

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 185

102ND GENERAL ASSEMBLY

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KRISTINA MARTIN, Secretary

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## AN ACT

To repeal sections 36.050, 36.100, 36.120, 36.140, 36.250, 36.440, 36.510, 37.010, 105.950, 105.1114, 288.220, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, and 291.150, RSMo, and to enact in lieu thereof ten new sections relating to repealing provisions of law regulating industrial inspections.

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

Section A. Sections 36.050, 36.100, 36.120, 36.140,  
2 36.250, 36.440, 36.510, 37.010, 105.950, 105.1114, 288.220,  
3 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065,  
4 291.070, 291.080, 291.120, 291.130, 291.140, and 291.150, RSMo,  
5 are repealed and ten new sections enacted in lieu thereof, to  
6 be known as sections 36.100, 36.120, 36.140, 36.250, 36.440,  
7 36.510, 37.010, 105.950, 105.1114, and 288.220, to read as  
8 follows:

36.100. 1. The director shall ascertain the duties,  
2 authority and responsibilities of all positions subject to  
3 this chapter pursuant to subsection 1 of section 36.030, and  
4 all positions subject to this section pursuant to section  
5 36.031. After consultation with the appointing authorities,  
6 the director shall prepare [and recommend to the board], and  
7 maintain on a continuing basis, a position classification  
8 plan, which shall group all positions subject to this  
9 chapter pursuant to subsection 1 of section 36.030, and all

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

10 positions subject to this section pursuant to section 36.031  
11 in classes, based on their duties, authority and  
12 responsibilities. Except as provided in subsection 2 of  
13 this section, the position classification plan shall set  
14 forth, for each class of positions, a class title and a  
15 statement of the duties, authority and responsibilities  
16 thereof, and the qualifications that are necessary or  
17 desirable for the satisfactory performance of the duties of  
18 the class; provided, that no plan shall be adopted which  
19 prohibits the substitution of experience for education for  
20 each class of positions, except that, the **[board] director**  
21 may determine that there is no equivalent substitution in  
22 particular cases. Classifications should be sufficiently  
23 broad in scope to include as many comparable positions as  
24 possible both on an intra- and inter-departmental basis.

25 2. The classification plan may group positions with  
26 similar levels of responsibility or expertise into broad  
27 classification bands.

28 3. The director shall, in consultation with the  
29 agencies, eliminate and combine classes when possible,  
30 taking into consideration the recruitment, selection, and  
31 compensation of personnel in the various classes.

36.120. 1. Before establishing a new position in  
2 divisions of the service subject to this chapter pursuant to  
3 subsection 1 of section 36.030 or any new position in a  
4 department or agency of the executive branch of state  
5 government subject to this section pursuant to section  
6 36.031, or before making any permanent and substantial  
7 change of the duties, authority or responsibilities of any  
8 such position, an appointing authority shall notify the  
9 director in writing of the appointing authority's intention

10 to do so, except where the positions may be allocated by the  
11 appointing authority.

12 2. The director may at any time allocate any new  
13 position to a class, or change the allocation of any  
14 position to a class, or [recommend to the board] **make**  
15 changes in the classification plan. [Any change in the  
16 classification plan recommended by the director shall take  
17 effect when approved by the board, or on the ninetieth day  
18 after it is recommended to the board if prior thereto the  
19 board has not approved it. In case of necessity requiring  
20 the immediate establishment of a new class, the director may  
21 establish such a class on an interim basis pending approval  
22 of the class by the board as recommended by the director.]

23 3. When the allocation of a position to a class is  
24 changed, the director shall notify the appointing  
25 authority. If allocation authority is delegated, the  
26 appointing authority shall notify the director of any  
27 changes in the allocation. If the position is filled at the  
28 time of reallocation to a class, the appointing authority  
29 shall immediately notify the incumbent of the position  
30 regarding the allocation change. If the incumbent does not  
31 agree with the new allocation, the incumbent may submit to  
32 the director a request for a review of the allocation of the  
33 position.

34 4. If any change is made in the classification plan by  
35 which a class of positions is divided, altered, or  
36 abolished, or classes are combined, the director shall  
37 forthwith reallocate the positions affected to their  
38 appropriate classes in the amended classification plan. An  
39 employee who is occupying a position reallocated to a  
40 different class shall, subject to the regulations, be given

41 the same status in the new class as previously held in the  
42 class from which his or her position is reallocated.

