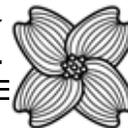




RULES OF
Office of Administration
Division 20—Personnel Advisory Board and
Division of Personnel
Chapter 4—Appeals, Investigations, Hearings
and Grievances

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TITLE 1 – OFFICE OF ADMINISTRATION
Division 20 – Personnel Advisory Board and
Division of Personnel
Chapter 4 – Appeals, Investigations, Hearings
and Grievances

1 CSR 20-4.010 Appeals

(Rescinded February 28, 2019)

AUTHORITY: section 36.060, RSMo Supp. 2010 and section 36.070, RSMo 2000. Original rule filed July 9, 1947, effective July 19, 1947. Amended: Filed April 19, 1968, effective April 29, 1968. Amended: Filed June 20, 1969, effective June 30, 1969. Amended: Filed April 23, 1974, effective May 2, 1974. Amended: Filed Dec. 8, 1975, effective Dec. 19, 1975. Emergency amendment filed Sept. 13, 1979, effective Sept. 28, 1979, expired Jan. 25, 1980. Amended: Filed Oct. 12, 1979, effective Jan. 15, 1980. Amended: Filed June 2, 1988, effective Oct. 1, 1988. Amended: Filed Nov. 16, 1993, effective July 30, 1994. Amended: Filed July 21, 1994, effective Feb. 26, 1995. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Amended: Filed Jan. 17, 2006, effective July 30, 2006. Amended: Filed Oct. 16, 2006, effective April 30, 2007. Amended: Filed Aug. 15, 2008, effective Feb. 28, 2009. Amended: Filed Dec. 14, 2009, effective June 30, 2010. Emergency amendment filed Aug. 27, 2010, effective Sept. 7, 2010, expired March 5, 2011. Amended: Filed Aug. 27, 2010, effective Feb. 28, 2011. Emergency rescission filed Aug. 17, 2018, effective Aug. 28, 2018, expired Feb. 28, 2019. Rescinded: Filed Aug. 31, 2018, effective Feb. 28, 2019.

1 CSR 20-4.020 Grievance Procedures

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

(1) Prohibited Grievance Procedures.

(A) No state agency may establish a grievance procedure permitting a state employee, including a part-time employee, other than a regular employee, to grieve a dismissal or any other action that would limit the right to terminate employment at will.

(B) Subsequent to the effective date of this rule, no state agency may enter into an agreement with a certified bargaining unit providing for the same or any alternative dispute resolution procedure regarding the matters prohibited in subsection (1)(A).

(C) The foregoing prohibitions shall not apply to grievance procedures that allow for the presentation of allegations that a dismissal or any other employment action was taken for a reason prohibited by law.

(D) A “grievance procedure” as used in this section means a right to a process or practice whereby an employee could have a decision addressing any of the foregoing matters reviewed either within or outside the employee’s agency.

(E) The prohibition on the creation of a grievance procedure contained in this section does not prohibit a state agency from adopting policies allowing for the reporting of instances of unlawful discrimination or other illegal acts, as well as policies permitting the agency the discretion to review and address other employee concerns regarding other employees, facilities, or other aspects of their work environment. Such policies are specifically excluded from the grievance procedures prohibited by this rule.

(F) The grievance procedure found in sections (2)–(4) of this

rule shall not apply to state employees, including part-time employees, other than regular employees. This section does not prevent an employing agency from bargaining over a grievance procedure addressing employment actions other than dismissal, so long as no terms affect the employing agency’s right to terminate at will non-regular employees.

(2) Grievance Procedure Established. The settlement of differences within the classified service between management and employees shall be provided through the establishment of an orderly grievance procedure for each position covered under section 36.030.1(2), RSMo.

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

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

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

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

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

(A) Resolve the grievance quickly;

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

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

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

(4) Management Responsibility.

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



these shall also be identified.

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

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

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

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

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

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

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

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

AUTHORITY: sections 36.025 and 36.070, RSMo Supp. 2023. Original rule filed Dec. 8, 1975, effective Dec. 19, 1975. Amended: Filed Dec. 1, 1992, effective July 8, 1993. Amended: Filed Sept. 16, 2002, effective March 30, 2003. Amended: Filed April 14, 2005, effective Nov. 30, 2005. Emergency amendment filed Aug. 27, 2010, effective Sept. 7, 2010, expired March 5, 2011. Amended: Filed Aug. 27, 2010, effective Feb. 28, 2011. Emergency amendment filed Aug. 17, 2018, effective Aug. 28, 2018, expired Feb. 28, 2019. Amended: Filed Aug. 31, 2018, effective Feb. 28, 2019. Amended: Filed Feb. 3, 2023, effective Sept. 30, 2023.*

**Original authority: 36.025, RSMo 2018, and 36.070, RSMo 1945, amended 1979, 1995, 2018, 2023.*