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Part I

SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

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REGISTER

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September 4, 2018 September 17, 2018	<b>October 1, 2018</b> <b>October 15, 2018</b>	October 31, 2018 October 31, 2018	November 30, 2018 November 30, 2018
October 1, 2018 October 15, 2018	<b>November 1, 2018</b> <b>November 15, 2018</b>	November 30, 2018 November 30, 2018	December 30, 2018 December 30, 2018
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February 1, 2019 February 15, 2019	<b>March 1, 2019</b> <b>March 15, 2019</b>	March 31, 2019 March 31, 2019	April 30, 2019 April 30, 2019

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year’s schedule, please check out the website at [www.sos.mo.gov/adrules/pubsched](http://www.sos.mo.gov/adrules/pubsched).

## HOW TO CITE RULES AND RSMO

### RULES

The rules are codified in the *Code of State Regulations* in this system–

<b>Title</b>		<b>Division</b>	<b>Chapter</b>	<b>Rule</b>
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

### ***Code and Register on the Internet***

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is [www.sos.mo.gov/adrules/csr/csr](http://www.sos.mo.gov/adrules/csr/csr)

The *Register* address is [www.sos.mo.gov/adrules/moreg/moreg](http://www.sos.mo.gov/adrules/moreg/moreg)

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2016. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 8—DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS  
Division 30—Division of Labor Standards  
Chapter 3—Prevailing Wage Law Rules**

**EMERGENCY AMENDMENT**

**8 CSR 30-3.010 [Prevailing] Applicable Wage Rates for Public Works Projects.** The division proposes to amend sections (1), (2), (4), and (5); renumber a portion of section (4) as section (5) and amend the section; and renumber the remaining sections.

*PURPOSE:* This amendment implements statutory changes to the *Missouri Prevailing Wage Law* enacted by the passage of *HB 1729 (2018)*.

*EMERGENCY STATEMENT:* This emergency amendment incorporates and implements changes to the *Missouri Prevailing Wage Law* effected by *House Bill 1729 (2018)*, effective August 28, 2018. Emergency amendment of this rule is necessary to preserve the compelling governmental interest of successfully implementing the changes to sections 290.210–290.340, RSMo made by *House Bill 1729 (2018)* regarding the applicable wage rates for public works within the state of Missouri and ensuring consistent implementation of law. Provisions of the existing rule are inconsistent with the provisions of sections 290.210–290.340, RSMo, effective August 28, 2018, and must be amended early to avoid confusion on the part of contractors, workers, and public entities. Emergency amendment of the rule

will also assist contractors in avoiding potential civil liabilities and assist officers, officials, members, agents, and representatives of contractors and public entities in avoiding potential criminal penalties. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Labor and Industrial Relations believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 21, 2018, becomes effective December 1, 2018, and expires May 29, 2019.

*PURPOSE:* This rule sets forth [prevailing] applicable wage requirements relative to work performed by workers on public funded projects.

(1) All public bodies of Missouri contemplating construction work must obtain from the department an annual wage order which sets forth the [prevailing] applicable hourly rate of wages (the prevailing wage or the public works contracting minimum wage as provided in section 290.257, RSMo) in the locality. The rates so determined shall be incorporated in the contract specifications and made a part of those specifications, except that construction contracts of the State Highway and Transportation Commission need not list specific wage rates to apply, but may refer to the wage rates contained in the appropriate General Wage Orders issued by the department, as applicable.

(2) Request for annual wage orders shall be initiated at least ten (10) calendar days before advertisement of the specifications for the contract for which the determination is sought. An exception from this provision will be made by the department only upon a proper showing of extenuating circumstances. The department has prepared and printed Form No. PW-3 for use in making a request. The form may be secured by writing Division of Labor Standards, PO Box 449, Jefferson City, MO 65102 or by visiting the following website: [https://labor.mo.gov/sites/labor/files/pubs\\_forms/PW-3-AI.pdf](https://labor.mo.gov/sites/labor/files/pubs_forms/PW-3-AI.pdf).

(4) The annual wage order issued by the department contains the current applicable wage rates [prevailing] in the locality at the time the annual wage order is issued. Hours worked during the calendar year are used to set the prevailing wage rates in the annual wage order issued in March of the following year. The department will consider hours submitted for use in its initial determination of the prevailing wage rates to be included in a particular year's wage order only if those hours are received [by it] from a contractor, by either paper submission on a form provided by the department or in electronic format, no later than January 31 of that year. Handwritten submissions will not be accepted. For purposes of submitting reportable hours, the term "contractor" shall include a "subcontractor." The department will not include the following hours in the calculation of the annual wage order:

(A) Hours not readily identifiable as being submitted by a contractor;

(B) Hours submitted for construction of public works for which either the engineer's estimate or the bid accepted by the public body for the total project cost is in the amount of seventy-five thousand dollars (\$75,000) or less;

(C) Hours worked by federally-registered apprentices or entry-level workers;

(D) Hours worked on residential construction projects.

(5) Section 290.262.[9]8, RSMo, provides that the annual wage order for a particular occupational title may be altered once each year with an incremental increase. A public body shall specify in the call

for bids for each contract the *[prevailing]* applicable hourly rate of wages in the locality for each type of worker as set forth in the annual wage order or any replacement page(s) identifying the annual incremental increase issued by the department for the prevailing hourly rate of wages. The wage rates attached to, and made a part of, the call for bids for a contract shall remain in effect for the duration of that particular contract.

*[(5)](6)* It should be understood by all interested parties that the certified *[prevailing]* applicable wage rates determined by the department are minimum wage rates. The contractor may not pay less than the *[prevailing]* applicable wage rates determined by the department for the project or contract awarded to him/her as set forth in the proposal on which s/he submitted his/her bid. Employees are free to bargain for a higher rate of pay and employers are free to pay a higher rate of pay.

*[(6)](7)* Each month the successful bid contractors shall submit certified copies of their current payrolls to the contracting public body. The public body, upon receipt of the payrolls on a project, shall keep the payrolls on file for a period of one (1) year from the date of submission of the final payrolls by the contractor. The payroll records shall set out accurately and completely the following: name and address of each worker, the class or type of worker, rate of pay, daily and weekly number of hours worked for each class or type of work performed, deduction made, and actual wages paid for each class or type of work performed by each worker. The payroll records shall be available at all times for inspection by authorized representatives of the Department of Labor and Industrial Relations.

*[(7)](8)* The public body shall make examinations of the payrolls and other records of each contractor or subcontractor as may be necessary to assure compliance with the provisions of the law. In connection with those examinations, particular attention should be given to the correctness of classifications and any disproportionate employment of any workers. The examinations shall be of a frequency that may be necessary to assure conformity with the provisions of the law. An examination shall be made after the project has been substantially completed, but prior to the acceptance of the affidavit as required by section 290.290, RSMo. If any violation of sections 290.210–290.580, RSMo, is discovered by the inspecting public body, it is their duty under section 290.250, RSMo, to withhold and retain from payments to the contractor all sums and amounts due and owing as a result of any violation. Any violation shall be immediately reported to the Division of Labor Standards at PO Box 449, Jefferson City, MO 65102 or by telephone.

*AUTHORITY:* section 290.240.2, RSMo [2000] *Supp.* 2018. Original rule filed Dec. 18, 1975, effective Dec. 28, 1975. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Nov. 21, 2018, effective Dec. 1, 2018, expires May 29, 2019. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**  
**Division 30—Division of Labor Standards**  
**Chapter 3—Prevailing Wage Law Rules**

**EMERGENCY AMENDMENT**

**8 CSR 30-3.030 Apprentices and [Trainees] Entry-Level Workers.** The division proposes to amend sections (1) and (2); rescind section (3); and renumber the remaining section.

*PURPOSE:* This amendment implements statutory changes to the Missouri Prevailing Wage Law enacted by the passage of HB 1729

(2018).

*EMERGENCY STATEMENT:* This emergency amendment incorporates and implements changes to the Missouri Prevailing Wage Law effected by House Bill 1729 (2018), effective August 28, 2018. Emergency amendment of this rule is necessary to preserve the compelling governmental interest of successfully implementing the changes to sections 290.210–290.340, RSMo made by House Bill 1729 (2018) regarding the applicable wage rates for public works within the state of Missouri and ensuring consistent implementation of law. Provisions of the existing rule are inconsistent with the provisions of sections 290.210–290.340, RSMo, effective August 28, 2018, and must be amended early to avoid confusion on the part of contractors, workers, and public entities. Emergency amendment of the rule will also assist contractors in avoiding potential civil liabilities and assist officers, officials, members, agents, and representatives of contractors and public entities in avoiding potential criminal penalties. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Labor and Industrial Relations believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 21, 2018, becomes effective December 1, 2018, and expires May 29, 2019.

*PURPOSE:* This rule sets forth the requirements for the payment of apprentice and entry-level worker wages for [workers] those employed on public works subject to the Prevailing Wage Law.

(1) Journeymen's rate of pay shall be paid to all workers employed on public works construction except **entry-level workers or apprentices [and trainees]** registered and participating in apprentice [or trainee] programs registered with the United States Department of Labor, [Bureau of Apprenticeship and Training] **Employment and Training Administration**; and apprentices [and trainees] registered and participating in [apprenticeship and skill training] programs certified by the Secretary of the United States Department of Transportation as promoting equal opportunity in connection with federal-aid highway construction programs. **Such workers shall be paid not less than fifty percent (50%) of the applicable wage rate for a journeyman worker under the appropriate occupational title for a specific locality. In calculating the applicable wage rate for a journeyman worker, fringe benefits shall be included.**

(2) [Apprentices shall be permitted to work at less than the predetermined rate for the class or type of work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the United States Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training. The allowable ratio of apprenticeship to journeymen on the site of the construction for any class or type of workers shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on the payroll at an apprentice wage rate, who is not registered or otherwise employed as stated in this rule, shall be paid not less than the applicable wage rate on the wage determination for the class or type of work actually performed. In addition, those apprentices performing work on the site of the construction who are in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the class or type of work actually performed. Every apprentice shall be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate for the class or type of worker specified in

the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices shall be paid the full amount of fringe benefits listed on the wage determination for the applicable class or type of work performed. In the event the Bureau of Apprenticeship and Training withdraws approval of an apprenticeship program, the contractor shall no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the class or type of work performed until an acceptable program is approved.] As set forth in section 290.235, RSMo, "on-the-job training workers" are defined as follows:

(A) "Federally-registered apprentices" – Workers participating in programs administered by the United States Department of Labor and subject to their specific requirements (See 29 U.S.C. section 50 and 29 C.F.R. 29) and workers participating in programs administered by the United States Department of Transportation and subject to their specific requirements. (See 23 U.S.C. section 113 and 23 C.F.R. 230); and

(B) "Entry-level workers" – Any worker who is not a journeyman and who is not otherwise enrolled in a federally-registered apprenticeship program.

[13] Trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the United States Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed in the annual wage order for the applicable class or type of work performed. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate in the annual wage order for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.]

[14](3) Workers employed on federal-aid highway construction projects may be paid at an apprentice or trainee rate of pay if enrolled in an apprenticeship or skill training program which has been certified by the Secretary of the United States Department of Transportation pursuant to 23 U.S.C. 113. In the event the Secretary of Transportation withdraws approval of a program, the contractor will no longer be permitted to pay workers less than the applicable predetermined rate for the work performed until an acceptable program is approved.

*AUTHORITY:* section 290.240, RSMo [1994] Supp. 2018. Original rule filed Aug. 24, 1990, effective April 29, 1991. Amended: Filed July 17, 1995, effective Jan. 30, 1996. Emergency amendment filed

Nov. 21, 2018, effective Dec. 1, 2018, expires May 29, 2019. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**  
**Division 30—Division of Labor Standards**  
**Chapter 3—Prevailing Wage Law Rules**

**EMERGENCY AMENDMENT**

**8 CSR 30-3.040 Classifications of Construction Work.** The division proposes to amend section (1).

*PURPOSE:* This amendment implements statutory changes to the Missouri Prevailing Wage Law enacted by the passage of HB 1729 (2018).

*EMERGENCY STATEMENT:* This emergency amendment incorporates and implements changes to the Missouri Prevailing Wage Law effected by House Bill 1729 (2018), effective August 28, 2018. Emergency amendment of this rule is necessary to preserve the compelling governmental interest of successfully implementing the changes to sections 290.210–290.340, RSMo made by House Bill 1729 (2018) regarding the applicable wage rates for public works within the state of Missouri and ensuring consistent implementation of law. Provisions of the existing rule are inconsistent with the provisions of sections 290.210–290.340, RSMo, effective August 28, 2018, and must be amended early to avoid confusion on the part of contractors, workers, and public entities. Emergency amendment of the rule will also assist contractors in avoiding potential civil liabilities and assist officers, officials, members, agents, and representatives of contractors and public entities in avoiding potential criminal penalties. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Labor and Industrial Relations believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 21, 2018, becomes effective December 1, 2018, and expires May 29, 2019.

(1) All public works construction, for which the prevailing hourly rate of wages or the public works contracting minimum wage of workers are to be determined, shall be classified as either—

*AUTHORITY:* section 290.240, RSMo [1994] Supp. 2018. Original rule filed Aug. 24, 1990, effective April 29, 1991. Amended: Filed July 17, 1995, effective Jan. 30, 1996. Emergency amendment filed Nov. 21, 2018, effective Dec. 1, 2018, expires May 29, 2019. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**  
**Division 30—Division of Labor Standards**  
**Chapter 3—Prevailing Wage Law Rules**

**EMERGENCY AMENDMENT**

**8 CSR 30-3.050 Posting of Prevailing Wage Rates.** The division proposes to amend section (1).

*PURPOSE:* This amendment implements statutory changes to the

*Missouri Prevailing Wage Law enacted by the passage of HB 1729 (2018).*

**EMERGENCY STATEMENT:** *This emergency amendment incorporates and implements changes to the Missouri Prevailing Wage Law effected by House Bill 1729 (2018), effective August 28, 2018. Emergency amendment of this rule is necessary to preserve the compelling governmental interest of successfully implementing the changes to sections 290.210–290.340, RSMo made by House Bill 1729 (2018) regarding the applicable wage rates for public works within the state of Missouri and ensuring consistent implementation of law. Provisions of the existing rule are inconsistent with the provisions of sections 290.210–290.340, RSMo, effective August 28, 2018, and must be amended early to avoid confusion on the part of contractors, workers, and public entities. Emergency amendment of the rule will also assist contractors in avoiding potential civil liabilities and assist officers, officials, members, agents, and representatives of contractors and public entities in avoiding potential criminal penalties. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Labor and Industrial Relations believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 21, 2018, becomes effective December 1, 2018, and expires May 29, 2019.*

(1) Contractors and subcontractors engaged in public works projects shall post the *[prevailing]* applicable hourly rate of wages (**the prevailing wage or the public works contracting minimum wage as provided in section 290.257, RSMo**) in a dry, accessible place within the field office at the site of the building or construction job. On public works projects for which no field office is needed or established, such as road construction, sewer lines, pipelines and the like, a contractor/subcontractor may post the *[periling]* applicable hourly rates of wages at the con/-tractor/subcontractor's local office or batch plant, so long as the contractor/subcontractor provides a copy of the prevailing hourly wage rates to any worker upon request. *[Prevailing]* Applicable hourly wage rates must be posted and maintained in a clearly legible condition for the duration of the public works project as provided by law.

**AUTHORITY:** *section 290.240, RSMo [1986] Supp. 2018. Original rule filed Aug. 24, 1990, effective April 29, 1991. Emergency amendment filed Nov. 21, 2018, effective Dec. 1, 2018, expires May 29, 2019. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.*

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
Division 30—Division of Labor Standards  
Chapter 3—Prevailing Wage Law Rules**

**EMERGENCY AMENDMENT**

**8 CSR 30-3.060 Occupational Titles of Work Descriptions.** The division proposes to rescind section (3) and renumber the remaining sections and amend sections (4), (7), and (8).

**PURPOSE:** *This amendment implements statutory changes to the Missouri Prevailing Wage Law enacted by the passage of HB 1729 (2018).*

**EMERGENCY STATEMENT:** *This emergency amendment incorporates and implements changes to the Missouri Prevailing Wage Law effected by House Bill 1729 (2018), effective August 28, 2018.*

*Emergency amendment of this rule is necessary to preserve the compelling governmental interest of successfully implementing the changes to sections 290.210–290.340, RSMo made by House Bill 1729 (2018) regarding the applicable wage rates for public works within the state of Missouri and ensuring consistent implementation of law. Provisions of the existing rule are inconsistent with the provisions of sections 290.210–290.340, RSMo, effective August 28, 2018, and must be amended early to avoid confusion on the part of contractors, workers, and public entities. Emergency amendment of the rule will also assist contractors in avoiding potential civil liabilities and assist officers, officials, members, agents, and representatives of contractors and public entities in avoiding potential criminal penalties. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Labor and Industrial Relations believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 21, 2018, becomes effective December 1, 2018, and expires May 29, 2019.*

*[(3) Any person wishing to add, delete or modify an occupational title of work description shall submit to the director of the Division of Labor Standards a written request containing the proposed changes. Proposals shall contain the following information:*

- (A) Occupational title;*
- (B) A description of the physical duties to be performed by workers under the title;*
- (C) A copy of any current collective bargaining agreements that are relevant to the proposal, if any;*
- (D) Evidence of hours worked and wages paid while performing work under the title, including fringe benefits paid, if any;*
- (E) Identification of the county(ies) where the work was performed;*
- (F) Evidence that the proposed occupational title of work description is for a type or class of work that is commonly utilized by the construction industry on building or heavy and highway construction projects in Missouri; and*
- (G) Other information concerning the proposed addition, deletion or modification as the director of the Division of Labor Standards may deem advisable under the circumstances.]*

*[(4)](3) Interested parties who wish to submit wage information to be used in establishing the prevailing hourly rate of wages for a particular class or type of work are required to identify the work according to the applicable occupational title of work description set forth in this rule. Hours of work reported by a contractor or subcontractor to the department shall not be used to establish the prevailing hourly rate of wages if the party submitting the hours of work fails to identify the work under one of the recognized occupational titles [recognized by this rule].*

*[(5)](4) Any question as to the proper classification of work should be resolved before the work in question is commenced. Interested parties are encouraged to contact the Prevailing Wage Section of the Division of Labor Standards for an interpretation of these rules and for a determination of the appropriate occupational title of work description, relative to the class or type of work to be performed.*

*[(6)](5) The occupational titles and work descriptions for each type or class of work contained herein are valid throughout the entire state of Missouri. Through an objection to a wage order, an interested party may assert that any given description of work, as stated within this rule, does not apply to a specific occupational title(s) and that a*



different work description should apply to that occupational title(s). The interested party shall have the burden of proving by a preponderance of the evidence the inapplicability of the description of work within that particular occupational title, but shall be afforded the opportunity to do so in a hearing on an objection to the wage order before the Labor and Industrial Relations Commission.

*[(7)](6)* Occupational titles of work descriptions may be obtained from the department by written request to the director of the Division of Labor Standards, PO Box 449, Jefferson City, MO 65102 or by visiting the following website: <https://labor.mo.gov/DLS/PrevailingWage/pwContractors>.

