
Rules of
Office of Administration
Division 20—Personnel Advisory Board and
Division of Personnel
Chapter 3—Personnel Selection, Appointment,
Evaluation and Separation

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**Title 1—OFFICE OF
ADMINISTRATION**
**Division 20—Personnel Advisory
Board and Division of Personnel**
**Chapter 3—Personnel Selection,
Appointment, Evaluation and
Separation**

1 CSR 20-3.010 Examinations

PURPOSE: This rule prescribes procedures and practices which govern the administration of merit system examinations.

(1) Conduct of Examinations. The director from time-to-time shall conduct open competitive examinations and promotional examinations as the director considers necessary for the purpose of establishing registers of eligibles and promotional registers. The examinations shall be of such character as to determine the relative qualifications, fitness and ability of the persons tested to perform the duties of the class of position for which a register is to be established. Persons with disabilities shall be examined in such a manner as the director determines necessary to fairly test their ability to perform the duties of the class of positions or the position involved.

(2) Examinations shall be announced under the following conditions:

(A) Public Notice. The director shall give public notice of each open competitive examination and promotional examination sufficiently in advance of that examination and sufficiently widespread in scope to afford persons who are interested in participating in the examination a reasonable opportunity to apply. The time elapsing between the official announcement of an examination and the holding of an examination shall be not less than two (2) calendar weeks, except that a lesser period of advance notice may be permissible under the regulations when the examination is conducted under the provisions of section 36.320(3), RSMo, or when needs of the service pursuant to subsection 1 of section 36.260, RSMo require special notices;

(B) Content of Announcements. Each official notice of an examination shall state the title, duties, pay and qualifications of positions for which the examination is to be held; the time, place and manner of making application for admission to the examination; and any other information which the director considers pertinent and useful; and

(C) Distribution of Announcements. The official announcement of an examination shall consist of the posting of an official notice on a public bulletin board maintained

either in or near the office of the Division of Personnel. Announcements also shall be distributed to and shall be posted by appointing authorities in institutions, agencies and divisions of the service where positions in the class(es) involved occur. Announcements of open competitive examinations for other positions also will be sent to appointing authorities for the information of employees, the general public, or both. The official announcement of an examination will be given distribution necessary to inform qualified persons that the examination is being given. The director may use any means that the director considers necessary to inform qualified persons about the examination. These include, but are not limited to, paid advertisement in newspapers, periodicals, electronic media and announcements to educational institutions. The director may also publish a periodic bulletin containing information about examinations to be sent to subscribers at a price approximating the cost of publication. The director and the staff of the division will consult with representatives of appointing authorities to design announcement distribution and other informational techniques best suited to cooperate with and coordinate the recruitment and public awareness efforts of appointing authorities.

(3) Eligibility to Compete in Examinations. The standards of education and experience established in the classification plan for each class shall constitute the entrance requirements for admission to the examination for the positions classified. Appropriate standards for admission will be established for positions within broad banded management classes. Admission to examinations shall be open to all persons who possess the qualifications and who may be lawfully appointed to a position in the class for which a register is to be established.

(A) Open Competitive Examinations. Open competitive examinations shall be open to all persons who possess the qualifications and who may be lawfully appointed to a position for which the register is to be established.

(B) Promotional Examinations. Promotional examinations shall be open to all regular employees who meet the requirements described in subsection (3)(A), except that an appointing authority may request that a promotional examination be limited to employees already employed within the department or division of service involved and the director may approve the request if s/he finds that the needs of the state service will be served.

(4) Application and admission to examinations shall be subject to the following conditions:

(A) Application shall be made on forms prescribed by the director. Those forms shall require information covering experience, training and other pertinent information as may be requested on the examination announcements. To be accepted for review, applications must be delivered to the division no later than the closing date specified in the announcements. Applications shall be signed by the applicants and the truth of all statements contained in the application certified by the signature; and

(B) Persons who submit applications on or before the last date for filing and whose applications clearly show that the applicants meet the requirements for admission to the examination as specified in the official announcement shall be admitted to compete in the examination for which they applied. Each applicant whose application has been accepted for any examination shall be notified of the date, time and place of examination, and that notice shall be authorization to take the examination.

