

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 2090

101ST GENERAL ASSEMBLY

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ADRIANE D. CROUSE, Secretary

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## AN ACT

To repeal sections 33.100, 36.020, 36.030, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.120, 36.140, 36.250, 36.440, 36.510, 37.010, 105.950, 105.1114, and 288.220, RSMo, and to enact in lieu thereof seventeen new sections relating to the office of administration.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 33.100, 36.020, 36.030, 36.050,  
2 36.060, 36.070, 36.080, 36.090, 36.100, 36.120, 36.140, 36.250,  
3 36.440, 36.510, 37.010, 105.950, 105.1114, and 288.220, RSMo,  
4 are repealed and seventeen new sections enacted in lieu thereof,  
5 to be known as sections 33.100, 36.020, 36.030, 36.060, 36.070,  
6 36.080, 36.090, 36.100, 36.120, 36.140, 36.250, 36.440, 36.510,  
7 37.010, 105.950, 105.1114, and 288.220, to read as follows:

33.100. The salaries of all elective and appointive  
2 officers and employees of the state shall be paid out of the  
3 state treasury, in semimonthly or monthly installments **or**  
4 **once every two weeks** as designated by the commissioner of  
5 administration. The accounts and names of the officers and  
6 employees shall be presented to the commissioner of  
7 administration and a warrant therefor upon the state  
8 treasury shall be issued to be paid out of the appropriation  
9 made for such purpose. The accounts of the officers and  
10 employees shall be stated in their names, respectively, and

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

11 the correctness thereof shall be certified to by the  
12 officers, respectively, in whose employment they are.

36.020. Unless the context clearly requires otherwise,  
2 the following terms mean:

3 (1) "Agency", "state agency" or "agency of the state",  
4 each department, board, commission or office of the state  
5 except for offices of the elected officials, the general  
6 assembly, the judiciary and academic institutions;

7 (2) "Appointing authority", an officer or agency  
8 subject to this chapter having power to make appointments;

9 (3) ["Board", the personnel advisory board as  
10 established by section 36.050;

11 [(4)] "Broad classification band", a grouping of  
12 positions with similar levels of responsibility or expertise;

13 [(5)] (4) "Class", "class of positions", or "job  
14 class", a group of positions subject to this chapter  
15 sufficiently alike in duties, authority and responsibilities  
16 to justify the same qualifications and the same schedule of  
17 pay to all positions in the group;

18 [(6)] (5) "Director", the director of the division of  
19 personnel of the office of administration;

20 [(7)] (6) "Disabled veteran", a veteran who has served  
21 on active duty in the Armed Forces at any time who receives  
22 compensation as a result of a service-connected disability  
23 claim allowed by the federal agency responsible for the  
24 administration of veteran's affairs, or who receives  
25 disability retirement or disability pension benefits from a  
26 federal agency as a result of such a disability or a  
27 National Guard veteran who was permanently disabled as a  
28 result of active service to the state at the call of the  
29 governor;

30 [(8)] (7) "Division of service" or "division", a state  
31 department or any division or branch of the state, or any  
32 agency of the state government, all the positions and  
33 employees in which are under the same appointing authority;

34 [(9)] (8) "Eleemosynary or penal institutions", an  
35 institution within state government holding, housing, or  
36 caring for inmates, patients, veterans, juveniles, or other  
37 individuals entrusted to or assigned to the state where it  
38 is anticipated that such individuals will be in residence  
39 for longer than one day. Eleemosynary or penal institutions  
40 shall not include elementary, secondary, or higher education  
41 institutions operated separately or independently from the  
42 foregoing institutions;

43 [(10)] (9) "Eligible", a person whose name is on a  
44 register or who has been determined to meet the  
45 qualifications for a class or position;

46 [(11)] (10) "Employee", shall include only those  
47 persons employed in excess of thirty-two hours per calendar  
48 week, for a duration that could exceed six months, by a  
49 state agency and shall not include patients, inmates, or  
50 residents in state eleemosynary or penal institutions who  
51 work for the state agency operating an eleemosynary or penal  
52 institutions;

53 [(12)] (11) "Examination" or "competitive  
54 examination", a means of determining eligibility or fitness  
55 for a class or position;

56 [(13)] (12) "Open competitive examination", a  
57 selection process for positions in a particular class,  
58 admission to which is not limited to persons employed in  
59 positions subject to this chapter pursuant to subsection 1  
60 of section 36.030;

61            [(14)] (13) "Promotional examination", a selection  
62 process for positions in a particular class, admission to  
63 which is limited to employees with regular status in  
64 positions subject to this chapter pursuant to subsection 1  
65 of section 36.030;

