

Department of Labor and Industrial Relations

Labor and Industrial Relations Commission
3315 W. Truman Blvd., PO Box 599
Jefferson City 65102-0599
Telephone: (573) 751-2461 / FAX: (573) 751-7806
www.dolir.mo.gov/lirc

The Labor and Industrial Relations Commission is composed of three commissioners. Each commissioner is appointed a staggered six-year term by the governor with the advice and consent of the Senate. One member of the commission, a licensed Missouri attorney, represents the public. Another member represents the employer, while the remaining member represents the employee. The governor designates one of these members as chair.

The commission appoints a secretary to keep full and true records of all commission proceedings and copies of all rules, regulations, decisions and orders made by the commission.

The commission hears all appeals from all decisions and awards in workers' compensation, unemployment compensation, prevailing wage and victims of crime compensation cases at the highest administrative level. In connection with these appellate duties, the commission holds hearings and renders written opinions pursuant to the various provisions of Missouri law. These opinions, in turn, are subject to review by the Missouri Supreme Court and by courts of lesser jurisdiction.

In addition, the commission is charged with the statutory authority to approve or disapprove all rules or regulations promulgated by the divisions within the department.

The Labor and Industrial Relations Commission nominates and the governor appoints, with the advice and consent of the Senate, a director to be chief executive officer of the department.

**Labor and Industrial Relations
Commission***
Deaton, Patrick, acting chair;



KEN LEGAN
Commissioner, Labor and
Industrial Relations Commission



JOHN HICKEY
Commissioner, Labor and
Industrial Relations Commission



PAMELA M. HOFMANN
Secretary, Labor and
Industrial Relations Commission

Legan, Ken, (R), Halfway, June 27, 2004;
Hickey, John, (D), Columbia, June 27, 2008.

*\$94,029 per annum.

Office of the Director

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Jefferson City 65102-0504
Telephone: (573) 751-9691 / FAX: (573) 751-4135
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The Omnibus State Reorganization Act of 1974 established the Missouri Department of Labor and Industrial Relations.

The department is responsible for administering programs that (1) provide an income contribution for workers to offset the loss of a job because of injury; (2) provide an income contribution for workers to offset the loss of a job because of layoff; (3) mediate and issue resolutions between certain management and labor groups; (4) regulate wages for public works and construction projects; (5) promote safe working environments; (6) enforce Missouri's anti-discriminatory statutes and protect Missouri citizens in the areas of housing, employment and public accommodation; (7) promote equal access and full participation for all individuals



CATHERINE B. LEAPHEART
Director



CYNTHIA QUESTCH
Acting Deputy Director



JACQUELINE WOOD
Legislative Coordinator



ROBERT CROUCH
Director
Administration

with disabilities; and (8) investigate allegations of workers' compensation fraud and noncompliance.

Agencies operating within the department are: Labor and Industrial Relations Commission, Division of Labor Standards, State Board of Mediation, Division of Workers' Compensation, Division of Employment Security, Governor's Council on Disability, the Missouri Commission on Human Rights, and Director and Staff Administration.

Individual economic stability and advancement of Missouri citizenry are the primary goals of the department. The department's guiding principle is to be responsive and fair to all employees and employers.

The director's office places emphasis on accountability and quality customer service. Performance measures play an important role in assessing the effectiveness of service to the public and in designing improved service delivery systems.

Director and Staff Administration

The Department of Labor and Industrial Relations provides administrative support services to each of its agencies. The major organizational entities within the Director and Staff Administration are Administrative Services, Facilities and Maintenance, Information Systems and Research and Analysis.

Office of General Counsel

The Office of General Counsel, along with the Office of Attorney General, represents the agencies of the department. The legal staff prepares legal opinions; advises the director and other management staff; litigates all employment security tax and benefit cases including appeals; assists in the collection of delinquent unemployment contributions; represents the department in matters before the Personnel Advisory Board, the Equal Employment Opportunity Commission



RON MILLER
Chief Appeals Referee



GRACIA BACKER
Director, Division of
Employment Security

and the Missouri Commission on Human Rights; represents the Missouri Commission on Human Rights in civil rights cases; and reviews contracts and leases.

Division of Employment Security

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Unemployment insurance programs in Missouri originated in the 1930s under federal guidelines.

The objective of the Division of Employment Security is to collect contributions from employers and pay unemployment benefits to individuals who are eligible under the law.