(5) Disqualification of Applicants. The director may reject the application of any person for admission to examination, strike the name of any person from a register, refuse to certify the name of any person or withdraw the certification of a person if the director finds that the person lacks any of the qualifications; or has been convicted of a crime which brings into question the qualifications of that person; or has been dismissed from the public service for delinquency; or has made a false statement of a material fact; or has practiced or attempted to practice any fraud or deception in application or examination or in attempting to secure appointment. Whenever the director disqualifies an applicant, the director shall furnish the applicant a notice of disqualification. In the case of disqualification, an appeal may be taken to the board in accordance with 1 CSR 20-4.010(1)(A).

(6) Postponement or Cancellation. In the event a sufficient number of qualified candidates has not made application for an examination, either open competitive or promotional, the director may postpone the last filing date and the date of the examination or cancel the examination and, in these cases, shall make suitable notice.

(7) The character of examinations is governed by the following provisions:

(A) Competitive Examinations. All competitive examinations for positions in the

classified service shall be of such character as to determine the relative qualifications, fitness and ability of persons tested to perform the duties of the class of positions for which a register is to be established. The various parts of the examinations may be written, oral, physical or an evaluation of experience and training, a demonstration of skill or any combination of those types. The examinations may take into consideration factors including training, experience, aptitude, capacity, knowledge, health, physical fitness and other qualifications as, in the judgment of the director, enter into the determination of the relative fitness of the applicants. No question shall be framed as to elicit information concerning the political or religious opinions or affiliations of the applicant. The examination and selection procedures for promotion shall take into consideration demonstrated capacity, and quality and length of service to the extent determined appropriate by the director;

(B) Noncompetitive Examinations. Noncompetitive examinations provided for by the law and these rules shall be administered under the conditions and following procedures as are prescribed by the director:

1. When an intern or trainee or participant in special state or federal training, rehabilitation or employment programs has successfully completed a period of training or internship of sufficient length to demonstrate job competence in the position involved, an appointing authority may request authorization to appoint that individual to a permanent position in the appropriate class subject to passing a noncompetitive qualifying examination. The director shall require proof of successful completion of an appropriate training or internship program as deemed necessary and is authorized to approve or disapprove programs for purposes of this rule based on duration and training content. Upon approval of the request of an appointing authority, the director shall provide for noncompetitive examination providing the individual possesses the qualifications required for admission to the examination for the class of positions involved. Noncompetitive original appointment following successful completion of the examination will then be allowed;

2. After consultation with appointing authorities, the Personnel Advisory Board may waive competitive examinations for classes or positions for which it determines that competitive examinations are not practicable or that the supply of qualified applicants is generally insufficient to justify competitive examinations and provide meaningful competition in the selection of employees. A request that competitive examination be

waived for a particular class or position may be made to the board by the director or an appointing authority. The board will evaluate requests, taking into consideration such criteria as actual or projected number or qualifications of available eligibles in a specific geographic location, qualifications and special requirements of a specific position, or other factors as may be determined by the board. The board shall review determinations pursuant to this provision at least annually. Upon waiving such examinations, the director will, within the parameters established by the board and consistent with information supplied by the appointing authority, determine what kind of appointment procedure is appropriate, what kind of registers or other mechanisms will be used, what evidence of qualifications will be accepted and when and how that evidence will be presented to the Division of Personnel;

3. An appointing authority may request the approval of the director to promote regular employees on the basis of a qualifying noncompetitive examination. Such noncompetitive promotions may be approved in, but are not necessarily limited to, situations in which the promotion represents a normal progression to the next higher level within an established occupational job series, or where the director determines that an employee has been an assistant, understudy or trainee for the position involved or otherwise has had such specific experience or training that a noncompetitive promotion to the position in question is in the best interests of the state service; and