43 5. [After a class of positions has been approved by  
44 the board,] The director is authorized to make such changes  
45 in the class title or in the statement of duties and  
46 qualifications for [the] a new class as the director finds  
47 necessary for current maintenance of the classification  
48 plan[; provided, however, that changes which materially  
49 affect the nature and level of a class or which involve a  
50 change in salary range for the class shall be approved by  
51 the board].

36.140. 1. After consultation with appointing  
2 authorities and the state fiscal officers, and after a  
3 public hearing following suitable notice, the director shall  
4 prepare [and recommend to the board] a pay plan for each  
5 class of positions subject to this chapter pursuant to  
6 subsection 1 of section 36.030 and each class of positions  
7 subject to this section pursuant to section 36.031. The pay  
8 plan shall include, for each class of positions, a minimum  
9 and a maximum rate, and such provision for intermediate  
10 rates as the director considers necessary or equitable. The  
11 pay plan may also provide for the use of open, or stepless,  
12 pay ranges. The pay plan may include provision for grouping  
13 of positions with similar levels of responsibility or  
14 expertise into broad classification bands for purposes of  
15 determining compensation and for such salary differentials  
16 and other pay structures as the director considers necessary  
17 or equitable. In establishing the rates, the director shall  
18 give consideration to the experience in recruiting for  
19 positions in the state service, the rates of pay prevailing  
20 in the state for the services performed, and for comparable  
21 services in public and private employment, living costs,

22 maintenance, or other benefits received by employees, and  
23 the financial condition and policies of the state. These  
24 considerations shall be made on a statewide basis and shall  
25 not make any distinction based on geographical areas or  
26 urban and rural conditions. The pay plan shall take effect  
27 when approved by [the board and] the governor, and each  
28 employee appointed to a position subject to this chapter  
29 pursuant to subsection 1 of section 36.030 and each class of  
30 positions subject to this section pursuant to section  
31 36.031, after the adoption of the pay plan shall be paid  
32 according to the provisions of the pay plan for the position  
33 in which he or she is employed; provided, that the  
34 commissioner of administration certifies that there are  
35 funds appropriated and available to pay the adopted pay  
36 plan. The pay plan shall also be used as the basis for  
37 preparing budget estimates for submission to the legislature  
38 insofar as such budget estimates concern payment for  
39 services performed in positions subject to this chapter  
40 pursuant to subsection 1 of section 36.030 and positions  
41 subject to this section pursuant to section 36.031.  
42 Amendments to the pay plan may be recommended by the  
43 director from time to time as circumstances require and such  
44 amendments shall take effect when approved as provided by  
45 this section. The conditions under which employees may be  
46 appointed at a rate above the minimum provided for the  
47 class, or advance from one rate to another within the rates  
48 applicable to their positions, may be determined by the  
49 regulations.

50 2. Any change in the pay plan shall be made on a  
51 uniform statewide basis. No employee in a position subject  
52 to this chapter shall receive more or less compensation than

53 another employee solely because of the geographical area in  
54 which the employee lives or works.

36.250. 1. Every person appointed to a permanent  
2 position described under subdivision (2) of subsection 1 of  
3 section 36.030 shall be required to successfully complete a  
4 working test during a probationary period which shall be of  
5 sufficient length to enable the appointing authority to  
6 observe the employee's ability to perform the various duties  
7 pertaining to the position.

8 2. The **[board] director** shall by regulation establish  
9 the standards governing normal length of the probationary  
10 period for different classes of positions. The regulations  
11 shall specify the criteria for reducing or lengthening the  
12 probationary period for individuals within the various  
13 classes. The minimum probationary period shall be three  
14 months. The maximum probationary period shall be eighteen  
15 months for top professional personnel and personnel with  
16 substantial supervisory or administrative responsibilities,  
17 and twelve months for all others. However, a probationary  
18 period shall not be required for an employee reinstated  
19 within two years after layoff or demotion in lieu of layoff  
20 by the same division of service.

21 3. Prior to the expiration of an employee's  
22 probationary period, the appointing authority shall notify  
23 the director and the employee in writing whether the  
24 services of the employee have been satisfactory and whether  
25 the appointing authority will continue the employee in the  
26 employee's position.

