



Missouri Highways and Transportation Commission Policies

Category: EMPLOYEES
Subcategory: Specific Positions – Statutory Provisions

Related Statutes: Section 226.040, RSMo 2000, as amended. Director, Chief Engineer, assistants and other employees.
Section 226.050, RSMo 2000, as amended. Secretary.
Section 226.060, RSMo 2000, as amended. Chief Counsel
Section 226.005, 105.950, and 226.080, RSMo 2000, as amended, Compensation

Missouri Statutes (Section 226) provide certain qualifications and duties of the following MoDOT positions and charge the Commission with the responsibility for compensation.

Director

Section 226.040.1, RSMo 2000, as revised, states that the Commission shall appoint a chief executive officer with the title of Director of the Missouri Department of Transportation. The Director serves at the pleasure of the Commission. The statutes provide that the Director shall be a citizen and a resident of Missouri, shall have had executive management experience for at least five years, and may be a registered professional engineer. The Director's duties shall include appointment of a Chief Engineer, a Chief Financial Officer, and other Department heads, engineers and other employees as the Commission may designate and deem necessary. Under the direction of the Commission, the Director shall have general charge of, and be responsible for, the overall operations and performance of the Department.

Chief Engineer

Section 226.040.2, RSMo 2000, as revised, provides that the Chief Engineer shall be a registered professional engineer responsible for preparation and approval of all engineering documents, plans and specifications and shall have general oversight of construction and maintenance work for the Department as determined by the Director.

Secretary to the Commission

Section 226.050, RSMo 2000 states that the Highways and Transportation Commission shall appoint a Secretary who shall serve at its pleasure. The Secretary shall keep complete and accurate recordings of all proceedings of the Commission and shall be the custodian of all papers filed with the Commission and all orders of the Commission. Under the direction of the Commission, the Secretary shall have such authority and perform such duties as the Commission may require.

Chief Counsel

Section 226.060, RSMo 2000, as revised, states that the Director of the Missouri Department of Transportation, with the consent of the Highways and Transportation Commission, shall select and fix the salary of a Chief Counsel who shall possess the same qualifications as judges of the Supreme Court and who shall serve at the pleasure of the Director. The Chief Counsel shall:

- *Appear for and represent the Commission in all actions and proceedings under Chapters 226 and 227, RSMo, and any other law administered by the Commission, or in any decision, order or proceeding of the Commission, or of the Director.*
- *Commence, prosecute or defend all actions or proceedings authorized or requested by the Commission or to which the Commission is a party.*
- *Advise the Commission or the Director, when requested, in all matters in connection with the organization, powers and duties of the Commission, or the powers and duties of the Director.*
- *With consent of the Director, appoint such assistant attorneys as the Director may deem necessary; their salaries shall be fixed by the Director.*
- *Render legal opinions and advise the Commission and Director on any matter required by the Commission or Director.*

The Commission, or an individual Commissioner or Commissioners, may request legal opinions or advice from the Chief Counsel and the Chief Counsel or an assistant attorney designated by the Chief Counsel shall provide such opinion or advice directly to the Commission or individual Commissioner making the request.

Engineers

Section 226.040.3 RSMo 2000 states that engineers of the Department responsible for supervising the activities of road and bridge design, construction, maintenance and materials inspection and analysis shall be registered professional engineers in Missouri.

Compensation

According to Section 226.005, RSMo 2000, the Director shall receive an annual salary of not less than the salary ranges established pursuant to Section 105.950 for Directors of other specific State Departments and published yearly in an appendix to the Revised Statutes of Missouri. The salaries of the Chief Engineer, Chief Financial Officer, Chief Counsel, Assistant Chief Engineer, the Secretary to the Commission, and of the Division Heads, District Engineers, engineers, clerks and other employees of the Department shall be fixed by the Commission. Section 226.080, RSMo, restates that the salaries of department heads, engineers, clerks and other employees shall be fixed by the Commission, but requires that the compensation of clerical or other nontechnical employees of the Department shall not exceed that of those in similar employment in other departments of the State.

Employment

In keeping with Section 29 of the Missouri Constitution and Section 226.090 RSMo, as revised, the selection and removal of all employees of the Commission and Department shall be without regard to political affiliation.

The original statute concerning employment of Department employees (Section 226.040 RSMo) required that it be done “with consent and approval of the Commission.” Therefore, all employee names were presented to the Commission for approval and listed in the Commission minutes reflecting that action. On September 13, 1996, the Commission, delegated its authority to the Chief Engineer to approve employee appointments, thereby eliminating the monthly Commission agenda item. During the 1998 legislative session, revisions to Section 226.040 included elimination of the requirement for “consent and approval of the Commission.” (September 13, 1996)