

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1559**  
100TH GENERAL ASSEMBLY

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Reported from the Committee on Small Business and Industry, April 30, 2020, with recommendation that the Senate Committee Substitute do pass.

3966S.02C

ADRIANE D. CROUSE, Secretary.

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**AN ACT**

To repeal sections 287.067, 288.132, and 290.502, RSMo, section 288.036 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, section 288.036 as enacted by house bill no. 1456, ninety-third general assembly, second regular session, section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and to enact in lieu thereof nine new sections relating the employee-employer relationship, with a delayed effective date for certain sections.

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

Section A. Sections 287.067, 288.132, and 290.502, RSMo, section 288.036  
2 as enacted by house bill no. 150, ninety-eighth general assembly, first regular  
3 session, section 288.036 as enacted by house bill no. 1456, ninety-third general  
4 assembly, second regular session, section 288.060 as enacted by house bill no.  
5 150, ninety-eighth general assembly, first regular session, and section 288.060 as  
6 enacted by house bill no. 163, ninety-sixth general assembly, first regular session,  
7 are repealed and nine new sections enacted in lieu thereof, to be known as  
8 sections 285.050, 285.075, 287.067, 287.069, 288.036, 288.060, 288.132, 288.133,  
9 and 290.502, to read as follows:

**285.050. 1. Any employer may refuse to accommodate the use of  
2 marijuana at the employer's place of business for any purpose allowed  
3 by article XIV of the Missouri Constitution.**

**4 2. Any employer may institute a random drug-testing policy for  
5 all employees of such employer and all prospective employees. Receipt**

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

6 of a positive drug test for marijuana may be considered grounds for  
7 dismissal from employment in the case of an employee or, in the case  
8 of a prospective employee, grounds for refusal of employment.

9 3. For purposes of this section, the following terms shall mean:

10 (1) "Employer", any person acting directly or indirectly in the  
11 interest of an employer in relation to an employee, and shall include a  
12 public governmental body;

13 (2) "Marijuana", the same meaning given in article XIV of the  
14 Missouri Constitution;

15 (3) "Public governmental body", the same meaning given in  
16 section 610.010.

285.075. 1. Notwithstanding any voluntary agreement entered  
2 into between the United States Department of Labor and a franchisee  
3 or a franchisor, neither a franchisee nor a franchisee's employee shall  
4 be deemed to be an employee of the franchisor for any purpose, unless  
5 the franchisor exercises direct and immediate control over the hiring,  
6 termination, discipline, and direction of the franchisee's employees.

7 2. For purposes of this section, the terms "franchisee" and  
8 "franchisor" shall have the same meaning as in 16 C.F.R. 436.1.

287.067. 1. In this chapter the term "occupational disease" is hereby  
2 defined to mean, unless a different meaning is clearly indicated by the context,  
3 an identifiable disease arising with or without human fault out of and in the  
4 course of the employment. Ordinary diseases of life to which the general public  
5 is exposed outside of the employment shall not be compensable, except where the  
6 diseases follow as an incident of an occupational disease as defined in this  
7 section. The disease need not to have been foreseen or expected but after its  
8 contraction it must appear to have had its origin in a risk connected with the  
9 employment and to have flowed from that source as a rational consequence.

10 2. An injury or death by occupational disease is compensable only if the  
11 occupational exposure was the prevailing factor in causing both the resulting  
12 medical condition and disability. The "prevailing factor" is defined to be the  
13 primary factor, in relation to any other factor, causing both the resulting medical  
14 condition and disability. Ordinary, gradual deterioration, or progressive  
15 degeneration of the body caused by aging or by the normal activities of day-to-day  
16 living shall not be compensable.

17 3. An injury due to repetitive motion is recognized as an occupational

18 disease for purposes of this chapter. An occupational disease due to repetitive  
19 motion is compensable only if the occupational exposure was the prevailing factor  
20 in causing both the resulting medical condition and disability. The "prevailing  
21 factor" is defined to be the primary factor, in relation to any other factor, causing  
22 both the resulting medical condition and disability. Ordinary, gradual  
23 deterioration, or progressive degeneration of the body caused by aging or by the  
24 normal activities of day-to-day living shall not be compensable.

25 4. "Loss of hearing due to industrial noise" is recognized as an  
26 occupational disease for purposes of this chapter and is hereby defined to be a  
27 loss of hearing in one or both ears due to prolonged exposure to harmful noise in  
28 employment. "Harmful noise" means sound capable of producing occupational  
29 deafness.

30 5. "Radiation disability" is recognized as an occupational disease for  
31 purposes of this chapter and is hereby defined to be that disability due to  
32 radioactive properties or substances or to Roentgen rays (X-rays) or exposure to  
33 ionizing radiation caused by any process involving the use of or direct contact  
34 with radium or radioactive properties or substances or the use of or direct  
35 exposure to Roentgen rays (X-rays) or ionizing radiation.

