

FIRST REGULAR SESSION

HOUSE BILL NO. 753

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BERNSKOETTER.

1459H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 36.020, 36.100, 36.120, 36.140, 36.170, 36.180, 36.190, 36.200, 36.210, 36.220, 36.225, 36.240, and 36.320, RSMo, and to enact in lieu thereof thirteen new sections relating to the state personnel law.

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

Section A. Sections 36.020, 36.100, 36.120, 36.140, 36.170, 36.180, 36.190, 36.200, 36.210, 36.220, 36.225, 36.240, and 36.320, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 36.020, 36.100, 36.120, 36.140, 36.170, 36.180, 36.190, 36.200, 36.210, 36.220, 36.225, 36.240, and 36.320, 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)]~~ (4) "Class" or "class of positions", 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)]~~ (5) "Director", the director of the division of personnel of the office of administration;

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.

15 ~~[(7)]~~ (6) "Disabled veteran", a veteran who has served on active duty in the Armed
16 Forces at any time who receives compensation as a result of a service-connected disability claim
17 allowed by the federal agency responsible for the administration of veteran's affairs, or who
18 receives disability retirement or disability pension benefits from a federal agency as a result of
19 such a disability or a National Guard veteran who was permanently disabled as a result of active
20 service to the state at the call of the governor;

21 ~~[(8)]~~ (7) "Division of service" or "division", a state department or any division or branch
22 of the state, or any agency of the state government, all the positions and employees in which are
23 under the same appointing authority;

24 ~~[(9)]~~ (8) "Eligible", a person whose name is on a register or who has been determined
25 to meet the qualifications for a class or position;

26 ~~[(10)]~~ (9) "Open competitive examination", a test for positions in a particular class,
27 admission to which is not limited to persons employed in positions subject to this chapter;

28 ~~[(11)]~~ (10) "Promotional examination", a test for positions in a particular class,
29 admission to which is limited to employees with regular status in positions subject to this
30 chapter;

31 ~~[(12)]~~ (11) "Public hearing", a hearing held after public notice at which any person has
32 a reasonable opportunity to be heard;

33 ~~[(13)]~~ (12) "Register of eligibles", a list of persons who have been found qualified by an
34 open competitive examination for appointment to a position;

35 ~~[(14)]~~ (13) "Regular employee", an employee who has successfully completed a
36 probationary period as provided in section 36.250;

37 ~~[(15)]~~ (14) "Reinstatement register", a list of persons who have been regular employees
38 and who have been laid off in good standing due to lack of work or funds, or other similar cause,
39 or who have been demoted in lieu of layoff;

40 ~~[(16)]~~ (15) "State equal employment opportunity officer", the individual designated by
41 the governor or the commissioner of administration as having responsibility for monitoring the
42 compliance of the state as an employer with applicable equal employment opportunity law and
43 regulation and for leadership in efforts to establish a state workforce which reflects the diversity
44 of Missouri citizens at all levels of employment;

45 ~~[(17)]~~ (16) "Surviving spouse", the unmarried surviving spouse of a disabled veteran or
46 any person who was killed while on active duty in the Armed Forces of the United States or an
47 unmarried surviving spouse of a National Guard veteran who was killed as a result of active
48 service to the state at the call of the governor;

49 ~~[(18)]~~ (17) "Veteran", any person who is a citizen of this state who has been separated
50 under honorable conditions from the Armed Forces of the United States who served on active

51 duty during peacetime or wartime for at least six consecutive months, unless released early as
52 a result of a service-connected disability or a reduction in force at the convenience of the
53 government, or any member of a reserve or National Guard component who has satisfactorily
54 completed at least six years of service or who was called or ordered to active duty by the
55 President and participated in any campaign or expedition for which a campaign badge or service
56 medal has been authorized.

36.100. 1. The director shall ascertain the duties, authority and responsibilities of all
2 positions subject to this chapter. After consultation with the appointing authorities, the director
3 shall prepare and recommend to the board, and maintain on a continuing basis, a position
4 classification plan, which shall group all positions in the classified service in classes, based on
5 their duties, authority and responsibilities. ~~[Except as provided in subsection 2 of this section,]~~
6 The position classification plan shall set forth, for each class of positions, a class title and a
7 statement of the duties, authority and responsibilities thereof, and the qualifications that are
8 necessary or desirable for the satisfactory performance of the duties of the class; provided, that
9 no plan shall be adopted which prohibits the substitution of experience for education for each
10 class of positions, except that, the board may determine that there is no equivalent substitution
11 in particular cases. Classifications should be sufficiently broad in scope to include as many
12 comparable positions as possible both on an intra- and inter-departmental basis, including both
13 merit and nonmerit agencies.