Costs for operating the division and the major part of its programs are paid from federal grants. The grants are derived from federal payroll taxes paid by employers and are made available by congressional appropriations. State unemployment contributions paid by Missouri employers are state funds set aside for the sole purpose of providing for the payment of weekly unemployment benefits to qualified claimants.

Unemployment Insurance

Unemployment Insurance programs provide partial protection against loss of wages for workers who become unemployed through no fault of their own. The unemployment benefits paid to insured workers help to boost the economy of the state during periods of economic downturn by helping maintain the level of consumer purchasing power.

Payment of benefits under the regular program is made from a trust fund. The program is supported by contributions from employers. No part of the contribution is deducted from worker wages.

Eligible claimants can qualify for up to 26 weeks of unemployment compensation under the Regular Benefit Program. During periods of high unemployment, the Extended Benefit Program provides up to 13 additional weeks of entitlement for the long-term unemployed who have exhausted all regular program entitlements and who meet extended benefit eligibility requirements. The Extended Benefit Program is financed equally by the state unemployment compensation trust fund and the U.S. Department of Labor.

Contributions

The division's contributions sections ensure that employers are properly classifying their workers, reporting their workers' wages and paying the correct contributions on wages. Correct reporting helps to ensure the prompt payment of unemployment benefits to insured workers during periods of unemployment.

Employers file quarterly contribution and wage reports with the division to report their workers' earnings.

Unemployment Benefits

One of the main objectives of the division is the prompt payment of unemployment benefits to eligible claimants.

With claims centers located in Jefferson City, St. Louis, Kansas City and Springfield, the Division of Employment Security has completed a transition from in-person to toll-free telephone initial unemployment insurance claim filing. Through the four centers, unemployed Missouri workers, including those who live out of state, can file initial and weekly claims by phone. In addition, the division offers filing of unemployment claims via the Internet as an additional option. The Internet address is www.ui.dolir.state.mo.us.

A person must have worked in employment covered under the Missouri Employment Security Law and earned qualifying wages in order to be entitled to any unemployment benefits.



COLLEEN BAKER
Director
Division of Labor Standards

Detailed wage records are kept on every worker reported by employers on the quarterly contribution and wage reports. The wage records permit the prompt determination of benefit entitlement when an initial unemployment claim is filed.

Other unemployment insurance services include offering claim filing services to unemployed workers living in other U.S. states or territories; detecting and preventing improper payments; and paying a percentage of weekly unemployment benefits to employees of participating employers in exchange for reducing work hours and avoiding layoffs.

Appeals

The Missouri Employment Security Law provides for the appeal of determinations concerning receipt of unemployment insurance benefits and tax liability of employers. In addition to appeals concerning tax liability of employers and payment of unemployment insurance benefits, the section also receives appeals regarding the withholding of child support, appeals under the Trade Adjustment Assistance program and other federal programs.

Division of Labor Standards

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The Reorganization Act of 1974 created the Division of Labor Standards by combining the Divisions of Industrial Inspection, Mine Inspection and Prevailing Wage.

The division currently consists of three sections: Wage and Hour, On-Site Safety and Health Consultation Service and Mine and Cave Safety and Health.

The division director administers these programs and handles receipts and expenditures of

all funds; collection of fees; issuance of child labor work permits; assistance to the public relating to wages, hours and dismissal and minimum wage rights; assistance with voluntary compliance of child labor, prevailing wage, safety and health laws and enforcement of those laws where authorized and necessary; workplace safety and health training, on-site consultations and programs; and program's reports and statistics.

Wage and Hour

The section provides assistance to the public by answering questions about wages, hours, dismissal rights and minimum wage issues (Chapter 290, RSMO). Working together with employers, school officials, parents and public interest groups, the division is able to educate individuals involved with employing youth. Also, the section assists employers in understanding and meeting their responsibilities under Missouri's Child Labor Law. They issue work permits for youth employed in the entertainment industry (Chapter 294, RSMO). When necessary, the section investigates and enforces compliance with Missouri's Child Labor Law. The division's increased outreach and education efforts with public bodies, contractors, workers and their representatives assist with encouraging increased participation in the prevailing wage survey process. The division helps public bodies and contractors with attaining voluntary compliance with Missouri's Prevailing Wage Law (Chapter 290, RSMO).