66            [(15)] (14) "Register of eligibles", a list, which may  
67 be restricted by locality, of persons who have been found  
68 qualified for appointment to a position subject to this  
69 chapter pursuant to subsection 1 of section 36.030;

70            [(16)] (15) "Regular employee", a person employed in a  
71 position described under subdivision (2) of subsection 1 of  
72 section 36.030 who has successfully completed a probationary  
73 period as provided in section 36.250;

74            [(17)] (16) "State equal employment opportunity  
75 officer", the individual designated by the governor or the  
76 commissioner of administration as having responsibility for  
77 monitoring the compliance of the state as an employer with  
78 applicable equal employment opportunity law and regulation  
79 and for leadership in efforts to establish a state workforce  
80 which reflects the diversity of Missouri citizens at all  
81 levels of employment;

82            [(18)] (17) "Surviving spouse", the unmarried  
83 surviving spouse of a deceased disabled veteran or the  
84 unmarried surviving spouse of any person who was killed  
85 while on active duty in the Armed Forces of the United  
86 States or an unmarried surviving spouse of a National Guard  
87 veteran who was killed as a result of active service to the  
88 state at the call of the governor;

89            [(19)] (18) "Veteran", any person who is a citizen of  
90 this state who has been separated under honorable conditions  
91 from the Armed Forces of the United States who served on  
92 active duty during peacetime or wartime for at least six

93 consecutive months, unless released early as a result of a  
94 service-connected disability or a reduction in force at the  
95 convenience of the government, or any member of a reserve or  
96 National Guard component who has satisfactorily completed at  
97 least six years of service or who was called or ordered to  
98 active duty by the President and participated in any  
99 campaign or expedition for which a campaign badge or service  
100 medal has been authorized.

36.030. 1. (1) Employees in eleemosynary or penal  
2 institutions shall be selected on the basis of merit.

3 (2) So much of any agency that is required to maintain  
4 personnel standards on a merit basis by federal law or  
5 regulations for grant-in-aid programs shall, except for  
6 those positions specified in subsection 2 of this section,  
7 select employees on the basis of merit and maintain such  
8 standards as specified in this chapter and as otherwise  
9 required.

10 2. State agencies operating eleemosynary or penal  
11 institutions shall not domicile the following positions in  
12 such institutions and such positions shall not be selected  
13 in accordance with subsection 1 of this section:

14 (1) Other provisions of the law notwithstanding,  
15 members of boards and commissions, departmental directors,  
16 five principal assistants designated by the departmental  
17 directors, division directors, and three principal  
18 assistants designated by each division director;

19 (2) One principal assistant for each board or  
20 commission, the members of which are appointed by the  
21 governor or by a director of the department;

22 (3) Chaplains and attorneys;

23 (4) Persons employed in work assignments with a  
24 geographic location principally outside the state of

25 Missouri and other persons whose employment is such that  
26 selection by competitive examination and standard  
27 classification and compensation practices are not practical  
28 under all the circumstances as determined by the [board]  
29 **director** by rule;

30 (5) Patients, inmates, or residents in state penal  
31 institutions who work for the agency operating the  
32 eleemosynary or penal institution;

33 (6) Persons employed in an internship capacity in a  
34 state department or institution as a part of their formal  
35 training, at a college, university, business, trade or other  
36 technical school; except that, by appropriate resolution of  
37 the governing authorities of any department or institution,  
38 the personnel division may be called upon to assist in  
39 selecting persons to be appointed to internship positions;

40 (7) The administrative head of each state medical,  
41 penal and correctional institution, as warranted by the size  
42 and complexity of the organization and as approved by the  
43 [board] **director**;

44 (8) Deputies or other policy-making assistants to the  
45 exempt head of each division of service, as warranted by the  
46 size or complexity of the organization and in accordance  
47 with the rules promulgated by the [personnel advisory board]  
48 **director**;

49 (9) Special assistants as designated by an appointing  
50 authority; except that, the number of such special  
51 assistants shall not exceed two percent of a department's  
52 total authorized full-time equivalent workforce.

53 3. To encourage all state employees to improve the  
54 quality of state services, increase the efficiency of state  
55 work operations, and reduce the costs of state programs, the  
56 director [of the division of personnel] shall establish

57 employee recognition programs, including a statewide  
58 employee suggestion system. The director shall determine  
59 reasonable rules and shall provide reasonable standards for  
60 determining the monetary awards, not to exceed five thousand  
61 dollars, under the employee suggestion system.

62 4. At the request of the senate or the house of  
63 representatives, the commissioner of administration shall  
64 submit a report on the employee suggestion award program  
65 described in subsection 3 of this section.