27 4. At any time during the probationary period the  
28 appointing authority may remove an employee if, in the  
29 opinion of the appointing authority, the working test  
30 indicates that the employee is unable or unwilling to

31 perform the duties of the position satisfactorily. Upon  
32 removal, the appointing authority shall forthwith report to  
33 the director and to the employee removed, in writing, the  
34 appointing authority's action and the reason thereof. An  
35 employee who is found by the director to have been appointed  
36 through fraud shall be removed within ten days of  
37 notification of the appointing authority.

36.440. 1. All officers and employees of the state  
2 subject to provisions of this chapter, whether pursuant to  
3 subsection 1 of section 36.030 or pursuant to section  
4 36.031, shall comply with and aid in all proper ways in  
5 carrying out the provisions of this chapter applicable to  
6 them and the regulations adopted thereunder. All officers  
7 and employees shall furnish any records or information which  
8 the director [or the board] may request for any purpose of  
9 this law.

10 2. A state officer or employee who shall fail to  
11 comply with any provision of this chapter or of any  
12 regulation adopted thereunder that is applicable to such  
13 person shall be subject to all penalties and remedies now or  
14 hereafter provided by law for the failure of a public  
15 officer or employee to do any act required of him or her by  
16 this chapter. The director may maintain such action or  
17 proceeding at law or in equity as he or she considers  
18 necessary or appropriate to secure compliance with this  
19 chapter and the regulations adopted thereunder.

36.510. 1. In addition to other duties specified  
2 elsewhere in this chapter the director may perform the  
3 following functions in some or all agencies of state  
4 government:

5 (1) Develop, initiate and implement a central training  
6 program for personnel in agencies of state government and

7 encourage and assist in the development of such specialized  
8 training activities as can best be administered internally  
9 by such individual agencies;

10 (2) Establish a management trainee program and  
11 prescribe rules for the establishment of a career executive  
12 service for the state;

13 (3) **[Formulate for approval of the board]** **Promulgate**  
14 regulations regarding mandatory training for persons  
15 employed in management positions in state agencies;

16 (4) Institute, coordinate and direct a statewide  
17 program for recruitment of personnel in cooperation with  
18 appointing authorities in state agencies;

19 (5) Assist all state departments in setting  
20 productivity goals and in implementing a standard system of  
21 performance appraisals;

22 (6) Establish and direct a central labor relations  
23 function for the state which shall coordinate labor  
24 relations activities in individual state agencies, including  
25 participation in negotiations and approval of agreements  
26 relating to uniform wages, benefits and those aspects of  
27 employment which have fiscal impact on the state; and

28 (7) **[Formulate]** **Promulgate** rules **[for approval of the**  
29 **board]** and establish procedures and standards relating to  
30 position classification and compensation of employees which  
31 are designed to secure essential uniformity and  
32 comparability among state agencies.

33 2. Any person who is employed in a position subject to  
34 this chapter who engaged in a strike or labor stoppage shall  
35 be subject to the penalties provided by law.

37.010. 1. The governor, by and with the advice and  
2 consent of the senate, shall appoint a commissioner of  
3 administration, who shall head the "Office of



4 Administration" which is hereby created. The commissioner  
5 of administration shall receive a salary as provided by law  
6 and shall also receive his or her actual and necessary  
7 expenses incurred in the discharge of his or her official  
8 duties. Before taking office, the commissioner of  
9 administration shall take and subscribe an oath or  
10 affirmation to support the Constitution of the United States  
11 and of this state, and to demean himself or herself  
12 faithfully in office. The commissioner shall also deposit  
13 with the governor a bond, with sureties to be approved by  
14 the governor, in the amount to be determined by the governor  
15 payable to the state of Missouri, conditioned on the  
16 faithful performance of the duties of his or her office.  
17 The premium of this bond shall be paid out of the  
18 appropriation for the office of the governor.

19 2. The governor shall appoint the commissioner of  
20 administration with the advice and consent of the senate.  
21 The commissioner shall be at least thirty years of age and  
22 must have been a resident and qualified voter of this state  
23 for the five years next preceding his or her appointment.  
24 He or she shall be qualified by training and experience to  
25 assume the managerial and administrative functions of the  
26 office of commissioner of administration.

