotional salary increase formula may be used as a guide when exceeding the mandatory one (1)-step increase. By formula, the number of steps the salary may be increased is one (1) more than the number of pay ranges by which the new class exceeds the previous class. Consistent application will promote equitable treatment of employees affected by these actions; and

6. If the rate of pay in the previous class is more than the maximum rate established for the new class, a salary rate above the maximum rate for the new class may be approved in accordance with the following provisions:

A. Where a department, division, work unit, class of employees or other entity of state government is initially made subject to the classification provisions of the State Personnel Law, the Personnel Advisory Board may approve salary rates above the established maximum rates for the affected employees in job classes to which the newly-allocated positions are assigned. Similarly, if a series of classes or a single class of positions within the classification plan is restructured, altered or abolished, the Personnel Advisory Board may approve above-the-maximum rates for affected employees, upon recommendation of the appointing authority. In each case where an above-the-maximum rate

has been authorized by the Personnel Advisory Board, the rate of pay will be clearly recorded as an over-the-range rate, and the affected employee will not be eligible for any additional type or amount of salary adjustment or advancement until the rate of pay falls within the range of pay for the class to which the position is allocated;

B. Where a position is reallocated to a lower class by action of an appointing authority under delegated allocation authority or by the Division of Personnel, the appointing authority, with approval of the personnel director, may elect to continue the incumbent employee's rate of compensation at the above-the-maximum rate, establish a lower rate of pay which exceeds the established maximum for the class, or reduce the salary to an equitable rate within the authorized range of pay for the lower class as provided for in paragraph (4)(D)2. If the appointing authority elects to establish an above-the-maximum rate, the rate of pay will be clearly recorded as an over-the-range rate, and the affected employee will not be eligible for any additional type or amount of salary adjustment or advancement until that time as his/her rate of pay shall fall within the range of pay for the class to which the position is allocated; and

C. An over-the-range rate established under subparagraphs (4)(D)6.A. and B. will continue while the employee remains in the same, comparable or higher classification in the same department. The payment of a differential authorized by the Personnel Advisory Board will be allowed where applicable, and the salary of an affected employee who enters or exits a position covered by this differential will be adjusted in a manner consistent with agency policy and practice. Where an employee receiving an over-the-range rate of pay maintains continuous state employment but accepts a position in the same, comparable or higher classification in another department covered by the classification and pay provisions of the State Personnel Law the appointing authority of the receiving agency shall have the discretion to continue the authorized over-the-range rate, to establish a lower rate of pay which exceeds the established maximum for the class, or to reduce it to an equitable rate within the authorized range of pay for the class. Once the range of pay for the class occupied by the employee can accommodate the rate of pay, the over-the-range rate will be void and the employee's compensation will be subject to the provisions contained elsewhere in the rules; and

(E) Total Remuneration. The salary rate established in the pay plan is intended as remuneration for the performance of full-time

work in accordance with 1 CSR 20-5.010(1)(A). Employees may receive additional payments as follows: overtime payments in accordance with 1 CSR 20-5.010(1); pay differentials and performance incentive payments as authorized by the Personnel Advisory Board; suggestion award payments authorized by section 36.030 of the State Personnel Law; reimbursement for official travel as permitted by 1 CSR 10-11.010; and nonmonetary income or fringe benefits, which represent provisions made to an employee primarily for the benefit of the state. Subsistence deductions from the pay of an employee for articles provided at a state-owned facility primarily for the benefit of the employee are not considered to be a reduction in total remuneration of the employee.

(5) Certification of Payroll. No state disbursing or auditing officer shall make or approve or take any part in making or approving any payment for personal service to any person employed in a division of service unless this person is appointed and employed in accordance with the provisions of the law and these rules. Changes in employment conditions or status which are governed by the law and the rules adopted shall be subject to the same conditions. The director shall establish the procedure necessary to secure compliance with this section. Any sum paid contrary to any provision of the law or of these rules may be recovered for the state in an action maintained by any citizen of Missouri, from any officer who made, approved or authorized payment or who signed or counter-signed a voucher, payroll, check or warrant for the payment or from the sureties on the official bond of any such officer. All moneys recovered in any such action shall be paid into the state treasury. Any citizen of Missouri may maintain a suit to restrain a disbursing officer from making any payment in contravention of any provision of the law or of these rules (see section 36.330, RSMo).

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**Original authority: 36.060, RSMo (1945), amended 1979, 1993, 1995 and 36.070, RSMo (1945), amended 1979, 1995.*