36.060. 1. In addition to the duties imposed upon it  
2 elsewhere in this chapter, it shall be the duty of the  
3 **[board] director:**

4 (1) To make any investigation which **[it] he or she** may  
5 consider desirable concerning the administration of  
6 personnel subject to this chapter pursuant to subsection 1  
7 of section 36.030 and all personnel of any department or  
8 agency of the executive branch of state government not  
9 exempted from section 36.031;

10 (2) To hold regular meetings with appointing  
11 authorities to propose methods of resolving general  
12 personnel problems;

13 (3) **[To make annual reports, and such special reports**  
14 **as it considers desirable, to the governor and the general**  
15 **assembly regarding personnel administration in the state**  
16 **service and recommendations there. These special reports**  
17 **may evaluate the effectiveness of the personnel division and**  
18 **the appointing authorities in their operations under this**  
19 **chapter;**

20 **(4)]** To make such suggestions and recommendations to  
21 the governor and the **[director] commissioner of**  
22 **administration** relating to the state's employment policies

23 as will promote morale, efficiency and uniformity in  
24 compensation of the various employees in the state service;

25 **[(5)] (4)** To promulgate rules and regulations **on**  
26 **behalf of the commissioner of administration** to ensure that  
27 no applicant or employee is discriminated against on the  
28 basis of race, creed, color, religion, national origin, sex,  
29 ancestry or handicap.

30 2. No rule or portion of a rule promulgated under the  
31 authority of this chapter shall become effective unless it  
32 has been promulgated pursuant to the provisions of section  
33 536.024.

36.070. 1. The **[board] commissioner of administration**  
2 shall have power to prescribe such rules and regulations not  
3 inconsistent with the provisions of this chapter as **[it] he**  
4 **or she** deems suitable and necessary to carry out the  
5 provisions of this chapter. Such rules and regulations  
6 shall be effective when filed with the secretary of state as  
7 provided by law.

8 2. The **[board] commissioner of administration** shall  
9 prescribe by rule the procedures for merit selection,  
10 uniform classification and pay, and covered appeals in  
11 accordance with the provisions of this chapter.

12 **3. As of August 28, 2022, the rules of the personnel**  
13 **advisory board previously established by this chapter shall**  
14 **become rules of the commissioner of administration.**

36.080. 1. The director shall be a person, **appointed**  
2 **by the commissioner of administration**, who is experienced in  
3 the principles and methods of personnel administration, who  
4 is familiar with and in sympathy with the application of  
5 merit principles **[and] or other** efficient methods of public  
6 administration. The director shall be appointed for a term  
7 of four years beginning on July first following the election

8 of a governor, which term may be renewed at its expiration  
9 at the option of the governor.

10 2. The personnel director shall not during his or her  
11 term of office, or for one year prior thereto:

12 (1) Be a member of any local, state or national  
13 committee of a political party;

14 (2) Be a member of any partisan political club or  
15 organization;

16 (3) Actively participate in any partisan political  
17 campaign; or

18 (4) Hold or be a candidate for any partisan public  
19 office.

20 3. [Upon an impending or actual vacancy in the  
21 position of director, the board shall publicly solicit  
22 applications for the position and prepare and submit to the  
23 governor a list of the five most qualified applicants. In  
24 the course of preparing such a list the board may engage the  
25 services of persons experienced in personnel administration  
26 as consultants to assist it in examining and determining the  
27 best qualified available persons for appointment as  
28 director. The board shall be authorized to pay, out of the  
29 funds appropriated to it, the necessary travel and other  
30 expenses of any consultants engaged under the provisions of  
31 this section, and may also defray the travel expenses of  
32 candidates for the position who are requested to report for  
33 an interview. The director may also assist the board with  
34 the search process and division of personnel resources may  
35 be used to advance the search process.

36 4. The provisions of subdivision (2) of subsection 5  
37 of section 1 of the Reorganization Act of 1974  
38 notwithstanding, the total compensation of any director  
39 shall not exceed the statutory salary of department heads.

40 5. The provisions of subsection 8 of section 15 of the  
41 Reorganization Act of 1974 notwithstanding, the governor  
42 shall appoint to the position of director, without regard to  
43 his or her political affiliation and subject to the advice  
44 and consent of the senate, one of the persons named on the  
45 list submitted by the board.

46 6.] The director may be removed by the [board]  
47 **commissioner of administration** for no reason or for any  
48 reason **not prohibited by law.**

36.090. 1. The director, as executive head of the  
2 personnel division, shall direct and supervise all its  
3 administrative and technical activities. In addition to the  
4 duties imposed upon the director elsewhere in this chapter,  
5 the director may develop in cooperation with appointing  
6 authorities a management training program, a recruiting  
7 program, and a system of performance appraisals, and [to]  
8 **may** assist appointing authorities in the setting of  
9 productivity goals.

10 2. [The director shall assist the board in the  
11 performance of its functions and attend board meetings.]