*[(8)](7)* The occupational titles of work descriptions set forth here are as follows:

(A) Asbestos Worker/*Heat and Frost Insulator*—Applies to workers who apply insulation materials to mechanical systems to reduce loss or absorption of heat, prevent moisture condensation, and to deaden sound and prevent vibration. The workers remove all insulation materials from mechanical systems unless the mechanical system is being scrapped. The work falling within this occupational title of work description includes:

1. The preparation, including the building of enclosures and hanging polyurethane, and physical distribution on the job site of asbestos, cork, plastic, magnesia or similar materials, or other materials used as a substitute, and used as thermal insulation. The manufacture, fabrication, assembling, molding, handling, erection, spraying, pouring, making, hanging, application, adjusting, alteration, repairing, dismantling, reconditioning, corrosion control, and testing of heat or frost insulation, such as asbestos, cork, mineral wall, infusorial earth, mercerized silk, flax, fiber, fire felt, asbestos paper, asbestos curtain, asbestos millboard, fibrous glass, foam glass, styrofoam, polyurethane, polystyrene, metals, plastics, fibrous matter, roving, and resins, and the erection of scaffolding up to fourteen feet (14'), working platform;

2. The covering, including encapsulation, of boilers, tanks, refrigeration units, evaporators, turbines, fittings, valves, ducts, flues, vats, equipment, hot and cold pipes, or any other hot or cold surfaces with the insulation materials listed in this rule, used for the purpose of thermal insulation, fire stoppage, fireproofing, radiator protection, sound deadeners, and the lagging (covering) on piping; and

3. The removal of all insulation materials from mechanical systems, unless the mechanical system is being scrapped, whether they contain asbestos or not (pipes, boilers, ducts, flues, breechings). All cleanup required in connection with this work, shall include the sealing, labeling, and dropping of scrap material into the appropriate containers. (After drop, final disposal is considered to be the class or type of work falling within the occupational title of work description for second semiskilled laborer.);

(B) Boilermaker—Applies to workers who assemble, erect, and repair boilers, tanks, vats, and pressure vessels according to blueprint specifications, using handtools, portable power tools, and equipment. The work falling within this occupational title of work description includes:

1. Locating and marking of reference points for columns on plates or foundations, using master straightedge, squares, transit, and measuring tape;

2. Using rigging or cranes to lift parts to specified positions;

3. Aligning structures or plate sections, using plumb bobs, levels, wedges, dogs, or turnbuckles;

4. Drilling, reaming, chipping, caulking, and grinding of structures and sections and bolting or welding them together;

5. Setting of drums and headers and installation of tubes;

6. Cleaning up as necessary in connection with this work; and

7. Riveting, acetylene burning, rigging, fitting-up, impact machine operating, unloading and handling of material and equipment where power equipment and rigging are required;

(C) Bricklayers [*and Stone Mason*]—Applies to workers who

prepare, lay, set, bed, point, patch, grout, caulk, cut, fit, plumb, align, level, anchor, bolt, or weld brick, stone masonry, precast aggregate panels, and all types of artificial or imitation masonry. Also, the workers install expansion joint materials in brick, stone masonry, precast aggregate panels, and all types of artificial or imitation masonry. The work falling within this occupational title of work description includes:

1. The unloading of brick, stone masonry, precast aggregate panels, and all types of artificial or imitation masonry where power equipment and rigging are required;

2. The masonry paving and rip-rapping of all types, with or without mortar;

3. The reinforcing of masonry, including placing, tying, and setting of rods;

4. The application of insulation systems and materials, and air and/or vapor barrier systems and materials, by spray, trowel, roller, adhesive, or mechanically fastened in or to all masonry walls;

5. The caulking of abutting masonry openings in masonry walls, expansion joints, and false joints in all types of masonry;

6. The waterproofing of all types of masonry, which shall include installation and application of air and/or vapor barrier systems and materials by spray, trowel, roller, adhesive, or mechanically fastened; and

7. The cleaning, tuckpointing, sandblasting, steam cleaning, and Guniting work on all types of masonry;

(D) Carpenter (**which shall include pile driver, millwright, lather, and linoleum layer**)—Applies to workers who construct, erect, install, and repair structures, structural members and fixtures made of wood, plywood, wallboard, and materials that take the place of wood, such as plastic, metals, composites, fiberglass, and Transit sheeting and Cemesto Board, using carpenter hand tools and power tools. The work falling within this occupational title of work description includes:

#### 1. General Carpenter.

*[1.A]*. The layout of buildings or structures on the site or plot. The installation of aluminum expansion joints for buildings and bridge structure as well as concrete strike-off machines/;.

*[2.B]*. The making and setting of all concrete forms (except curb forms on heavy construction), including establishment of building lines or flow lines (box culverts, bridges) including footing forms. The making of all forms used in tilt-up construction. The layout, installation, and construction for wall forms and footing forms, all block-outs, wood or steel, layout, and installation of all embedded items/;.

*[3.C]*. The building and handling of scaffolds used by carpenters to work from. All scaffolding, constructed or assembled, fourteen feet six inches (14'6") and higher for normal or specialty use—regardless of purpose/;.

*[4.D]*. The building of rough wooden structures, such as concrete forms, scaffolds, wooden bridges, trestles, coffer dams, tunnel and sewer support/;/, welding and burning/;.

*[5.E]*. The selection of specified type of lumber or other materials. Prepare layout, using rule, framing square, and calipers. Mark cutting and assembling lines on materials, using pencil, chalk, and marking gauge. Shape materials to prescribed measurements, using saws, chisels, and planes. Assemble, cut, and shape materials and fasten them together with nails, dowel pins, or glue. Erect framework for structures. Verify trueness of structure with plumb bob and carpenter's level. Apply decorative paneling to walls/;.

*[6.F]*. The installation of ladders, handrails, walkways, platforms, and gangways made of wood as well as shoring and lagging. Install doors and wood and metal windows and bucks, including hardware (bucks are rough frames in which finished frames are inserted) in building framework and brace them with boards nailed to framework. Install pallet racks and metal shelving. Install sub-flooring in buildings. Install insulation such as batt, board, safin, thermal, styrofoam, sound attenuation, fiberglass when the installation of the insulation material is not being applied as an integral part

of the roofing system. Nail plaster grounds (wood or metal strips) to studding. Fit and nail sheathing on outer walls and roofs on buildings. Install beams and trusses of wood laminate/;].

[7./G. The making, handling, and setting of all frames, sash, blinds, trim, and other fixtures (for example, cabinets, bookcases, and benches), when made of wood or any wood substitute. The handling and assembly of chairs, seats, bleachers, and benches and other furniture in theaters, halls, schools, and other places of assemblage on floors of any kind. Install protection screens, chalk boards, toilet partitions (plastic laminate, solid plastic). Caulking of fixtures and countertops including Corian tub and shower enclosures/;].

[8./H. The installation of wood and metal studs and exterior panels/;].

[9./I. The handling, cutting, sawing, fitting of drywall (sheetrock), and lead-lined drywall whether for walls, ceilings, floors, soffits, or any use, no matter how installed—nailed, screwed, glued, or otherwise (interior, exterior). Lead-lined drywall is used in X rays to avoid radiation exposure. Install corner guards and wooden and plastic column covers/;].

[10./J. The handling and installation of acoustical and egg crate ceiling systems in its entirety (hanger wire, grid, molding, tile) whether vertically or horizontally installed/;].

[11./K. The installation of all builders hardware, including door tracks of every description. The installation of all weather strips. The making, fitting, and hanging of fly screens for doors, windows, and other openings/;].

[12./L. Installation of wood and hollow metal doors, rollup garage doors, overhead doors or rolling fire doors, automatic doors, channel iron door bucks, glass sliding, and bi-fold doors/; and/].

[13./M. The installation of access flooring, computer floors, and raised or elevated floors. Install modular headwall units and laboratory casework and fume hoods;

**2. Pile Driver**—The work falling within the occupational title of work description for pile driver includes:

A. The handling, layout, driving, cutting, and splicing of wood, metal, or concrete piling regardless of purpose (for example, sheets, I-beams, pile caps, and welding to piling);

B. The assembly, disassembly, and rigging of the pile driving equipment; and

C. The conduct of underwater diving that is incidental to pile driving work;

**3. Millwright**—Applies to workers who design, build, or repair mills or mill machinery; hoist, dismantle, erect, assemble, line, and adjust all machines used in the transmission of power in buildings, factories or elsewhere; unload machines used in the transmission of power in buildings, factories, or elsewhere, where power equipment and rigging are required. The work falling within this occupational title of work description includes: the setting of all classes of engines, direct drive motors, dynamos, turbines, generators, and air compressors and pumps. The assembling, setting, and packing of all compressors and pumps. The placing of all pulleys, sheaves, and fly wheels on the listed equipment. The making and setting of all templates and bolts for all machinery requiring same. Drypacking for sole plates. Installation of truck and railroad scales. Installation of trash compactors. Installation of all types of conveyors. The cutting and threading of all bolts. The handling and operating of all acetylene and devices for heating, welding, and cutting when used in connection with millwright work;

**4. Lather**—Applies to workers who erect horizontal metal framework to which laths are fastened, using nails, bolts, stud-gun, or a combination of these, drills holes in floor and ceiling, and drives ends of wooden or metal studs into holes to provide anchor for furring or rockboard laths. The occupational title of lather applies to workers who nail, clip, or fasten, all types of wood, wire, and metal laths, plasterboard, wallboard, rockboard, gypsum, sheetrock, and acoustical materials which take the place of same to walls, ceilings, and partitions of buildings to

provide supporting base for plaster, fireproofing, or acoustical material. The occupational title of work description for lather applies to workers who erect all metal plastering accessories which are covered or serve as ground, or both, guard, stock, or screed for plaster materials, including wire mesh. The work falling within the occupational title of work description includes:

A. The installing of carrying bars and purlins (pieces of horizontal timber), light iron, and metal furring (thin strips of wood or metal to create air space) of all descriptions, such as rods, channels, flat iron, T-bar, H-bar, and other ceiling bars or systems for the receipt of lath and board;

B. The wiring of plasterer channels to overhead structural framework to provide support for plaster or acoustical ceiling tile; and

C. The nailing of plaster grounds (wood or metal strips) to studding to provide a guide for those workers performing work falling within the occupational title of work description for plasterer;

**5. Linoleum Layer**—Applies to workers who measure, cut, sew, make-up and seam, tape, fit, lay, and install and seal and wax materials to be cemented, tacked, or otherwise applied to its base, wherever it may be. These materials may be used as shock-absorbing, sound-absorbing, or decorative coverings. With the exception of terrazzo, magnesite, and latex built-up floors, the materials include oil cloth, matting, linen, carpet, synthetic turf, linoleum, vinyl, plastic, rubber, cork, mastic, asphalt, mastipave, tile, wood tile, interlocking and magnetic tile, chalk and bulletin board, nonslip or abrasive materials, resilient, decorative seamless surface coatings, monolithic coverings (monolithic shall mean all resilient seamless material such as epoxy, polyethylene, plastics and their derivatives, components and systems), and all other resilient coverings on floors, walls, counters, table tops, and ceilings. The work falling within the occupational title of work description includes:

A. The handling of materials at the point of installation;

B. The performing of all necessary preparation and finish work, such as sweeping, scraping, sanding, or chipping dirt and irregularities from base surfaces and filling cracks with putty, plaster, or cement grout to form smooth, clean foundations, drilling holes for sockets and pins;

C. The installing of underlayment, sanding and filling, fitting of metal edgings, metal corners, and caps and fitting devices for attachment of these materials;

D. The spreading of adhesive cement over floor to cement foundation material to the floor;

E. The laying of covering on cement; and

F. The rolling of finished floor to smooth it out and press cement into base and covering;

(E) Cement Mason (which shall include plasterer)—[Applies to workers who perform work on concrete where finishing tools are used.] The work falling within this occupational title of work description includes:

**1. Cement Mason** - Applies to workers who perform work on concrete where finishing tools are used.

[1./A. The setting of screeds, the rodding (buildings), shaping, smoothing, and finishing of the surfaces of freshly poured concrete floors, walls, sidewalks, curbs, steps, and stairways, the finishing of extruded barrier rails or any other concrete surface requiring finishing, using hand tools or power tools, including floats, trowels, screeds, and straightedge/;].

[2./B. The removing of rough or defective spots from concrete surfaces, using grinder or chisel and hammer and patching holes with fresh concrete or epoxy compound preparatory to sacking/;].

[3./C. The molding of expansion joints and edges, using edging tools, jointers, and straightedge/;].

[4./D. The application of penetrating sealer and primer protective coatings to concrete floors and steps when part of the finishing

process[;].

**/5./E.** The installation of seamless composition floors and the installation and finishing of epoxy-based coatings or polyester-based linings to all surfaces, when the coatings or linings are applied by spraying or troweling[;].

**/6./F.** The sandblasting or water blasting for architectural finish or preparatory to patching[;].

**/7./G.** The cutting of joints with concrete saw for the control of cracks in buildings and sidewalks, driveways, and curbs and gutters contiguous to buildings[; and].

**/8./H.** The setting of concrete curb, gutter, and sidewalk forms one (1) board high up to twelve inches (12");

**2. Plasterer - Applies to workers who apply gypsum, Portland cement, stucco, imitation stone, and kindred materials and products to interior walls, ceilings, and partitions and to exterior walls of buildings, and finish those materials and products.**

**A. The spreading of plaster over laths, masonry, or any other base, using trowel, and smoothing the plaster with darby and float for uniform thickness;**

**B. The application of the various manufacturers' brand names of thin coat or plaster veneer;**

**C. The application of all bonding agents and mastic;**

**D. The roughing of undercoat with wire or metal scraper to provide bond for succeeding coat of plaster;**

**E. The application of all malleable plastic materials and epoxy materials;**

**F. The setting in place of plasterboard, insulation board, styrofoam and bead-board, ground, locks, patent dots, cork plates, brownstone and acoustical tile, fiberglass reinforcement and finished products;**

**G. The plastering of joints, nail holes, and bruises on wall-board;**

**H. The grouting and filling of door bucks, runners, and similar installations, in conjunction with plastering operations;**

**I. The application of scratchcoat, browncoat, and finish coat of plaster to wood, metal or board laths successively to all ceilings and walls when finished with terrazzo or tile, and the application of any plastic material to same;**

**J. The fireproofing of all building assemblies with plaster materials, sprayed fiberglass or similar materials, whether applied to gypsum, metal lath, or directly;**

**K. The application of crushed stone, marble, or ceramic chips and broken glass where embedded in plaster, or similar materials;**

**L. The placing of acoustic blocks with any plastic material, regardless of thickness;**

**M. The placing, by any method, of plaster or composition caps and ornaments;**

**N. The creating of decorative textures in finish coat by marking surface of coat with brush and trowel or by spattering it with small stones (stucco) where plastering equipment or materials, or both, are used; and**

**O. The operation and control of all types of plastering machines, including power trowels and floats;**

**(F) Communications [(Electronic/Telecommunication)] Technician—Applies to workers who install, inspect, repair, and service electronic and telecommunication systems. The work falling within the occupational title of Communication (Electronic/Telecommunication) Technician includes:**

**1. Installing, repairing, and servicing of radio, television, and recording systems and devices; systems for paging, intercommunication, public address, wired music, clocks, security and surveillance systems, and mobile radio systems; fire alarm and burglar alarm systems;**

**2. Wiring of low-voltage surface wiring and wiring in nonmetallic conduits and incidental shielded metallic conduit runs of no longer than ten feet (10') nor larger than one inch (1") when required in**

conjunction with the work listed in this rule;

**3. Installing, repairing, servicing, or a combination of these, of the Main Distribution Frame (MDF) where the permanent outside lines entering a building terminate and where the subscriber's line multiple cabling and trunk multiple cabling originate. It is usually located on the ground floor of a building;**

**4. Installing, repairing, servicing, or a combination of these, of the Intermediate Distribution Frames (IDF), which provides flexibility in allocating the subscriber's number to the line unit or equipment in the office that is to be associated with the particular line. These frames are located on each floor of a building;**

**5. Installing, repairing, servicing, or a combination of these, of the subpanels (blocks). The subpanels are connecting devices where large feed cables terminate at the distribution frames;**

**6. Installing, repairing common equipment or key service unit, or a combination of these. This equipment consists of a backboard assembly and an equipment mounting frame, which are utilized for connecting external telephones;**

**7. Installing, repairing, servicing of the instruments, terminals, and sets, or a combination of these. This equipment is at either end of a circuit, or at a subscriber's or user's terminal;**

**8. Installing, repairing, servicing, or a combination of these, of the ancillary or add-on equipment such as bells, buzzers, speaker-phones, headsets, automatic dialers, recorders; and**

**9. Installing, repairing, servicing of the telephone cable, or a combination of these. Telephone cable includes: network channel service cable; riser cables between floors of a building; distribution cables installed on each floor of a building in the floor or the ceiling, and inside wires between the telephone and the connection to the distribution cable;**

**(G) Electrician—[Encompasses two (2) subclassifications as follows, Inside Wireman and Outside-Line Construction/Lineman:**

**1. Inside wireman—] Applies to workers who are responsible for installation, assembly, construction, inspection, operation, and repair of all electrical work within the property lines of any given property (manufacturing plants, commercial buildings, schools, hospitals, power plants, parking lots). This scope of work shall begin at the secondary site of the transformer when the transformer is furnished by the local utility and the service conductors are installed underground. When service conductors are installed overhead in open air from wooden poles, this scope of work shall start immediately after the first point of attachment to the buildings or structures. The work falling within this occupational title of work description includes:**

**/A./1.** Planning and layout of electrical systems that provide power and lighting in all structures. This includes cathodic protection systems utilized to protect structural steel in buildings and parking structures;

**/B./2.** All handling, moving, loading, and unloading of any electrical materials, materials used in association with an electrical system, electrical equipment, and electrical apparatus on the job site, whether by hand or where power equipment and rigging are required;

**/C./3.** Welding, burning, brazing, bending, drilling, and shaping of all copper, silver, aluminum, angle iron, and brackets to be used in connection with the installation and erection of electrical wiring and equipment;

**/D./4.** Measuring, cutting, bending, threading, forming, assembling, and installing of all electrical raceways (conduit, wireways, cable trays), using tools, such as hacksaw, pipe threader, power saw, and conduit bender;

**/E./5.** Installing wire in raceways (conduit, wireways, troughs, cable trays). This wire may be service conductors, feeder wiring, subfeeder wiring, branch circuit wiring;

**/F./6.** Chasing and channeling necessary to complete any electrical work, including the fabrication and installation of duct banks and manholes incidental to electrical, electronic, data, fiber optic, and telecommunication installation;

*[G.7.* Splicing wires by stripping insulation from terminal leads with knife or pliers, twisting or soldering wires together, and applying tape or terminal caps;

*[H.8.* Installing and modifying of lighting fixtures. This includes athletic field lighting when installed on stadium structures or supports other than wooden poles, or both;

*[I.9.* Installing and modifying of all electrical/fiber optic equipment (AC-DC motors, variable frequency drives, transformers, reactors, capacitors, motor generators, emergency generators, UPS equipment, data processing systems, and annunciator systems where sound is not a part thereof);

*[J.10.* Installing of raceway systems utilizing conduit, conduit bodies, junction boxes, and device boxes for switches and receptacles. This also may include wiring systems utilizing other methods and materials approved by the *National Electrical Code* (MC cable, AC cable, BX, or flexible metal tubing or electrical nonmetallic tubing);

