

**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 proposes to amend sections (8) and (15).

*PURPOSE: The amendment to section (8) is a rewording which more accurately reflects that the statement is a description, not a conclusion. The amendment to section (15) serves to eliminate language which is merely quoted from statute as well as renumbering the remaining subsections.*

(8) Service of Complaint upon Respondent. A copy of the complaint shall be served by the commission upon the respondent by mail or personal service, not more than thirty (30) calendar days after a verified complaint has been received by the commission. *[This requirement shall apply only to those complaints received after the effective date of these rules (July 11, 1988).]* This requirement shall not apply to any complaint which *[shall have]* **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 have worksharing or deferral agreements with the commission or a local commission which 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 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 procedural rights and obligations under the law.

(15) Disclosure of Information in the Case Files.

(B) If a complaint has been filed pursuant to Chapter 213, RSMo alleging commission of an unlawful discriminatory practice *[—]* **documents will remain confidential as provided in section 213.077, RSMo. Additionally:**

*[1. During investigation, the public shall not have access to records relating to the complaint, nor shall any information relating to the complaint be released to the public;]*

*[2. During investigation, the complainant and respondent only shall have access to records they provided until the point at which disclosure is allowed at hearing, or*

*if a request for civil action is made under section 213.111, RSMo for a right to sue or other legal proceedings pursuant to federal, state or local discrimination laws that require disclosure;]*

*[3. After closure of a complaint after investigation or prior to notice of hearing, the public may only have access to the complaint and closure documents or information contained in them, by agreement of the complainant and respondent;]*

*[4. Excluding a finding of probable cause, after an investigation closure, the complainant and respondent may have access to the investigative file except for sensitive or confidential records and records relating to witnesses who have been granted anonymity. With respect to records that the commission has obtained from other government agencies, the commission will observe any statutory confidentiality provisions imposed on the originating agency.]*

**1.** Sensitive or confidential records include medical or personnel records of persons not party to the complaint;

*[5. After failure of conciliation attempts, the complainant and respondent may have access to copies of the investigative file, except for sensitive or confidential records or records relating to witnesses who have requested anonymity;]*

*[6.]* **2.** After a notice of hearing has been issued, the official records of the hearing shall be open; and

*[7.]* **3.** To achieve the purposes of Chapter 213, RSMo, this rule shall not apply to disclosure of information to representatives of interested federal, state or local civil or human rights agencies.

*AUTHORITY: sections 213.030, [RSMo (Supp. 1995) and] 213.075, 213.077, 213.085 and 213.111, RSMo [(1994)]* **2016**. Original rule filed April 15, 1988, effective July 11, 1988. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 27, 2018.

*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.*