27 3. The commissioner of administration shall, by virtue  
28 of his or her office, without additional compensation, head  
29 the division of budget, the division of purchasing, the  
30 division of facilities management, design and construction,  
31 **the division of personnel**, and the information technology  
32 services division. Whenever provisions of the constitution  
33 grant powers, impose duties or make other reference to the  
34 comptroller, they shall be construed as referring to the  
35 commissioner of administration.

36           4. The commissioner of administration shall provide  
37 the governor with such assistance in the supervision of the  
38 executive branch of state government as the governor  
39 requires and shall perform such other duties as are assigned  
40 to him or her by the governor or by law. The commissioner  
41 of administration shall work with other departments of the  
42 executive branch of state government to promote economy,  
43 efficiency and improved service in the transaction of state  
44 business. The commissioner of administration, with the  
45 approval of the governor, shall organize the work of the  
46 office of administration in such manner as to obtain maximum  
47 effectiveness of the personnel of the office. He or she may  
48 consolidate, abolish, or reassign duties of positions or  
49 divisions combined within the office of administration[,  
50 except for the division of personnel]. He or she may  
51 delegate specific duties to subordinates. These  
52 subordinates shall take the same oath as the commissioner  
53 and shall be covered by the bond of the director or by  
54 separate bond as required by the governor.

55           5. [The personnel division, personnel director and  
56 personnel advisory board as provided in chapter 36 shall be  
57 in the office of administration.] The personnel director  
58 and employees of the personnel division shall perform such  
59 duties as directed by the commissioner of administration for  
60 personnel work in agencies and departments of state  
61 government to upgrade state employment and to improve the  
62 uniform quality of state employment.

63           6. The commissioner of administration shall prepare a  
64 complete inventory of all real estate, buildings and  
65 facilities of state government and an analysis of their  
66 utilization. Each year he or she shall formulate and submit  
67 to the governor a long-range plan for the ensuing five years

68 for the repair, construction and rehabilitation of all state  
69 properties. The plan shall set forth the projects proposed  
70 to be authorized in each of the five years with each project  
71 ranked in the order of urgency of need from the standpoint  
72 of the state as a whole and shall be upgraded each year.  
73 Project proposals shall be accompanied by workload and  
74 utilization information explaining the need and purpose of  
75 each. Departments shall submit recommendations for capital  
76 improvement projects and other information in such form and  
77 at such times as required by the commissioner of  
78 administration to enable him or her to prepare the long-  
79 range plan. The commissioner of administration shall  
80 prepare the long-range plan together with analysis of  
81 financing available and suggestions for further financing  
82 for approval of the governor who shall submit it to the  
83 general assembly. The long-range plan shall include  
84 credible estimates for operating purposes as well as capital  
85 outlay and shall include program data to justify need for  
86 the expenditures included. The long-range plan shall be  
87 extended, revised and resubmitted in the same manner to  
88 accompany each executive budget. The appropriate  
89 recommendations for the period for which appropriations are  
90 to be made shall be incorporated in the executive budget for  
91 that period together with recommendations for financing.  
92 Each revised long-range plan shall provide a report on  
93 progress in the repair, construction and rehabilitation of  
94 state properties and of the operating purposes program for  
95 the preceding fiscal period in terms of expenditures and  
96 meeting program goals.

97 7. The office of the commissioner of administration  
98 shall be in Jefferson City.

99           8. In case of death, resignation, removal from office  
100 or vacancy from any cause in the office of commissioner of  
101 administration, the governor shall take charge of the office  
102 and superintend the business thereof until a successor is  
103 appointed, commissioned and qualified.

          105.950. 1. Until June 30, 2000, the commissioner of  
2 administration and the directors of the departments of  
3 revenue, social services, agriculture, economic development,  
4 corrections, labor and industrial relations, natural  
5 resources, and public safety shall continue to receive the  
6 salaries they received on August 27, 1999, subject to annual  
7 adjustments as provided in section 105.005.

8           2. On and after July 1, 2000, the salary of the  
9 directors of the above departments shall be set by the  
10 governor within the limits of the salary ranges established  
11 pursuant to this section and the appropriation for that  
12 purpose. Salary ranges for department directors and members  
13 of the parole board shall be set by the personnel [advisory  
14 board] **director** after considering the results of a study  
15 periodically performed or administered by the office of  
16 administration. Such salary ranges shall be published yearly  
17 in an appendix to the revised statutes of Missouri.