36 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or  
37 disease of the heart or cardiovascular system, including carcinoma, may be  
38 recognized as occupational diseases for the purposes of this chapter and are  
39 defined to be disability due to exposure to smoke, gases, carcinogens, inadequate  
40 oxygen, of paid firefighters of a paid fire department or paid police officers of a  
41 paid police department certified under chapter 590 if a direct causal relationship  
42 is established[, or psychological stress of firefighters of a paid fire department or  
43 paid peace officers of a police department who are certified under chapter 590 if  
44 a direct causal relationship is established].

45 7. Any employee who is exposed to and contracts any contagious or  
46 communicable disease arising out of and in the course of his or her employment  
47 shall be eligible for benefits under this chapter as an occupational disease.

48 8. With regard to occupational disease due to repetitive motion, if the  
49 exposure to the repetitive motion which is found to be the cause of the injury is  
50 for a period of less than three months and the evidence demonstrates that the  
51 exposure to the repetitive motion with the immediate prior employer was the  
52 prevailing factor in causing the injury, the prior employer shall be liable for such  
53 occupational disease.

287.069. 1. For the purposes of this section, the following terms shall mean:

(1) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department of health and senior services pursuant to sections 190.001 to 190.245;

(2) "Emergency services telecommunicator", any person employed as an emergency telephone worker, call taker, or public safety dispatcher whose duties include receiving, processing, or transmitting public safety information received through a 911 public safety answering point;

(3) "First responder", a law enforcement officer, a firefighter, a paramedic, an emergency medical technician, a registered nurse employed to provide emergency medical services outside of a medical facility, an emergency services telecommunicator, an officer employed by the state or a political subdivision at a corrections, detention, or secure treatment facility, a sheriff or full-time deputy sheriff of any county, or a member of the state highway patrol;

(4) "Mental impairment", a diagnosis of post-traumatic stress disorder by a licensed psychiatrist or psychologist; and

(5) "Paramedic", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(6) "Post-traumatic stress disorder", the condition as described in the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association.

2. If, preceding the date of injury or death, an employee who was employed on active duty as a first responder is diagnosed with a mental impairment and had not been diagnosed with the mental impairment previously, then the mental impairment shall presumptively be considered an occupational disease and shall be presumed to have arisen out of and in the course of employment. This presumption may be rebutted by substantial factors brought by the employer or insurer. Any substantial factors that are used to rebut this presumption and that are known to the employer or insurer at the time of the denial of liability shall be communicated to the employee on the denial of liability.

38           **3. One or more compensable mental impairment claims arising**  
39 **out of a single accident shall constitute a single injury.**

40           **4. A mental impairment shall not be considered an occupational**  
41 **disease if it results from a disciplinary action, work evaluation, job**  
42 **transfer, layoff, demotion, promotion, termination, retirement, or**  
43 **similar action taken in good faith by the employer.**

          [288.036. 1. "Wages" means all remuneration, payable or  
2       paid, for personal services including commissions and bonuses and,  
3       except as provided in subdivision (7) of this section, the cash value  
4       of all remuneration paid in any medium other than  
5       cash. Gratuities, including tips received from persons other than  
6       the employing unit, shall be considered wages only if required to be  
7       reported as wages pursuant to the Federal Unemployment Tax Act,  
8       26 U.S.C. Section 3306, and shall be, for the purposes of this  
9       chapter, treated as having been paid by the employing  
10      unit. Severance pay shall be considered as wages to the extent  
11     required pursuant to the Federal Unemployment Tax Act, 26  
12     U.S.C. Section 3306(b). Vacation pay, termination pay, severance  
13     pay and holiday pay shall be considered as wages for the week with  
14     respect to which it is payable. The total amount of wages derived  
15     from severance pay, if paid to an insured in a lump sum, shall be  
16     prorated on a weekly basis at the rate of pay received by the  
17     insured at the time of termination for the purposes of determining  
18     unemployment benefits eligibility. The term "wages" shall not  
19     include:

20           (1) The amount of any payment made (including any  
21       amount paid by an employing unit for insurance or annuities, or  
22       into a fund, to provide for any such payment) to, or on behalf of, an  
23       individual under a plan or system established by an employing unit  
24       which makes provision generally for individuals performing  
25       services for it or for a class or classes of such individuals, on  
26       account of:

27           (a) Sickness or accident disability, but in case of payments  
28       made to an employee or any of the employee's dependents this  
29       paragraph shall exclude from the term wages only payments which  
30       are received pursuant to a workers' compensation law; or

