



Rules of
Office of Administration
Division 20—Personnel Advisory Board and
Division of Personnel
Chapter 4—Appeals, Investigations, Hearings and
Grievances

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Title 1—OFFICE OF ADMINISTRATION

Division 20—Personnel Advisory Board and Division of Personnel

Chapter 4—Appeals, Investigations, Hearings and Grievances

1 CSR 20-4.010 Appeals

PURPOSE: This rule prescribes the circumstances under which examination applicants and employees may file appeals with the Personnel Advisory Board and establishes the procedures for the hearing of those appeals.

(1) Appeals of examination applicants and employees are provided under the following circumstances:

(A) Rejection of Examination Applications. An applicant whose request for admission to any examination has been rejected by the director may appeal by filing the appeal with the Administrative Hearing Commission in writing within fifteen (15) days of the mailing of the notice of rejection by the director and in any event before the holding of the examination. The Administrative Hearing Commission's decision on all matters of fact shall be final. Pending consideration of the appeal, the director shall review the initial determination and shall have discretion to admit the applicant to the examination, but admission shall not constitute the assurance of a passing grade in the rating of education and experience (see section 36.390, RSMo);

(B) Appeal From Examination Ratings. Any applicant who has taken an examination and who feels that s/he has not been dealt with fairly in any phase of the examination process may request that the director review the case. This request for review of any examination must be filed in writing with the director within fifteen (15) days after the date on which notification of the results of the examination was mailed to the applicant. A candidate may appeal the decision of the director in writing to the Administrative Hearing Commission. This appeal must be filed with the Administrative Hearing Commission within fifteen (15) days after date on which notification of the decision of the director was mailed to the applicant. A correction in the ratings shall not affect a certification or appointment which may have already been made from the register;

(C) Appeals of Removal From Register. An eligible whose name has been removed from a register for any of the reasons specified in section 36.180 or 36.240, RSMo, may appeal to the Administrative Hearing Commission for reconsideration. This appeal must be filed in writing with the Administrative Hearing

Commission within fifteen (15) days after the date on which notification was mailed to the applicant. The director shall restore the eligible's name to the register if determined eligible for inclusion by the Administrative Hearing Commission; and

(D) Appeals From Dismissal, Demotion, or Suspension. Any regular employee who is dismissed, demoted involuntarily for cause, or suspended for more than five (5) days may appeal in writing by filing the appeal with the Administrative Hearing Commission within thirty (30) days after the effective date of the personnel action, setting forth in substance the reasons for claiming that the dismissal, suspension, or demotion was for political, religious, or racial reasons or not for the good of the service.

AUTHORITY: section 36.060, RSMo Supp. 2010 and section 36.070, RSMo 2000. Original rule filed July 9, 1947, effective July 19, 1947. Amended: Filed April 19, 1968, effective April 29, 1968. Amended: Filed June 20, 1969, effective June 30, 1969. Amended: Filed April 23, 1974, effective May 2, 1974. 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 June 2, 1988, effective Oct. 1, 1988. Amended: Filed Nov. 16, 1993, effective July 30, 1994. Amended: Filed July 21, 1994, effective Feb. 26, 1995. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Amended: Filed Jan. 17, 2006, effective July 30, 2006. Amended: Filed Oct. 16, 2006, effective April 30, 2007. Amended: Filed Aug. 15, 2008, effective Feb. 28, 2009. Amended: Filed Dec. 14, 2009, effective June 30, 2010. Emergency amendment filed Aug. 27, 2010, effective Sept. 7, 2010, expired March 5, 2011. Amended: Filed Aug. 27, 2010, effective Feb. 28, 2011.*

**Original authority: 36.060, RSMo 1945, amended 1971, 1979, 1993, 1995, 2010 and 36.070, RSMo 1945, amended 1979, 1995.*

1 CSR 20-4.020 Grievance Procedures

PURPOSE: This rule requires the establishment of a grievance procedure, states its objectives, and defines management responsibility for its implementation.

(1) Grievance Procedure Established. The settlement of differences within the classified service between management and employees shall be provided through the establishment of an orderly grievance procedure in each

division of service subject to the State Personnel Law.