Wages, Hours, Dismissal Rights and Minimum Wage

The division answers questions for the public about issues such as breaks, lunches, vacations, hiring, wage levels, dismissals, discipline and others. Employers and employees are provided information on their workplace rights and responsibilities. Assistance is provided by giving proper procedures or referrals to other agencies with more authority. While the division has no wage collection authority, procedures are provided for those individuals seeking such assistance.

Child Labor

The division is responsible for the administration and enforcement of Missouri's Child Labor Law. The law ensures that no child younger than 16 years of age is employed in an occupation that is detrimental to the child's safety, health, morals, educational processes or general well being. No child under the age of 14 may work in any occupation, unless specifically allowed. The exception is entertainment industry employ-

ment. The law restricts work hours for youth under 16. A child 14 or 15 may not be employed during the regular school term unless the public school superintendent or designee of the district where the youth lives has issued a work certificate. Youth under 16 may work in the entertainment industry if the division issues the youth a work permit.

Prevailing Wage

The Wage and Hour Section is responsible for compiling wage surveys, wage inspections, issuing the General Wage Order for the Highway and Transportation Commission and the Annual Wage Order. The section also is responsible for providing information to the Labor and Industrial Relations Commission regarding objections to those orders.

Prevailing wage survey information for construction projects is collected on an ongoing basis. The survey information is used to determine the prevailing wage rates for workers employed on public works construction projects. Outreach with contractors, public bodies, employees and others occur daily to assist in achieving voluntary compliance. Site inspections are performed to assure compliance with prevailing wage rates and to investigate complaints.

On-Site Safety and Health Consultation Service

The service provides a confidential, no charge service to employers with up to 250 workers (or up to 500 nationwide). The service assists employers in reducing injuries and illnesses without penalties, thereby providing safer and healthier workplaces. Also, employers gain a better understanding of how to comply with federal Occupational Safety and Health Administration (OSHA) regulations. At an employer's request, trained occupational safety and health consultants visit the workplace. The consultant informs the employer of problems found and recommends solutions to eliminate hazards.

Safety and Health Achievement Recognition Program (SHARP)

Employers who eliminate all identified safety and health problems and have, or are willing to start, comprehensive safety and health program management are eligible for an exemption from routine OSHA inspections. The Safety and Health Achievement Recognition Program (SHARP), recognizes the top level of employer participation in the program. It allows for the exemption from routine OSHA inspection for one year. There are

currently 24 Missouri employers exempt from routine OSHA inspection.

Mine and Cave Safety and Health

The Mine and Cave Safety and Health Section consists of two programs to aid miners, mine owners/operators and cave owner/operators.

Mine and Cave Inspection Program

The inspection program is mandated by Chapter 293, RSMo to inspect mines to ensure safety in the workplace. Each fiscal year, the Mine and Cave Inspection Program conducts safety and health inspections of mines and caves regulated by Chapter 293, RSMo. Underground mines are inspected four times per year and surface mines are inspected twice per year. There is an inspection fee based on the tonnage reported by the mine owner. This program includes consultation services. Mine and cave safety inspectors assist miners with mine openings, closings, safety programs, dust and noise control and compliance with federal Mine Safety and Health Administration (MSHA) standards. The program also assists with coordinating mine and cave rescue efforts.

Caves

All show caves, by law, must be inspected before opened to the public. The act also requires every cave owner, operator or agent to provide necessary safety guard rails, bridges, ladders, entrances, platforms, walkways, safety barriers, rails, paths, electrical and other safety measures. The safety measures must be in place before opening to the public. Cave maps must be on file before caves are ready for public use. Caves are inspected prior to opening and once after opening to the public. A fee of \$35 is assessed to the cave owner. A listing of the caves inspected by the program is published on the department's website.

Mine Safety and Training Program

The Mine Safety and Health Training Program provides training services to mines which include safety and health, first aid, cardiopulmonary resuscitation (CPR) and mine rescue. Training is available at no charge. The program provides safety and health training to miners through a federal grant. This program is funded primarily by the Mine Safety and Health Administration. Recipients of these services have reduced accidents and injuries in their workplaces with reduced number of lost workdays.

Division of Workers' Compensation

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Jefferson City 65102-0058
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Toll-free: (800) 775-2667
www.dolir.mo.gov/wc*

On Nov. 2, 1926, the Missouri Workers' Compensation Law was adopted by a vote of the people. The Labor and Industrial Relations Commission, and more recently the Division of Workers' Compensation, have been entrusted with the administration of Missouri's Workers' Compensation Law. The division's primary function is to provide prompt and equitable resolutions of all cases of work-related injuries and occupational diseases with a minimum of formal litigation.