4. Appointing authorities may request board approval to conduct alternative promotional procedures for positions and classes in their divisions of service. The request must be in writing and must outline in detail the procedures demonstrating how employees will be notified of the procedures, how the procedures are in keeping with merit principles and the provisions by which employees can comment on the procedures. After initial presentation to the board, the proposed procedures will be made available to employees of the affected divisions of service and employees will be given an opportunity to comment. The procedures will not go into effect until the board has determined that employees have had a reasonable opportunity to respond. The Division of Personnel will, on request, work with each agency to develop standards and provide assessment services or other needed assistance. Upon approval by the board the appointing authority shall be responsible to conduct promotional procedures in accordance with the board's approval and without favoritism, prejudice or discrim-

ination. The board may withdraw approval if it finds this responsibility has not been met;

(C) Special Examination Procedure. For positions involving unskilled or semiskilled labor or domestic, attendant, custodial or comparable work, when the character or place of the work makes it impracticable to supply the needs of the service by appointments made in accordance with the procedures prescribed in other provisions of these rules, the director, after consultation with the board and appointing authorities, shall authorize the use of other procedures as s/he determines to be appropriate in order to meet the needs of the service, while assuring the selection of those employees on the basis of merit and fitness. Procedures may include the testing of applicants and maintenance of registers of eligibles by localities; the testing of applicants singly or in groups, at periodic intervals, at the place of employment or elsewhere, after such notice as the director considers adequate; the registration of applicants who pass a noncompetitive examination or submit satisfactory evidence of their qualifications, and appointment of registered applicants; or any variation or combination of these procedures or other suitable methods. Tests given, certification and registration of eligibles, and appointments made in accordance with these provisions shall conform with, and utilize, such methods, forms and techniques as the director may require. When the director finds noncompetitive registration and selection procedures to be appropriate, s/he is authorized to delegate to each appointing authority the responsibility for noncompetitive registration and for selection and appointment of registered applicants. When delegation is made, the director shall establish the necessary procedures, guidelines and standards for appointing authorities and shall require reports and perform audits as deemed necessary to insure compliance with these guidelines and standards (see section 32.210, RSMo); and

(D) Open Continuous Test. In circumstances where there is a continuous need for substantial numbers of eligibles for a certain class of positions, the director, after first establishing this register, may replenish the register from time-to-time by inserting the names of additional eligibles who are found to be qualified on the basis of determinations similar to those used as the basis for establishing the original register. The closing date for any such test may be indefinite and applicants may be continuously tested in a manner and at times and places as the director may provide. An applicant may not reapply and compete in the same test again for a period of three (3) months following the date of the

examination. The closing date for any open continuous test may be set at any time by the director, but notice of this action shall be posted in accordance with subsection (2)(C), at least five (5) days prior to the effective date of the action (see section 36.320, RSMo).

(8) Administration of Examinations. Examinations shall be held at the times and places as, in the judgment of the director, most nearly meet the convenience of applicants, practicability of administration and the needs of the service. The examinations shall be conducted under conditions prescribed by the director and by persons designated by the director. When an appointing authority finds that recruitment for positions otherwise difficult to fill with competent employees may be enhanced by local administration of merit examinations, an agency subject to these rules may submit a written request to the personnel director for authority to administer examinations. If the director finds that circumstances justify delegation of authority and that the agency involved has the resources to provide professional examination administration services and appropriate test security, the director may approve that request. In the event of approval, the director shall establish the necessary standards, guidelines and instructions for test administration and security and shall audit examination programs at least annually. The director may withdraw approval for test administration by an agency for a class(es) and shall notify the appointing authority accordingly.