*[K.11.* Installing of main service equipment, distribution panels, subpanels, branch circuit panels, motor starters, disconnect switches, and all other related items;

*[L.12.* Installing and wiring of instrumentation and control devices as they pertain to heating, ventilating, air conditioning (HVAC) temperature control and energy management systems, building automation systems, and electrically or fiber optic operated fire/smoke detection systems where other building functions or systems are controlled;

*[M.13.* Installing conduit or other raceway greater than ten feet (10') when used for the following: fire alarm systems, security systems, sound systems, closed circuit television systems or cable television systems, or any system requiring mechanical protection or metallic shielding (telephone systems);

*[N.14.* Testing continuity of circuit to insure electrical compatibility and safety of components. This includes installation, inspecting, and testing of all grounding systems including those systems designed for lighting protection; and

*[O.15.* Removing electrical systems, fixtures, conduit, wiring, equipment, equipment supports, or materials involved in the transmission and distribution of electricity within the parameters of the building property line if reuse of any of the existing electrical system is required. This may include the demolition and removal and disposal of the electrical system;

*[2. Outside-line construction/lineman—Applies to workers who erect and repair transmission poles (whether built of wood, metal, or other material), fabricated metal transmission towers, outdoor substations, switch racks, or similar electrical structures, electric cables, and related auxiliary equipment for high-voltage transmission and distribution powerlines used to conduct energy between generating stations, substations, and consumers. The work (overhead and underground) falling within this occupational title of work description includes:*

*A. Construction, repair, or dismantling of all overhead and underground electrical installations. The handling and operation of all equipment used to transport men, tools, and materials to and from the job site. The framing, trenching, digging, and backfilling of vaults, holes and poles and anchors (by hand or mechanical equipment), guying, fastening to the stub-in on concrete footings or pads, assembling of the grillage, grounding of all structures, stringing overhead wire, installing underground wire, splicing, and installation of transformers;*

*B. Construction and repair of highway and street lighting and traffic signal systems, cathodic protection systems, and ball field lighting systems;*

*C. Lineman operator—Operates equipment used on the outside line portion of a project. The lineman operator assists linemen in the performance of their work but does not climb or work out of any type of aerial lift equipment.*

*The lineman operator does not perform any work that requires the use of hand tools;*

*D. Groundman—Work performed on the ground to assist the journeymen outside construction/lineman on work not energized. Groundmen use jack hammers, air drills, shovels, picks, tamps, trenching equipment, and other such tools for excavating and/or compacting dirt or rock on the outside line portion of a project but do not use hand tools;*

*E. Lineman tree trimmer—Trimming and removal of trees, stumps, limbs, brush, and other related tasks in and around electrical systems by use of chain saws, pruners, pole saws, and hand saws only when specifically required to provide clearance and right-of-way preparation for installation of overhead or underground high-voltage electric utility lines, and excluding the clearance of right-of-ways related to heavy-highway construction or other public projects not directly related to the installation of electrical utility lines. Lineman tree trimmer work may be performed on the ground and in the air; and*

*F. Groundman tree trimmer—Assists the lineman tree trimmer in the performance of their work using rakes, chain saws, chippers, and industrial mowers in and around electrical systems only when specifically required to provide clearance and right-of-way preparation for installation of overhead or underground high-voltage electric utility lines, and excluding the clearance of right-of ways related to heavy-highway construction or other public projects not directly related to the installation of electrical utility lines. Groundman tree trimmer work is only performed on the ground; and*

*3. The occupational title of electrician may include in a particular wage determination the subclassifications of lineman operator, groundman, lineman tree trimmer, groundman tree trimmer, or any combination of these, pursuant to section (6). The description of work and corresponding wage rates shall be established pursuant to the proceedings set forth in section (6);*

*(H) Elevator Constructor—Applies to workers who assemble and install electric and hydraulic freight and passenger elevators, escalators, dumbwaiters, and moving walks. The work falling within this occupational title of work description includes:*

*1. The handling, unloading, and hoisting of all equipment to be assembled or installed by workers performing work within this occupational title of work description, from the time that equipment arrives at, or near the building site;*

*2. The wrecking or dismantling of elevator plants, to include elevators, escalators, dumbwaiters, moving walks, and all other equipment to be reused and assembled or installed by workers performing work within this occupational title of work description;*

*3. The sinking, drilling, boring, digging cylinder wells, or backfilling for hydraulic lifts, hydraulic elevators, or screw lifts;*

*4. The layout, erecting and assembling of all elevator equipment (for example, electric, hydraulic, steam, belt, compressed air, and hand-powered elevators; dumbwaiters, residence elevators, parking garage elevators);/;, and the assembly of all escalators, moving walks and link belt carriers;*

*5. The erecting and assembly of all theater stage and curtain equipment and guides and rigging to them, organ consoles, and orchestra elevators;*

*6. The installing of all wiring, conduit, and raceways from the first point of attachment of main feeder terminals on the controller to other apparatus and operating circuits;*

*7. The operating of temporary cars; and*

*8. The installing of all elevator enclosures, fronts, fascias, sills, frames, and bucks;*

*(I) Glazier—Applies to workers who select, cut, prepare, handle, install, or remove all window glass, plate, and all other types of glass, including structural glass, mirror glass, tempered and laminated glass, safety or protection glass, all types of insulating glass units,*

all plastics or other similar materials when used in place of glass and when set or glazed with putty, moulding rubber, cement, lead, and all types of mastic, or other materials used in place of same. The workers performing work within this occupational title of work description install these materials in windows, louvers, doors, partitions, skylights, and on building fronts, walls, ceilings and tables, whether the materials are set in wood, stone, cement, or metal of all types. The work falling within the occupational title of work description includes:

1. The installing of mirrors of all types;
2. The marking of an outline or pattern on glass and cut glass with a glasscutter;
3. The breaking off of excess glass by hand or with a notched tool;
4. The fastening of glass panes into wood sash with glazier's points, and the spreading smooth of putty around the edge of panes with a knife to seal joints;
5. The installing of metal window and door frames into which glass panels are to be fitted or sliding windows. The bolting of metal hinges, handles, locks, and other hardware to prefabricated glass doors;
6. The installing of mirror or structural glass on building fronts, walls, ceilings or tables, using mastic, screws, or decorative moulding;
7. The installing of metal-framed glass enclosures for showers, bathtubs, and skylights; and
8. The installing, cutting, and removal of all window glass, plate, and all other types of glass, including structural glass, mirror glass, tempered and laminated glass, safety or protection glass, all types of insulating glass units, all plastics or other similar materials when used in place of glass and when set or glazed with putty, molding rubber, cement, lead, and all types of mastic, or other materials used in place of same;

(J) Ironworker—Applies to workers who perform work in connection with field fabrication, erection, or both, installation, removal, wrecking, and dismantling of structural, architectural, and reinforcing iron and steel, ornamental lead, bronze, brass, copper, and aluminum, and plastics or other materials when used in place of them. The work falling within the occupational title of work description includes:

1. Structural. The unloading, erecting, bolting-up, plumbing-up, welding, and in-stalling of structural steel, including any field fabrication;
2. Reinforcing. The unloading, carrying, placing, and tying of all concrete reinforcing, such as re-bar, wire mesh, expanded metal or post tensioning cable (including the tension process) or prestress cables when installed on the job site;
3. Rigging. The unloading, moving, handling, placing, and setting of electrical machinery and equipment when rigging or power equipment, or both, is used (with the exception of setting of electric motors). The assembly and erection of radio and television and other structural steel towers (with the exception of electrical transmission towers). The unloading, handling, moving, and placing of machinery to be assembled or dismantled, erected, or installed to its approximate position (over the anchor bolts);
4. Windows. The installation of metal windows (with the exception of store fronts display windows), curtain walls, and metal panels. The caulking of metal-to-metal joints and metal-to-brick;
5. Doors. The erection of curtain type doors (overhead rolling-type doors), heavy industrial doors when made of metal, fire doors, and exterior metal hinged doors that carry a fire underwriters label are erected by iron workers;
6. Sheeting and decking. The installation of sheeting which is attached to metal framework including metal floor decking;
7. Metal buildings. The erection and installation of structural steel and sheet metal packaged buildings when they come in a package unit, such as Butler, Delta, Varco Prudent, or other name brand packaged buildings. The installation of all doors, windows, and insulation

(when installed in conjunction with sheeting) in the packaged buildings. The installation of metal siding and metal roof decking, regardless of the fastening method or the object to which it is fastened;

8. Elevators. The installation of elevator doors for gates manually operated and all elevator enclosures, fronts, fascias, sills, frames, and bucks;

9. Precast. The unloading and installation/erection of precast bridge girders, single T's, double T's, top panels, and tilt-up slabs; and

10. Other. The installation of all catwalks, stairways, and hand rails made of aluminum, bronze, or any type of metal, glass or plastic. The installation of ornamental iron, such as revolving doors, gates, handrails, window grills, jail and cell work, and chain link fences. The installation of dry storage bins, hoppers, chutes, and conveyors where sand ore, coal, or any dry component is stored or transferred. The erection, installation, removal, wrecking, and dismantling of bridges, viaducts, cableways, tramway, monorail transportation systems. The erection, installation, removal, wrecking, and dismantling of locks, gates, metal forms, railings (including pipe). The erection, installation, removal, wrecking, and dismantling of frames in support of boilers. The installation of metal siding and metal roof decking, regardless of the fastening method, or the object to which it is fastened. The handling, burning, welding, and tying of all materials used to reinforce concrete structures. The installation and erection of TV and microwave towers, self-supporting towers, or guy towers. The installation of metal guardrails with metal posts and highway signage;

(K) **General Laborer (including first semi-skilled laborer and second semi-skilled laborer)**—Consists of providing routine manual labor. This work encompasses several subclassifications, with the title and work description considered in light of whether the public works project pertains to building construction or heavy/highway construction.

1. Building construction. The subtitles falling within the occupational title of work description for laborer, as applicable to building construction, are as follows:

A. *[General]* Laborer. The work falling within this subtitle of work description includes:

(I) Being included in one (1) of the following categories: flagmen, heaters, material plant man, carpenter tender, landscaper, signalman, wrecker (old/new structures), form handler, or posthole digger;

(II) Cleaning and clearing of all debris for all crafts, loading and unloading, conveying, distributing, construction material by hand and collecting and hoisting debris, backfilling, grading, and landscaping by hand;

(III) Covering of tanks, structures, and material piles with tarpaulins or other materials. Cleaning of masonry and other type walls and windows. Signaling and hoisting concrete buckets and for all other material handled by workers falling within the occupational title of work description for laborer;

(IV) Providing drinking water. Handling and cleaning of concrete chutes. Cleaning of concrete spills and chipping where hand tools are required. Performance of work necessary in remedying defects in concrete caused by leakage, bulging, sagging, or shifting of forms when finishing tools are not used. Jackhammer and paving breaker, air compressors, motor buggies, pumps (removal of water), except set-up men and nozzle men, chipping tool operator, concrete mixer operator (up to and including two- (2-)/-/ bag capacity); and

(V) Laying nonpressurized pipe for downspout drain lines, header lines, or laying of nonpressurized conduit, or a combination of these, for the carrying of storm water, waste, sewage, gravity flow lines, catch basins and manholes, effluent lines, originating outside the building and all those lines originating inside the building at the first Y, T, or connection outside the building;

B. First semiskill laborer. The work falling within this subtitle of work description includes: hod-carriers, plasterers, and cement mason tenders (who assist bricklayers, plasterers, and cement

masons). The mixing, packing, wheeling, and tempering of mortar and fire clay. The mixing, handling and conveying of all other materials used by bricklayers, plasterers, and cement masons (for example, brick, tile, stone and cast stone), whether done by hand or using a forklift (walk behind or similar types). Building of scaffolds, trestles, boxes, and swinging staging for bricklayers, plasterers, and cement masons; and

C. Second semiskill laborer. The work falling within this subtitle of work description includes: concrete pump set-up men and nozzle men, tile layers and bottom men, on sewers and drains, cutting torch, and burning bar (demolition), trench, or pier holes twelve feet (12') or over, wagon drill, air track or any mechanical drill, powder man, tamper, one hundred pounds (100 lbs.) or over, laborers working for mechanical and electric contractors (including but not limited to digging of all trenches, ditches, holes, paving of concrete, and cleaning of all trash), paving breaker, jackhammer and vibrator, laser beam man for sewer, grade checker for roads and railroads, asbestos removal (except mechanical systems that are not being scrapped and any type of roofing where the roof is to be relaid), hazardous waste removal, disposal work, or any combination of these.

2. Heavy/highway construction. The subtitle falling within the occupational title of work description for **general** laborer, as applicable to heavy/highway construction, are as follows:

A. *[General ]*Laborer. The work falling within this subtitle of work description includes: carpenters tenders, salamander tenders, dump man, ticket takers, flagman, loading trucks under bins, hoppers and conveyors, track men, cement handler, dump man on earth fill, Georgia buggy man, material batch hopper man, spreader on asphalt machine, material mixer man (except on man holes), coffer dams, riprap pavers—rock, block, or brick, signal man for materials handled by laborers, scaffolds over ten feet (10') not self-supported from ground up, skipman on concrete paving, wire mesh setters on concrete paving, work in connection with nonpressurized pipelines, such as nonpressurized sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile, and duct lines and other nonpressurized pipelines; power tool operator; work performed by hand in connection with hydraulic or general dredging operations, form setters (curb and gutter), puddlers (paving only), straw blower nozzleman, asphalt plant platform man, chuck tender, crusher feeder, men handling creosote ties or creosote materials, men working with and handling epoxy material(s), topper of standing trees, feeder man on wood pulverizers, board and willow mat weavers and cable tiers on river work, deck hands, guardrail and temporary signs, pile dike and revetment work, all laborers working on underground tunnels less than twenty-five feet (25') where compressed air is not used, abutment and pier hole men working six feet (6') or more below ground, men working in coffer dams for bridge piers and footings in the river, Barca tamper, Jackson or any other similar tamp, cutting torch man, liners, curb, gutters, ditchliners, hot mastic kettleman, hot tar applicator, hand blade operators and mortar men on brick or block manholes, rubbing concrete, air tool operator under sixty-five pounds (65 lbs.), caulker and led man, chain or concrete saw under fifteen horsepower (15 HP). The unloading, handling, and carrying of concrete reinforcing bars, by hand, to the areas in which they are used, wrecking, stripping, dismantling, cleaning, moving, and oiling of all concrete forms; digging and laying sewer tile; and

B. Skilled laborer. The work falling within this subtitle of work description includes: vibrator man, asphalt raker, head pipe layer on sewer work, batterboard man on pipe and ditch work, cliff scalers working from Bosun's chairs, scaffolds, or platforms on dams or power plants over ten feet (10') high, air tool operator over sixty-five pounds (65 lbs.), stringline man on concrete paving and the like, sandblast man, laser beam man, wagon drill, churn drill, air track drill, and all other similar type drills, jackhammers, and other pneumatic hammers and tampers, Gunitite nozzle man, pressure grout man, screed man on asphalt, concrete saw fifteen (15) HP and over, grade checker, stringline man on electronic grade control, manhole builder, dynamite man, powder man, welder, tunnel man

waterblaster—one thousand pounds per square inch (1000 psi) over, asbestos (except mechanical systems that are not being scrapped), hazardous waste removal, disposal, or any combination of these;

*[(L) Lather—Applies to workers who erect horizontal metal framework to which laths are fastened, using nails, bolts, studgun, or a combination of these, drills holes in floor and ceiling and drives ends of wooden or metal studs into holes to provide anchor for furring or rockboard laths. The occupational title of lather applies to workers who nail, clip or fasten, all types of wood, wire and metal laths, plasterboard, wallboard, rockboard, gypsum, sheetrock and acoustical materials which take the place of same to walls, ceilings and partitions of buildings to provide supporting base for plaster, fireproofing or acoustical material. The occupational title of work description for lather applies to workers who erect all metal plastering accessories which are covered or serve as ground, or both, guard, stock or screed for plaster materials, including wire mesh. The work falling within the occupational title of work description includes:*

1. *The installing of carrying bars and purlins (pieces of horizontal timber), light iron and metal furring (thin strips of wood or metal to create air space) of all descriptions, such as rods, channels, flat iron, T-bar, H-bar and other ceiling bars or systems for the receipt of lath and board;*

2. *The wiring of plasterer channels to overhead structural framework to provide support for plaster or acoustical ceiling tile; and*

3. *The nailing of plaster grounds (wood or metal strips) to studding to provide a guide for those workers performing work falling within the occupational title of work description for plasterer;*

*[(M) Linoleum Layer and Cutter—Applies to workers who measure, cut, sew, make-up and seam, tape, fit, lay and install and seal and wax materials to be cemented, tacked or otherwise applied to its base, wherever it may be. These materials may be used as shock-absorbing, sound-absorbing or decorative coverings. With the exception of terrazzo, magnesite and latex built-up floors, the materials include oil cloth, matting, linen, carpet, synthetic turf, linoleum, vinyl, plastic, rubber, cork, mastic, asphalt, mastipave, tile, wood tile, interlocking and magnetic tile, chalk and bulletin board, nonslip or abrasive materials, resilient, decorative seamless surface coatings, monolithic coverings (monolithic shall mean all resilient seamless material such as epoxy, polyethylene, plastics and their derivatives, components and systems) and all other resilient coverings on floors, walls, counters, table tops and ceilings. The work falling within the occupational title of work description includes:*

1. *The handling of materials at the point of installation;*

2. *The performing of all necessary preparation and finish work, such as sweeping, scraping, sanding, or chipping dirt and irregularities from base surfaces and filling cracks with putty, plaster, or cement grout to form smooth, clean foundations, drilling holes for sockets and pins;*

3. *The installing of underlayment, sanding and filling, fitting of metal edgings, metal corners and caps and fitting devices for attachment of these materials;*

4. *The spreading of adhesive cement over floor to cement foundation material to the floor;*

5. *The laying of covering on cement; and*

6. *The rolling of finished floor to smooth it out and press cement into base and covering;*

*[(N) Millwright—Applies to workers who design, build, or repair mills or mill machinery; hoist, dismantle, erect, assemble, line and adjust all machines used in the transmission of power in buildings, factories or elsewhere; unload machines used in the transmission of power in buildings, factories or elsewhere, where power equipment and rigging are required.*

*The work falling within this occupational title of work description includes: the setting of all classes of engines, direct drive motors, dynamos, turbines, generators and air compressors and pumps. The assembling, setting and packing of all compressors and pumps. The placing of all pulleys, sheaves and fly wheels on the listed equipment. The making and setting of all templates and bolts for all machinery requiring same. Drypacking for sole plates. Installation of truck and railroad scales. Installation of trash compactors. Installation of all types of conveyors. The cutting and threading of all bolts. The handling and operating of all acetylene and devices for heating, welding and cutting when used in connection with millwright work;]*

(L) Mason (which shall include marble mason, marble finisher, terrazzo worker, terrazzo finisher, tile setter, and tile finisher).