14 ~~[2. The classification plan may group management positions with similar levels of~~
15 ~~responsibility or expertise into broad classification bands.]~~

16 ~~[3]~~ 2. The director shall require an initial and ongoing review of the number of
17 classifications in each division of service and shall, in consultation with the agencies, eliminate
18 and combine classes when possible, taking into consideration the recruitment, examination,
19 selection and compensation of personnel in the various classes.

36.120. 1. Before establishing a new position in divisions of the service subject to this
2 chapter, or before making any permanent and substantial change of the duties, authority or
3 responsibilities of a position subject to this chapter, an appointing authority shall notify the
4 director in writing of the appointing authority's intention to do so, except where the positions
5 may be allocated by the appointing authority.

6 2. The director may at any time allocate any new position to a class, or change the
7 allocation of any position to a class, or recommend to the board changes in the classification
8 plan. Any change in the classification plan recommended by the director shall take effect when
9 approved by the board, or on the ninetieth day after it is recommended to the board if prior
10 thereto the board has not approved it. In case of necessity requiring the immediate establishment

11 of a new class, the director may establish such a class on an interim basis pending approval of
12 the class by the board as recommended by the director.

13 3. When the allocation of a position to a class is changed, the director shall notify the
14 appointing authority. If allocation authority is delegated, the appointing authority shall notify
15 the director of any changes in the allocation. If the position is filled at the time of reallocation
16 to a class, the appointing authority shall immediately notify the incumbent of the position
17 regarding the allocation change. If the incumbent does not agree with the new allocation, the
18 incumbent may, under conditions specified in the rules, submit to the director a request for a
19 review of the allocation of the position.

20 4. If any change is made in the classification plan by which a class of positions is
21 divided, altered, or abolished, or classes are combined, the director shall forthwith reallocate the
22 positions affected to their appropriate classes in the amended classification plan. An employee
23 who is occupying a position reallocated to a different class shall, subject to the regulations, be
24 given the same status in the new class as previously held in the class from which his or her
25 position is reallocated. ~~[The director may require that the employee achieve a satisfactory grade~~
26 ~~on a noncompetitive test of fitness for the class to which his or her position has been reallocated.]~~

27 5. After a class of positions has been approved by the board, the director is authorized
28 to make such changes in the class title or in the statement of duties and qualifications for the
29 class as the director finds necessary for current maintenance of the classification plan; provided,
30 however, that changes which materially affect the nature and level of a class or which involve
31 a change in salary range for the class shall be approved by the board.

36.140. 1. After consultation with appointing authorities and the state fiscal officers, and
2 after a public hearing, the director shall prepare and recommend to the board a pay plan for all
3 classes subject to this chapter. The pay plan shall include, for each class of positions, a
4 minimum and a maximum rate, and such provision for intermediate rates as the director
5 considers necessary or equitable. **The pay plan may also provide for the use of open, or**
6 **stepless, pay ranges.** The pay plan may include ~~[provision for grouping of management~~
7 ~~positions with similar levels of responsibility or expertise into broad classification bands for~~
8 ~~purposes of determining compensation and for]~~ such salary differentials and other pay structures
9 as the director considers necessary or equitable. In establishing the rates, the director shall give
10 consideration to the experience in recruiting for positions in the state service, the rates of pay
11 prevailing in the state for the services performed, and for comparable services in public and
12 private employment, living costs, maintenance, or other benefits received by employees, and the
13 financial condition and policies of the state. These considerations shall be made on a statewide
14 basis and shall not make any distinction based on geographical areas or urban and rural
15 conditions. The pay plan shall take effect when approved by the board and the governor, and

16 each employee appointed to a position subject to this chapter after the adoption of the pay plan
17 shall be paid according to the provisions of the pay plan for the position in which he or she is
18 employed; provided, that the commissioner of administration certifies that there are funds
19 appropriated and available to pay the adopted pay plan. The pay plan shall also be used as the
20 basis for preparing budget estimates for submission to the legislature insofar as such budget
21 estimates concern payment for services performed in positions subject to this chapter.
22 Amendments to the pay plan may be recommended by the director from time to time as
23 circumstances require and such amendments shall take effect when approved as provided by this
24 section. The conditions under which employees may be appointed at a rate above the minimum
25 provided for the class, or advance from one rate to another within the rates applicable to their
26 positions, shall be determined by the regulations.