(9) Rating of examinations shall be subject to the following provisions:

(A) Method of Rating. Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of candidates. The director will, in consultation with appointing authorities, keep these techniques and procedures current with evolving standards. In all examinations the minimum rating by which eligibility may be achieved shall be established by the director. The minimum rating also shall apply to the ratings of any part of the test. Candidates shall be required to attain at least a minimum rating on each part of the test in order to receive a passing grade or for participation in subsequent parts of the examination. The final earned rating of the competitor shall be determined by combining the earned rating on each part of the examination in accordance with the weights established by the director for each part. The director may announce in advance of the establishment of an eligible register, the maximum number of competitors who shall have their names

placed on the register. Under this procedure, those considered as having passed or as being permitted to take the remainder of the examination shall be the set number of candidates scoring highest in the examination or part of the examinations;

(B) Rating Training and Experience. Where a rating of training and experience forms a part of the examination, the director shall develop those procedures for the evaluation of these factors as will serve to assist in the selection of qualified candidates. These procedures shall give due regard to the quality, recency and amount of experience and to the pertinency and amount of training. Any person who has been honorably discharged from the armed forces of the United States shall receive appropriate credit for any training or experience gained in military service in any examination given for the purpose of establishing a register of eligibles or a promotional register when training or experience is related to the duties of the class of positions for which the examination is given; and

(C) Verification of Qualifications. The director, appointing authorities, or both, may verify statements contained in the application of an applicant either before or after employment. If, after a register is established, information which materially affects the rating of experience and training or qualifications of the applicant is discovered, the director shall make a new rating of the applicant's examination and make the necessary adjustment in registers. The director promptly shall notify the applicant of any change made in the applicant's rating and the reasons. If a verification of the qualifications of an applicant should reveal any material misrepresentation of employment qualifications and related information as described in the application for examination or attachments, this shall be cause for removal from the register(s) involved, from employment, or both, as provided elsewhere in these rules.

(10) Veterans' Preference. In any competitive examination given for the purpose of establishing a register of eligibles, veterans, disabled veterans, surviving spouses and spouses of disabled veterans shall be given preference in appointment and examination as provided by law.

(A) Amount of Preference. A veteran or a veteran's surviving spouse whose name appears on a register of eligibles and who shall have made a passing grade shall have five (5) points added to his/her final grade, and the rank of that person on the register shall be determined on the basis of this augmented grade. The spouse of a disabled veteran whose name appears on a register of eli-

gibles and who shall have made a passing grade shall have five (5) points added to his/her final grade, and his/her rank on the register shall be determined on the basis of this augmented grade. This preference shall be given only in the event that the veteran is not already employed in the state service and that the disability renders him/her unqualified for entrance into the state service. A disabled veteran whose name appears on a register of eligibles and who shall have made a passing grade shall have ten (10) points added to his/her final grade, and the rank of that person on the register shall be determined on the basis of this augmented grade.

(B) Proof of Eligibility. Proof of eligibility for veterans' preference shall be provided by applicants in the form of their discharge papers, a certified copy, photostatic copy or other satisfactory evidence of honorable service. Applicants also shall submit on a form as may be required by the director, proof of disability certified by the appropriate federal agency responsible for the administration of veterans' affairs. Any papers submitted to establish proof service of disability, upon request, shall be returned to veterans.

(11) Parental Preference. In any competitive examination given for the purpose of establishing a register of eligibles, a parental preference shall be given to persons who were previously employed by the state but terminated such employment to care for young children. This preference shall be given only for persons who were full-time homemakers and caretakers of children under the age of ten (10) and were not otherwise gainfully employed for a period of at least two (2) years.

(A) Amount of Preference. If the name of a person eligible for a parental preference appears on a register of eligibles who made a passing grade, such person shall have five (5) points added to the final grade, and the rank of such person on the register shall be determined on the basis of this augmented grade.

(B) Proof of Eligibility. Proof of eligibility for parental preference shall be provided by applicants in the form of a signed preference claim and, upon request, other evidence such as birth certificates, income tax returns or other documents as may be required by the director.