1. Marble Mason-Terazzo Worker—The work falling within the occupational title of work description for Marble Mason-Terazzo Worker includes:

A. The installing of marble, mosaic, venetian enamel, and terrazzo; the cutting and assembling of mosaics and art ceramics; the casting of all terrazzo on the job site; all rolling of terrazzo work;

B. The preparing, cutting, layering, or setting of metal, composition, or wooden strips and grounds on all bedding above concrete floors or walls; and the laying and cutting of metal, strips, lath, or other reinforcement, where used in terrazzo work;

C. The installing of cement terrazzo, magnesite terrazzo, dex-o-tex terrazzo, epoxy matrix terrazzo, exposed aggregate. Rustic or rough wash of exterior or interior of buildings. The mixing or applying of any other kind of mixtures of plastics composed of chips or granules of marble, granite, blue stone, enamel, mother of pearl, quartz ceramic colored quartz, and all other kinds of chips or granules when mixed with cement, rubber, neoprene, vinyl, magnesium chloride, or any other resinous or chemical substances used for seamless flooring systems. The applying of binding materials when used on walls, floors, ceilings, stairs, saddles, or any other part of the interior or exterior of the building, or other work not considered a part of the building such as fountains, swimming pools;

D. The finishing of cement floors where additional aggregate of stone is added by spreading or sprinkling on top of the finished base and troweled or rolled into the finish and then the surface ground by grinding machines (When no additional stone aggregate is added to the finished mixture, even though the surface may be ground, the work falls within the occupational title of work description for cement masons.); and

E. The carving, cutting, and setting of all marble, slate, including slate backboards, stone, albereen, carrara, sanionyx, vitrolite, and similar opaque glass, scagliola, marbleithic, and all artificial, imitation, or case marble of whatever thickness or dimension. This shall apply to all interior work, such as sanitary, decorative, and other purposes inside of buildings of every description wherever required, including all polish, honed, or sand finish.

2. Marble Finisher—The work falling within the occupational title of work description for Marble Finisher includes:

A. The preparation of floors and/or walls by scraping, sweeping, grinding, and related methods to prepare surface for Marble Mason installation of construction materials on floor and/or walls; the movement of marble installation materials, tools, machines, and work devices to work areas; the erection of scaffolding and related installation structures;

B. The movement of marble slabs for installation; the drilling of holes and the chiseling of channels in edges of marble slabs to install wall anchors, using power drill and chisel; the securing of marble anchors to studding, using and covering ends of anchors with plaster to secure anchors in place;

C. The supply and mixture of construction materials for

Marble Mason; the mixture of grout, as required, following standard formulas and using manual or machine mixing methods; the application of grout to installed marble; the movement of mixed mortar or plaster to installation area, manually or using wheelbarrow;

D. The removal of excess grout, using wet sponge; the cleaning of installed marble surfaces, work and storage areas, installation tools, machinery, and work aids, using water and cleaning agents;

E. The modification of mixing, material moving, grouting, polishing, and cleaning metal pieces, using a torch, spatula, and heat sensitive adhesive and filler;

F. The removal of marble installation materials and related debris from immediate work area; the storing of marble, installation material tools, machines, and related items; and

G. The provision of assistance to Marble Mason with the following tasks: bending or forming of wire to form metal anchors, using pliers; inserting anchors into holes of marble slab; securing anchors in place with wooden stakes and plaster; selecting marble slab for installation following numbered sequences or drawings; grinding and polishing marble, using abrasives, chemical and/or manual, in machine grinding and/or polishing techniques, under Marble Mason's direction; the moving and positioning of marble.

3. Terrazzo Finisher—The work falling within the occupational title of work description for Terrazzo Finisher includes:

A. The preparation of floors and/or walls by scraping, sweeping, grinding, and related methods to prepare surface for Terrazzo Worker installation of construction materials on floors, base, and/or walls; the moving of terrazzo installation materials, tools, machines, and work devices to area, manually or using wheelbarrow;

B. The supply and mixture of construction materials for Terrazzo Worker; the preparation, mixture by hand, mixture by mixing machine, or transportation of premixed materials and the distribution with shovel, rake, hoe, or pail, of all kinds of concrete foundations necessary for mosaic and terrazzo work; the dumping of mixed materials that form base or top surface of terrazzo into prepared installation site, using wheelbarrow; the measuring of designated amounts of ingredients for terrazzo or grout, using graduated containers and scale, following standard formulas and specifications, and the loading of portable mixer using proper means of transport; the mixture of materials according to experience and requests from Terrazzo Worker;

C. The spreading of marble chips or other material over fresh terrazzo surface and the pressing of the material into terrazzo by use of a roller; the application of grout finishes to surfaces of installed terrazzo; the spreading of grout across terrazzo to finish surface imperfections, using trowel; the installation of grinding stones in power grinders, using hand tools; the fine grinding and polishing of the surface of terrazzo, when grout has set, using power grinders; the application of curing agent to installed terrazzo to promote even curing, using brush or sprayer; the cutting of grooves in terrazzo stairs, using power grinder, and the filling of grooves with nonskid material;

D. The modification of mixing, grouting, grinding, and cleaning position and the securing of moisture membrane and wire mesh prior to pouring base materials for terrazzo installation;

E. The washing of the surface of polished terrazzo, using cleaner and water, and the application of sealer, according to manufacturer specifications, using brush; the cleaning of the installation site, and storage areas, tools, machines, and equipment; the removal of Terrazzo Worker materials and related debris from immediate work area; and

F. The provision of assistance to Terrazzo Worker with the following tasks: grinding surfaces of cured terrazzo; using power grinders.



**4. Tile Setter**—The work falling within the occupational title of work description for Tile Setter includes:

A. The application of tile to floors, walls, ceilings, stair treads, promenade roof decks, garden walks, swimming pools, and all places where tiles may be used to form a finished surface for practical use, sanitary finish, or decorative purpose. (Tile includes all burned clay products, as used in the tile industry, either glazed or unglazed, all composition materials; all substitute materials in single units up to and including, fifteen inches by twenty inches by two inches (15" × 20" × 2") (except quarry tiles larger than nine inches by eleven inches (9" × 11")) and all mixtures in the form of cement, plastics, and metals that are used as a finished surface.);

B. The cutting and shaping of tile with saws, tile cutters, and biters; and

C. The positioning of tile and tapping it with a trowel handle to affix tile to plaster or adhesive base.

**5. Tile Finisher**—The work falling within the occupational title of work description for Tile Finisher includes:

A. The preparation of floors and/or walls by scraping, sweeping, grinding, and related methods for Tile Setter to install construction materials on floors and walls; the movement of tiles, tile setting tools, and work devices from storage area to installation site manually or using wheelbarrow;

B. The supply and mixture of materials for Tile Setter; the supply and mixture of construction materials for Tile Setter; the mixture of mortar and grout accordingly to standard formulas and request from Tile Setter using bucket, water hose, spatulas, and portable mixer; the modification of mixing, grouting, grinding, and cleaning procedures according to type of installation or material used; the supply to Tile Setter of mortar, using wheelbarrow and shovel; the application of grout between joints of installed tile, using grouting trowel; the application of grout; the cutting of installed tile;

C. The removal of excess grout from tile joints with a sponge and scraping of corners and crevices with a trowel; the application of caulk, sealers, acid, steam, or related agents to caulk, seal, or clean installed tile, using various application devices and equipment;

D. The wiping of surfaces of tile after grouting to remove grout residue and polish tile, using non-abrasive materials; the removal of Tile Setter materials and related debris from immediate work area; the cleaning of installation site, mixing and storage tools, and equipment, using water and various cleaning tools; the storing of tile setting material machines, tools, and equipment; and

E. The provision of assistance to Tile Setter to secure position of metal lath, wire mesh, felt paper, Dur/rock or wonderboard prior to installation of tile;

**/(O)/(M) Operating Engineer (which shall include operating engineer group I, operating engineer group II, operating engineer group III, operating engineer group III-A, operating engineer group IV, and operating engineer group V)— [The] Applies** to workers who perform work falling within the occupational title of work description for operating engineer/portable and hoisting *operate/ operator*, monitor, and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically, or any power-operated equipment. This occupational title encompasses several subclassifications, with the title and work description considered in light of whether the public works project pertains to building construction or heavy/highway construction.

1. Building construction. The subtitles falling within the occupational title of work description for operating engineer, as applicable to building construction, are as follows:

A. Group I—This subtitle applies to workers who operate, monitor, and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically, or any power-operated equipment set forth as follows: crane (for example,

crawler or truck); dragline—clam shell—gradall; Derrick (all types); kimmer scoop; power shovel or backhoe over one (1) cubic yard; pile driver (for example, land or floating); Whirley; mechanic and welder; hydraulic, self-propelled crane; stinger or cherry picker crane; switch boat; concrete portable plant/concrete mixer paver; cableways;

B. Group II—This subtitle applies to workers who operate, monitor, and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically, or any power-operated equipment set forth as follows: asphalt paver and spreader/concrete spreader; asphalt plant mixer operators; asphalt plant operator; backfillers; back hoe (under one (1) cubic yard); Barber-Green loader (similar type); blade—power, all types; boats—power; boilers; boring machine (all types, including tunnel boring); brooms—power operated (all types); concrete saw (self-propelled); chip spreader (front man); clef plane operators; combination concrete hoist and mixer such as mix or mobile; crab—power operated; crusher rock; ditching machine; dozer/dredges; finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist operator (all types); hopper—power operated; hydra hammer (all types); Lad-A-Vator—similar type; loaders—all types, including skid-steer (for example, */b/Bobcat*); locomotives (all types); curb finishing machine; mucking machine; orange peels; pumps (all types); push cats; rollers (all types); scoops (all types except skimmer scoop); self-propelled rotary drill; air compressors (all types); side boom; siphons, jets, and jennies; welding machine; subgrader; testhole machine; throttle man tractors over fifty (50) HP; air tugger with air compressor; anchor placing barge; Ahoy force feeder loader (self-propelled); bull float; pipe cleaning/wrapping machine; conveyor; heaters, fuel fired with forced air; quadtrack; tie tamper; vibrating machine; well drilling machine; forklift (except masonry forklift);

C. Group III—This subtitle applies to workers who operate, monitor, and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically, or any power-operated equipment set forth as follows: tractors (under fifty (50) HP); distributor (bituminous); scissor lift; small machine (operator); mud jack; wench truck operator; pug mill operator; elevator-push button; A-frame truck; mixers; oilers;

D. Group III-A—This subtitle applies to workers who operate, monitor, and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically, or any power-operated equipment set forth as a masonry forklift;

E. Group IV—This subtitle applies to workers who operate, monitor, and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically, or any power-operated equipment set forth as a self-propelled floor sweeper; and

F. Group V—This subtitle applies to workers who operate, monitor, and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically, or any power-operated equipment set forth as follows: elevator—auto; air pressure oiler; air pressure engineer.

2. Heavy/highway construction. The subtitles falling within the occupational title of work description for operating engineer, as applicable to heavy/highway construction, are as follows:

A. Group I—This subtitle applies to workers who operate, monitor, and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically, or any power-operated equipment set forth as follows: asphalt finishing machine and trench; widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe; blade operator (all types); boat operator (all types); boilers—two (2); central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; Derrick or Derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader including skid steer (for example,



*/b/Bobcat*); hoisting engine—two (2) active drums; launchhammer wheel; locomotive operator—standard gauge; mechanics and welders; mucking machine; piledriver operator; Pitman crane operator; push cat operator; quadtrack; scoop operator—all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane;

B. Group II—This subtitle applies to workers who operate, monitor, and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically, or any power-operated equipment set forth as follows: A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; Barber-Greene loader; chip spreader; concrete mixer operator, skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; forklift; greaser—fleet; hoisting engine—one (1); locomotive operator—narrow gauge; multiple compactor; pavement breaker; power-broom—self-propelled; power shield; roofer; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator—over fifty (50) HP; wench truck;

C. Group III—This subtitle applies to workers who operate, monitor, and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically, or any power-operated equipment set forth as follows: boilers—one (1); chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator self-propelled; curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high-type asphalt; screening and washing plant operator; siphons and jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator—combination boiler and booster; tractor operator fifty (50) HP or less; Umac, Ulric, or similar spreader; vibrating machine operator, not hand;

D. Group IV—This subtitle applies to workers who operate, monitor, and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically, or any power-operated equipment set forth as an oiler or oiler-driver (fireman—rig; maintenance operator); *land*

*E. Oiler-driver—This subtitle applies to workers who operate, monitor and control, repair, modify, assemble, erect, oil, service each or all electrically or electronically, hydraulically or any power-operated equipment set forth as follows: fireman—rig; maintenance operator;*

(N) **Outside- lineman, lineman operator, groundman, lineman tree trimmer, groundman tree trimmer, and any combination thereof.**

1. **Outside-lineman—Applies to workers who erect and repair transmission poles (whether built of wood, metal, or other material), fabricated metal transmission towers, outdoor substations, switch racks, or similar electrical structures, electric cables, and related auxiliary equipment for high-voltage transmission and distribution powerlines used to conduct energy between generating stations, substations, and consumers. The work (overhead and underground) falling within this occupational title of work description includes:**

A. **Construction, repair, or dismantling of all overhead and underground electrical installations. The handling and operation of all equipment used to transport men, tools, and materials to and from the job site. The framing, trenching, digging, and backfilling of vaults, holes and poles, and anchors (by hand or mechanical equipment), guying, fastening to the stub-in on concrete footings or pads, assembling of the grillage, grounding of all structures, stringing overhead wire, installing underground wire, splicing, and installation of transformers;**

B. **Construction and repair of highway and street lighting and traffic signal systems, cathodic protection systems, and ball field lighting systems;**

2. **Lineman operator—Operates equipment used on the out-**

**side line portion of a project. The lineman operator assists linemen in the performance of their work but does not climb or work out of any type of aerial lift equipment. The lineman operator does not perform any work that requires the use of hand tools;**

3. **Groundman—Work performed on the ground to assist the journeymen outside line construction/lineman on work not energized. Groundmen use jack hammers, air drills, shovels, picks, tamps, trenching equipment, and other such tools for excavating and/or compacting dirt or rock on the outside line portion of a project but do not use hand tools;**

4. **Lineman tree trimmer—Trimming and removal of trees, stumps, limbs, brush, and other related tasks in and around electrical systems by use of chainsaws, pruners, pole saws, and hand saws only when specifically required to provide clearance and right-of-way preparation for installation of overhead or underground high-voltage electric utility lines, and excluding the clearance of right-of-ways related to heavy-highway construction or other public projects not directly related to the installation of electrical utility lines. Lineman tree trimmer work may be performed on the ground and in the air; and**

5. **Groundman tree trimmer—Assists the lineman tree trimmer in the performance of their work using rakes, chainsaws, chippers, and industrial mowers in and around electrical systems only when specifically required to provide clearance and right-of-way preparation for installation of overhead or underground high-voltage electric utility lines, and excluding the clearance of right-of-ways related to heavy-highway construction or other public projects not directly related to the installation of electrical utility lines. Groundman tree trimmer work is only performed on the ground;**

*((P))*(O) **Painter—The work falling within the occupational title of work description for painter includes:**

1. **Preparation of surfaces. The washing, cleaning, pointing, and taping of drywall, regardless of material used, and smoothing of surfaces, using sandpaper, brushes, or steel wool. The removal of old paint or other coatings from surfaces, using paint remover, scraper, wire brushing, sandblasting, water blasting, liquid steam, or by any other similar process. The filling of nail holes, cracks, and joints with putty, plaster, or other fillers;**

2. **Color matching and mixing. The application of paint, varnish, stain, enamel, lacquer, vinyl, wallpaper, and other materials of whatever kind of quality applied to walls or ceilings with paste or adhesive, using brushes, spray gun (spray painter), or paint rollers. The application of polyurethane elastomers, vinyl plastics, neoprene, resin, polyester, and epoxy as waterproofing or protective coatings to any kind of surface (except roofs) when applied with brushes, spray guns, or rollers;**

3. **Texturing and decorating. The erecting of scaffolding or setting up of ladders to perform the work above ground level. The paperhanging of walls and ceilings with decorative wall coverings made of fabric, vinyl, or paper. The preparing of the surface to be covered by applying sizing, which seals the surface and makes the covering stick better. The removal of the old covering by soaking, steaming, or applying solvents. The patching of holes and other imperfections before applying the new wall covering. The measuring of the area to be covered; the cutting of the covering into strips of the proper size, the checking of the covering for flaws and the examination of the pattern so it can be matched when the strips are hung. The preparation of paste or other adhesives according to manufacturers' directions, and the brushing or rolling it on the covering. The placing of the strips on the wall or ceiling, to match adjacent patterns. The smoothing of the strips to remove bubbles and wrinkles; the trimming of the top and bottom with a razor blade; and the painting or taping of highway striping, or both; and**

4. **Cleanup. The cleanup of tools and equipment required in connection with work falling within this occupational title;**

*((Q))* **Plasterer—Applies to workers who apply gypsum, Portland cement, stucco, imitation stone and kindred materials**

and products to interior walls, ceilings and partitions and to exterior walls of buildings, and finish those materials and products. The work falling within the occupational title of work description includes:

1. The spreading of plaster over laths, masonry or any other base, using trowel; and smoothing the plaster with darby and float for uniform thickness;
2. The application of the various manufacturers' brand names of thin coat or plaster veneer;
3. The application of all bonding agents and mastical;
4. The roughing of undercoat with wire or metal scraper to provide bond for succeeding coat of plaster;
5. The application of all malleable plastic materials and epoxy materials;
6. The setting in place of plasterboard, insulation board, styrofoam and bead-board, ground, locks, patent dots, cork plates, brownstone and acoustical tile, fiberglass reinforcement and finished products;
7. The plastering of joints, nail holes and bruises on wallboard;
8. The grouting and filling of door bucks, runners and similar installations, in conjunction with plastering operations;
9. The application of scratchcoat, browncoat and finish coat of plaster to wood, metal or board laths successively to all ceilings and walls when finished with terrazzo or tile, and the application of any plastic material to same;
10. The fireproofing of all building assemblies with plaster materials, sprayed fiberglass or similar materials, whether applied to gypsum, metal lath or directly;
11. The application of crushed stone, marble or ceramic chips and broken glass where embedded in plaster, or similar materials;
12. The placing of acoustic blocks with any plastic material, regardless of thickness;
13. The placing, by any method, of plaster or composition caps and ornaments;
14. The creating of decorative textures in finish coat by marking surface of coat with brush and trowel or by spattering it with small stones (stucco) where plastering equipment or materials, or both, are used; and
15. The operation and control of all types of plastering machines, including power trowels and floats;]

**[(R)](P) Plumber**—Applies to workers who install and repair domestic potable water lines, gravity waste disposal systems inside the curb or fence lines, plumbing fixtures such as: bathtubs, sinks and toilets—and appliances such as, dishwashers and water heaters. The work falling within the occupational title of work description for plumber includes:] (which shall include pipe fitter).

