

RECEIVED

SEP 13 2021

SECRETARY OF STATE
ADMINISTRATIVE RULES

Title 8—DEPARTMENT OF
LABOR AND INDUSTRIAL RELATIONS
Division 60—Missouri Commission on Human Rights
Chapter 2—Procedural Regulations

PROPOSED AMENDMENT

8 CSR 60-2.025 Complaint, Investigation, and Conciliation Processes. The commission is amending sections (7), (8), and (10).

PURPOSE: This proposed amendment is to modernize this rule by allowing the commission to communicate with parties by digital transmission or fax.

(7) Dismissal of Complaint.

(C) The parties shall be notified by mail, **digital transmission, facsimile, or personal service** of the commission's dismissal or administrative closure and of complainant's right of appeal.

(E) Any person aggrieved by dismissal of a complaint may obtain judicial review by filing a petition in the circuit court of the county of proper venue *[within thirty (30) days after the mailing or delivery of the notice of dismissal. Judicial review shall be]* in the manner provided by *[Chapter]* **section 536.150**, RSMo *[for noncontested cases]*.

(8) Service of Complaint upon Respondent. A copy of the complaint shall be served by the commission upon the respondent by mail, **digital transmission, facsimile, or personal service**, not more than thirty (30) calendar days after a verified complaint has been received by the commission. This requirement shall not apply to any complaint *[which]* **that** has been dismissed prior to the time the service is required. This requirement shall not apply to any complaint filed originally with the EEOC or other federal agencies *[which]* **that** have work-sharing or deferral agreements with the commission or a local commission *[which]* **that** has been certified as substantially equivalent by the commission which shall be deemed properly served if service is effected according to the requirements of the agency with which the complaint is originally filed. This requirement shall not apply to any complaint *[which]* **that** is under jurisdictional determination prior to docketing or in which a housing or public accommodations test is being conducted; however, the complaint shall be served within thirty (30) days of the conclusion of the jurisdictional determination or of the test. In complaints alleging a violation of sections 213.040, 213.045, 213.050, or 213.070, RSMo to the extent that the alleged violation of 213.070, RSMo relates to or involves a violation of one (1) or more of such other sections or relates to or involves the encouraging, aiding, or abetting of a violation of such other sections, when the complainant and respondent are served copies of the complaint, the complainant shall be advised of the time limits and choice of forums provided under the law and respondent shall be notified of *[his/her]* **respondent's** procedural rights and obligations under the law.

(10) Service of the Finding of Probable Cause. If, after investigation, the executive director shall find probable cause to credit the allegations of the complaint, that finding of probable cause shall be filed with the secretary to the commission. Not more than fifteen (15) calendar days after the filing, the commission shall serve, by certified mail, *[email with delivery receipt, facsimile with fax received report]* **digital transmission, facsimile, or personal service** upon the complainant

RECEIVED

By JCAR at 3:14 pm, Sep 13, 2021

and the respondent, a copy of the complaint and all amendments to the complaint, a copy of the finding of probable cause, a copy of the commission's procedural regulations, and notice that conciliation shall be attempted.

*AUTHORITY: sections 213.030, 213.077, and 213.085, RSMo 2016, and sections 213.075 and 213.111, RSMo Supp. [2019] 2020. Original rule filed April 15, 1988, effective July 11, 1988. For intervening history, please consult the **Code of State Regulations**. Amended: Filed September 13, 2021.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Commission on Human Rights, Attn: Dr. Alisa Warren, Executive Director, PO Box 1129, Jefferson City, MO 65102-1129. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*