18           3. Each of the above salaries shall be increased by  
19 any salary adjustment provided pursuant to the provisions of  
20 section 105.005.

          105.1114. Administrative procedures for the  
2 implementation of sections 105.1100 to 105.1116 shall be  
3 promulgated by the [state] personnel [advisory board]  
4 **director** for those employees classified under the state  
5 personnel law and by other public employers for those  
6 employees under their management and control. No rule or  
7 portion of a rule promulgated under the authority of

8 sections 105.1100 to 105.1116 shall become effective unless  
9 it has been promulgated pursuant to the provisions of  
10 section 536.024.

288.220. 1. Subject to the supervision of the  
2 director of the department of labor and industrial  
3 relations, the division of employment security of the  
4 department of labor and industrial relations shall be under  
5 the control, management and supervision of a director who  
6 shall be appointed by the governor, by and with the advice  
7 and consent of the senate. The director shall serve at the  
8 pleasure of the governor.

9 2. The division shall be responsible for administering  
10 the Missouri state unemployment insurance operation and any  
11 other operations as are necessary to administer the state's  
12 employment security law.

13 3. The central office of the division shall be  
14 maintained in the City of Jefferson.

15 4. Subject to the supervision and approval of the  
16 director of the department of labor and industrial  
17 relations, it shall be the duty of the director to  
18 administer this law; and the director shall have power and  
19 authority to adopt, amend, or rescind any regulations as the  
20 director deems necessary to the efficient internal  
21 management of the division. The director shall determine  
22 the division's organization and methods of procedure.  
23 Subject to the provisions of the state [merit system]  
24 **personnel** law, chapter 36, the director shall employ and  
25 prescribe the duties and powers of the persons as may be  
26 necessary. The director shall collaborate with the  
27 personnel director [and the personnel advisory board] in  
28 establishing for employees of the division salaries  
29 comparable to the salaries paid by other states of a similar

30 size and volume of operations to employees engaged in the  
31 administration of the employment security programs of those  
32 states. The director may delegate to any such person the  
33 power and authority as the director deems reasonable and  
34 proper for the effective administration of the law, and may  
35 in the director's discretion bond any person handling moneys  
36 or signing checks. Further, the director shall have the  
37 power to make expenditures, require reports, make  
38 investigations and take other action not inconsistent with  
39 this law as he or she considers necessary to the efficient  
40 and proper administration of the law.

41 5. Subject to the approval of the director of the  
42 department of labor and industrial relations and the  
43 commission, the director shall adopt, amend or rescind the  
44 rules and regulations as are necessary to implement any of  
45 the provisions of this law not relating to the internal  
46 management of the division; however, the rules and  
47 regulations shall not become effective until ten days after  
48 their approval by the commission and copies thereof have  
49 been filed in the office of the secretary of state.

2 [36.050. 1. The personnel advisory board  
3 and its functions, duties and powers prescribed  
4 in this chapter is transferred by type III  
5 transfer to the office of administration.  
6 2. The personnel advisory board shall  
7 consist of seven members. Four members of the  
8 board shall be public members, citizens of the  
9 state who are not state employees or officials,  
10 of good character and reputation, who are known  
11 to be in sympathy with the application of merit  
12 principles to public employment. Two members  
13 shall be employees of state agencies subject to  
14 this chapter pursuant to subsection 1 of section  
15 36.030 or any department, agency, or position of  
16 the executive branch of state government not  
17 exempted from section 36.031, one a member of  
18 executive management, and one a nonmanagement  
19 employee. The state equal employment  
20 opportunity officer shall be a member of the  
21 board. No member of the board, during the  
member's term of office, or for at least one

22 year prior thereto, shall be a member of any  
23 local, state or national committee of a  
24 political party or an officer or member of a  
25 committee in any partisan political club or  
26 organization, or hold, or be a candidate for, a  
27 partisan public office. An employee member who  
28 leaves state employment or otherwise fails to  
29 further qualify for the appointment shall vacate  
30 the position.