(12) Notification of Examination Results. Each person who takes an examination shall be given written notice as to whether s/he passed or failed the examination and the notice shall include the final passing grade with which his/her name has been placed on the register. Each person competing in an

examination shall be entitled to inspect his/her rating and examination papers within thirty (30) days after the mailing of notification of examination results, but examination papers shall not be open to the general public. This inspection shall be permitted only during regular business hours and at the office of the Division of Personnel.

(13) Error in Rating. A manifest error in rating an examination which affects the relative ranking of persons in the examination shall be corrected if called to the attention of the director within thirty (30) days after the establishment of the register, but this correction shall not invalidate any appointments previously made from this register unless it is established that the error was made in bad faith and with intent to deprive the person of certification.

(14) Appeals From Rating. Any competitor may appeal to the director for reconsideration of his/her rating in any examination as provided in 1 CSR 20-4.010(1)(B).

*AUTHORITY: sections 36.060 and 36.070, RSMo (Supp. 1995). * Original rule filed July 9, 1947, effective July 19, 1947. Amended: Filed March 25, 1948, effective April 4, 1948. Amended: Filed June 1, 1954, effective June 11, 1954. Amended: Filed Nov. 18, 1957, effective Nov. 28, 1957. Amended: Filed July 21, 1967, effective July 31, 1967. Amended: Filed Dec. 8, 1975, effective Dec. 19, 1975. Amended: Filed March 14, 1978, effective June 11, 1978. Amended: Filed Dec. 13, 1978, effective April 12, 1979. 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 Oct. 31, 1995, effective May 30, 1996. Amended: Filed May 15, 1996, effective Nov. 30, 1996.*

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

1 CSR 20-3.020 Registers

PURPOSE: This rule specifies the conditions under which the various types of merit system registers are established and maintained.

(1) Establishment of Registers. The director shall establish and maintain the registers necessary to provide an adequate supply of qualified candidates for positions in the classified service. Registers shall be by class of employment and shall be statewide in application except where these rules or action of the

director specifically makes provision for establishment of lists by geographical area or organizational unit.

(2) Reinstatement Register. The director shall establish and maintain reinstatement registers which shall contain the names of persons who have been regular employees in a particular class and who have been laid off in good standing or demoted in lieu of layoff, due to lack of work or funds, or the abolition of a position or material changes in duties or organization. Names shall be placed on the reinstatement registers in the order of service credits as determined by these rules and shall remain on the register for a period of three (3) years, except that the director may extend the time during which a name may remain on the register, not to exceed five (5) years, when the needs of the service so require. In the case of ties in service credits, names shall be placed on the appropriate reinstatement register in the layoff order outlined in 1 CSR 20-3.070(1)(B)3. The director may remove the name of a person from a reinstatement register or refuse to certify his/her name for a position if s/he finds, after giving him/her notice and opportunity to be heard, that the person is not qualified to perform the necessary duties satisfactorily. A regular employee who resigns in good standing is not eligible to be placed on a reinstatement register but is eligible for reemployment without competitive certification from a register as provided in 1 CSR 20-3.030(6).

(3) Promotional Registers. The director shall establish and maintain promotional registers for the various classes of positions as s/he deems necessary or desirable to meet the needs of the service. On each promotional register, the eligibles shall be ranked in order of their ratings earned in a test given for the purpose of establishing this register.

(4) Registers of Eligibles. The director shall establish and maintain such registers of eligibles for the various classes of positions subject hereto as s/he deems necessary or desirable to meet the needs of the service. Names of eligibles shall be placed on a register of eligibles in the order of their final earned rating plus veterans' preference credit and parental preference.

(5) Ties in Final Ratings. In the case of ties in final ratings, the names shall be placed on a promotional register or register of eligibles in the following order: disabled veterans, other persons eligible for veterans' preference and nonveterans. In the case of other ties in final ratings, names of eligibles shall be placed on the appropriate register in the order in which

their applications for examinations were filed.