Under the Missouri Workers' Compensation Law an individual who is injured on the job may be entitled to compensation in the form of medical benefits as well as potential temporary total disability, permanent partial disability benefits or permanent total disability. An employee is entitled to these disability compensation benefits in an amount equal to two-thirds of the employee's average weekly wage pay not to exceed certain statutory limitations. The average weekly pay is determined by examining various pay periods immediately preceding the date of injury.

The division's organizational structure is made up of the adjudication offices responsible for the adjudication of disputes, and the administrative components including the Injury Processing Section, Regulatory Section, and the Administration Section. The Administration Section includes the Legal Unit. The Regulatory Section includes the special programs listed below. The division also administers the Fraud and Noncompliance Unit, Crime Victims' Compensation Program and the Tort Victims' Compensation Program.

The division's administrative costs are paid from the Workers' Compensation Administrative Fund. Employers finance the fund by paying an annual tax of up to two percent on net workers' compensation insurance premiums.

Adjudication

The division has 47 administrative law judges and legal advisors. The adjudication staff holds dockets, including hearing, that are designed to resolve disputes between injured workers and employers/insurance companies. The division has eight local offices around the state. The adjudication staff also holds dockets at 36 other sites either in the county where the injury occurred or an adjacent county.



RENEE SLUSHER
Director, Division of Workers'
Compensation



JACK H. KNOWLAN JR.
Chief Administrative Law Judge
Division of Workers'
Compensation



ROBERT J. DIERKES
Chief Administrative Law Judge
Division of Workers'
Compensation



ROBERT H. HOUSE
Chief Administrative Law Judge
Division of Workers'
Compensation



KENNETH J. CAIN
Chief Administrative Law Judge
Division of Workers'
Compensation



MARGARET E. HOLDEN
Chief Administrative Law Judge
Division of Workers'
Compensation



LESLIE H. BROWN
Chief Administrative Law Judge
Division of Workers'
Compensation



NELSON G. ALLEN
Chief Administrative Law Judge
Division of Workers'
Compensation

Injury Processing

The injury processing section receives and processes all information relating to the approximately 154,300 work-related injuries that occur each year in Missouri. The division receives reports on injury, claims for compensation, answers, temporary benefits paid, medical costs paid and other information regarding work-related injuries. This information is used by the sections and programs in carrying out all division functions.

Self-Insurance

Section 287.280, RSMo, and 8 CSR 50.3.010, provide for self-insurance as an alternative to traditional workers' compensation coverage. Larger employers may apply to self-insure individually. Mid-size to smaller employers may find group trusts a viable alternative. Individual employers and group trusts must satisfy the division's requirements for financial soundness, administrative ability and post surety bonds or escrow accounts.

The Missouri Private Sector Individual Insurers Guaranty Corporation was established in 1992. The Guaranty Corporation was established to administer workers' compensation cases for



JENNIFER L. SCHWENDEMANN
Chief Administrative Law Judge
Division of Workers'
Compensation

companies who become insolvent. The corporation collects assessments from the individual self-insurers to ensure funds are available to administer the claims of insolvent self-insureds.

Second Injury Fund

In 1943, the Workers' Compensation Law was amended to benefit the physically handicapped and individuals with a previous workplace-related disability. An employer's liability is

limited to the current injury. The Second Injury Fund is liable when an employee is injured, and the combined effect of the current injury and prior disability results in permanent total disability.

Liability for the Second Injury Fund was expanded in 1955 to include any permanent partial disability, compounded by a subsequent injury, without restriction as to type or extent. The fund also pays medical and death benefits for injuries incurred by employees of an employer who is uninsured. Under certain conditions lost wages from a second job may be paid from the fund.

Dispute Management

In January 1995, the division implemented its Dispute Management Program as an alternative dispute resolution process to mediate disputes that arise soon after a workplace injury occurs. The division has mediators who assist parties in resolving medical treatment and lost wage disputes. This is a voluntary process and both parties must agree to mediate. When one of the parties does not agree to mediate, the case is referred to the local workers' compensation office for further proceedings. Parties successfully resolve the majority of issues with mediator assistance. This system of early intervention has been highly effective in facilitating communications between the injured employee, the employer and insurance company.