**1. General Plumber**—Applies to workers who install and repair domestic potable water lines, gravity waste disposal systems inside the curb or fence lines, plumbing fixtures such as: bathtubs, sinks, and toilets—and appliances such as, dishwashers and water heaters. The work falling within the occupational title of work description for plumber includes:

**[1.]A.** Assembling and installing piping systems, fixtures and equipment for the transportation of domestic water and sewage. Piping systems installed in structures (for example, buildings, industrial plants) to the first Y, T, or connection located outside the building;

**[2.]B.** Cutting, threading, and bending pipe. Joining pipes by use of screws, bolts, fittings, solder, welding brazing, and caulking or any other method of making joints in the plumbing industry;

**[3.]C.** Assembling, installing, and repairing valves, pipe fittings, and pumps. Testing the piping system. Installing and repairing plumbing fixtures, such as sinks, bathtubs, water heaters, and water softeners; and

**[4.]D.** Cutting holes in floors and walls for pipes with point and hammer, core drill, or both;];

**2. Pipe Fitter**—Applies to workers who fabricate, install, and repair piping systems to include: water and waste processing systems; heating and air-conditioning systems, pneumatic controls, and pneumatic delivery systems; powerhouse and all pressurized piping systems; gas, oxygen systems; gasoline systems not for public sale. The work falling within this occupational title of work description includes:

**A.** Piping systems installed in structures (for example, buildings, industrial plants, and the like);

**B.** Cutting, threading, and bending pipe. Joining pipes by use of screws, bolts, fittings, solder, welding, and caulking, or any other method of making joints in the pipefitting industry;

**C.** Assembling, installing, and repairing valves, pipe fittings, and pumps. Testing the piping system. Cutting holes in floors and walls for pipes with point and hammer, core-drill, or both;

**D.** Installing of distribution lines (for example, water mains, sewer mains, oil and gas lines);

**E.** Welding of steel pipe joints and joining pipes with screws, bolts, fittings, solder, caulking, or any other method for making joints in the industry; and

**F.** Joining ductile iron and plastic pipes by using any method for making joints in the industry, when the pipe will be under pressure;

**[(S)] Pile Driver**—The work falling within the occupational title of work description for pile driver includes:

1. The handling, layout, driving, cutting and splicing of wood, metal or concrete piling regardless of purpose (for example, sheets, I-beams, pile caps and welding to piling);

2. The assembly, disassembly and rigging of the pile driving equipment; and

3. The conduct of underwater diving that is incidental to pile driving work;

**[(T)] Pipe Fitter**—Applies to workers who fabricate, install and repair piping systems to include: water and waste processing systems; heating and air-conditioning systems, pneumatic controls and pneumatic delivery systems; powerhouse and all pressurized piping systems; gas, oxygen systems; gasoline systems not for public sale. The work falling within this occupational title of work description includes:

1. Piping systems installed in structures (for example, buildings, industrial plants and the like);

2. Cutting, threading and bending pipe. Joining pipes by use of screws, bolts, fittings, solder, welding and caulking, or any other method of making joints in the pipefitting industry;

3. Assembling, installing, and repairing valves, pipe fittings and pumps. Testing the piping system. Cutting holes in floors and walls for pipes with point and hammer, core-drill, or both;

4. Installing of distribution lines (for example, water mains, sewer mains, oil and gas lines);

5. Welding of steel pipe joints and joining pipes with screws, bolts, fittings, solder, caulking or any other method for making joints in the industry; and

6. Joining ductile iron and plastic pipes by using any method for making joints in the industry, when the pipe will be under pressure;]

**[(U)](Q) Roofer/[Waterproofer]**—Applies to workers who apply and install any and all types of roofing materials, other than sheet metal. The work falling within this occupational title of work description includes:

1. The installation of slate and tile and all substitute materials taking the place of slate and tile used for roofing including flat or promenade slate, with necessary metal flashing to make water-tight;

2. The cementing in, on, or around slate and tile roofs. The laying of felt or paper beneath the slate and tile. The dressing, punching,

and cutting of all roof slate or tile either by hand or machinery;

3. The installation of all forms of plastic, slate, slag, gravel; asphalt and composition roofing; rock asphalt mastic when used for damp and waterproofing; prepared paper; compressed paper and chemically prepared paper, and burlap with or without coating. The installation of all damp resisting preparations regardless of the method of application in or outside of building. The installation of damp courses, sheeting, or coating on foundation work and tarred roofs. The laying of the tile or brick, when laid in asphalt or pitch tar;

4. The installation and application of new materials used in roofing, water-proofing, encapsulation, and containment process including all forms of elastomeric or plastic (elastoplastic), or both, roofing systems, both sheet and liquid applied, whether single-ply or multi-ply. The installation of aggregates or stone, used as a ballast for inverted roofing membrane assembly, or roof of similar construction where insulation is laid over the roofing membrane. The sealing and caulking of seams and joints on these elastoplastic systems to insure water-tightness. The applying of liquid-type elastoplastic preparation for roofing, damp, or waterproofing when applied with a squeegee, trowel, roller, or spray equipment whether applied inside or outside of a building. The priming of surfaces to be roofed, damp, or waterproofed, whether done by roller, mop, swab, three- (3-)/-/ knot brush, or spray systems. The waterproofing of all types of preformed panels;

5. The application of all types of spray-in-place such as urethane or polyurethane, and the coatings that are applied over them;

6. The application of roof insulation, when the insulation material is applied as an integral part of the roofing system, whether the insulation material is applied as the first, last, or any other layer in between;

7. The operation and servicing of all kettles, bulk tankers, stationary heating tankers, and other types of equipment and tools used to accomplish this work (including heating systems for the operation of the equipment); and compressors for applying roofing material components, roof and mop carts, hydraulics, tools and equipment, be it hand or power, needed to apply waterproofing, insulated, and roofing materials;

8. The handling, hoisting, and storing of all roofing, damp, and waterproofing materials; and

9. The tear-off, removal, or both, of any type of roofing, all spudding, sweeping, vacuuming, cleanup, or a combination of these, of any areas of any type where a roof is to be relayed;

*((V))((R))* Sheet Metal Worker—The work falling within the occupational title of sheet metal worker includes:

1. The handling, conditioning, assembling, installing, servicing, repairing, altering, and dismantling of the duct work for the heating, ventilation, and air-conditioning systems regardless of the materials used and the setting of all equipment and all supports and reinforcements in connection with the system;

2. The installation of expansion and discharge valves, air filters, and water filters in heating, ventilation, and air-conditioning systems;

3. The testing and balancing of air-handling equipment and duct work;

4. The forming, rolling, drawing, stamping, or pressing of sheet metal shingles, sheet metal tile, sheet metal brick, sheet metal stone, and sheet metal lumber, when specified for use as roofing, siding, waterproofing, weather proofing, fire proofing, or for ornamental or any other purpose;

5. The performing of sheet metal work specified for use in connection with or incidental to steeples, domes, minarets, look outs, dormers, louvers, ridges, copings, roofing, decking, hips, valleys, gutters, outlets, roof flanges, flashings, gravel stops, leader heads, down spouts, mansards, balustrades, skylights, cornice moulding, columns, capitals, panels, pilasters, mullions, spandrils, and any and all other shapes, forms and design of sheet metal work specified for use for waterproofing, weatherproofing, fire proofing, ornamental, decorative, or display purposes, or as trim on exterior of the buildings;

6. The installing of sheet metal ceilings with cornices and mouldings of plain, ornamental, enameled, glazed, or acoustic type;

7. The installing of side walls, wainscoting of plain, ornamental, enameled, or glazed types, including sheet metal tile;

8. The application of all necessary wood or metal furring, plastic, or other materials, to which they are directly applied;

9. The performing of sheet-metal work specified for use in connection with or incidental to direct, indirect, or other types of heating, ventilating, air-conditioning, and cooling systems (including risers, stacks, ducts, S strips, fittings, dampers, casings, recess boxes, outlets, radiator enclosures, exhausts, ventilators, frames, grisses, louvers, registers, cabinets, fans, and motors);

10. The air washers, filters, air brushes, housings, air-conditioning chambers;

11. The setting and hanging of air-conditioning units, unit heaters or air-veyor systems, and air handling systems regardless of material used;

12. The assembling and setting up of all cast iron parts, warm air furnace, all stoker, gas, and oil burner equipment used in connection with warm air heating, all sheet metal hoods, casings, wall stacks, smoke pipes, truck lines, cold air intake, air chambers, vent pipes, frames, registers, dampers, and regulation devices;

13. The installing of equipment utilized in the operation of kitchens including ranges, canopies, steam tables, work tables, dishwashers, coffee urns, soda fountains, warming closets, sinks, drainboards, garbage chutes, incinerators, and refrigerators;

14. The installing of tubing, pipes, and fittings, used in connection with or incidental to coppersmithing work. The installation of fume hoods, metal toilet partitions, metal lockers, plain metal shelving; and

15. The handling, moving, hoisting, and storing of all sheet metal materials on the job site, where power equipment and rigging are required;

*((W))((S))* Sprinkler Fitter—*[Fire Protection—]* Applies to workers who perform the installation, adjustments, and corrections, repair, and dismantling of all fire protection and fire control systems and the installation of all fire piping for tubing, appurtenances, and equipment. The work falling within the occupational title includes: The handling and installation of all piping and appurtenances pertaining to sprinkler equipment, including both overhead and underground water mains, fire hydrants and hydrant mains, standpipes, and hose connections to the sprinkler systems, sprinkler tank heaters, air lines and thermal systems used in connection with sprinkler and alarm systems, tank and pump connections, and fire protection systems using mulsifyre, spray, water, fog, carbon dioxide (CO<sub>2</sub>), gas and foam and dry chemical systems; **and**

*((X))* Terrazzo and Marble Occupational Titles—*This subsection sets forth work descriptions for three (3) occupational titles related to terrazzo and marble work.*

1. *Terrazzo Worker-Marble Mason—The work falling within the occupational title of work description for Terrazzo Worker-Marble Mason includes:*

*A. The installing of marble, mosaic, venetian enamel and terrazzo; the cutting and assembling of mosaics and art ceramics; the casting of all terrazzo on the job site; all rolling of terrazzo work;*

*B. The preparing, cutting, layering or setting of metal, composition or wooden strips and grounds on all bedding above concrete floors or walls; and the laying and cutting of metal, strips, lath or other reinforcement, where used in terrazzo work;*

*C. The installing of cement terrazzo, magnesite terrazzo, dex-o-tex terrazzo, epoxy matrix terrazzo, exposed aggregate. Rustic or rough wash of exterior or interior of buildings. The mixturing or applying of any other kind of mixtures of plastics composed of chips or granules of marble, granite, blue stone, enamel, mother of pearl, quartz ceramic colored quartz, and all other kinds of chips or granules when mixed*

with cement, rubber, neoprene, vinyl, magnesium chloride or any other resinous or chemical substances used for seamless flooring systems. The applying of binding materials when used on walls, floors, ceilings, stairs, saddles or any other part of the interior or exterior of the building, or other work not considered a part of the building such as fountains, swimming pools;

D. The finishing of cement floors where additional aggregate of stone is added by spreading or sprinkling on top of the finished base and troweled or rolled into the finish and then the surface ground by grinding machines (When no additional stone aggregate is added to the finished mixture, even though the surface may be ground, the work falls within the occupational title of work description for cement masons.); and

E. The carving, cutting and setting of all marble, slate, including slate backboards, stone, albereen, carrara, sanionyx, vitrolite and similar opaque glass, scaglioia, marbleithic and all artificial, imitation or case marble of whatever thickness or dimension. This shall apply to all interior work, such as sanitary, decorative and other purposes inside of buildings of every description wherever required, including all polish, honed or sand finish;

2. Marble Finisher—The work falling within the occupational title of work description for Marble Finisher includes:

A. The preparation of floors, and/or walls by scraping, sweeping, grinding, and related methods to prepare surface for Marble Mason installation of construction materials on floor and/or walls; the movement of marble installation materials, tools, machines, and work devices to work areas; the erection of scaffolding and related installation structures;

B. The movement of marble slabs for installation; the drilling of holes and the chiseling of channels in edges of marble slabs to install wall anchors, using power drill and chisel; the securing of marble anchors to studding, using and covering ends of anchors with plaster to secure anchors in place;

C. The supply and mixture of construction materials for Marble Mason; the mixture of grout, as required, following standard formulas and using manual or machine mixing methods; the application of grout to installed marble; the movement of mixed mortar or plaster to installation area, manually or using wheelbarrow;

D. The removal of excess grout, using wet sponge; the cleaning of installed marble surfaces, work and storage areas, installation tools, machinery, and work aids, using water and cleaning agents;

E. The modification of mixing, material moving, grouting, polishing, and cleaning metal pieces, using a torch, spatula, and heat sensitive adhesive and filler;

F. The removal of marble installation materials and related debris from immediate work area; the storing of marble, installation material tools, machines, and related items; and

G. The provision of assistance to Marble Mason with the following tasks: bending or forming of wire to form metal anchors, using pliers; inserting anchors into holes of marble slab; securing anchors in place with wooden stakes and plaster; selecting marble slab for installation following numbered sequences or drawings; grinding and polishing marble, using abrasives, chemical and/or manual, in machine grinding and/or polishing techniques, under Marble Mason's direction; the moving and positioning of marble;

3. Terrazzo Finisher—The work falling within the occupational title of work description for Terrazzo Finisher includes:

A. The preparation of floors, and/or walls by scraping, sweeping, grinding, and related methods to prepare surface for Terrazzo Worker installation of construction materials on

floors, base and/or walls; the moving of terrazzo installation materials, tools, machines, and work devices to area, manually or using wheelbarrow;

B. The supply and mixture of construction materials for Terrazzo Worker; the preparation, mixture by hand, mixture by mixing machine, or transportation of pre-mixed materials and the distribution with shovel, rake, hoe or pail, of all kinds of concrete foundations necessary for mosaic and terrazzo work; the dumping of mixed materials that form base or top surface of terrazzo into prepared installation site, using wheelbarrow; the measuring of designated amounts of ingredients for terrazzo or grout, using graduated containers and scale, following standard formulas and specifications, and the loading of portable mixer using proper means of transport; the mixture of materials according to experience and requests from Terrazzo Worker;

C. The spreading of marble chips or other material over fresh terrazzo surface and the pressing of the material into terrazzo by use of a roller; the application of grout finishes to surfaces of installed terrazzo; the spreading of grout across terrazzo to finish surface imperfections, using trowel; the installation of grinding stones in power grinders, using hand tools; the fine grinding and polishing of the surface of terrazzo, when grout has set, using power grinders; the application of curing agent to installed terrazzo to promote even curing, using brush or sprayer; the cutting of grooves in terrazzo stairs, using power grinder, and the filling of grooves with nonskid material;

D. The modification of mixing, grouting, grinding, and cleaning position and the securing of moisture membrane and wire mesh prior to pouring base materials for terrazzo installation;

E. The washing of the surface of polished terrazzo, using cleaner and water, and the application of sealer, according to manufacturer specifications, using brush; the cleaning of the installation site, and storage areas, tools, machines, and equipment; the removal of Terrazzo Worker materials and related debris from immediate work area; and

F. The provision of assistance to Terrazzo Worker with the following tasks: grinding surfaces of cured terrazzo; using power grinders;

(Y) Tile Occupational Titles—This subsection sets forth work descriptions for two (2) occupational titles related to tile work.

1. Tile Setter—The work falling within the occupational title of work description for Tile Setter includes:

A. The application of tile to floors, walls, ceilings, stair treads, promenade roof decks, garden walks, swimming pools and all places where tiles may be used to form a finished surface for practical use, sanitary finish or decorative purpose. (Tile includes all burned clay products, as used in the tile industry, either glazed or unglazed, all composition materials; all substitute materials in single units up to and including, fifteen inches by twenty inches by two inches (15" × 20" × 2") (except quarry tiles larger than nine inches by eleven inches (9" × 11")) and all mixtures in the form of cement, plastics and metals that are used as a finished surface.);

B. The cutting and shaping of tile with saws, tile cutters and biters; and

C. The positioning of tile and tapping it with a trowel handle to affix tile to plaster or adhesive base.

2. Tile Finisher—The work falling within the occupational title of work description for Tile Finisher includes:

A. The preparation of floors and/or walls by scraping, sweeping, grinding, and related methods for Tile Setter to install construction materials on floors and walls; the movement of tiles, tile setting tools, and work devices from storage

area to installation site manually or using wheelbarrow;

*B. The supply and mixture of materials for Tile Setter; the supply and mixture of construction materials for Tile Setter; the mixture of mortar and grout accordingly to standard formulas and request from Tile Setter using bucket, water hose, spatulas, and portable mixer; the modification of mixing, grouting, grinding, and cleaning procedures according to type of installation or material used; the supply to Tile Setter of mortar, using wheelbarrow and shovel; the application of grout between joints of installed tile, using grouting trowel; the application of grout; the cutting of installed tile;*

*C. The removal of excess grout from tile joints with a sponge and scraping of corners and crevices with a trowel; the application of caulk, sealers, acid, steam, or related agents to caulk, seal, or clean installed tile, using various application devices and equipment;*

*D. The wiping of surfaces of tile after grouting to remove grout residue and polish tile, using non-abrasive materials; the removal of Tile Setter materials and related debris from immediate work area; the cleaning of installation site, mixing and storage tools, and equipment, using water and various cleaning tools; the storing of tile setting material machines, tools, and equipment; and*

*E. The provision of assistance to Tile Setter to secure position of metal lath, wire mesh, felt paper, Dur/rock or wonderboard prior to installation of tile; and]*

**[(Z)](T) Truck Driver[-Teamster/Traffic Control Service Driver] (which shall include truck control service driver, truck driver group I, truck driver group II, truck driver group III, and truck driver group IV)**—The workers who perform work falling within the occupational title of work description for truck driver[-teamster] includes the operation, repair, and servicing of the following mechanical equipment. This occupational title encompasses several subclassifications, with the title and work description considered in light of whether the public works project pertains to building construction or heavy/highway construction.