12 3.] The director may:

13 (1) Establish and maintain a roster of all officers  
14 and employees subject to this chapter pursuant to subsection  
15 1 of section 36.030 or pursuant to section 36.031, in which  
16 there shall be set forth, as to each employee, a record of  
17 the class title of the position held; the salary or pay; any  
18 change in class title, pay or status, and such other data as  
19 may be deemed desirable to produce significant facts  
20 pertaining to personnel administration;

21 (2) Appoint and fix the compensation of such experts  
22 and special assistants as may be necessary to carry out  
23 effectively the provisions of this chapter;

24 (3) Investigate the effects of this chapter and the  
25 rules promulgated under this chapter and report his or her  
26 findings and recommendations to the [board] **commissioner of**  
27 **administration** and the governor;

28 (4) Make annual reports concerning the work of the  
29 division, problems in personnel management, and actions  
30 taken or to be taken by the division to resolve those  
31 problems;

32 (5) Perform any other lawful act which he or she may  
33 consider necessary or desirable to carry out the purposes  
34 and provisions of this chapter.

35 [4.] 3. The director shall appoint a deputy or  
36 deputies. In case of the absence of the director or his or  
37 her inability from any cause to discharge the powers and  
38 duties of his or her office, such powers and duties shall  
39 devolve upon his or her deputy **or deputies**.

36.100. 1. The director shall ascertain the duties,  
2 authority and responsibilities of all positions subject to  
3 this chapter pursuant to subsection 1 of section 36.030, and  
4 all positions subject to this section pursuant to section  
5 36.031. After consultation with the appointing authorities,  
6 the director shall prepare [and recommend to the board], and  
7 maintain on a continuing basis, a position classification  
8 plan, which shall group all positions subject to this  
9 chapter pursuant to subsection 1 of section 36.030, and all  
10 positions subject to this section pursuant to section 36.031  
11 in classes, based on their duties, authority and  
12 responsibilities. Except as provided in subsection 2 of  
13 this section, the position classification plan shall set  
14 forth, for each class of positions, a class title and a  
15 statement of the duties, authority and responsibilities  
16 thereof, and the qualifications that are necessary or

17 desirable for the satisfactory performance of the duties of  
18 the class; provided, that no plan shall be adopted which  
19 prohibits the substitution of experience for education for  
20 each class of positions, except that, the **[board] director**  
21 may determine that there is no equivalent substitution in  
22 particular cases. Classifications should be sufficiently  
23 broad in scope to include as many comparable positions as  
24 possible both on an intra- and inter-departmental basis.

25 2. The classification plan may group positions with  
26 similar levels of responsibility or expertise into broad  
27 classification bands.

28 3. The director shall, in consultation with the  
29 agencies, eliminate and combine classes when possible,  
30 taking into consideration the recruitment, selection, and  
31 compensation of personnel in the various classes.

36.120. 1. Before establishing a new position in  
2 divisions of the service subject to this chapter pursuant to  
3 subsection 1 of section 36.030 or any new position in a  
4 department or agency of the executive branch of state  
5 government subject to this section pursuant to section  
6 36.031, or before making any permanent and substantial  
7 change of the duties, authority or responsibilities of any  
8 such position, an appointing authority shall notify the  
9 director in writing of the appointing authority's intention  
10 to do so, except where the positions may be allocated by the  
11 appointing authority.

12 2. The director may at any time allocate any new  
13 position to a class, or change the allocation of any  
14 position to a class, or **[recommend to the board] make**  
15 changes in the classification plan. **[Any change in the**  
16 **classification plan recommended by the director shall take**  
17 **effect when approved by the board, or on the ninetieth day**

18 after it is recommended to the board if prior thereto the  
19 board has not approved it. In case of necessity requiring  
20 the immediate establishment of a new class, the director may  
21 establish such a class on an interim basis pending approval  
22 of the class by the board as recommended by the director.]

23 3. When the allocation of a position to a class is  
24 changed, the director shall notify the appointing  
25 authority. If allocation authority is delegated, the  
26 appointing authority shall notify the director of any  
27 changes in the allocation. If the position is filled at the  
28 time of reallocation to a class, the appointing authority  
29 shall immediately notify the incumbent of the position  
30 regarding the allocation change. If the incumbent does not  
31 agree with the new allocation, the incumbent may submit to  
32 the director a request for a review of the allocation of the  
33 position.

34 4. If any change is made in the classification plan by  
35 which a class of positions is divided, altered, or  
36 abolished, or classes are combined, the director shall  
37 forthwith reallocate the positions affected to their  
38 appropriate classes in the amended classification plan. An  
39 employee who is occupying a position reallocated to a  
40 different class shall, subject to the regulations, be given  
41 the same status in the new class as previously held in the  
42 class from which his or her position is reallocated.