31 3. The members of the board shall be  
32 appointed by the governor by and with the advice  
33 and consent of the senate. Appointments of all  
34 members shall be for terms of six years. Any  
35 vacancy shall be filled by an appointment for  
36 the unexpired term. Each member of the board  
37 shall hold office until such member's successor  
38 is appointed and qualified.

39 4. A member of the board is removable by  
40 the governor only for just cause, after being  
41 given a written notice setting forth in  
42 substantial detail the charges against the  
43 member and an opportunity to be heard publicly  
44 on the charges before the governor. A copy of  
45 the charges and a transcript of the record of  
46 the hearing shall be filed with the secretary of  
47 state.

48 5. Each public member of the board shall  
49 be paid an amount for each day devoted to the  
50 work of the board which shall be determined by  
51 the commissioner of administration and filed  
52 with the reorganization plan of the office of  
53 administration; provided, however, that such  
54 amount shall not exceed that paid to members of  
55 boards and commissions with comparable  
56 responsibilities. All board members are  
57 entitled to reimbursement for necessary travel  
58 and other expenses pertaining to the duties of  
59 the board. Duties performed for the board by  
60 any employee member of the board shall be  
61 considered duties in connection with the  
62 appointment of the individual, and such employee  
63 member shall suffer no loss of regular  
64 compensation by reason of performance of such  
65 duties.

66 6. The board shall elect from among its  
67 membership a chairman and vice chairman, who  
68 shall act as chairman in the chairman's  
69 absence. It shall meet at the times and places  
70 specified by call of the chairman, the governor,  
71 or the director. At least one meeting shall be  
72 held every three months. All regular meetings  
73 are open to the public. Notice of each meeting  
74 shall be given in writing to each member by the  
75 director. Four members shall constitute a  
76 quorum for the transaction of official business.

77 7. To assist in the performance of its  
78 duties the board may employ staff from funds

79 appropriated for this purpose; provided,  
80 however, that this provision shall not be  
81 interpreted to limit the ability of the  
82 personnel director to provide assistance to the  
83 board.]

2 [291.010. Before the director of the  
3 inspection section shall enter upon the duties  
4 of his office, he shall give a good and  
5 sufficient bond to the state of Missouri in the  
6 penal sum of twenty thousand dollars, to be  
7 approved by the attorney general as to form, and  
8 by the governor as to sufficiency, conditioned  
9 upon the faithful performance of the duties of  
10 his office, and that he will render an honest  
11 and accurate accounting of all funds which may  
12 come into his hands through the performance of  
13 his official duties, and said director shall be  
14 held liable on his official bond for any  
15 defalcations of any of his deputies, agents,  
assistants or other employees.]

2 [291.020. The principal office of the  
3 section shall be kept and maintained in  
4 Jefferson City, Missouri. In addition to the  
5 principal office in Jefferson City there shall  
6 be kept and maintained one branch office in the  
7 city of St. Louis, Missouri, and one branch  
8 office in Kansas City, Missouri, located in such  
9 quarters as may be designated by the director  
10 with the approval of the secretary of the labor  
11 and industrial relations commission of  
12 Missouri. Each of such branch offices shall be  
13 in charge of an assistant director of the  
14 inspection section and each such assistant  
15 director shall be empowered to do and perform in  
16 the name of the director any act which the  
17 director himself might perform, subject however  
18 to the supervision and approval of said director  
of the inspection section.]

2 [291.030. 1. Subject to the provisions of  
3 the merit system law, chapter 36, the director  
4 of the department of labor and industrial  
5 relations shall employ and prescribe the duties  
6 and powers of such persons as may be required  
7 and may make expenditures within the  
8 appropriation therefor as may be necessary to  
9 carry out the purposes of the law.]