27 2. Any change in the pay plan shall be made on a uniform statewide basis. No employee
28 in a position subject to this chapter shall receive more or less compensation than another
29 employee solely because of the geographical area in which the employee lives or works.

36.170. 1. The director ~~[shall from time to time]~~ **may** conduct such open competitive
2 and promotional examinations as the director considers necessary. The examinations shall be
3 of such character as to determine the ~~[relative]~~ qualifications, fitness and ability of the persons
4 tested to perform the duties of the **position or** class for which a register is to be established. No
5 question shall be so framed as to elicit information concerning the political or religious opinions
6 or affiliations of an applicant.

7 2. Agencies may request authority from the director, **or the director may delegate**
8 **authority to agencies,** to administer examinations for **some or** all positions **or job classes**~~[-in~~
9 ~~accordance with rules adopted by the board]~~. When such a request is approved, the director~~[-in~~
10 ~~accordance with rules established by the board,]~~ shall establish standards and guidelines to be
11 followed.

12 3. Pursuant to rules promulgated by the board, appointing authorities may request that
13 the division of personnel administer promotional examinations limited to those already employed
14 by the state or within the department or division of service involved.

15 4. All examinations **requiring an applicant's physical presence** conducted by the
16 director shall be conducted in a location which is ~~[fully]~~ accessible to persons with disabilities
17 or if such a facility is not available in a given location for such regular examinations, a special
18 examination will be arranged upon request of an applicant with a disability in a facility which
19 is ~~[fully]~~ accessible.

36.180. 1. The standards of education or experience in the classification plan for each
2 class shall be established on the basis of specified knowledge, skills and abilities. Admission
3 to examinations **or the opportunity to be considered for appointment** shall be open to all

4 persons who possess the qualifications and who may be lawfully appointed to a position in the
5 class for which a register is to be established. ~~[The regulations may also require that applicants~~
6 ~~achieve at least a satisfactory grade in each progressive part of the examination in order to be~~
7 ~~admitted to subsequent parts of the examination or to receive a final passing score.]~~

8 2. **An applicant may request a reasonable accommodation in order to have an**
9 **opportunity to compete for positions subject to this chapter. The director and the**
10 **appointing authority filling the particular position shall ensure that reasonable**
11 **accommodations are granted to applicants to offer them an opportunity to compete for**
12 **positions.** ~~[To ensure competitive equality between the hearing impaired or the blind and~~
13 ~~persons not so disabled, the applicant may request from the director the furnishing of a certified~~
14 ~~interpreter for the hearing impaired or an amanuensis or a reader for the blind when necessary,~~
15 ~~and the furnishing of a place to take such examination, or such other similar prerequisites to~~
16 ~~ensure equality in such examination.]~~

17 3. The director may reject the application of any person for admission to an examination,
18 strike the name of any person from the register, refuse to certify the name of any person, or
19 withdraw the certification of a person if the director finds that the person lacks any of the
20 qualifications, has been convicted of a crime which raises questions about his or her
21 qualifications, has been dismissed from the public service for delinquency, has made a false
22 statement of a material fact or practiced or attempted to practice any fraud or deception, in his
23 or her application or examination or in attempting to secure appointment.

24 4. The director may take such action as is authorized in subsection 3 of this section if the
25 director finds the person has a health condition or disability which would clearly prohibit the
26 person from performing the duties required for the position for which the applicant has applied.

36.190. 1. The director shall give public notice of each open competitive and
2 promotional examination **or of when a job class is opened for recruitment** sufficiently in
3 advance ~~[of such examination]~~ and sufficiently widespread in scope to afford persons who are
4 interested ~~[in participating in the examination]~~ a reasonable opportunity to apply. ~~[The time~~
5 ~~elapsing between the official announcement of an examination and the holding of such~~
6 ~~examination shall be not less than two calendar weeks, except that a lesser period of advance~~
7 ~~notice may be permissible under the regulations when the examination is conducted under the~~
8 ~~provisions of subsection 3 of section 36.320 or when the needs of the service pursuant to~~
9 ~~subsection 1 of section 36.260 require special notices.]~~

10 2. Each official notice of an examination **or of when a job class is opened for**
11 **recruitment** shall state the title, duties, pay and qualifications of the position ~~[s for which the~~
12 ~~examination is to be held]~~; the time, place and manner of making application ~~[for admission to~~
13 ~~such examination;]~~ and any other information which the director considers pertinent and useful.