43 5. [After a class of positions has been approved by  
44 the board,] The director is authorized to make such changes  
45 in the class title or in the statement of duties and  
46 qualifications for [the] a new class as the director finds  
47 necessary for current maintenance of the classification  
48 plan[; provided, however, that changes which materially  
49 affect the nature and level of a class or which involve a

50 change in salary range for the class shall be approved by  
51 the board].

36.140. 1. After consultation with appointing  
2 authorities and the state fiscal officers, and after a  
3 public hearing following suitable notice, the director shall  
4 prepare [and recommend to the board] a pay plan for each  
5 class of positions subject to this chapter pursuant to  
6 subsection 1 of section 36.030 and each class of positions  
7 subject to this section pursuant to section 36.031. The pay  
8 plan shall include, for each class of positions, a minimum  
9 and a maximum rate, and such provision for intermediate  
10 rates as the director considers necessary or equitable. The  
11 pay plan may also provide for the use of open, or stepless,  
12 pay ranges. The pay plan may include provision for grouping  
13 of positions with similar levels of responsibility or  
14 expertise into broad classification bands for purposes of  
15 determining compensation and for such salary differentials  
16 and other pay structures as the director considers necessary  
17 or equitable. In establishing the rates, the director shall  
18 give consideration to the experience in recruiting for  
19 positions in the state service, the rates of pay prevailing  
20 in the state for the services performed, and for comparable  
21 services in public and private employment, living costs,  
22 maintenance, or other benefits received by employees, and  
23 the financial condition and policies of the state. These  
24 considerations shall be made on a statewide basis and shall  
25 not make any distinction based on geographical areas or  
26 urban and rural conditions. The pay plan shall take effect  
27 when approved by [the board and] the governor, and each  
28 employee appointed to a position subject to this chapter  
29 pursuant to subsection 1 of section 36.030 and each class of  
30 positions subject to this section pursuant to section

31 36.031, after the adoption of the pay plan shall be paid  
32 according to the provisions of the pay plan for the position  
33 in which he or she is employed; provided, that the  
34 commissioner of administration certifies that there are  
35 funds appropriated and available to pay the adopted pay  
36 plan. The pay plan shall also be used as the basis for  
37 preparing budget estimates for submission to the legislature  
38 insofar as such budget estimates concern payment for  
39 services performed in positions subject to this chapter  
40 pursuant to subsection 1 of section 36.030 and positions  
41 subject to this section pursuant to section 36.031.  
42 Amendments to the pay plan may be recommended by the  
43 director from time to time as circumstances require and such  
44 amendments shall take effect when approved as provided by  
45 this section. The conditions under which employees may be  
46 appointed at a rate above the minimum provided for the  
47 class, or advance from one rate to another within the rates  
48 applicable to their positions, may be determined by the  
49 regulations.

50 2. Any change in the pay plan shall be made on a  
51 uniform statewide basis. No employee in a position subject  
52 to this chapter shall receive more or less compensation than  
53 another employee solely because of the geographical area in  
54 which the employee lives or works.

36.250. 1. Every person appointed to a permanent  
2 position described under subdivision (2) of subsection 1 of  
3 section 36.030 shall be required to successfully complete a  
4 working test during a probationary period which shall be of  
5 sufficient length to enable the appointing authority to  
6 observe the employee's ability to perform the various duties  
7 pertaining to the position.

8           2. The [board] **director** shall by regulation establish  
9 the standards governing normal length of the probationary  
10 period for different classes of positions. The regulations  
11 shall specify the criteria for reducing or lengthening the  
12 probationary period for individuals within the various  
13 classes. The minimum probationary period shall be three  
14 months. The maximum probationary period shall be eighteen  
15 months for top professional personnel and personnel with  
16 substantial supervisory or administrative responsibilities,  
17 and twelve months for all others. However, a probationary  
18 period shall not be required for an employee reinstated  
19 within two years after layoff or demotion in lieu of layoff  
20 by the same division of service.

21           3. Prior to the expiration of an employee's  
22 probationary period, the appointing authority shall notify  
23 the director and the employee in writing whether the  
24 services of the employee have been satisfactory and whether  
25 the appointing authority will continue the employee in the  
26 employee's position.

27           4. At any time during the probationary period the  
28 appointing authority may remove an employee if, in the  
29 opinion of the appointing authority, the working test  
30 indicates that the employee is unable or unwilling to  
31 perform the duties of the position satisfactorily. Upon  
32 removal, the appointing authority shall forthwith report to  
33 the director and to the employee removed, in writing, the  
34 appointing authority's action and the reason thereof. An  
35 employee who is found by the director to have been appointed  
36 through fraud shall be removed within ten days of  
37 notification of the appointing authority.