Medical Services

This unit manages several special programs. The programs include medical fee dispute claims resolution, physical rehabilitation and vocational rehabilitation. Consultation with division administration is provided on medical issues and for injured agency personnel.

Medical Fee Disputes

The unit's goal is to facilitate the resolution of medical fee dispute claims arising between health care providers and employers/insurers. Disputes arise when the healthcare provider is authorized by the employer to provide medical treatment but has not received payment or only partial payment. The division encourages informal resolution of these disputed claims. If this is unsuccessful, the division provides mediation or an evidentiary hearing, if necessary, to resolve the disputed claims.

Physical Rehabilitation

The division's Physical Rehabilitation Unit determines if the employee's injury qualifies for a \$40 per week physical rehabilitation benefit.

The benefit is paid from the Second Injury Fund. The injured employee must obtain therapy in a division-certified facility. The physical rehabilitation benefit is paid for a maximum of 20 weeks. In unusual cases, the employee may qualify for a special order extending benefits if more treatment is needed.

Certification of physical rehabilitation facilities is another responsibility of the unit. Certified facilities must meet function, personnel, equipment, quality and adequacy standards as defined by the division.

Vocational Rehabilitation

The Vocational Rehabilitation Program is voluntary. Employers may use the service to provide job retraining to severely injured employees. To conserve state resources and reduce duplication of services, an interagency agreement has been entered into with the Department of Elementary and Secondary Education and the Division of Vocational Rehabilitation to provide this service.

Workers' Safety Program

The Missouri Workers' Safety Program is responsible for the administration of Section 287.123, RSMo. The program was established by statute in 1992 and its mission was revised in 1993. The law requires all insurance carriers writing workers' compensation insurance in Missouri to provide comprehensive safety engineering and management services to employers.

Program functions include certifying and maintaining a registry of safety consultants and engineers; certifying safety programs of self-insured employers, third-party administrators and workers' compensation insurance carriers; investigating complaints against insurance carriers; monitoring the impact of safety services being provided by insurance carriers; performing on-site safety audits; conducting occupational safety education and training; and analyzing injury and illness data provided by carriers.

Fraud and Noncompliance

The Fraud and Noncompliance Unit was established by legislation enacted in 1993. The unit is charged with conducting confidential investigations of all allegations of fraud and non-compliance. Noncompliance means employers who are not properly insuring their workers' compensation liability. Fraud in the workers' compensation system may occur at any level involving employees, employers, insurance carriers, attorneys, physicians and others who attempt to obtain or deny workers' compensation benefits in a fraudulent manner.

The unit staff participates in educational seminars and fraud detection training to inform the public, including employer and employee organizations, civic organizations, insurance companies, legal associations and other groups about proper compliance with the workers' compensation law.

The unit has a toll-free number (800) 592-6003 for more information.

Crime Victims' Compensation

The division is responsible for the administration of the Missouri Crime Victims' Compensation Program (Chapter 595, RSMo and 8 CSR 50-6.010). The legislation was enacted to assist victims of violent crimes who have suffered physical injury as a direct result of a crime, and to assist dependents in the case of the death of the victim.

Benefits are limited to a total of \$25,000 payable for medical costs, counseling, lost wages, funeral expenses and other miscellaneous expenses incurred by or on behalf of the victim.

The law's fundamental purpose is to assist violent crime victims through a period of financial hardship. The Crime Victims' Compensation Fund is not a primary payer, but rather a public, quasi-charitable fund. The fund is financed by fees, fines and restitution paid by offenders. Funding and judgments are calculated on a graduated scale depending on the seriousness of the offense.

To be eligible for compensation, the claimant must report the crime and cooperate with law enforcement authorities, suffer a compensable loss, and meet other eligibility requirements. The division's administrative law judges resolve any disputes about eligibility.

The program has a toll-free number (800) 347-6881 for more information.

Governor's Council on Disability

3315 W. Truman Blvd., PO Box 1668
Jefferson City 65102-1668
Telephone: (573) 751-2600 / FAX: (573) 526-4109
Toll free: (800) 877-8249
Assistive Technology: (800) 647-8557
www.dolir.mo.gov/gcd

The Governor's Council on Disability serves as the voice and advocate for 949,000 Missourians with disabilities in state policy making. The council works to make persons with disabilities aware of their rights and opportunities; increase employment opportunities for job seekers with disabilities; expand access to equal and full participation for all individuals with disabilities in their communities at the local, state and federal



ROB HONAN
Director, Governor's
Council on Disability

levels; and change the delivery system for assistive technology devices and services.