14 3. The director shall ensure that the official announcement of an examination is given
15 the widest distribution necessary to inform qualified persons that the examination is being given.
16 The director may use any means that the director considers necessary to inform qualified persons
17 about the examination. These include, but are not limited to, paid advertisements in newspapers,
18 periodicals, electronic media and announcements to educational institutions. The director may
19 also publish a periodic bulletin containing information about examinations to be sent to
20 subscribers at a price approximating the cost of publication.

 36.200. The methods for rating the various parts of the examinations **or evaluating the**
2 **qualifications of each applicant** and the minimum satisfactory grade shall be determined by the
3 regulations. Each person who takes any examination shall be given written notice, **which may**
4 **be by electronic means**, as to whether he passed or failed the examination **or whether the**
5 **applicant is eligible for a particular job class**, and [he] shall be entitled to inspect [his] the
6 ratings and examination papers, but examination papers shall not be open to the general public.
7 A manifest error in **an eligibility determination or the rating of** an examination [~~which affects~~
8 ~~the relative ranking of persons~~] shall be corrected if called to the attention of the director within
9 thirty days after the establishment of the register, but such correction shall not invalidate any
10 appointment previously made from such a register unless it is established that the error was made
11 in bad faith and with intent to deprive a person of certification **or to gain a person certification**
12 **that does not meet the minimum qualifications for the classes involved.**

 36.210. Other provision of the law to the contrary notwithstanding, special procedures
2 for the examination and selection of personnel are authorized as follows:

3 ~~[(1) For positions involving unskilled or semiskilled labor, or domestic, attendant,~~
4 ~~custodial or comparable work, when the character or place of the work makes it impracticable~~
5 ~~to supply the needs of the service by appointments made in accordance with the procedure~~
6 ~~prescribed in other provisions of this chapter, the director, in accordance with the regulations,~~
7 ~~shall authorize the use of such other procedures as the director determines to be appropriate in~~
8 ~~order to meet the needs of the service, while assuring the selection of such employees on the~~
9 ~~basis of merit and fitness. Such procedures, subject to the regulations, may include the testing~~
10 ~~of applicants and maintenance of registers of eligibles by localities; the testing of applicants,~~
11 ~~singly or in groups, at periodic intervals, at the place of employment or elsewhere, after such~~
12 ~~notice as the director considers adequate; the registration of applicants who pass a~~
13 ~~noncompetitive examination or submit satisfactory evidence of their qualifications, and~~
14 ~~appointment of registered applicants; or any variation or combination of the foregoing or other~~
15 ~~suitable methods. When the director finds noncompetitive registration and selection procedures~~
16 ~~to be appropriate, the director is hereby authorized to delegate to each appointing authority the~~
17 ~~responsibility for such registration and for selection and appointment of registered applicants.~~

18 ~~When such delegation is made, the director shall establish the necessary guidelines and standards~~
19 ~~for appointing authorities and shall require such reports and perform such audits as the director~~
20 ~~deems necessary to ensure compliance with these guidelines and standards.]~~

21 ~~[(2)]~~ (1) The regulations may prescribe the conditions under which interns, trainees, and
22 participants in special state or federal training, rehabilitation, and employment programs who
23 successfully complete a period of internship or training may be appointed to a permanent
24 position subject to this chapter after passing a noncompetitive qualifying examination.

25 ~~[(3)]~~ The board may, in accordance with the regulations, waive competitive examinations
26 for a class or position if it finds that the supply of qualified applicants is generally insufficient
27 to justify competitive examinations and provide meaningful competition in the selection of
28 employees. A request that competitive examination be waived for a particular class or position
29 pursuant to this provision may be made to the board by the director or an appointing authority.
30 The board shall review determinations pursuant to this provision at least annually. Upon waiving
31 such examinations, the regulations of the board shall provide for the registration and appointment
32 of applicants who present satisfactory evidence of their qualifications.]

33 ~~[(4)]~~ (2) Upon the approval of the director in accordance with the regulations of the
34 board, appointing authorities may promote employees on the basis of a qualifying
35 noncompetitive examination. Such noncompetitive promotions may be approved in, but are not
36 necessarily limited to, situations in which the promotion represents a normal progression to the
37 next higher level within an established occupational job series, or where the director determines
38 that an employee has been an assistant, understudy or trainee for the position involved or
39 otherwise has had such specific experience or training that a noncompetitive promotion to the
40 position in question is to the best interests of the state service.