36.440. 1. All officers and employees of the state  
2 subject to provisions of this chapter, whether pursuant to

3 subsection 1 of section 36.030 or pursuant to section  
4 36.031, shall comply with and aid in all proper ways in  
5 carrying out the provisions of this chapter applicable to  
6 them and the regulations adopted thereunder. All officers  
7 and employees shall furnish any records or information which  
8 the director [or the board] may request for any purpose of  
9 this law.

10 2. A state officer or employee who shall fail to  
11 comply with any provision of this chapter or of any  
12 regulation adopted thereunder that is applicable to such  
13 person shall be subject to all penalties and remedies now or  
14 hereafter provided by law for the failure of a public  
15 officer or employee to do any act required of him or her by  
16 this chapter. The director may maintain such action or  
17 proceeding at law or in equity as he or she considers  
18 necessary or appropriate to secure compliance with this  
19 chapter and the regulations adopted thereunder.

36.510. 1. In addition to other duties specified  
2 elsewhere in this chapter the director may perform the  
3 following functions in some or all agencies of state  
4 government:

5 (1) Develop, initiate and implement a central training  
6 program for personnel in agencies of state government and  
7 encourage and assist in the development of such specialized  
8 training activities as can best be administered internally  
9 by such individual agencies;

10 (2) Establish a management trainee program and  
11 prescribe rules for the establishment of a career executive  
12 service for the state;

13 (3) [Formulate for approval of the board] **Promulgate**  
14 regulations regarding mandatory training for persons  
15 employed in management positions in state agencies;

16 (4) Institute, coordinate and direct a statewide  
17 program for recruitment of personnel in cooperation with  
18 appointing authorities in state agencies;

19 (5) Assist all state departments in setting  
20 productivity goals and in implementing a standard system of  
21 performance appraisals;

22 (6) Establish and direct a central labor relations  
23 function for the state which shall coordinate labor  
24 relations activities in individual state agencies, including  
25 participation in negotiations and approval of agreements  
26 relating to uniform wages, benefits and those aspects of  
27 employment which have fiscal impact on the state; and

28 (7) **[Formulate] Promulgate** rules **[for approval of the**  
29 **board]** and establish procedures and standards relating to  
30 position classification and compensation of employees which  
31 are designed to secure essential uniformity and  
32 comparability among state agencies.

33 2. Any person who is employed in a position subject to  
34 this chapter who engaged in a strike or labor stoppage shall  
35 be subject to the penalties provided by law.

37.010. 1. The governor, by and with the advice and  
2 consent of the senate, shall appoint a commissioner of  
3 administration, who shall head the "Office of  
4 Administration" which is hereby created. The commissioner  
5 of administration shall receive a salary as provided by law  
6 and shall also receive his or her actual and necessary  
7 expenses incurred in the discharge of his or her official  
8 duties. Before taking office, the commissioner of  
9 administration shall take and subscribe an oath or  
10 affirmation to support the Constitution of the United States  
11 and of this state, and to demean himself or herself  
12 faithfully in office. The commissioner shall also deposit

13 with the governor a bond, with sureties to be approved by  
14 the governor, in the amount to be determined by the governor  
15 payable to the state of Missouri, conditioned on the  
16 faithful performance of the duties of his or her office.  
17 The premium of this bond shall be paid out of the  
18 appropriation for the office of the governor.

19 2. The governor shall appoint the commissioner of  
20 administration with the advice and consent of the senate.  
21 The commissioner shall be at least thirty years of age and  
22 must have been a resident and qualified voter of this state  
23 for the five years next preceding his or her appointment.  
24 He or she shall be qualified by training and experience to  
25 assume the managerial and administrative functions of the  
26 office of commissioner of administration.

27 3. The commissioner of administration shall, by virtue  
28 of his or her office, without additional compensation, head  
29 the division of budget, the division of purchasing, the  
30 division of facilities management, design and construction,  
31 **the division of personnel**, and the information technology  
32 services division. Whenever provisions of the constitution  
33 grant powers, impose duties or make other reference to the  
34 comptroller, they shall be construed as referring to the  
35 commissioner of administration.

36 4. The commissioner of administration shall provide  
37 the governor with such assistance in the supervision of the  
38 executive branch of state government as the governor  
39 requires and shall perform such other duties as are assigned  
40 to him or her by the governor or by law. The commissioner  
41 of administration shall work with other departments of the  
42 executive branch of state government to promote economy,  
43 efficiency and improved service in the transaction of state  
44 business. The commissioner of administration, with the

45 approval of the governor, shall organize the work of the  
46 office of administration in such manner as to obtain maximum  
47 effectiveness of the personnel of the office. He or she may  
48 consolidate, abolish, or reassign duties of positions or  
49 divisions combined within the office of administration[,  
50 except for the division of personnel. He or she may  
51 delegate specific duties to subordinates]. These  
52 subordinates shall take the same oath as the commissioner  
53 and shall be covered by the bond of the director or by  
54 separate bond as required by the governor.