1. Building construction. The subtitles falling within the occupational title of work description for truck driver[-teamster], are as follows:

**A. Truck control service driver – Applies to workers who perform work including:**

**(I) The delivery, installation, and pickup of traffic control devices;**

**(II) The unloading and installation of barricades, plastic channelizer drums, safety cones, and temporary flashing lights not to exceed one hundred fifteen (115) volts;**

**(III) Regular periodic inspections to assure that traffic control devices are clean, clearly visible, and properly positioned. Inspection and maintenance includes replacing batteries and bulbs in lights, cleaning reflective material and lenses, and repairing or replacing damaged or missing devices when incidental to and part of a public works construction project; and**

**(IV) Removal of all traffic control devices by loading them on a truck and driving them to a storage yard where they are unloaded;**

*[A./B. Group I—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil, and service the following equipment: flat bed trucks single axle, station wagons, pick-up trucks, material trucks single axle, tank wagon single axle;*

*[B./C. Group II—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil, and service the following equipment: agitator and transit mix-trucks;*

*[C./D. Group III—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil, and service the following equipment: flat bed trucks tandem axle, articulated dump trucks, material trucks tandem axle, tank wagon tandem axle; and*

*[D./E. Group IV—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil, and service the following equipment: semi and/or pole trailers, winch, fork and steel trucks, distributor drivers and operators, tank wagon semi-trailer, Insley wagons, dumpsters, halftracks, speedace, euclids, and other similar equipment, A-frame and Derrick trucks, float or low boy, and boom truck.*

2. Heavy/highway construction. The subtitles falling within the occupational title work description for truck driver[-teamster], are as follows:

**A. Truck control service driver – Applies to workers who perform work including:**

**(I) The delivery, installation, and pickup of traffic control devices;**

**(II) The unloading and installation of barricades, plastic channelizer drums, safety cones, and temporary flashing lights not to exceed one hundred fifteen (115) volts;**

**(III) Regular periodic inspections to assure that traffic control devices are clean, clearly visible, and properly positioned. Inspection and maintenance includes replacing batteries and bulbs in lights, cleaning reflective material and lenses, and repairing or replacing damaged or missing devices when incidental to and part of a public works construction project; and**

**(IV) Removal of all traffic control devices by loading them on a truck and driving them to a storage yard where they are unloaded;**

*[A./B. Group I—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil, and service the following equipment: flat bed trucks single axle, station wagons, pick-up trucks, material trucks single axle, tank wagon single axle;*

*[B./C. Group II—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil, and service the following equipment: agitator and transit mix-trucks;*

*[C./D. Group III—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil, and service the following equipment: flat bed trucks tandem axle, articulated dump trucks, material trucks tandem axle, tank wagon tandem axle; and*

*[D./E. Group IV—This subtitle applies to workers who operate, monitor, control, repair, modify, assemble, erect, oil, and service the following equipment: semi-and/or pole trailers, winch, fork and steel trucks, distributor drivers and operators, tank wagon semi-trailer, Insley wagons, dumpsters, halftracks, speedace, euclids, and other similar equipment, A-frame and Derrick trucks, float or low boy, and boom truck.*

*[3. The workers who perform work falling within the occupational title of traffic control service driver include:*

*A. The delivery, installation and pickup of traffic control devices;*

*B. The unloading and installation of barricades, plastic channelizer drums, safety cones and temporary flashing lights not to exceed one hundred fifteen (115) volts;*

*C. Regular periodic inspections to assure that traffic control devices are clean, clearly visible and properly positioned. Inspection and maintenance includes replacing batteries and bulbs in lights, cleaning reflective material and lenses and repairing or replacing damaged or missing devices when incidental to and part of a public works construction project; and*

*D. Removal of all traffic control devices by loading them on a truck and driving them to a storage yard where they are unloaded.]*

*AUTHORITY: section 290.240.2., RSMo [2000] Supp. 2018. Original rule filed Sept. 15, 1992, effective May 6, 1993. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 21, 2018, effective Dec. 1, 2018,*

expires May 29, 2019. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

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

**EMERGENCY RULE**

**15 CSR 30-130.010 Definitions**

*PURPOSE:* This rule facilitates the administration of the Professional Employer Act in accordance with sections 285.700–285.750, RSMo. This rule provides definitions of terms in addition to those found in section 285.705, RSMo for the administration of the Act.

*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 provides definitions of terms, 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. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. 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) “Business experience” (as used in the application and renewal forms) shall mean a narrative detailed description of business-related achievements, credentials, and experience of an individual. Alternatively, a resumé may be used in lieu of a narrative description if it contains, at a minimum, the following information: current contact information, relevant degree(s)/certification(s), and a five- (5-) year work history.

(2) “PEO” (as used in this rule) shall mean a professional employer organization including a PEO Group, a controlling person of a PEO, or a person offering PEO services.

(3) “Secretary” shall mean the secretary of state or his/her designee.

*AUTHORITY:* section 285.705, RSMo Supp. 2018. Emergency rule filed Nov. 30, 2018, effective Dec. 10, 2018, expires June 7, 2019. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

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

**EMERGENCY RULE**

**15 CSR 30-130.020 Applications, Interim Operating Permits, and Forms**

*PURPOSE:* This rule provides instructions for full, limited, or group applications along with renewals. It also provides instructions for obtaining an interim operating permit pursuant to section 285.715, RSMo.

*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 provides instructions for full, limited, or group applications, 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. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. 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) Every application shall conform to the requirements within section 285.715, RSMo including evidence of business experience and an audited financial statement. The audited financial statement may not express any ongoing concerns.

(2) A professional employer organization (PEO), not registered in Missouri, must decline to provide services or notify the secretary within five- (5-) business days of obtaining knowledge that an existing client not based in Missouri has employees or operations in Missouri.

(A) If the PEO does not decline to provide services to the existing client, the PEO must immediately file a limited registration application if the client has less than fifty (50) employees based in Missouri.

(B) The PEO may request an interim operating permit until such application is approved. The secretary may issue an interim operating permit if—

1. The PEO is currently registered or licensed by another state;
2. The PEO makes the request for an interim operating permit in writing indicating in what other states it is licensed or registered;
3. The secretary determines it is in the best interest of the potential covered employees to grant an interim operating permit; and
4. The PEO has filed a limited registration application.

(3) Application and renewal forms may be found on the secretary's website at [www.sos.mo.gov/peo](http://www.sos.mo.gov/peo).

*AUTHORITY: section 285.715, RSMo Supp. 2018. Emergency rule filed Nov. 30, 2018, effective Dec. 10, 2018, expires June 7, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

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

**EMERGENCY RULE**

**15 CSR 30-130.030 Fees**

*PURPOSE: This rule provides the fee structure for professional employer organization (PEO) applications and renewal.*

*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 provides the fee structure for professional employer organization applications and renewal, 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. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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) The following fees for a PEO shall apply:
  - (A) Full Application - \$500.00;
  - (B) Full Renewal - \$250.00;
  - (C) Limited Application - \$250.00;
  - (D) Limited Renewal - \$250.00;
  - (E) Group Application - \$500.00, plus \$250.00 for each entity in the PEO Group;
  - (F) Group Renewal - \$250.00, plus \$125.00 for each entity in the PEO Group.

*AUTHORITY: section 285.725, RSMo Supp. 2018. Emergency rule filed Nov. 30, 2018, effective Dec. 10, 2018, expires June 7, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

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

**EMERGENCY RULE**

**15 CSR 30-130.040 Approval of Assurance Organizations**

*PURPOSE: This rule addresses how an assurance organization may be approved to submit applications and renewals on behalf of their members.*

*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 addresses how an assurance organization may be approved to submit applications and renewals on behalf of their members, 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. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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) An applicant or registered professional employer organization (PEO) may enter into an agreement with an assurance organization approved by the secretary to act on its behalf in accomplishing the provisions of the Professional Employer Organization Act or these rules.
- (2) The approval of an assurance organization by the secretary, to act on behalf of an applicant or registered PEO, does not relieve the applicant or registered PEO from the ultimate responsibility to comply with its obligations pursuant to the Act or these rules.
- (3) An assurance organization desiring to become approved by the secretary shall submit to the secretary—
  - (A) A letter requesting approval;
  - (B) Evidence that the assurance organization is qualified to perform the functions on behalf of the applicant or registered PEO; and
  - (C) An explanation of how the assurance organization will certify each of the criteria and obligations required of the applicant or registered PEO by the Act or rule.
- (4) An assurance organization's approval by the secretary shall remain in effect until such time the secretary, after written notice, terminates the approval, or until such time the assurance organization, by written



notice, withdraws or terminates its status as an approved assurance organization.

(5) An assurance organization that has been approved by the secretary shall notify the secretary annually, in writing, on the anniversary of its approval date, of any material change in the assurance organization's national accreditation and financial assurances during the previous year.

(6) The secretary shall make available to the public a current list of approved assurance organizations, upon request.

(7) The secretary shall notify the assurance organization, in writing, if the secretary becomes aware of any information that indicates that the assurance organization is failing to adequately monitor or provide compliance assistance as intended by the Act.

(8) The assurance organization shall respond to the secretary within thirty (30) days of its receipt of such notification of deficiency. The secretary may terminate an assurance organization's approval based on a finding that the assurance organization is no longer in compliance.

*AUTHORITY: section 285.715, RSMo Supp. 2018. Emergency rule filed Nov. 30, 2018, effective Dec. 10, 2018, expires June 7, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

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

**EMERGENCY RULE**

**15 CSR 30-130.050 Use of Assurance Organization by Applicant**

*PURPOSE: This rule sets forth the process for an applicant to use a secretary-approved assurance organization.*

*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 sets forth the process for an applicant to use a secretary approved assurance organization, 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. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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) The secretary shall accept an approved assurance organization's written certification as evidence that an applicant has met, and continues to meet, the criteria and obligations set forth in the Act and rules. The secretary retains the right to independently verify any information or certification provided by the assurance organization, including the ability to verify information contained in the assurance organization's database.

(2) An applicant using an assurance organization, proof of compliance with the assurance organization will satisfy the application requirements of section 285.715, RSMo. Additionally, renewal requirements under section 285.715, RSMo, will be waived provided that the appropriate renewal fee is paid prior to the due date.

(3) An approved assurance organization shall notify the secretary, in writing, no later than ten (10) days after it receives a complaint, or becomes aware of information indicating that an applicant or registered professional employer organization (PEO) they represent is not in compliance with its obligations under the Act.

(4) An approved assurance organization shall notify the secretary, in writing, no later than ten (10) days after it has made a determination that a registered PEO has violated any of the standards of accreditation of the assurance organization or has ceased membership with the assurance organization.

(5) In the event that a registered PEO loses its accreditation, or has ceased membership with an assurance organization, the secretary shall immediately suspend the license of the registered PEO until all necessary information for the appropriate registration sought is filed with the secretary.

(6) In the event that a registered PEO ceases its membership with an assurance organization, the secretary reserves the right to immediately require the registered PEO to submit relevant documents and information in order to comply with the application requirements of the Act.

*AUTHORITY: section 285.715, RSMo Supp. 2018. Emergency rule filed Nov. 30, 2018, effective Dec. 10, 2018, expires June 7, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

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

**EMERGENCY RULE**

**15 CSR 30-130.060 Proof of Positive Working Capital, Bonds, and Letters**

*PURPOSE: This rule describes positive working capital, as well as, the posting of bonds and letters of credit.*

*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 positive working capital as well as the posting of bonds and letters of credit, 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. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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) An applicant or registered professional employer organization (PEO) must demonstrate positive working capital. This must be demonstrated in the financial audit that—

(A) Was prepared in accordance with generally accepted accounting principles;

(B) Was audited by an independent certified public accountant without qualification as to the ongoing concern status of the applicant or registered PEO;

(C) Reflects positive working capital; and

(D) Is based on adequate reserves for taxes, insurance, and incurred claims that are not paid.

(2) An applicant who does not have a positive working capital may provide a bond—

(A) With a minimum market value equaling the deficiency plus one hundred thousand dollars (\$100,000);

(B) Held by a lender authorized to do business in the state of Missouri and found on <https://treasurer.mo.gov/LinkedDepositProgramParticipatingInstitutions/default.aspx>;

(C) Is payable to the Missouri secretary of state; and

(D) States that the surety will provide the secretary written notice sixty (60) days prior to cancelling the bond.

(3) In the alternative, an applicant who does not have a positive working capital may provide a letter of credit with a minimum market value equaling the deficiency plus one hundred thousand dollars (\$100,000) that—

(A) Is irrevocable;

(B) Is issued by a financial institution authorized to do business in the state of Missouri and which is financially responsible for the amount of the letter;

(C) Does not require examination of the performance of the underlying transaction between the secretary and the applicant;

(D) Is payable to the secretary on sight or within a reasonable period of time after presentation of all required documents; and

(E) Does not include any condition that makes payment to the secretary contingent upon the consent of, or other actions by, the applicant or other party.

*AUTHORITY: section 285.725, RSMo Supp. 2018. Emergency rule filed Nov. 30, 2018, effective Dec. 10, 2018, expires June 7, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

## Title 15—ELECTED OFFICIALS

### Division 30—Secretary of State

#### Chapter 130—Professional Employer Organization Act

##### EMERGENCY RULE

##### 15 CSR 30-130.070 Disciplinary Actions

*PURPOSE: This rule describes the disciplinary action the secretary may take pursuant to section 285.750, RSMo, and the notice provided to initiate a disciplinary action.*

*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 disciplinary action the secretary may take pursuant to section 285.750, RSMo, and the notice provided to initiate a disciplinary action.*

*The secretary of state finds there is a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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) Upon a decision to take disciplinary action for violation of section 285.750, RSMo, the secretary shall mail such professional employer organization (PEO) written notice, by certified mail, at the address on file with the secretary.

(2) The secretary shall notify a PEO, in writing, by certified mail that the secretary intends to take disciplinary action. The notice shall contain the following information:

(A) The PEO's name and address;

(B) The specific allegations for the disciplinary action; and

(C) Instructions for requesting a hearing.

(3) If disciplinary action is taken against a PEO who registered through an assurance organization, the secretary may provide such notice to the assurance organization. Such notice shall constitute sufficient notice for section 285.750.3, RSMo.

*AUTHORITY: section 285.750, RSMo Supp. 2018. Emergency rule filed Nov. 30, 2018, effective Dec. 10, 2018, expires June 7, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

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

**EMERGENCY RULE**

**15 CSR 30-130.080 Request for Hearing**

*PURPOSE: This rule prescribes how a professional employer organization (PEO) may request a hearing for any disciplinary action the secretary intends to take.*

*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 prescribes how a PEO may request a hearing for any disciplinary action the secretary intends to take, 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. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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) When a PEO receives a notice of disciplinary action from the secretary, the PEO may request a hearing. A request for hearing must be received by the secretary no later than thirty (30) calendar days after the PEO receives the notice of discipline. Failure to file a request for hearing within thirty (30) calendar days of receipt of said notice shall constitute waiver of a hearing.

(2) If a PEO does not request a hearing, or fails to request a hearing within thirty (30) calendar days, as outlined in section (1) above, the secretary shall still make findings pursuant to section 285.750.3, RSMo.

(3) A request for hearing must be signed by the PEO or its attorney. It must also contain the name, mailing address, and telephone number of the PEO (or the name, address, and telephone number of the PEO's attorney). The request for hearing must be mailed to the Office of the Secretary of State, PEO Registration, PO Box 1767, Jefferson City, MO 65102.

(4) A PEO may request that a hearing be conducted by telephone. If so, the PEO must include that information in its request for hearing and provide a good telephone number that the PEO will use during the hearing. The PEO is responsible for a good connection if it requests a telephone hearing, and the secretary is not responsible for

any disruption caused by a poor cell phone signal. If a party or witness leaves the phone for any reason, or the connection is disconnected, all such action shall be considered voluntary, and the hearing shall proceed without such party or witness.

*AUTHORITY: section 285.750, RSMo Supp. 2018. Emergency rule filed Nov. 30, 2018, effective Dec. 10, 2018, expires June 7, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**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. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 15—ELECTED OFFICIALS**

**Division 30—Secretary of State**

**Chapter 130—Professional Employer Organization Act**

**EMERGENCY RULE**

**15 CSR 30-130.100 Appeals**

*PURPOSE: This rule describes how a professional employer organization (PEO) may appeal the secretary's findings that disciplinary action should be taken against it.*

*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*

*how a PEO may appeal the secretary's findings that disciplinary action should be taken against it.*

*The secretary of state finds there is a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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) A PEO who receives findings of fact and conclusions of law as provided in 15 CSR 30-130.090 upholding any disciplinary action may seek judicial review as provided for in Chapter 536, RSMo.

*AUTHORITY: section 285.750, RSMo Supp. 2018. Emergency rule filed Nov. 30, 2018, effective Dec. 10, 2018, expires June 7, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 5—General Rules**

**ORDER TERMINATING  
EMERGENCY AMENDMENT**

By the authority vested in the State Board of Registration for the Healing Arts under section 334.125, RSMo 2016, the board hereby terminates an emergency amendment effective November 20, 2018, as follows:

**20 CSR 2150-5.100 Collaborative Practice is terminated.**

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on May 15, 2018 (43 MoReg 977).

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2200—State Board of Nursing  
Chapter 4—General Rules**

**ORDER TERMINATING  
EMERGENCY AMENDMENT**

By the authority vested in the State Board of Nursing under section 335.036, RSMo Supp. 2018, the board hereby terminates an emergency amendment effective November 20, 2018, as follows:

**20 CSR 2200-4.200 Collaborative Practice is terminated.**

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on May 15, 2018 (43 MoReg 977-978).

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2220—State Board of Pharmacy  
Chapter 4—Fees Charged by the Board of Pharmacy**

**EMERGENCY AMENDMENT**

**20 CSR 2220-4.010 General Fees.** The board is amending section (1).

*PURPOSE:* The proposed emergency amendment would decrease renewal fees for Missouri pharmacy technicians and establish fees for third-party logistic providers and drug outsourcers created by HB 1719.

*EMERGENCY STATEMENT:* The Missouri General Assembly recently enacted HB 1719 which establishes a new license class for third-party logistics providers (3PLs), effective August 28, 2018. The emergency amendment would establish fees for 3PLs and drug outsourcers to allow these entities to be licensed. Additionally, the Board of Pharmacy is statutorily obligated to enforce and administer the provisions of Chapter 338, RSMo, governing the practice of pharmacy. Pursuant to section 338.070, RSMo, the board shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of Chapter 338, RSMo. Based on the board's five (5)-year projections, the board finds it necessary to reduce renewal fees for Missouri pharmacy technicians to comply with section 338.070, RSMo. Therefore, the board is proposing to decrease 2019 renewal fees for Missouri pharmacy technicians from thirty-five dollars (\$35) to twenty dollars (\$20). Pharmacy technician renewal notices will be mailed on March 1, 2019. Without this emergency amendment, the board will collect more revenue than it is statutorily authorized to collect. The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency amendment, the board has determined that the fee decrease is necessary for the 2019 renewal period to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 338.070.3, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 28, 2018, becomes effective December 8, 2018, and expires June 5, 2019.

(1) The following fees are established by the State Board of Pharmacy:

(H) Change of Pharmacy [or], Drug Distributor, <b>Drug Outsourcer or Third-Party Logistics Provider Name Fee</b>	\$ 25
(K) Change of Pharmacy [or], Drug Distributor, <b>Drug Outsourcer or Third-Party Logistics Provider Location Fee</b>	\$ 175
(L) Original Pharmacy Distributor/Wholesale Drug Distributor, <b>Drug Outsourcer or Third-Party Logistics Provider License Fee</b> (includes both temporary and permanent license)	\$ 300
(M) Pharmacy Distributor/Wholesale Drug Distributor, <b>Drug Outsourcer or Third-Party Logistics Provider License Renewal Fee</b>	\$ 450
(U) Pharmacy Technician Annual Renewal Fee	\$ 35
<b>1. Effective from January 1, 2019 to June 1, 2019</b>	<b>\$ 20</b>

*AUTHORITY:* sections 338.020, 338.035, 338.040, 338.060, 338.070, 338.140, 338.185, 338.220, 338.230, 338.270, 338.280, 338.335, and 338.350, RSMo 2016. This rule originally filed as 4 CSR 2220-4.010. Emergency rule filed July 15, 1981, effective Aug. 3, 1981, expired Nov. 11, 1981. Original rule filed Aug. 10, 1981, effective Nov. 12, 1981. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Nov. 28, 2018, effective Dec. 8, 2018, expires June 5, 2019. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2220—State Board of Pharmacy  
Chapter 8—Third-Party Logistic Providers and Drug  
Outsourcer Facilities**

**EMERGENCY RULE**

**20 CSR 2220-8.010 Definitions**

*PURPOSE:* This rule adopts definitions for purposes of 20 CSR Chapter 8 governing drug outsourcers and third-party logistics providers.

*EMERGENCY STATEMENT:* The Missouri General Assembly enacted HB 1719 which establishes new licensure classifications for third-party logistics providers (3PL) and drug outsourcers. The new law is effective August 28, 2018, and would prohibit third-party logistics provider or drug outsourcers from operating in Missouri without the required license. These entities currently provide needed prescription medication to Missouri hospitals, pharmacies, and health care providers. In some instances, the medications may not be available from another source qualified under federal law to provide the medication. In other instances, medication may be needed for emergency use. HB 1719 does not allow a grace period for licensure. Accordingly, the board is proposing to promulgate Chapter 8 via emergency rules to provide for the immediate licensure of 3PLs and drug outsourcers operating in the state. 20 CSR 2220-8.010 would incorporate definitions applicable to proposed Chapter 8.