41 ~~[(5)]~~ (3) Appointing authorities may request, pursuant to regulations established by the
42 board, to conduct alternative promotional procedures for positions and classes in their divisions
43 of service. The board shall approve such alternative procedures which it finds to be in keeping
44 with merit principles and the best interest of the state service. Upon approval, the appointing
45 authority shall be responsible to conduct promotional procedures in accordance with the board's
46 approval and without favoritism, prejudice or discrimination. The board may withdraw approval
47 pursuant to this provision if it finds that this responsibility has not been met.

48 ~~[(6)]~~ (4) Where appropriate, the director may establish registers by locality for selected
49 classes.

36.220. 1. In any competitive examination given for the purpose of establishing a
2 register of eligibles, veterans, disabled veterans, surviving spouses, and spouses of disabled
3 veterans shall be given preference in appointment and examination ~~[in the following manner:]~~.
4 **For positions and classifications with unranked registers, a veteran, or the surviving spouse**

5 of a veteran, a disabled veteran, or the spouse of a disabled veteran shall be given
6 preference in appointments over other eligibles if all other relevant job-related factors are
7 equal. Applicants eligible for a veterans preference will be listed before other eligibles on
8 each certificate. Applicants eligible for a veterans preference will also be identified on the
9 certificate as eligible for the preference.

10 ~~[(1) A veteran, or the surviving spouse of any veteran whose name appears on a register~~
11 ~~of eligibles who made a passing grade, shall have five points added to his or her final grade, and~~
12 ~~his or her rank on the register shall be determined on the basis of this augmented grade.]~~

13 ~~———(2) The spouse of a disabled veteran, whose name appears on a register of eligibles and~~
14 ~~who made a passing grade, shall have five points added to his or her final grade, and his or her~~
15 ~~rank on the register shall be determined on the basis of this augmented grade. This preference~~
16 ~~shall be given only if the veteran is not employed in the state service and the disability renders~~
17 ~~him or her unqualified for entrance into the state service.]~~

18 ~~———(3) A disabled veteran, whose name appears on a register of eligibles and who made a~~
19 ~~passing grade, shall have ten points added to his or her final grade, and his or her rank on the~~
20 ~~register shall be determined on the basis of this augmented grade.]~~

21 2. Any person who has been honorably discharged from the Armed Forces of the United
22 States shall receive appropriate credit for any training or experience gained therein in any
23 examination if the training or experience is related to the duties of the class of positions for
24 which the examination is given.

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

7 2. **For positions and classifications with unranked registers, applicants entitled to**
8 **parental preference shall be given this preference in appointments over other eligibles,**
9 **excluding applicants eligible for a veterans preference, if all other relevant job-related**
10 **factors are equal.** ~~[If the name of a person eligible for a parental preference appears on a~~
11 ~~register of eligibles who made a passing grade, such person shall have five points added to the~~
12 ~~final grade, and the rank of such person on the register shall be determined on the basis of this~~
13 ~~augmented grade.]~~

36.240. 1. Whenever an appointing authority proposes to fill one or more vacancies in
2 a class of positions subject to this chapter, the appointing authority shall submit to the director,
3 as far in advance of the desired appointment date as possible, a requisition for the certification

4 of eligible persons from an appropriate register. The requisition shall contain information as
5 required by the director. The appointing authority, subject to conditions specified in the
6 regulations, may also designate special requirements of domicile or the possession of special
7 skills. If the director finds that such requirements would contribute substantially to effective
8 performance of the duties involved, certification may be limited to persons on the register who
9 meet such requirements.

10 2. When vacancies to be filled are in a class from which employees have been laid off,
11 or demoted in lieu of layoff, certification shall be limited to previous employees until all
12 employees of a division of service on the appropriate reinstatement register have been reinstated
13 in order of rank on the register. Thereafter, certification from reinstatement and other registers
14 shall be in accordance with the provisions of this section and the regulations of the board.