(6) Duration of Promotional Registers and Registers of Eligibles. The time during which a promotional register or register of eligibles shall remain in force shall be one (1) year from the date on which it was officially established by the director, except that, before the expiration of a register, the director, by order, may extend the time during which the register remains in force when the needs of the service so require. In no event shall the total period during which a register is in force exceed three (3) years from the date on which the register was originally established. An order extending the period during which a register is in force shall contain a statement of the reasons for the extension and the order shall be entered in the records of the Personnel Division. The director may consolidate or cancel registers as the needs of the service require and as authorized by these rules (see section 36.320, RSMo). A register established and replenished through a continuous examination program shall remain in force in the manner provided for other registers. However, those names which have been on the register for a period less than three (3) years at the time the register expires, may with the approval of the director, be consolidated with an active register, providing that the total time during which a name may remain on one (1) or more active registers may not exceed three (3) years.

(7) Removal of Names From Registers. The director may remove a name from a register, permanently or temporarily, for any of the following reasons:

(A) Appointment through certification from the register to fill a permanent position;

(B) Appointment to fill a permanent position at the same or higher salary from a different register, provided that any person whose name is removed may have his/her name restored to any register other than the one from which appointment was made by making written application for action to the director;

(C) Failure to respond within five (5) working days from the date of mailing to a written inquiry of the director or appointing authority relative to availability for appointment;

(D) Declination of appointment without good reason or under conditions which the eligible previously indicated s/he would accept, unless a waiver is granted by the director in accordance with 1 CSR 20-3.030(3)(G);

(E) Failure to report for duty within the time specified by the appointing authority;

(F) Expiration of the term during which the register remains in force;

(G) Failure to maintain a record of his/her current address with the division as evidenced by the return of postal authorities of unclaimed but properly addressed letters or other evidence;

(H) Willful violation of any of the provisions of the law or these rules;

(I) In the case of promotional registers, upon separation from the state service or the division for which the register is established;

(J) Upon a finding by the director that the applicant is not qualified to perform the necessary duties or is physically unfit to effectively perform the duties of the position in which s/he seeks appointment;

(K) Addiction to the excessive use of drugs or intoxicating liquor;

(L) Upon a finding by the director that the applicant has been convicted of a crime which brings into question the qualifications of the applicant for the class involved;

(M) Dismissal from the public service for delinquency; and

(N) Submission of false statement of any material fact or the practice or attempt to practice any fraud or deception in an application or examination or in attempting to secure appointment. Any person whose name is removed from a register under subsection (7)(C), (D), (H), (J), (K), (L), (M) or (N) shall be notified promptly by the director, indicating the reasons for removal.

(8) Restoration of Names to Registers. An eligible whose name is removed from a register as provided previously may make a written request to the director for restoration of his/her name to the register for the duration of the register. This request shall set forth the reasons for the conduct resulting in removal of the name from the list and shall further specify the reasons advanced for restoration of the name to the register. The director, after full consideration of the request, may restore the name to the register or may refuse the request. The eligible shall be notified of the director's action and may make a written appeal to the board to review the director's action. A former employee reinstated or reemployed in the state service shall have his/her name restored to any existing promotional register from which it was removed because of separation from the state service, provided the director approves the employee's written application for this action. A probationary or permanent employee whose name has been removed from divisional promotional register by transfer or original appointment

with probationary or permanent status under a new appointing authority may have his/her name placed on the divisional promotional register for the same class in the new division, provided written application, made by the employee during the duration of the register from which the name was removed, is approved by the new appointing authority and the director.

(9) Availability of Eligibles. It shall be the responsibility of eligibles to notify the Personnel Division in writing of any change in address or other changes affecting availability for employment. However, the director may circularize lists or use other methods to determine at any time the availability of eligibles. Whenever an eligible submits a written statement restricting the conditions under which s/he will be available for employment, his/her name may be withheld from all certification which does not meet the conditions which s/he has specified. An eligible may file a new written statement at any time within the duration of an eligible list modifying any prior statement as to conditions under which s/he will be available for employment.