The board has determined an emergency rule is needed to protect the lives and health of Missouri citizens by ensuring the continued availability and supply of prescription drugs in this state via 3PLs or drug outsourcers. Purchasing medication from an unlicensed 3PL or drug outsourcer is a criminal offense. Absent an emergency rule, the Missouri drug supply would be significantly and detrimentally impacted, including, the availability of medication for emergency use. As a result, the Missouri State Board of Pharmacy finds there is an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest that requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. 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 Missouri State Board of Pharmacy believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 28, 2018, becomes effective December 8, 2018, and expires June 5, 2019.

(1) Definitions. The following definitions are applicable to 20 CSR 2220 Chapter 8:

(A) "Drug outsourcer" or "Drug outsourcer facility"- An entity registered with the United States Food and Drug Administration pursuant to section 503(B) of the federal Food, Drug and Cosmetic Act, as amended by the Drug Quality and Security Act (21 section USC 353b);

(B) “Drug related device”—An article that is not considered a prescription drug under federal law, but which meets the definition of a device as provided in 21 U.S.C. 321(h) and 21 U.S.C. 360j(e);

(C) “Drug” or “Prescription drug”—A legend drug as defined by section 338.330, RSMo; and

(D) “Third-party logistics provider” or “3PL”—An entity that provides or coordinates warehousing, or other logistics services of a prescription drug or drug-related device on behalf of a manufacturer, wholesale distributor, or dispenser of such a product, but does not take ownership of the product, nor has responsibility to direct the sale or disposition of the product. A third-party logistics provider license is required for entities conducting 3PL activities that are physically located in this state or shipping drug products into Missouri.

*AUTHORITY: sections 338.140, 338.150, 338.280, and 338.350, RSMo 2016, and sections 338.315, 338.330, 338.333, 338.337, and 338.340, RSMo Supp. 2018. Emergency rule filed Nov. 28, 2018, effective Dec. 8, 2018, expires June 5, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2220—State Board of Pharmacy  
Chapter 8—Third-Party Logistic Providers and Drug  
Outsourcer Facilities**

**EMERGENCY RULE**

**20 CSR 2220-8.020 Licensing Requirements**

*PURPOSE: This rule establishes licensing requirements and procedures for drug outsourcers and third-party logistics providers.*

*EMERGENCY STATEMENT: The Missouri General Assembly recently enacted HB 1719 which establishes new licensure classifications for third-party logistics providers (3PL) and drug outsourcers. The new law is effective August 28, 2018, and would prohibit third-party logistics providers and drug outsourcers from operating in Missouri without the required license. These entities currently provide needed prescription medication to Missouri hospitals, pharmacies, and health care providers. In some instances, the medications may not be available from another source qualified under federal law to provide the medication. In other instances, medication may be needed for emergency use. HB 1719 does not allow a grace period for licensure. Accordingly, this rule would establish provisions for the immediate licensure of 3PLs and drug outsourcers operating in this state.*

*The board has determined an emergency rule is needed to protect the lives and health of Missouri citizens by ensuring the continued availability and supply of prescription drugs in this state via 3PLs or drug outsourcers. Absent an emergency rule, 3PLs and drug outsourcers would be required to terminate activities which would significantly and detrimentally impact Missouri’s drug supply, including, the availability of medication for emergency use. Significantly, purchasing medication from an unlicensed 3PL or drug outsourcer is a criminal offense. As a result, the Missouri State Board of Pharmacy finds there is an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest that requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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 Missouri State Board of Pharmacy believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 28, 2018, becomes effective December 8, 2018, and expires June 5, 2019.*

(1) No person or entity may act as a third-party logistics provider (3PL) or a drug outsourcer unless the person/entity has obtained the applicable 3PL or drug outsourcer license from the board. A separate license is required for each facility owned or operated as a 3PL or drug outsourcer.

(A) Applicants must submit a completed application to the board with the applicable fee along with the following information:

1. The name, full business address, e-mail address, and telephone number of the applicant and the facility where third-party logistics provider services or drug outsourcer activities will be provided, if different;

2. All trade or business names used by the licensee;

3. For 3PL applicants, the name, address, telephone number, and e-mail address of a manager-in-charge that meets the requirements of 20 CSR 2220-8.045 along with his/her employment history for the previous seven (7) years and a notarized manager-in-charge affidavit;

4. For drug outsourcer applicants, the name, address, telephone number, and e-mail address of a pharmacist responsible for supervising the facility who holds a current and active pharmacist license issued by a U.S. state or territory. If the designated pharmacist does not have a current and active Missouri pharmacist license, official verification must be submitted from the board of pharmacy or equivalent pharmacist governmental licensing agency verifying that the designated pharmacist holds a current and active pharmacist license issued by such state/territory;

5. The type of ownership or legal structure; and

6. The name(s) of the owner, operator, or both, of the licensed entity, including:

A. If a sole proprietorship, the full name of the sole proprietor and the name of the business entity. The sole proprietor must sign the application;

B. If a partnership or limited liability partnerships, the name of each partner and the name of the partnership. A partner or general partner must sign the application; or

C. If a corporation, the name of the corporate president, vice president, secretary, treasurer, chief executive officer, board of directors, and senior vice presidents, or their equivalents, the corporate name(s), and the name of the state of incorporation. An officer of the corporation must sign the application.

(B) A license will not be issued to a facility located in Missouri until the board or its duly authorized agent has inspected the premises of the new location and approved it. For nonresident applicants, an inspection report must be submitted as required by 20 CSR 2220-8.030.

(C) All third-party logistics provider and drug outsourcer licenses will expire on the date specified by the director of the Division of Professional Registration by appropriate rule. Once issued, licenses must be conspicuously posted in the licensed facility where 3PL or drug outsourcer operations are conducted.

(D) A 3PL or drug outsourcer license will not be issued to any location where drugs are stored or maintained that is in a residence or that shares an address and/or physical space with a business not related to distributing prescription drugs or drug-related devices, or not licensed and regulated by the state of Missouri.

(E) An application will become null and void if the applicant fails to complete the process for licensure within six (6) months after the application is received by the board.

(F) All application fees are non-refundable.

(2) Change of Ownership. A third-party logistics provider or drug outsourcer license shall become void on the effective date of any change of ownership. The subsequent owners must obtain a new license from the board prior to operating as a third-party logistics provider or drug outsourcer in this state, provided a temporary license may be issued to the new ownership until a new license is granted as outlined in section (5). Facilities located in Missouri must be inspected by the board prior to issuing a new license.

(A) A change of ownership of a sole proprietorship is deemed to

have occurred when—

1. The business is sold and the sale becomes final;
2. The proprietor enters into a partnership with another individual or business entity; or
3. The proprietor dies, provided, the proprietor's estate may continue to operate the third-party logistics provider or drug outsourcer facility for a period of no more than one (1) year if all appropriate fees are paid.

(B) If a corporation owns a third-party logistics provider or drug outsourcer, a new license is not required if the owners of the stock change. If a limited liability partnership or a limited liability company owns a third-party logistics provider or drug outsourcer, a new license is not required if the partners or members of the company change, as long as the partnership or company is not dissolved by the change. Written notice must be filed with the board within thirty (30) days after a change of twenty-five percent (25%) or more in the ownership of corporation stock, or the partners of a limited liability partnership, or the members of a limited liability company. The required notification must be in writing and notarized.

(C) When a sole proprietorship, corporation, limited liability partnership, or limited liability company begins or ceases ownership of a third-party logistics provider or drug outsourcer, a new license must be obtained regardless of the relationship between the previous and subsequent owners.

(3) Change of Location. A third-party logistics provider or drug outsourcer license is only valid for the address listed on the license issued by the board. If the location of a third-party logistics provider or drug outsourcer facility changes either within the existing facility or to a new facility, a change of location application must be submitted to the board with the applicable fee. A Missouri located facility may not open for business at the new location until the board or its duly authorized agent has inspected the premises of the new location and approved it. Once approved, the board will issue a license for the new location with the same license number as the previous license. A license will remain valid if the facility address changes but not the location, in such case an amended license will be issued on request without charge.

(4) Change of Name. Licensees may only conduct 3PL or drug outsourcing activities in the state of Missouri under the name(s) licensed by the board. If a name change occurs, a change of name application must be submitted to the board with the applicable fee within three (3) business days of the change. The facility's license will be reissued under the new name with the same license number. A change of ownership application is required if the licensee is changing corporate or legal structure or otherwise changing ownership.

(5) Temporary Licenses. The board may grant a temporary license to an applicant, subject to any terms or conditions the board deems necessary or appropriate, to allow the business to continue operating in Missouri until the board makes a determination on the applicant's license application. Unless otherwise authorized by the board, temporary licenses are valid for one (1) year or until final action by the board, whichever is less.

(A) The board will consider the following in determining whether to issue a temporary license:

1. Any conduct or activity that constitutes grounds for denial or discipline under section 338.055, RSMo;
2. The applicant's compliance with state and federal drug and/or distribution laws;
3. Any failure to produce records or information requested by the board or failure to provide full and truthful information;
4. Failure to cooperate with any board request or inquiry related to the application;
5. Current or pending disciplinary action by any federal, state, or local government against any license or registration currently or previously held by the applicant;
6. Compliance with licensing requirements under previously granted licenses, if any; and

7. Any other factor relevant to the applicant's ability to safely or properly operate in Missouri.

(B) A notification letter will be sent to the applicant once a decision is made on the applicant's permanent license. The temporary license will be considered void ten (10) days after board notification is sent to the applicant.

(C) Applicants issued a temporary license may conduct business in this state as a third-party logistics provider or, for drug outsourcer applicants, as a drug outsourcer as long as all state and federal laws governing provider/drug outsourcing activities are followed and no action that results in professional misconduct as outlined in section 338.055, RSMo, occurs.

(6) A nonresident third-party logistics provider or drug outsourcer licensed by the board must designate a registered agent in Missouri for service of process. Any licensee that does not designate a registered agent shall be deemed to have designated the Missouri secretary of state to be its true and lawful attorney for service of process in any action or proceeding against the third-party logistics provider or drug outsourcer growing out of or arising from such 3PL or drug outsourcing services. Service of process shall be accomplished as authorized by law.

(7) Licensure Exemptions. A Missouri 3PL or drug outsourcer license is not required for the following activities—

(A) The sale, purchase, transfer, or trade of a drug or an offer to sell, purchase, transfer, or trade a drug for emergency administration to an individual patient if a delay in therapy would negatively affect a patient outcome. Prior to the distribution, the unlicensed entity or proposed recipient must file a written request with the board to approve the emergency transaction. The amount sold, purchased, transferred, or traded shall not exceed one percent (1%) of the 3PL's or drug outsourcer's total gross prescription sales or, if prescriptions are not sold, one percent (1%) of the 3PL's/drug outsourcer's total drug purchases;

(B) The storage or distribution of drugs by a local, state, or federal facility that are received from the Strategic National Stockpile or the state stockpile for the purpose of providing those drugs in an emergency situation as authorized by a state or federal agency; and

(C) The sale, purchase, transfer, or trade of a prescription drug by a 3PL to alleviate a temporary shortage of a prescription drug that is in limited supply or unavailable due to delays in or interruption of supply. Drugs sold, purchased, transferred, or traded pursuant to this section shall only be sold, purchased, transferred, or traded directly from an importer or manufacturer authorized by or registered with the United States Food and Drug Administration (FDA) to import or manufacture the drug that is unavailable or in short supply. In addition, sales, purchases, transfers, or trades shall be limited to the period of shortage and to the drug that is unavailable or in limited supply. Documentation of FDA authorization or registration shall be maintained in the 3PL's records.

*AUTHORITY: sections 338.140, 338.150, 338.280, and 338.350, RSMo 2016, and sections 338.315, 338.330, 338.333, 338.337, and 338.340, RSMo Supp. 2018. Emergency rule filed Nov. 28, 2018, effective Dec. 8, 2018, expires June 5, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2220—State Board of Pharmacy  
Chapter 8—Third-Party Logistic Providers and Drug  
Outsourcer Facilities**

**EMERGENCY RULE**

**20 CSR 2220-8.030 Nonresident Third-Party Logistics  
Providers/Drug Outsourcer Facilities**

*PURPOSE: This rule establishes additional guidelines for non-resident third-party logistics providers and drug outsourcer applicants.*

*EMERGENCY STATEMENT: The Missouri General Assembly recently enacted HB 1719 which establishes new licensure classifications for third-party logistics providers (3PL) and drug outsourcers. The new law is effective August 28, 2018, and would prohibit non-resident third-party logistics providers and drug outsourcers from operating in Missouri without the required license. These entities currently provide needed prescription medication to Missouri hospitals, pharmacies, and health care providers. In some instances, the medications may not be available from another source qualified under federal law to provide the medication. In other instances, medication may be needed for emergency use. HB 1719 does not allow a grace period for licensure. Accordingly, this rule would establish provisions for the immediate licensure of non-resident 3PLs and drug outsourcers.*

*The board has determined an emergency rule is needed to protect the lives and health of Missouri citizens by ensuring the continued availability and supply of prescription drugs in this state via non-resident 3PLs or drug outsourcers. Absent an emergency rule, non-resident 3PLs and drug outsourcers would be required to terminate activities which would significantly and detrimentally impact Missouri's drug supply, including, the availability of medication for emergency use. Significantly, purchasing medication from an unlicensed 3PL or drug outsourcer is a criminal offense. As a result, the Missouri State Board of Pharmacy finds there is an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest that requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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 Missouri State Board of Pharmacy believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 28, 2018, becomes effective December 8, 2018, and expires June 5, 2019.*

(1) Nonresident third-party logistics (3PL) providers or drug outsourcer facilities may not act as a third-party logistics provider or a drug outsourcer or ship, mail, or deliver legend drugs, or for drug outsourcers, compounded drugs into Missouri without first obtaining the applicable license from the board. Nonresident third-party logistics providers or drug outsourcers may be licensed by reciprocity if they—

(A) Possess a valid 3PL or drug outsourcer license or an equivalent license that is in good standing in the state or foreign jurisdiction in which they are located that was issued pursuant to legal standards comparable to those which must be met by a Missouri third-party logistics provider or drug outsourcer; and

(B) Are located in a state or foreign jurisdiction which extends reciprocal treatment to a third-party logistics provider of this state or, for drug outsourcer applicants, a drug outsourcer of this state.

(2) Except as otherwise provided in this rule, applicants for a nonresident third-party logistics provider or drug outsourcer license must comply with 20 CSR 2220-8.020, including, but not limited to, all application, change of ownership, change of location, and change of name requirements. In addition to the requirements of 20 CSR 2220-8.020, non-resident applicants must also submit the following with their application:

(A) A copy of the applicant's 3PL or drug outsourcer license or its equivalent from the state or foreign jurisdiction where the nonresident third-party logistics provider or drug outsourcer facility is located;

(B) An official verification from the state or foreign jurisdiction where the third-party logistics provider or drug outsourcer facility is located verifying that the applicant holds a current and active third-party logistics provider license or its equivalent, for drug outsourcer applicants, a drug outsourcer license or its equivalent issued by such

state or foreign jurisdiction;

(C) A copy of the applicant's most recent inspection report or findings from the applicant's resident board of pharmacy or its equivalent state/foreign regulatory body. For 3PL applicants, the inspection must have occurred within the last twenty-four (24) months. For drug outsourcer applicants, the inspection must have occurred within the last eighteen (18) months. If a state inspection is unavailable, an inspection by the Missouri Board of Pharmacy, the United States Food and Drug Administration (FDA) or the National Association of State Boards of Pharmacy must be submitted or a similar inspection by an entity approved by the board;

(D) If controlled substances will be shipped into Missouri, a copy of the applicant's federal controlled substance registration and, if applicable, a copy of the applicant's state controlled substance registration from the state where the applicant is located; and

(E) If requested by the board, any inspection reports, correction active responses, warning notices, deficiency notices, or any other related state, federal, or foreign jurisdiction report or notice related to the applicant's handling, distribution, manufacturing, or sale of medication.

*AUTHORITY: sections 338.140, 338.150, 338.280, and 338.350, RSMo 2016, and sections 338.315, 338.330, 338.333, 338.337, and 338.340, RSMo Supp. 2018. Emergency rule filed Nov. 28, 2018, effective Dec. 8, 2018, expires June 5, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 20—DEPARTMENT OF INSURANCE,  
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Division 2220—State Board of Pharmacy  
Chapter 8—Third-Party Logistic Providers and Drug  
Outsourcer Facilities**

**EMERGENCY RULE**

**20 CSR 2220-8.040 Standards of Operation (Drug Outsourcers)**

*PURPOSE: This rule provides standards of operation for drug outsourcers licensed by the board.*

*EMERGENCY STATEMENT: The Missouri General Assembly recently enacted HB 1719 which establishes a new license classification for drug outsourcers, effective August 28, 2018. The board has simultaneously filed emergency rules to license drug outsourcers. Drug outsourcers are authorized by federal law to engage in sterile compounding which is the act of compounding a drug that must be sterile and free of harmful microorganisms prior to administration to a patient. Sterile compounding requires the use of aseptic techniques in a properly controlled environment to eliminate the risk of preparation contamination. The United States Food and Drug Administration has indicated: "Although compounded drugs can serve an important need, they pose a higher risk to patients than FDA-approved drugs. Compounded drug products are not FDA-approved which means they have not undergone FDA premarket review for safety, effectiveness, and quality."*

*In 2012, the FDA reported that a Massachusetts sterile compounding facility shipped contaminated injectable drug products to patients and healthcare practitioners that caused a nationwide fungal meningitis outbreak that resulted in more than sixty (60) deaths and seven hundred fifty (750) cases of infection. Since 2012, the FDA reported it has "investigated numerous outbreaks and other serious adverse events, including deaths, associated with compounded drugs that were contaminated or otherwise compounded improperly" since the fungal meningitis outbreak.*



*The board has determined this emergency rule is needed to protect Missouri patients by establishing standards of operations for drug outsourcers to ensure medication dispensed into Missouri is safe, effective and not adulterated, contaminated or otherwise harmful to Missouri citizens. Absent an emergency rule, no state standards of operation would be in effect for drug outsourcers which could endanger the lives of Missouri patients given the complex and specialized nature of sterile compounding. As a result, the Missouri State Board of Pharmacy finds there is an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest that requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. 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 Missouri State Board of Pharmacy believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 28, 2018, becomes effective December 8, 2018, and expires June 5, 2019.*

(1) Drug outsourcers shall comply with all applicable state and federal laws governing drug outsourcing activities, including, but not limited to, controlled substance laws and the federal Food, Drug and Cosmetics Act, as amended by the Drug Quality and Security Act.

(A) Except as otherwise required by federal law, drug outsourcers must comply with all applicable current good manufacturing practices (cGMPs) required by federal law and the United States Food and Drug Administration.

(B) A separate Missouri drug distributor license is required if a drug outsourcer is engaged in any additional drug distribution activities as defined by Chapter 338, RSMo, other than drug outsourcing. A pharmacy license is required if medication will be dispensed pursuant to a patient-specific prescription.

