
Emergency Rules

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 130—Professional Employer Organization Act**

EMERGENCY RULE

15 CSR 30-130.090 Hearings

PURPOSE: This rule describes the nature and process of disciplinary hearings conducted by the secretary.

EMERGENCY STATEMENT: The secretary of state determines that this emergency rule is necessary to preserve a compelling governmental interest.

This emergency rule is necessary to address statutory sections enacted in HB 1719 (2018), specifically sections 285.700 to 285.750, RSMo, which became law on August 28, 2018, and create a framework for the registration and regulation of professional employer organizations in Missouri. A professional employer organization provides comprehensive human resources (HR) solutions for businesses. A person engaged in the business of providing professional employer services shall be subject to registration and regulation under these sections regardless of its use of the term or conducting business as a professional employer organization, staff leasing company, registered staff leasing company, employee leasing company, administrative employer, or any other name.

The secretary of state needs this emergency rule to ensure that professional employer organizations are registered in accordance with the appropriate rules and regulations. This emergency rule describes the nature and process of disciplinary hearings conducted by the secretary, which will allow the secretary of state to ensure compliance with sections 285.700 to 285.750, RSMo.

The secretary of state finds there is a compelling governmental interest, which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The secretary of state believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 30, 2018, becomes effective December 10, 2018, and expires June 7, 2019.

(1) All disciplinary hearings shall be governed by the administrative hearing process found in Chapter 536, RSMo.

(2) No disciplinary hearing will be held less than thirty (30) days after the secretary receives a written request for a hearing.

(3) Notice of hearing will be provided to the professional employer organization (PEO) by certified mail and shall include the date, time, and place of the hearing.

(4) Hearings will be open to the public and notice of the hearing shall be posted pursuant to Chapter 610, RSMo.

(5) All hearings will be audio recorded unless the PEO requests the hearing be transcribed by a court reporter. If a PEO requests a court reporter, the PEO is responsible for the cost of the court reporter and all copies of the transcripts.

(6) Oral evidence shall be taken on oath or affirmation. Each party shall have the right to call and examine witnesses, introduce exhibits, and cross-examine witnesses on any relevant issue related to the disciplinary action.

(7) Each party shall provide copies of all exhibits it intends to use at the hearing to the other party and the secretary no later than five (5) working days prior to the hearing.

(8) A list of all documents and exhibits submitted at the hearing shall become part of the record and officially noted in the transcript/recording.

(9) Copies of writings, documents, and records shall be admissible without proof that the originals thereof cannot be produced if it appears by testimony or otherwise that the copy offered is a true copy of the original.

(10) The secretary or his/her representative shall present evidence first. The PEO shall then have the opportunity to present its evidence in the same manner. Each party has the right to rebut the evidence presented and present closing statements.

(11) The secretary shall issue written findings of facts and conclusions of law. Such findings shall include the violations found and the disciplinary action to be taken as authorized under section 285.750, RSMo. Such findings shall be a final adjudication of the matter.

AUTHORITY: section 285.750, RSMo Supp. 2018. Emergency rule filed Nov. 30, 2018, effective Dec. 10, 2018, expires June 7, 2019. An emergency rule and a proposed rule covering this same material will be published in the January 2, 2019, issue of the Missouri Register.