In 1947, President Harry S Truman issued an executive order establishing the President's Committee on Employment of the Handicapped. This federal agency was created to assist disabled World War II veterans with re-entry into the civilian workforce. Following President Truman's lead, Missouri established the Governor's Committee in 1949 after it became obvious that a local network was needed to disseminate information about work-related problems facing people with disabilities.

In 1988, the names of both the President's Committee and the Governor's Committee were changed to Committees on Employment of People with Disabilities, placing the appropriate emphasis on the individual workers and not their impairments.

The mission of the council has naturally evolved from strictly promoting employment to addressing all of the barriers to employment and full participation in community life. To more accurately reflect the mission, the 1994 General Assembly renamed this agency, Governor's Council on Disability. During fiscal year 1995, three programs—Governor's Council on Disability, Missouri Assistive Technology and the Americans with Disabilities Act (ADA) state government compliance program—were joined to better serve the needs of Missourians with disabilities.

Organization

The Governor's Council on Disability consists of 21 council members, including the chair and one member from each state congressional district, as well as the executive director. The majority of the council is comprised of people with disabilities representing various disability groups. Family members of people with disabilities, persons who represent other disability-related groups and other advocates fill the remaining positions.

The governor appoints the chair with the advice and consent of the Senate. The governor also appoints the 21 members-at-large. The council meets at least quarterly to act as an advisory body to its staff and to discuss and suggest ways to address current issues affecting persons with disabilities in Missouri.

The council's staff operates out of three offices: Jefferson City, Kansas City and St. Louis.

In the administration of its duties, the Governor's Council on Disability also offers assistance to help the various departments, divisions and branches of government to comply with all laws regarding persons with disabilities. To further that goal, the director of each state department designates at least one employee to act as a liaison with the council. The assistance offered includes educational programming and consultation on the rights of persons with disabilities.

A second board provides direction for assistive technology issues to Missouri Assistive Technology. It was established by state statute in 1993 with a mission of increasing access to assistive technology for all Missourians with disabilities. Council members for the project include 12 consumers, two state legislators, two non-designated agency or organization representatives and seven designated agency representatives who are the primary funding sources for assistive technology (Vocational Rehabilitation, Rehabilitation Services for the Blind, Special Education, Medicaid, Mental Health, Health and Insurance).

The staff is based in Independence. It accomplishes its mission through systems change, capacity building, training, resource development, individual advocacy and support.

Missouri Assistive Technology works cooperatively with agencies on the national, state and local levels to improve public policies and expand program options for individuals with disabilities.

Missouri Commission on Human Rights

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The mission of the Missouri Commission on Human Rights is to develop, recommend and implement ways to prevent and eliminate discrimination and to provide equitable and timely resolutions of discrimination claims through enforcement of the Missouri Human Rights Act. In addition, the commission provides equitable and timely resolutions of discrimination claims

through enforcement of the Missouri Human Rights Act; and to devise, recommend and implement ways to prevent and eliminate discrimination.

The commission responds to complaints of alleged discrimination in employment, housing and public accommodations based on race, color, religion, national origin, ancestry, sex, physical/mental disability handicap, age (40-70 employment only) and familial status (housing only). Chapter 213, RSMo 1992 (Missouri Human Rights Act) requires the Missouri Commission on Human Rights to receive, investigate, settle or conciliate complaints of alleged discrimination and conduct public hearings. The statute also enables the commission to certify local commissions, establish relationships with federal and local civil and human rights agencies, implement educational or research programs and develop ways to prevent discrimination.

There are several federal civil rights agencies and approximately 11 local human rights agencies in Missouri. These agencies handle many complaints that otherwise would fall within the commission's responsibility. By establishing work-sharing relationships with federal and local agencies, the commission has eliminated duplication between many government civil rights agencies in Missouri. This has proven beneficial in the use of state resources.

Commission members are nominated by the director of the Department of Labor and Industrial Relations, appointed by the governor and confirmed by the Senate. The governor appoints at least one member from each of Missouri's nine congressional districts, one member-at-large and one member as chairperson. The commissioners serve for six years without compensation.