2 2. Any person employed by the inspection  
3 section more than six months prior to August 13,  
4 1972, shall be admitted to the qualifying  
5 examination covering the position held by him  
6 and may be retained at the discretion of the  
7 director provided that he attains a passing  
8 grade in such examination. Any employee  
9 appointed within six months prior to August 13,  
10 1972, and any employee appointed from and after  
11  
12  
13  
14  
15  
16  
17



18 August 13, 1972, shall be appointed subject to  
19 the merit system law.]

2 [291.040. The salaries and compensation of  
3 the subordinate officials and employees provided  
4 for in section 291.030, shall be paid in like  
5 manner and from the same source as the salary of  
6 the director of the inspection section, upon  
7 vouchers approved by the director. The salaries  
8 and compensation shall be as follows: Assistant  
9 director of the inspection section, not  
10 exceeding six thousand six hundred dollars per  
11 annum each; chief clerk, not exceeding six  
12 thousand six hundred dollars per annum;  
13 administrative secretary, not exceeding four  
14 thousand eight hundred dollars per annum; three  
15 special safety inspectors, not to exceed five  
16 thousand four hundred dollars per annum each;  
17 inspectors, not to exceed five thousand four  
18 hundred dollars per annum; secretary, not  
19 exceeding four thousand two hundred dollars per  
20 annum; and stenographer, not to exceed four  
21 thousand two hundred dollars per annum, except  
22 that the two stenographers who act as office  
23 managers in the two branches shall receive a  
24 salary not to exceed four thousand five hundred  
25 dollars per annum; statistician, not to exceed  
26 six thousand six hundred dollars per annum.  
27 Such compensation shall be paid the janitor as  
28 is fixed by the director, not to exceed the sum  
29 of two hundred dollars per month for the time  
employed.]

2 [291.050. The director of the inspection  
3 section, his deputies, inspectors and other  
4 assistants and appointees shall be entitled to  
5 their actual traveling expenses when traveling  
6 within the state of Missouri on necessary  
7 business of the inspection section, which said  
8 expenses shall be paid on itemized accounts,  
9 approved by the director as other sectional  
expenses are approved and paid.]

2 [291.060. 1. The director of the  
3 inspection section may divide the state into  
4 districts, assign one or more deputy inspectors  
5 to each district, and may, at his discretion,  
6 change or transfer them from one district to  
7 another.]

8 2. It shall be the duty of the director,  
9 his assistants or deputy inspectors, to make not  
10 less than two inspections during each year of  
11 all factories, warehouses, office buildings,  
12 freight depots, machine shops, garages,  
13 laundries, tenement workshops, bakeshops,  
14 restaurants, bowling alleys, pool halls,  
15 theaters, concert halls, moving picture houses,  
or places of public amusement, and all other

16 manufacturing, mechanical and mercantile  
17 establishments and workshops. The last  
18 inspection shall be completed on or before the  
19 first day of October of each year, and the  
20 director shall enforce all laws relating to the  
21 inspection of the establishments enumerated  
22 heretofore in this section, and prosecute all  
23 persons for violating the same. Any municipal  
24 ordinance relating to said establishments or  
25 their inspection shall be enforced by the  
26 director.

27 3. The director, his assistants and deputy  
28 inspectors, may administer oaths and take  
29 affidavits in matters concerning the enforcement  
30 of the various inspection laws relating to these  
31 establishments; provided, that the provisions of  
32 this section shall not apply to mercantile  
33 establishments that employ less than ten persons  
34 that are located in towns and cities that have  
35 three thousand inhabitants or less.]

2 [291.065. The director may adopt, amend or  
3 rescind rules and regulations necessary to  
4 implement any of the provisions of this law;  
5 provided, however, that no such rule or  
6 regulation shall be adopted except after a  
7 public hearing before the labor and industrial  
8 relations commission to be held after thirty  
9 days prior notice by public advertisement of the  
10 date, time and place of the hearing and  
11 opportunity given to the public to be heard.  
12 Thereafter, subject to the provisions of chapter  
13 536, such rules and regulations are to become  
14 effective ten days after their approval by the  
15 commission, and after copies thereof have been  
16 filed in the office of the secretary of state.  
17 The adoption, amending or rescinding of rules  
18 and regulations relating to the internal  
19 management of the section shall not require  
20 prior approval of the labor and industrial  
21 relations commission, nor public hearing to  
become effective.]

2 [291.070. The inspection section shall  
3 collect, assort and systematize statistical  
4 details and information relating to the  
5 commercial, industrial, social, educational and  
6 sanitary conditions of the laboring classes of  
7 the state and to the permanent prosperity of the  
productive industries of the state.]