55 5. [The personnel division, personnel director and  
56 personnel advisory board as provided in chapter 36 shall be  
57 in the office of administration.] The personnel director  
58 and employees of the personnel division shall perform such  
59 duties as directed by the commissioner of administration for  
60 personnel work in agencies and departments of state  
61 government to upgrade state employment and to improve the  
62 uniform quality of state employment.

63 6. The commissioner of administration shall prepare a  
64 complete inventory of all real estate, buildings and  
65 facilities of state government and an analysis of their  
66 utilization. Each year he or she shall formulate and submit  
67 to the governor a long-range plan for the ensuing five years  
68 for the repair, construction and rehabilitation of all state  
69 properties. The plan shall set forth the projects proposed  
70 to be authorized in each of the five years with each project  
71 ranked in the order of urgency of need from the standpoint  
72 of the state as a whole and shall be upgraded each year.  
73 Project proposals shall be accompanied by workload and  
74 utilization information explaining the need and purpose of  
75 each. Departments shall submit recommendations for capital  
76 improvement projects and other information in such form and

77 at such times as required by the commissioner of  
78 administration to enable him or her to prepare the long-  
79 range plan. The commissioner of administration shall  
80 prepare the long-range plan together with analysis of  
81 financing available and suggestions for further financing  
82 for approval of the governor who shall submit it to the  
83 general assembly. The long-range plan shall include  
84 credible estimates for operating purposes as well as capital  
85 outlay and shall include program data to justify need for  
86 the expenditures included. The long-range plan shall be  
87 extended, revised and resubmitted in the same manner to  
88 accompany each executive budget. The appropriate  
89 recommendations for the period for which appropriations are  
90 to be made shall be incorporated in the executive budget for  
91 that period together with recommendations for financing.  
92 Each revised long-range plan shall provide a report on  
93 progress in the repair, construction and rehabilitation of  
94 state properties and of the operating purposes program for  
95 the preceding fiscal period in terms of expenditures and  
96 meeting program goals.

97 7. The office of the commissioner of administration  
98 shall be in Jefferson City.

99 8. In case of death, resignation, removal from office  
100 or vacancy from any cause in the office of commissioner of  
101 administration, the governor shall take charge of the office  
102 and superintend the business thereof until a successor is  
103 appointed, commissioned and qualified.

105.950. 1. Until June 30, 2000, the commissioner of  
2 administration and the directors of the departments of  
3 revenue, social services, agriculture, economic development,  
4 corrections, labor and industrial relations, natural  
5 resources, and public safety shall continue to receive the

6 salaries they received on August 27, 1999, subject to annual  
7 adjustments as provided in section 105.005.

8 2. On and after July 1, 2000, the salary of the  
9 directors of the above departments shall be set by the  
10 governor within the limits of the salary ranges established  
11 pursuant to this section and the appropriation for that  
12 purpose. Salary ranges for department directors and members  
13 of the parole board shall be set by the personnel [advisory  
14 board] **director** after considering the results of a study  
15 periodically performed or administered by the office of  
16 administration. Such salary ranges shall be published yearly  
17 in an appendix to the revised statutes of Missouri.

18 3. Each of the above salaries shall be increased by  
19 any salary adjustment provided pursuant to the provisions of  
20 section 105.005.

105.1114. Administrative procedures for the  
2 implementation of sections 105.1100 to 105.1116 shall be  
3 promulgated by the [state] personnel [advisory board]  
4 **director** for those employees classified under the state  
5 personnel law and by other public employers for those  
6 employees under their management and control. No rule or  
7 portion of a rule promulgated under the authority of  
8 sections 105.1100 to 105.1116 shall become effective unless  
9 it has been promulgated pursuant to the provisions of  
10 section 536.024.

288.220. 1. Subject to the supervision of the  
2 director of the department of labor and industrial  
3 relations, the division of employment security of the  
4 department of labor and industrial relations shall be under  
5 the control, management and supervision of a director who  
6 shall be appointed by the governor, by and with the advice

7 and consent of the senate. The director shall serve at the  
8 pleasure of the governor.

9 2. The division shall be responsible for administering  
10 the Missouri state unemployment insurance operation and any  
11 other operations as are necessary to administer the state's  
12 employment security law.

13 3. The central office of the division shall be  
14 maintained in the City of Jefferson.