(A) The established grievance procedure in any division of service shall apply to employment conditions and related matters over which the appointing authority has complete or partial jurisdiction and for which redress is not provided by the personnel law, rules, or procedures.

(B) Notwithstanding subsection (A) of this section, an agency may enter into an agreement with a certified bargaining representative that allows for an alternative dispute resolution procedure that a represented employee may elect in lieu of the agency's established grievance procedures or the employee's right to appeal to the Administrative Hearing Commission as provided by the personnel law, rules, or procedures.

(C) Unless an agency has entered into an agreement with a certified bargaining representative that provides otherwise, the grievance procedure shall not apply in instances where the grievance involves personnel transactions or administrative decisions of the appointing authority for which the personnel law or rules provide a specific appeal to the Administrative Hearing Commission. Because the director of the Division of Personnel is not subject to an established grievance procedure, neither a grievance procedure nor alternative dispute resolution procedure may include provisions for grieving decisions made by the director under authority granted by the personnel law or regulations.

(D) The responsibility and authority of appointing authorities to create, promulgate, and enforce operational policies for the efficient and effective operation of the divisions of service is not altered by the ability of employees to use the grievance process to question the application of these policies or to seek clarifications or modifications of them.

(2) Objectives of Grievance Settlements. To every extent possible, the grievance procedure shall be designed to—

(A) Resolve the grievance quickly;

(B) Settle the disagreement informally at the employee-supervisor level when possible;

(C) Correct, if possible, the cause of the grievance to prevent future similar complaints; and

(D) Assure fair and equitable treatment of all employees and to promote harmonious relations generally among employees, supervisors, and administrative staff.

(3) Management Responsibility. Each appointing authority shall prepare and submit to the personnel director for review, for the purpose



of ascertaining conformance with this rule, formal written procedures for submission of grievances by employees and for prompt and orderly consideration and determination of the grievances by supervisors and administrators. The appointing authority shall be responsible for carrying out the provisions of the grievance procedure.

(A) Unless an agency has entered into an agreement with a certified bargaining representative that provides for an alternative method of resolving grievances which includes subjects for which redress is provided by the personnel law, rules, or procedures, the grievance procedures of each division of service shall distinguish between issues subject to review through personnel law, rules, or procedures and other matters subject to the grievance procedure. If there are separate procedures for filing internal complaints of discrimination, sexual harassment, retaliation for grievances, or other matters, these shall also be identified.

(B) The grievance procedure shall include the following minimum provisions:

1. Except where the agency has a separate procedure as stated in subsection (3)(A), or unless the agency has entered into an agreement with a certified bargaining unit representative that provides otherwise, the procedure shall begin with the immediate supervisor and, if not resolved to the satisfaction of the grievant at the beginning or succeeding steps, shall end with the appointing authority;

2. The procedure shall require that the grievance and responses be in written form beginning at the first step, unless agreed to by both parties. A copy of all written responses will be delivered to the grievant. A copy of all written grievances and responses will be filed with the appointing authority or his/her designated representative;

3. The procedure shall include specific time frames for filing and responding to grievances at each step. The procedure may include a method of extending time frames initiated by the grievant or management, or both;

4. The procedure shall include a provision prohibiting retaliation or harassment for filing a grievance and for investigating charges of alleged retaliation or harassment. Each agency must give employees alleging retaliation for grievances an opportunity to address this allegation to a higher level than the alleged incident;

5. The procedure shall permit group as well as individual grievances;

6. The procedure shall allow the grievant reasonable time off from duty for attendance at formal grievance hearings; and

7. The procedure shall include a method for informing all employees of the existence of the grievance procedure and for providing a copy of the grievance procedure and appropriate forms to employees desiring to file a grievance.

AUTHORITY: section 36.070, RSMo 2000. Original rule filed Dec. 8, 1975, effective Dec. 19, 1975. Amended: Filed Dec. 1, 1992, effective July 8, 1993. Amended: Filed Sept. 16, 2002, effective March 30, 2003. Amended: Filed April 14, 2005, effective Nov. 30, 2005. Emergency amendment filed Aug. 27, 2010, effective Sept. 7, 2010, expired March 5, 2011. Amended: Filed Aug. 27, 2010, effective Feb. 28, 2011.*

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