2 [291.080. The director of the inspection  
3 section is hereby directed to collect any  
4 information he may deem necessary to carry out  
5 the objects of the department as set forth in  
6 section 291.070, and is hereby authorized to  
7 furnish suitable blanks to managers of public  
service corporations, county, city and township

8 officers, and to the officers of prisons, penal  
9 and reformatory institutions, and it shall be  
10 the duty of all such managers and officers to  
11 furnish such information as the director may  
12 require and which may be in their possession  
13 with the least possible delay.]

2 [291.120. The labor and industrial  
3 relations commission of Missouri, with the  
4 assistance of the director of the inspection  
5 section of the department of labor and  
6 industrial relations shall, on or before the  
7 first day of February of each year, present a  
8 report in writing to the governor, which shall  
9 contain statistical details relating to the  
10 operation of the section under sections 196.270  
11 to 196.305, and chapters 290, 292 and 421,  
12 including such information as is contemplated by  
section 291.070.]

2 [291.130. 1. The owner, superintendent,  
3 manager or other person in charge of every  
4 establishment inspected as provided by law shall  
5 pay to the state director of revenue the  
6 following fee for each inspection made in  
7 accordance with the provisions of sections  
8 196.270 to 196.305, and chapters 292 and 421, or  
9 elsewhere authorized or required of said  
10 inspector by law to be made:

11 (1) For the inspection of every building  
12 or shop in which ten or less persons are  
13 employed or found at work, no charge shall be  
14 made;

15 (2) For the inspection of every building  
16 or shop in which more than ten and not exceeding  
17 fifteen persons are employed, the sum of three  
18 dollars;

19 (3) For the inspection of every building  
20 or shop in which more than fifteen and less than  
21 twenty-five persons are employed, the sum of  
22 four dollars;

23 (4) For the inspection of every building  
24 or shop in which more than twenty-five persons  
25 and less than fifty persons are employed, the  
26 sum of five dollars; and

27 (5) In every building or shop in which  
28 more than fifty persons are employed an  
29 additional fee of one dollar shall be charged  
30 and collected for every fifty additional persons  
31 employed, or any additional fraction thereof,  
32 and the fee herein provided for shall be due  
33 immediately upon completion of the inspection.

34 2. The owner, superintendent, manager or  
35 other person in charge of any establishment at  
36 the time of inspection shall furnish the  
37 inspector making the inspection a true statement  
38 of the number of persons employed in the  
establishment at the time of inspection, and any

39 owner, superintendent, manager or other person  
40 in charge who fails or refuses to furnish such  
41 statement, or understates the number of persons  
42 employed in the establishment at the time of  
43 inspection, is guilty of a misdemeanor, and,  
44 upon conviction thereof, shall be fined not less  
45 than twenty-five dollars nor more than one  
46 hundred dollars for each offense.

47 3. Any person, firm or corporation, agent  
48 or manager, superintendent or foreman of any  
49 firm or corporation, whether acting for himself or  
50 or for the firm or corporation, or by himself or  
51 through subagents or foreman, superintendent or  
52 manager, who refuses or attempts to prevent the  
53 admission of any inspector authorized by this  
54 chapter, upon or within the premises or building  
55 of any establishments or place which he is  
56 required by law to inspect at any reasonable  
57 business hour, or during working hours or in any  
58 manner interferes with the performance of the  
59 official duties of the inspector, or neglects or  
60 refuses to pay the inspection fee upon the  
61 completion of the inspection, is guilty of a  
62 misdemeanor, and, upon conviction thereof, shall  
63 be fined not less than twenty-five dollars nor  
64 more than one hundred dollars for each offense;  
65 except, that the owner or manager of any  
66 establishment inspected shall not be required to  
67 pay for more than two inspections between the  
68 first day of October of one year and thirtieth  
69 day of September of the next year, unless  
70 through noncompliance with the written orders of  
71 the inspector, additional inspections are  
72 necessary.]

2 [291.140. The director of the inspection  
3 section shall make an investigation of all  
4 accidents serious enough to require physical  
5 rehabilitation, under the provisions of the  
6 state board of rehabilitation, and make safety  
7 recommendations to the employers of the injured  
8 employees.]

2 [291.150. The director shall also make and  
3 submit to the governor on or before the last  
4 Monday in January in each year, a report  
5 containing a full and complete account of the  
6 investigations, together with any other  
7 suggestions and recommendations he considers to  
8 be of value to the people of the state, which  
9 shall be laid before the next succeeding general  
10 assembly.]

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