



**Rules of
Department of Labor and
Industrial Relations**

**Division 10—Division of Employment Security
Chapter 2—Administration**

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**Title 8—DEPARTMENT OF
LABOR AND INDUSTRIAL
RELATIONS**

**Division 10—Division of
Employment Security
Chapter 2—Administration**

**8 CSR 10-2.010 Maintenance and Disposal
of Records**

PURPOSE: This rule provides information regarding the Division of Employment Security's Agency Records Disposition Schedule for the retention of certain records. This rule implements section 288.360, RSMo.

(1) The Division of Employment Security has adopted the Secretary of State's Records Management Division *Missouri General Retention and Disposition Schedule*, approved August 2, 2007, and the Department of Labor and Industrial Relations, Division of Employment Security *Agency Records Disposition Schedule*, approved December 17, 2008.

(2) Copies of the schedules may be obtained by sending a written request to Department of Labor and Industrial Relations, Administrative Services Section, PO Box 59, Jefferson City, MO 65104-0059.

AUTHORITY: sections 288.220 and 288.360, RSMo 2000.* Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed May 24, 1954, effective June 3, 1954. Amended: Filed July 20, 1959, effective July 30, 1959. Amended: Filed July 1, 1960, effective July 11, 1960. Amended: Filed Sept. 30, 1965, effective Oct. 10, 1965. Amended: Filed Dec. 6, 1974, effective Dec. 16, 1974. Amended: Filed Nov. 3, 1975, effective Nov. 13, 1974. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Rescinded: Filed April 14, 1980, effective July 11, 1980. Readopted: Filed Aug. 14, 2009, effective Feb. 28, 2010.

Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995 and 288.360, RSMo 1951, amended 1965, 1974.

**8 CSR 10-2.020 Charges for Copies of
Records, Reports, Decisions, Transcripts
or Other Papers or Documents**

PURPOSE: This rule establishes the method by which the director establishes the rate of charge for furnishing copies of documents to

persons entitled to those records. This rule implements section 288.360.3, RSMo.

(1) Copies of any records, reports, decisions, transcripts or other papers or documents from the division's files may be furnished to any person entitled to inspect those records upon the payment to the division of the charges established by the director. These charges are established in January of each year. A pamphlet listing the charges and the required payment procedure is made available by the division to all interested persons.

(2) Exceptions to the provisions of section (1) of this rule are as follows:

(A) The division may choose, within its discretion, to provide records without payment to any party who is otherwise authorized to receive them and who qualifies for free records under 20 CFR Part 603. In such cases, the division will make a finding that the information is necessary for the proper administration of the unemployment compensation program, that the disclosure involves no more than an incidental amount of staff time and no more than nominal processing costs, or that the division has a reciprocal agreement in place with the recipient, under which both parties receive approximately equal benefits; or

(B) In any proceeding pending before an appeals tribunal, claimants or their attorneys, upon request in writing to the appeals tribunal, shall be supplied with information from the division's records without charge to the extent necessary for the proper preparation and presentation of any claim for unemployment or any appeal.

(3) Checks or drafts covering payment of charges shall be made payable to the Division of Employment Security and on receipt shall be deposited in the Unemployment Compensation Administration Fund.

AUTHORITY: sections 288.220.5 and 288.360.3, RSMo 2000.* This rule was previously known as regulation no. 19. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Nov. 9, 1954, effective Nov. 19, 1954. Amended: Filed March 11, 1974, effective March 21, 1974. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed July 30, 1991, effective Dec. 9, 1991. Amended: Filed April 12, 2000, effective Oct. 30, 2000. Amended: Filed Sept. 12, 2008, effective March 30, 2009.

**Original authority:* 288.220, RSMo 1951, amended 1955,

1961, 1963, 1967, 1971, 1995; 288.360, RSMo 1951, amended 1965, 1974.

**8 CSR 10-2.030 Administrative Orders of
the Director to Cover Emergency Situations**

PURPOSE: This rule allows the director of the division, under special emergency circumstances, to temporarily substitute requirements of the division's rules by administrative order in order to conserve the rights of claimants, employers or employing units. This rule implements section 288.220, RSMo.

(1) When claimants for benefits, employers or employing units have been prevented from meeting any of the requirements of the division's rules by reason of an emergency, the director by administrative order temporarily may substitute for any of the requirements of the rules other requirements as are reasonable and proper under special emergency circumstances to conserve the rights of the claimants, employers or employing units.

AUTHORITY: section 288.220, RSMo 1986.* This rule was previously known as regulation no. 22. Original rule filed July 19, 1951, effective July 29, 1951. Amended: Filed Nov. 9, 1954, effective Nov. 19, 1954. Amended: Filed March 3, 1969, effective March 13, 1969. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975.

**Original authority* 1951, amended 1955, 1961, 1963, 1967, 1971.

Keitel v. Harris 353 Mo. 1043, 186 SW2d 31 (1945). The Unemployment Compensation Commission (now Division of Employment Security) has been classified as a subordinate branch of the executive department. It is not a court in a constitutional sense. Under the constitution, a purely administrative body, or even a quasi judicial body, cannot be a court.

**8 CSR 10-2.040 Facsimile Transmitted
Legal Filings**

(Rescinded June 7, 1993)

AUTHORITY: sections 288.190.2 and 288.220.5, RSMo 1986. Original rule filed Dec. 5, 1991, effective May 14, 1992. Emergency amendment filed May 13, 1992, effective May 23, 1992, expired Sept. 10, 1992. Amended: Filed May 13, 1992, effective Dec. 3, 1992. Emergency amendment filed Sept. 1, 1992, effective Sept. 11, 1992, expired Jan. 9, 1993. Rescinded: Filed Nov. 16, 1992, effective June 7, 1993.