(2) No drug outsourcer license will be issued unless the facility is under the direct supervision of a pharmacist who has been designated with the board and who will be responsible for facility operations and ensuring compliance with state and federal law. The pharmacist must hold a current and active pharmacist license issued by Missouri or another U.S. state/territory.

(A) Drug outsourcing activities must be conducted at all times under the supervision of the designated pharmacist. The pharmacist must be actively involved in and aware of the daily operations of the outsourcing facility and must ensure that policies and procedures governing drug outsourcing operations are current and accurate.

(B) In the event the pharmacist designated with the board to supervise the facility changes, the drug outsourcer may not continue operations until a new pharmacist is named to supervise the facility. A change of pharmacist application must be submitted to the board with the applicable fee within fifteen (15) calendar days after a new pharmacist is designated to supervise.

(3) Sterile compounding and drug outsourcing activities must be safely and accurately performed at all times to ensure that only drugs of appropriate quality are distributed. No counterfeit, misbranded, expired, or adulterated drug may be compounded, distributed, sold, or brokered by or on behalf of a drug outsourcer.

(A) All individuals employed or engaged in sterile compounding or drug outsourcer activities must have sufficient education, training, or experience to perform the duties assigned. A list must be maintained of all individuals engaged in sterile compounding or in drug outsourcer activities with a description of the individual's duties.

(B) Drug outsourcers located in this state may only purchase or receive legend drugs and/or drug related devices from an entity licensed as a Missouri drug distributor, third-party logistics provider, drug outsourcer, or pharmacy.

(C) Medication held for distribution must be stored in a secure area where only authorized personnel have access to them. A list of all individuals who have independent access to drug storage areas

must be maintained. The list must be maintained for three (3) years and must be readily retrievable on request of the board or the board's authorized designee.

(D) The outside shipping container of received medication and product ingredients must be visually examined for identity and for container and content integrity to prevent the acceptance or distribution of any contaminated, adulterated, or otherwise unfit medication. Any prescription drug or drug ingredient whose immediate or sealed outer container or sealed secondary container has been opened, used, or improperly compromised must be quarantined and physically separated from the facility's active inventory.

(E) Medication shipped for distribution or further use must be carefully inspected prior to shipping/distribution for identity and to ensure no contaminated, adulterated, or misbranded drug or compounded preparation is distributed. Licensees shall maintain and follow security procedures for delivering drugs and compounded preparations from the facility to the destination site.

(F) Drug outsourcers must develop and implement written policies and procedures to ensure the safe and appropriate delivery of prescription drugs within the temperature requirements recommended by the manufacturer or the *United States Pharmacopeia* (USP).

(G) For returned medication, licensees must consider the conditions under which the drug has been held, stored, or shipped, the condition of the drug and its container/carton and any other relevant factor that may reflect on the drug's fitness for further use or distribution. If the conditions under which medication has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, then the drug must be destroyed or returned to the supplier, unless examination, testing, or other investigation proves that the drug meets appropriate standards of safety, identity, strength, quality, and purity.

(H) Drug products must be labeled as required by the manufacturer and state and federal law, including, section 338.059.2, RSMo.

(4) Facility Standards. The following standards are applicable to all drug outsourcing facilities:

(A) Drug outsourcing facilities must be securely maintained at all times to prevent unauthorized access to the facility, drugs, or drug storage areas. Additionally, the facility must be equipped with a security system that will provide suitable protection against theft and diversion, including, electronic theft or diversion. All facilities must be equipped with an alarm system to detect unauthorized entry after hours.

(B) Appropriate sewage disposal and a hot and cold water supply must be available.

(C) Waste and hazardous materials must be handled and disposed of in compliance with applicable state and federal law.

(D) Drug outsourcing facilities must be free from insects, vermin, and animals of any kind, except for service animals as defined by the Americans with Disabilities Act (ADA).

(E) Medication must be properly stored and maintained in a thermostatically controlled area within temperature and humidity requirements as provided in the FDA approved drug product labeling or the *United States Pharmacopeia* (USP).

(F) Temperatures in drug storage areas must be recorded and reviewed at least once each day the facility is in operation. Alternatively, a continuous temperature monitoring system may be used if the system maintains ongoing documentation of temperature recordings that alerts the pharmacist designated with the board for supervising the facility or alerts designated facility staff when temperatures are outside of the required range.

(G) No outdated, misbranded, or adulterated drugs or devices may be dispensed or maintained within the facility's active inventory, including prescription and related nonprescription items. Outdated, misbranded, or adulterated medication must be quarantined in a clearly identified segregated area and maintained separately from drugs intended for distribution or compounding.

(H) Medication may not be stored on the floor. Drug products must be raised above floor level and placed on a pallet or similar



device.

(I) Drug outsourcers must report any recall of medication or a sterile preparation that is, or suspected to be, misbranded, adulterated, or non-sterile. Recalls must be reported to the board in writing within seven (7) days of a recall.

(5) Policies and Procedures. Drug outsourcers must maintain and follow current and accurate policies and procedures governing all aspects of the facility's drug outsourcing activities. Policies and procedures may be physically or electronically maintained at the facility, provided the policies/procedures are immediately retrievable at the request of the board or the board's authorized designee.

(6) Record-Keeping. Drug outsourcer records must be accurately maintained in compliance with state and federal law. Additionally, licensees must maintain inventories and records of all transactions regarding the receipt, distribution, compounding, or other disposition of prescription drugs or sterile preparations. Unless otherwise provided by law, records required by Chapter 338 or this rule must be maintained for three (3) years. Records may be manually or electronically maintained, provided the record is readily retrievable and available for inspection, photographing, or duplication at the request of the board or the board authorized designee or at the request of authorized federal, state, or local law enforcement officials. Records maintained offsite and not electronically retrievable at the drug outsourcer facility must be made available for inspection within two (2) working days of a request by the board or an authorized board designee.

*AUTHORITY: sections 338.140, 338.150, 338.280, and 338.350, RSMo 2016, and sections 338.315, 338.330, 338.333, 338.337, and 338.340, RSMo Supp. 2018. Emergency rule filed Nov. 28, 2018, effective Dec. 8, 2018, expires June 5, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 20—DEPARTMENT OF INSURANCE,  
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**Division 2220—State Board of Pharmacy  
Chapter 8—Third-Party Logistic Providers and Drug  
Outsourcer Facilities**

**EMERGENCY RULE**

**20 CSR 2220-8.045 Standards of Operation (Third-Party  
Logistics Providers)**

*PURPOSE: This rule provides standards of operation for third-party logistic providers licensed by the board.*

*EMERGENCY STATEMENT: The Missouri General Assembly recently enacted HB 1719 which establishes a new license class for third-party logistics providers (3PLs), effective August 28, 2018. The Board has simultaneously filed emergency rules to license 3PLs. The proposed rule would protect Missouri patients by establishing standards of operations for 3PLs to ensure medication is properly handled and distributed in Missouri and to prevent distribution of any adulterated, illegitimate, or contaminated medication. Absent an emergency rule, no state standards of operation would be in effect for 3PLs which could endanger the lives of Missouri patients and threaten the integrity of Missouri's medical supply. As a result, the Missouri State Board of Pharmacy finds there is an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest that requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the*

*Missouri Register. 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 Missouri State Board of Pharmacy believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 28, 2018, becomes effective December 8, 2018, and expires June 5, 2019.*

(1) Third-party logistics providers (3PL) shall comply with all applicable state and federal law governing 3PL activities, controlled substances and drug distribution/handling, including, but not limited to, the federal Food, Drug and Cosmetics Act, as amended by the federal Drug Supply Chain Security Act (20 USC section 351 et seq).

(2) Manager-In-Charge. No third-party logistics provider license will be issued unless the facility is under the direct supervision of a manager-in-charge who has been designated with the board and who will be responsible for facility operations and ensuring compliance with state and federal law. The designated manager-in-charge must have appropriate education or experience to perform the duties assigned. At a minimum, the manager-in-charge must have at least two (2) years of education/experience in third-party logistics provider or drug distribution standards of operation or legal/compliance requirements. Education beyond a high school diploma or its equivalent may be used to meet these minimum requirements.

(A) 3PL activities must be conducted under the supervision of the designated manager-in-charge. The manager-in-charge must be actively involved and aware of the daily operations of the third-party logistics provider and must be physically present at the third-party logistics provider facility during normal business hours, except for absences due to illness, scheduled vacations, or other authorized absence. The manager-in-charge must ensure that policies and procedures governing the third-party logistics provider's operations are current and accurate.

(B) In the event the manager-in-charge designated with the board changes, the third-party logistics provider may not continue operations until a new manager-in-charge is named. A change of manager-in-charge application must be submitted to the board with the applicable fee within fifteen (15) calendar days after the new manager-in-charge is designated.

(C) In addition to the manager-in-charge, all individuals employed or engaged in third-party logistics operations must have sufficient education, training, or experience to perform the duties assigned. A list must be maintained of all managers or other individuals in charge of 3PL activities or drug distribution, storage and handling, and a description of the individual's duties.

(3) Facility Standards. The following requirements are applicable to all 3PL facilities:

(A) All state and federal 3PL, controlled substance and drug distribution licenses or registrations must be current and accurate. The facility's Missouri 3PL license must be conspicuously posted at the 3PL facility licensed by the board;

(B) 3PL facilities must be of suitable size and construction to allow proper cleaning, maintenance, and facility operations. Appropriate sewage disposal and a hot and cold water supply must be available. The outside perimeter of the premises must be well-lit; and

(C) 3PL facilities must be securely maintained at all times to prevent unauthorized access to the facility, drugs, or drug storage areas. Additionally, 3PL facilities must be equipped with a security system that will provide suitable protection against theft and diversion, including, electronic theft or diversion. All facilities must be equipped with an alarm system to detect entry after hours.

(4) Drug Storage and Distribution. 3PL activities must be safely and accurately performed at all times in compliance with applicable state and federal law. Only drugs of appropriate quality may be distributed. No counterfeit, outdated, misbranded, expired, or adulterated drug may be distributed, sold, or brokered by or on behalf of a 3PL.

(A) Appropriate lighting, sanitation, ventilation, and humidity must be maintained in all areas where drugs are stored or distributed. Aisles, walkways, and shelves in drug storage areas must be clear of debris, dirt, and filth. Dust must be kept at low levels through adequate ventilation or proper cleaning procedures.

(B) Waste and hazardous materials must be handled and disposed of in compliance with applicable state and federal law.

(C) Drug storage areas must be free from insects, vermin, and animals of any kind, except for service animals as defined by the Americans with Disabilities Act (ADA).

(D) Drugs must be properly stored and maintained in a thermostatically controlled area within temperature and humidity requirements as provided in the FDA approved drug product labeling or the *United States Pharmacopeia* (USP).

(E) Temperatures in drug storage areas must be recorded and reviewed at least once each day the facility is in operation. Alternatively, a continuous temperature monitoring system may be used if the system maintains ongoing documentation of temperature recordings that alerts the manager-in-charge or designated facility staff when temperatures are outside of the required range.

(F) 3PLs located in this state may only purchase or receive legend drugs and/or drug related devices from an entity licensed as a Missouri drug distributor, third-party logistics provider, or drug out-sourcer.

(G) No outdated, misbranded, or adulterated drugs or devices may be dispensed or maintained within the facility's active inventory, including prescription and related nonprescription items. Outdated, misbranded, or adulterated medication must be quarantined in a clearly identified segregated area and maintained separately from drugs intended for distribution or being processed for distribution.

(H) No third-party logistics provider with physical facilities located in the state of Missouri shall knowingly purchase or receive legend drugs and/or drug related devices from a wholesale drug distributor, third-party logistics provider, drug out-sourcer, or pharmacy not licensed or registered by the board.

(I) Drugs held for distribution must be stored in a secure area where only authorized personnel have access to them. A list of all individuals who have independent access to drug storage areas must be maintained. The list must be maintained for three (3) years and must be readily retrievable on request of the board or the board's authorized designee.

(J) Medication may not be stored on the floor. Drug products must be raised above floor level and placed on a pallet or similar device.

(K) The outside shipping container of received medication must be visually examined for identity and for container and content integrity to prevent the acceptance or distribution of any contaminated, adulterated, or otherwise unfit medication. Any prescription drug whose immediate or sealed outer container or sealed secondary container has been opened, used, or improperly compromised must be quarantined and physically separated from the facility's active inventory.

(L) Drugs shipped for distribution or further use must be carefully inspected prior to shipping/distribution for identity and to ensure prescription drugs that have been damaged in storage or held under improper conditions are not distributed. Licensees shall maintain and follow security procedures for delivering drugs from the facility to the destination site.

(M) Drug products must be labeled as required by the manufacturer and state and federal law, including, section 338.059.2, RSMo.

(N) Third-party logistics providers must develop and implement written policies and procedures to ensure the safe and appropriate delivery of prescription drugs within the temperature requirements recommended by the manufacturer or the *United States Pharmacopeia* (USP).

(O) For returned medication, licensees must consider the conditions under which the medication has been held, stored, or shipped, the condition of the drug and its container/carton and any other relevant factor that may reflect on the drug's fitness for further use or distribution. If the conditions under which a prescription drug has

been returned cast doubt on the drug's safety, identity, strength, quality, or purity, then the drug must be destroyed or returned to the supplier, unless examination, testing, or other investigation proves that the drug meets appropriate standards of safety, identity, strength, quality, and purity.

(P) Licensees shall file a written or electronic report with the board within seventy-two (72) hours after discovery of:

1. Any suspected criminal activity related to or diversion of a prescription drug or device; and

2. Any real or suspected counterfeit, contraband, or illegitimate prescription drug or drug-related device. The report must include the name of the drug, quantity, and lot number(s). Recalls initiated by the Food and Drug Administration (FDA) or by a supplier licensed with the state of Missouri do not have to be reported, unless otherwise required by state and federal law.

(5) Policies and Procedures. 3PLs must maintain and follow current and accurate policies and procedures governing all aspects of the facility's 3PL activities. Policies and procedures must be physically or electronically maintained at the facility, provided the policies/procedures are immediately retrievable at the request of the board or the board's authorized designee.

(6) Agents or employees of a licensed third-party logistics provider may have legend drugs in their custody if they are acting in the usual course of business or employment and their names and addresses and the addresses of all sites where drugs are stored have been provided to the board. Drugs stored and transported by agents or employees of a third-party logistics provider must be maintained in accordance with manufacturer or USP guidelines and must be free of contamination, deterioration, or adulteration.

(7) Record-Keeping. 3PL records must be accurately maintained in compliance with state and federal law. Additionally, licensees must maintain inventories and records of all transactions regarding the receipt, distribution, or other disposition of prescription drugs or prescription drug-related devices.

(A) The following records must be maintained:

1. The date drugs or drug-related devices are received or distributed;

2. The identity and quantity of drugs or drug-related devices received, distributed, or disposed of;

3. The identity of any suppliers of prescription drugs or drug-related items, including the name and principal address of the seller/transferor and the address of the location where the drug/drug-related item was shipped from;

4. The name and address of any recipients of prescription drugs or drug-related items; and

5. Any records required by state and federal law.

(B) Unless otherwise provided by law, records required by Chapter 338 or this rule must be maintained for three (3) years. Records may be manually or electronically maintained, provided the record is readily retrievable and available for inspection, photographing, or duplication at the request of the board or the board's authorized designee or at the request of authorized federal, state, or local law enforcement officials. Records maintained offsite and not electronically retrievable at the 3PL facility must be made available for inspection within two (2) working days of a request by the board or an authorized board designee.

(8) Exemptions. At its discretion, the board may grant an exemption to the facility requirements of this rule for a time period designated by the board if such exemption is not contrary to law and the exemption will provide equal or greater protection of the public safety, health, or welfare. Exemption requests must be submitted in writing and identify the specific exemption requested, the grounds for exemption, the requested exemption length, and proposed procedures or safeguards for protecting the public safety, health, or welfare if the exemption is approved.

*AUTHORITY: sections 338.140, 338.150, 338.280, and 338.350, RSMo 2016, and sections 338.315, 338.330, 338.333, 338.337, and 338.340, RSMo Supp. 2018. Emergency rule filed Nov. 28, 2018, effective Dec. 8, 2018, expires June 5, 2019. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo 2016.

## EXECUTIVE ORDER 18-10

WHEREAS, Executive Order 17-02 was signed on January 9, 2017, which adopted a code of conduct for certain state employees of the executive branch; and

WHEREAS, certain provisions of the order are in need of revision and improvement; and

WHEREAS, this administration wishes to renew the commitment to upholding the highest ethical standards for employees of the executive branch; and

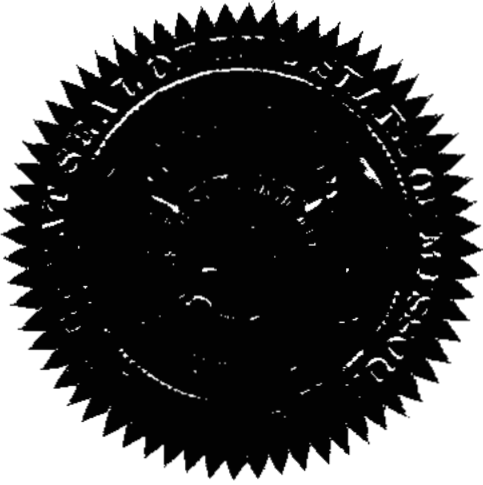
WHEREAS, integrity in state government is vitally important to ensure that the needs of our state's citizens are being served:

NOW THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the provisions of Section 105.969, RSMo, do hereby order that state employees of the executive branch (except employees of elected officials who are required by law to establish codes of conduct for their offices) adhere to this code of conduct:

1. No state employee of the executive branch shall knowingly solicit or accept any gift from a lobbyist. The term "gift" shall have the same meaning as the term "expenditure" in Section 105.470(3), RSMo. The term "lobbyist" shall have the same meaning as in Section 105.470(6), RSMo.
2. No employee of the Office of the Governor shall act as an executive lobbyist until the end of the administration in which he or she served. The term "executive lobbyist" shall have the same meaning as in Section 105.470(2), RSMo.
3. No state employee of the executive branch shall participate in a proceeding or decision in which the state employee's impartiality might reasonably be questioned due to the state employee's personal or financial relationship with a participant in the proceeding.
4. No state employee of the executive branch shall enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the State of Missouri or any state agency if such arrangement is inconsistent with the conscientious performance of the employee's official duties.
5. Any state employee of the executive branch who violates this Order is subject to disciplinary action including, but not limited to, termination of employment.
6. This Order is intended to provide guidance to state employees of the executive branch in matters of employment-related conduct and is not intended to fully prescribe the proper conduct of employees nor to create any right or benefit enforceable by law. The failure to prohibit an employee action in this Order does not constitute approval of the action. This Order is intended as a supplement to the provisions in law that govern employee conduct, and shall not be construed to decrease the requirements in law. State agency directors are responsible for promoting and enforcing this Order among the employees of their agencies in accordance with their respective agency procedures, and shall supplement it with additional provisions to meet the needs of their agencies. No state agency or appointing authority shall discharge, threaten, or otherwise retaliate against an employee for reporting in good faith any violation of this Order.

This Order shall supersede Executive Order 17-02 and any other previous Order that is inconsistent with the terms contained herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 20th day of November, 2018.



MICHAEL L. PARSON  
GOVERNOR

ATTEST:

JOHN R. ASHCROFT  
SECRETARY OF STATE