

FIRST REGULAR SESSION

HOUSE BILL NO. 296

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALLINGFORD.

0373H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 36.020, RSMo, and to enact in lieu thereof one new section relating to state personnel.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 36.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 36.020, to read as follows:

36.020. Unless the context clearly requires otherwise, the following terms mean:

(1) "Agency", "state agency" or "agency of the state", each department, board, commission or office of the state except for offices of the elected officials, the general assembly, the judiciary and academic institutions;

(2) "Appointing authority", an officer or agency subject to this chapter having power to make appointments;

(3) "Board", the personnel advisory board as established by section 36.050;

(4) "Broad classification band", a grouping of positions with similar levels of responsibility or expertise;

(5) "Class", "class of positions", or "job class", a group of positions subject to this chapter sufficiently alike in duties, authority and responsibilities to justify the same qualifications and the same schedule of pay to all positions in the group;

(6) "Director", the director of the division of personnel of the office of administration;

(7) "Disabled veteran", a veteran who has served on active duty in the Armed Forces at any time who receives compensation as a result of a service-connected disability claim allowed by the federal agency responsible for the administration of veteran's affairs, or who receives disability retirement or disability pension benefits from a federal agency as a result of such a

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 disability or a National Guard veteran who was permanently disabled as a result of active service
19 to the state at the call of the governor;

20 (8) "Division of service" or "division", a state department or any division or branch of
21 the state, or any agency of the state government, all the positions and employees in which are
22 under the same appointing authority;

23 (9) "Eleemosynary or penal institutions", an institution within state government holding,
24 housing, or caring for inmates, patients, veterans, juveniles, or other individuals entrusted to or
25 assigned to the state where it is anticipated that such individuals will be in residence for longer
26 than one day. Eleemosynary or penal institutions shall not include elementary, secondary, or
27 higher education institutions operated separately or independently from the foregoing
28 institutions;

29 (10) "Eligible", a person whose name is on a register or who has been determined to
30 meet the qualifications for a class or position;

31 (11) "Employee", shall include only those persons employed in excess of thirty-two
32 hours per calendar week, for a duration that could exceed six months, by a state agency and shall
33 not include patients, inmates, or residents in state eleemosynary or penal institutions who work
34 for the state agency operating an eleemosynary or penal institutions;

35 (12) "Examination" or "competitive examination", a means of determining eligibility or
36 fitness for a class or position;

37 (13) "Open competitive examination", a selection process for positions in a particular
38 class, admission to which is not limited to persons employed in positions subject to this chapter
39 pursuant to subsection 1 of section 36.030;

40 (14) "Promotional examination", a selection process for positions in a particular class,
41 admission to which is limited to employees with regular status in positions subject to this chapter
42 pursuant to subsection 1 of section 36.030;

43 (15) "Register of eligibles", a list, which may be restricted by locality, of persons who
44 have been found qualified for appointment to a position subject to this chapter pursuant to
45 subsection 1 of section 36.030;

46 (16) "Regular employee", a person employed in a position described under subdivision
47 (2) of subsection 1 of section 36.030 who has successfully completed a probationary period as
48 provided in section 36.250;

49 (17) "State equal employment opportunity officer", the individual designated by the
50 governor or the commissioner of administration as having responsibility for monitoring the
51 compliance of the state as an employer with applicable equal employment opportunity law and
52 regulation and for leadership in efforts to establish a state workforce which reflects the diversity
53 of Missouri citizens at all levels of employment;

54 (18) "Surviving spouse", the unmarried surviving spouse of a deceased disabled veteran
55 or the unmarried ~~[survivor's]~~ **surviving** spouse of any person who was killed while on active
56 duty in the Armed Forces of the United States or an unmarried surviving spouse of a National
57 Guard veteran who was killed as a result of active service to the state at the call of the governor;
58 (19) "Veteran", any person who is a citizen of this state who has been separated under
59 honorable conditions from the Armed Forces of the United States who served on active duty
60 during peacetime or wartime for at least six consecutive months, unless released early as a result
61 of a service-connected disability or a reduction in force at the convenience of the government,
62 or any member of a reserve or National Guard component who has satisfactorily completed at
63 least six years of service or who was called or ordered to active duty by the President and
64 participated in any campaign or expedition for which a campaign badge or service medal has
65 been authorized.

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