15 3. Upon a request for certification, the director shall certify for selection ~~[the names of~~
16 ~~the top fifteen ranking available eligibles or]~~ the names of available eligibles. ~~[comprising the~~
17 ~~top ranking fifteen percent of available eligibles, whichever is greater, plus such additional~~
18 ~~eligibles as have a final rating equal to that of the last certified eligible. Upon request of the~~
19 ~~appointing authority, the director may also certify, for each additional vacancy to be filled from~~
20 ~~the same certification, the next five ranking available eligibles plus such additional eligibles as~~
21 ~~have a final rating equal to that of the last certified eligible.~~

22 ~~———4. If the director finds that the nature of the examination process and the type of positions~~
23 ~~involved justify alternative procedures for filling vacancies, the board may by rule prescribe such~~
24 ~~procedures which may include certification by broad category of examination rating or within~~
25 ~~a specified range of scores.]~~

26 [5] 4. When a position in divisions of the service subject to this chapter is limited in
27 duration, certification may be limited to the highest ranking eligible, **or on an unranked**
28 **register, any eligible** who will accept employment under such conditions. A person appointed
29 to a position under such conditions shall retain his or her ~~[relative]~~ position on the register and
30 shall be eligible for certification to a permanent position ~~[in the regular order]~~ until the register
31 itself has expired. If a temporary position is limited to less than ninety calendar days' duration,
32 the appointing authority may fill the position by temporary appointment in the manner provided
33 in section 36.270.

34 [6] 5. The rules shall prescribe the conditions under which the name of an eligible who
35 has been certified to and considered for appointment by an appointing authority but has not been
36 appointed may be withheld from further certification to such appointing authority. The eligible
37 shall be entitled to retain his or her place on the eligible register during the life of the register,
38 and shall be certified in the order of his or her rank, **if applicable**, to other vacancies in the class
39 under other appointing authorities.

40 [7] 6. Eligibles who are not available for appointment when offered certification shall
41 be granted a waiver of certification upon their request. Eligibles who do not respond within a
42 reasonable period to a notice of certification may at the discretion of the director be dropped
43 from the eligible register.

44 [8] 7. Any person who has obtained regular status in a class of positions subject to
45 subsection 1 of section 36.030 and who has resigned from state service in good standing or who
46 has accepted demotion or transfer for personal reasons may be reemployed without competitive
47 certification in the same or comparable class at the discretion of the appointing authority and
48 under conditions specified in the regulations. Any person who has successfully served at least
49 one year in a position not subject to subsection 1 of section 36.030, but which is subject to
50 section 36.031, and who has resigned from state service in good standing or who has accepted
51 demotion or transfer for personal reasons, may be reemployed without competitive certification
52 in the same or comparable class at the discretion of the appointing authority and under conditions
53 specified in the regulations, provided he or she possesses the qualifications ~~[and has successfully~~
54 ~~completed a noncompetitive examination]~~ for the class involved. No one shall be reemployed
55 pursuant to this section until reinstatement has first been offered to all eligibles on the
56 reinstatement register for the class and division of service involved.

57 [9] 8. Preference in certification and appointment from promotional registers or registers
58 of eligibles under conditions specified in the regulations, may be given to employees of the
59 division of service in which the vacancy occurs.

36.320. 1. The director shall establish and maintain such promotional registers and
2 registers of eligibles for the various **positions or** classes of positions subject to this chapter as
3 the director deems necessary or desirable to meet the needs of the service. On each promotional
4 register and register of eligibles, the eligibles ~~[shall]~~ **may** be ranked in the order of their ratings
5 given for the purpose of establishing or replenishing such a register **or may be unranked and**
6 **placed on the register if the applicant meets the minimum criteria for the position or class.**

7 2. The time during which a promotional register or register of eligibles remains in force
8 shall be **determined by the directors so as to best meet the needs of the service.** ~~[one year~~
9 ~~from the date on which it is officially established by the director; except that, before the~~
10 ~~expiration of a register, the director may by order extend the time during which such register~~
11 ~~remains in force when the needs of the service so require.]~~ In no event shall the total period
12 during which a register is in force exceed three years from the date on which the register was
13 originally established. The director may consolidate or cancel promotional registers and registers
14 of eligibles as the needs of the service require~~[-, and as authorized by the regulations].~~

15 3. In circumstances where there is a continuous need for substantial numbers of eligibles
16 for a certain class of positions, the director may, after first establishing such a register, replenish

17 the register from time to time by inserting the names of additional eligibles who are found to be
18 qualified on the basis of determinations similar to those used as a basis for establishing the
19 original register. The method for establishing, replenishing, and cancelling such a register shall
20 be determined by the regulations.

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