Complaint and Enforcement

Any person claiming to be aggrieved by an unlawful discriminatory practice may file a written complaint with the Missouri Commission on Human Rights within 180 days from the date of the last act of alleged discrimination. After the filing of any complaint, the executive director, with the assistance of the commission's staff, makes a prompt investigation. If the director determines that probable cause exists for crediting the allegations of the complaint, the director tries to eliminate the unlawful employment practice by conference, conciliation and persuasion.

In cases of failure to eliminate the discriminatory practice by conciliation, the chairperson of the commission may order a public hearing. The Office of the Attorney General presents the complaint at the hearing. (In housing cases only,



DONNA CAVITTE
Executive Director
Commission on Human Rights



STERLING ADAMS
Commissioner
Commission on Human Rights



ELISE M. CRAIN
Commissioner
Commission on Human Rights



D.J. BELARBI
Commissioner
Commission on Human Rights



GWENDOLYN GRANT
Commissioner
Commission on Human Rights



GERALDINE W. JOHNSON
Commissioner
Commission on Human Rights



SUSAN L. PENTLIN
Commissioner
Commission on Human Rights



MIGUEL P. MADRIGAL JR.
Commissioner
Commission on Human Rights



DEBRA SNOKE
Commissioner
Commission on Human Rights



NANCY J. REYNOLDS
Commissioner
Commission on Human Rights



MARION CAIRNS
Commissioner
Commission on Human Rights

the parties have the right to make a decision whether to have their case decided at a public hearing or in circuit court). Employment discrimination cases continue to consume the largest portion of the commission's workload.

The objective of the hearing process is to make a finding of fact, determine conclusions of law and determine if the respondent has committed an unlawful discriminatory practice. If the commission finds that an unlawful discriminatory practice has occurred, it may order the respondent to stop the unlawful act and to take affirmative steps, as the commission deems

appropriate, which includes civil penalties. If the commission finds in favor of the respondent, after hearing all the evidence, the complaint is dismissed.

Either party has the right to appeal the commission's order to the circuit court. If no proceeding for review is instituted, the commission may obtain a court order for enforcement of its decision. If an appeal to the court is made, the attorney general becomes counsel for the Missouri Commission on Human Rights in the court proceeding. A case may be appealed through the Missouri courts up to the State Supreme Court.



JOHN BIRCH
Chair
State Board of Mediation



PATRICK J. HICKEY
Employee Member
State Board of Mediation



LeROY J. KRAMER
Employee Member
State Board of Mediation



LOIS VANDER WAERDT
Employee Member
State Board of Mediation

State Board of Mediation

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www.dolir.mo.gov/sbm

The State Board of Mediation is a quasi-judicial board created by an act of the General Assembly in 1947 through the enactment of Chapter 295, RSMo.

This five-member board is appointed by the governor. Two members are employers of labor or selected from an association representing employers of labor. The other two members hold membership in a bona fide trade or labor union. The fifth member is a neutral party who serves as full-time chairman and administrator of the agency.

The board has been statutorily charged since 1967 with the responsibility of determining an appropriate bargaining unit of public employees, based on their community of interests. It also conducts secret ballot elections to determine majority status.

The law provides that public bodies or their designated representatives shall meet, confer and discuss proposals relative to conditions of employment with the labor or employee organization, which is the exclusive bargaining representative.

In 1965, the Missouri Legislature enacted Chapter 105, RSMo, the Public Sector Labor Law. The law was amended in 1967 and 1969. Currently, the law covers all public employees in Missouri except police, deputy sheriffs, Missouri highway patrol officers, Missouri National Guard and all teachers at Missouri schools, colleges and universities. Under Missouri statute and case law, public employees have the right to



JAY L. SCHULTEHENRICH
Employer Member
State Board of Mediation

join a union; however, they have no right to strike or to enforce any agreement that they may reach with the public employer.

The board has no authority to process unfair labor practices. An appeal from a decision of the board may be taken to the circuit court. The administrative rules for processing a petition were promulgated in 1976 and can be found at 8 CSR 40-1.010 to 40-2.180.

The board was originally established to mediate labor disputes occurring in public utilities. In addition, the board aided the utility employer and its union employees in their collective bargaining negotiations so that labor disputes in public utilities could be peacefully settled without strikes or lockouts. Provisions of Section 295.180, RSMo were to be held in conflict with federal law and, to that extent, invalid under the supremacy clause of the U.S. Constitution.

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