15 4. Subject to the supervision and approval of the  
16 director of the department of labor and industrial  
17 relations, it shall be the duty of the director to  
18 administer this law; and the director shall have power and  
19 authority to adopt, amend, or rescind any regulations as the  
20 director deems necessary to the efficient internal  
21 management of the division. The director shall determine  
22 the division's organization and methods of procedure.  
23 Subject to the provisions of the state [merit system]  
24 **personnel** law, chapter 36, the director shall employ and  
25 prescribe the duties and powers of the persons as may be  
26 necessary. The director shall collaborate with the  
27 personnel director [and the personnel advisory board] in  
28 establishing for employees of the division salaries  
29 comparable to the salaries paid by other states of a similar  
30 size and volume of operations to employees engaged in the  
31 administration of the employment security programs of those  
32 states. The director may delegate to any such person the  
33 power and authority as the director deems reasonable and  
34 proper for the effective administration of the law, and may  
35 in the director's discretion bond any person handling moneys  
36 or signing checks. Further, the director shall have the  
37 power to make expenditures, require reports, make  
38 investigations and take other action not inconsistent with

39 this law as he or she considers necessary to the efficient  
40 and proper administration of the law.

41 5. Subject to the approval of the director of the  
42 department of labor and industrial relations and the  
43 commission, the director shall adopt, amend or rescind the  
44 rules and regulations as are necessary to implement any of  
45 the provisions of this law not relating to the internal  
46 management of the division; however, the rules and  
47 regulations shall not become effective until ten days after  
48 their approval by the commission and copies thereof have  
49 been filed in the office of the secretary of state.

2 [36.050. 1. The personnel advisory board  
3 and its functions, duties and powers prescribed  
4 in this chapter is transferred by type III  
5 transfer to the office of administration.

6 2. The personnel advisory board shall  
7 consist of seven members. Four members of the  
8 board shall be public members, citizens of the  
9 state who are not state employees or officials,  
10 of good character and reputation, who are known  
11 to be in sympathy with the application of merit  
12 principles to public employment. Two members  
13 shall be employees of state agencies subject to  
14 this chapter pursuant to subsection 1 of section  
15 36.030 or any department, agency, or position of  
16 the executive branch of state government not  
17 exempted from section 36.031, one a member of  
18 executive management, and one a nonmanagement  
19 employee. The state equal employment  
20 opportunity officer shall be a member of the  
21 board. No member of the board, during the  
22 member's term of office, or for at least one  
23 year prior thereto, shall be a member of any  
24 local, state or national committee of a  
25 political party or an officer or member of a  
26 committee in any partisan political club or  
27 organization, or hold, or be a candidate for, a  
28 partisan public office. An employee member who  
29 leaves state employment or otherwise fails to  
30 further qualify for the appointment shall vacate  
31 the position.

32 3. The members of the board shall be  
33 appointed by the governor by and with the advice  
34 and consent of the senate. Appointments of all  
35 members shall be for terms of six years. Any  
36 vacancy shall be filled by an appointment for  
the unexpired term. Each member of the board

37 shall hold office until such member's successor  
38 is appointed and qualified.

39 4. A member of the board is removable by  
40 the governor only for just cause, after being  
41 given a written notice setting forth in  
42 substantial detail the charges against the  
43 member and an opportunity to be heard publicly  
44 on the charges before the governor. A copy of  
45 the charges and a transcript of the record of  
46 the hearing shall be filed with the secretary of  
47 state.

48 5. Each public member of the board shall  
49 be paid an amount for each day devoted to the  
50 work of the board which shall be determined by  
51 the commissioner of administration and filed  
52 with the reorganization plan of the office of  
53 administration; provided, however, that such  
54 amount shall not exceed that paid to members of  
55 boards and commissions with comparable  
56 responsibilities. All board members are  
57 entitled to reimbursement for necessary travel  
58 and other expenses pertaining to the duties of  
59 the board. Duties performed for the board by  
60 any employee member of the board shall be  
61 considered duties in connection with the  
62 appointment of the individual, and such employee  
63 member shall suffer no loss of regular  
64 compensation by reason of performance of such  
65 duties.

66 6. The board shall elect from among its  
67 membership a chairman and vice chairman, who  
68 shall act as chairman in the chairman's  
69 absence. It shall meet at the times and places  
70 specified by call of the chairman, the governor,  
71 or the director. At least one meeting shall be  
72 held every three months. All regular meetings  
73 are open to the public. Notice of each meeting  
74 shall be given in writing to each member by the  
75 director. Four members shall constitute a  
76 quorum for the transaction of official business.

77 7. To assist in the performance of its  
78 duties the board may employ staff from funds  
79 appropriated for this purpose; provided,  
80 however, that this provision shall not be  
81 interpreted to limit the ability of the  
82 personnel director to provide assistance to the  
83 board.]

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