*AUTHORITY: sections 36.060 and 36.070, RSMo (Cum. Supp. 1996). * Original rule filed July 9, 1947, effective July 19, 1947. Amended: Filed Sept. 20, 1947, effective Sept. 30, 1947. Amended: Filed Sept. 15, 1948, effective Sept. 25, 1948. Amended: Filed June 1, 1954, effective June 11, 1954. 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 Oct. 31, 1995, effective May 30, 1996. Amended: Filed July 9, 1997, effective Jan. 30, 1998.*

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

1 CSR 20-3.030 Certification and Appointment

PURPOSE: This rule prescribes the conditions under which positions may be filled by certification and appointment from merit system registers and by other types of appointment authorized in the merit system law.

(1) Request for Certification. All vacancies in part-time or full-time positions in the classified service shall be filled as provided in the

law and these rules. Whenever an appointing authority proposes to fill one (1) or more vacancies in a class of positions subject to the law, the appointing authority shall submit to the director, as far in advance of the desired appointment date as possible, a requisition for the certification of eligible persons from an appropriate register. The requisition shall contain a statement showing the title and number of the positions to be filled and other information as may be required by the director. The appointing authority shall anticipate these actions sufficiently in advance of the desired appointment date to provide for allocation, certification, appointment and necessary payroll changes (see section 36.240, RSMo).

(2) Method of Filling Vacancies. Upon receipt of a request from an appointing authority for certification of eligibles, the director shall certify the proper number of names from the appropriate register or combination of registers. When sufficient names cannot be certified, the director may authorize a provisional appointment in accordance with the provisions of these rules. The order of precedence of registers from which eligibles are certified shall be as follows: 1) an appropriate reinstatement register; 2) an appropriate promotional register; and 3) an appropriate register of eligibles.

(A) When vacancies to be filled in a class occur in a division of service from which employees in the class have been laid off, or demoted in lieu of layoff, certification from the reinstatement register first shall be limited to previous employees of the division of service until all the available employees have been reinstated in order of rank on reinstatement register.

(B) When a register of eligibles or a promotional register contains the names of persons who are employed in the division in which the vacancy occurs, the appointing authority may request that the director certify those names in their order ahead of the names on the register. All the names on any of those registers shall be certified before any name on the register next in order of precedence, but the last names on a register may be combined with the first names on the register next in precedence in filling a requisition.

(C) If an appointing authority wishes to fill an advanced technical, scientific or professional position for which, in his/her judgment, appointment from a promotional register is not in the best interests of the service, s/he may request in writing that the personnel director give precedence to certification from a register of eligibles rather than from the

promotional register. This request should specify in detail the reasons why the position cannot be satisfactorily filled by promotion. If the director, upon review, approves the request, s/he may authorize certification from the register of eligibles for the class involved.

(3) Certification of eligibles shall be designed to provide the appointing authorities with a viable tool for efficient selection of an effective work force and shall be governed by the following provisions:

(A) Order of Names Certified. Names shall be certified in order of standing on the register from which certification is made. In filling a vacancy in a permanent position subject to this law, the appointing authority first shall reinstate in rank order from the reinstatement register all previous employees of the division of service who have been laid off or demoted in lieu of layoff, and after that shall be entitled to choose from among the top fifteen (15) ranking available eligibles or the names of available eligibles comprising the top ranking fifteen percent (15) of available eligibles, whichever is greater, plus such additional eligibles as have a final rating equal to the last eligible in the selection group. Upon request of the appointing authority, the director may also certify, for each additional vacancy to be filled from the same certification, the next five (5) ranking available eligibles plus such additional eligibles as have a final rating equal to that of the last eligible in this expanded selection group. If an eligible has been certified from a register and considered in connection with three (3) appointments by the same appointing authority and personally interviewed by that division of service at least one (1) time, the appointing authority may request that the eligible not be certified in the future from the register involved. However, exclusion shall not affect eligibility for certification to other divisions of service or from other registers. If special requirements of domicile or the possession of special skills are specified by the appointing authority in a requisition and the director finds that these requirements would contribute substantially to the effective performance of the duties involved, certification may be limited to persons on the appropriate register who meet these requirements;

(B) Order of Certification. Eligibles may be certified concurrently for vacancies occurring in the same class in different divisions of service with due regard for the rights of eligibles standing highest on the list and requirements of appointing authorities. The name of an eligible need not be included on a certification if his/her name has been included on a certification made concurrently for

vacancies in the same class in another division of service, if the director finds that this action would serve to hinder the actual availability and supply of candidates certified to any one (1) appointing authority;

(C) Less Than Required Number of Eligibles. Whenever there are not sufficient names on a register to make a complete certification, the director may augment those names by a sufficient number of names from other appropriate registers to make a complete certification;

(D) Certification From Appropriate Registers. In the absence of a register established for the class, the director may certify from registers for higher classes to vacancies occurring in lower classes or from registers for one (1) class to vacancies in another class where s/he determines that the reasonably conducted examination measures the ability of the eligible to perform the duties in the class to which certification is made;

(E) Withdrawal of Certification. In the event appointment is not reported within ninety (90) days of the date of certification, the director may withdraw the certification and shall certify the names of eligibles included in the certification on the next requisition received for the appropriate class of employment;

(F) Waiver of Certification. Eligibles who are not available for appointment when offered certification shall be granted a waiver of certification for appointment for a stated period of time, at or below a specified salary, for a specific location, or for other specified reasons. Eligibles who do not respond within seven (7) working days after the notice of certification at the discretion of the director may be dropped from the eligible register (see section 36.240, RSMo);

(G) Alternative Certification Procedures. If the director finds that selection from the normal number of eligibles certified in accordance with subsection (3)(A) does not provide a reasonable range of competitive selection for a given class of position because of deficiencies in the examination process, the diverse types of positions included in the class and the large numbers of eligibles or a combination of these and related reasons, the director may adopt alternative procedures for certification and selection. These may include certification by broad category of examination rating or within a specified range of scores designed to include eligibles with broadly comparable qualifications. The use of alternative procedures and the reasons in each instance shall be reported to the board and entered into its records and those of the Division of Personnel; and

(H) Noncompetitive Certification. The director shall adopt appropriate procedures for noncompetitive certification of the names of eligible applicants for classes for which competitive examination has been waived. The director also shall adopt appropriate procedures for the review and approval of noncompetitive appointments and promotions in other classes not subject to the competitive certification process.

(4) The following types of appointment may be made in the classified service:

(A) Appointment From a Register. Except as otherwise authorized by the law and these rules, appointments to vacancies in the classified service shall be made following certification from an appropriate register in accordance with the provisions of the law and these rules. An appointment shall be effective on the date stated by the appointing authority on a written report of appointment submitted to the director;

(B) Provisional Appointment. When an appointing authority finds it essential to fill a vacancy in a position subject to these rules, and with at least thirty (30) days' notice of the vacancy the director is unable to certify the names of at least ten (10) available eligibles, the director may authorize the appointing authority to fill the vacancy by means of a provisional appointment. The appointing authority shall submit a statement containing the name of the person nominated by the appointing authority for provisional appointment to the position, this statement shall contain a description of the qualifications of training and experience possessed by that person and the other information as may be required by the director and in a form as the director shall prescribe. If the nominee is found by the director to possess experience and training which meet the qualifications for the position, the director may approve the provisional appointment. No provisional appointment shall be made without the approval of the director. The duration of a provisional appointment shall be the same as the duration of the probationary period established for the position. A provisional appointee who successfully completes the working test of the probationary period may receive a regular appointment without examination;

(C) Emergency Appointments. When an emergency makes it necessary to fill a position immediately in order to prevent stoppage of public business or loss, hazard or serious inconvenience to the public, and it is impracticable to fill the position under any other provisions of the law, an appointing authority