31 (b) Medical and hospitalization expenses in connection with  
32 sickness or accident disability; or

33 (c) Death;

34 (2) The amount of any payment on account of sickness or  
35 accident disability, or medical or hospitalization expenses in  
36 connection with sickness or accident disability, made by an  
37 employing unit to, or on behalf of, an individual performing  
38 services for it after the expiration of six calendar months following  
39 the last calendar month in which the individual performed services  
40 for such employing unit;

41 (3) The amount of any payment made by an employing unit  
42 to, or on behalf of, an individual performing services for it or his or  
43 her beneficiary:

44 (a) From or to a trust described in 26 U.S.C. Section 401(a)  
45 which is exempt from tax pursuant to 26 U.S.C. Section 501(a) at  
46 the time of such payment unless such payment is made to an  
47 employee of the trust as remuneration for services rendered as  
48 such an employee and not as a beneficiary of the trust; or

49 (b) Under or to an annuity plan which, at the time of such  
50 payments, meets the requirements of Section 404(a)(2) of the  
51 Federal Internal Revenue Code (26 U.S.C.A. Section 404);

52 (4) The amount of any payment made by an employing unit  
53 (without deduction from the remuneration of the individual in  
54 employment) of the tax imposed pursuant to Section 3101 of the  
55 Federal Internal Revenue Code (26 U.S.C.A. Section 3101) upon an  
56 individual with respect to remuneration paid to an employee for  
57 domestic service in a private home or for agricultural labor;

58 (5) Remuneration paid in any medium other than cash to  
59 an individual for services not in the course of the employing unit's  
60 trade or business;

61 (6) Remuneration paid in the form of meals provided to an  
62 individual in the service of an employing unit where such  
63 remuneration is furnished on the employer's premises and at the  
64 employer's convenience, except that remuneration in the form of  
65 meals that is considered wages and required to be reported as  
66 wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C.

67 Section 3306 shall be reported as wages as required thereunder;

68 (7) For the purpose of determining wages paid for  
69 agricultural labor as defined in paragraph (b) of subdivision (1) of  
70 subsection 12 of section 288.034 and for domestic service as defined  
71 in subsection 13 of section 288.034, only cash wages paid shall be  
72 considered;

73 (8) Beginning on October 1, 1996, any payment to, or on  
74 behalf of, an employee or the employee's beneficiary under a  
75 cafeteria plan, if such payment would not be treated as wages  
76 pursuant to the Federal Unemployment Tax Act.

77 2. The increases or decreases to the state taxable wage base  
78 for the remainder of calendar year 2004 shall be eight thousand  
79 dollars, and the state taxable wage base in calendar year 2005, and  
80 each calendar year thereafter, shall be determined by the  
81 provisions within this subsection. On January 1, 2005, the state  
82 taxable wage base for calendar year 2005, 2006, and 2007 shall be  
83 eleven thousand dollars. The taxable wage base for calendar year  
84 2008 shall be twelve thousand dollars. The state taxable wage  
85 base for each calendar year thereafter shall be determined by the  
86 average balance of the unemployment compensation trust fund of  
87 the four preceding calendar quarters (September thirtieth, June  
88 thirtieth, March thirty-first, and December thirty-first of the  
89 preceding calendar year), less any outstanding federal Title XII  
90 advances received pursuant to section 288.330, less the principal,  
91 interest, and administrative expenses related to any credit  
92 instrument issued under section 288.030, and less the principal,  
93 interest, and administrative expenses related to any financial  
94 agreements under subdivision (17) of subsection 2 of section  
95 288.330. When the average balance of the unemployment  
96 compensation trust fund of the four preceding quarters (September  
97 thirtieth, June thirtieth, March thirty-first, and December  
98 thirty-first of the preceding calendar year), as so determined is:

99 (1) Less than, or equal to, three hundred fifty million  
100 dollars, then the wage base shall increase by one thousand dollars;  
101 or

102 (2) Six hundred fifty million or more, then the state taxable

103 wage base for the subsequent calendar year shall be decreased by  
104 five hundred dollars. In no event, however, shall the state taxable  
105 wage base increase beyond twelve thousand five hundred dollars,  
106 or decrease to less than seven thousand dollars. For calendar year  
107 2009, the tax wage base shall be twelve thousand five hundred  
108 dollars. For calendar year 2010 and each calendar year thereafter,  
109 in no event shall the state taxable wage base increase beyond  
110 thirteen thousand dollars, or decrease to less than seven thousand  
111 dollars.

112 For any calendar year, the state taxable wage base shall not be  
113 reduced to less than that part of the remuneration which is subject  
114 to a tax under a federal law imposing a tax against which credit  
115 may be taken for contributions required to be paid into a state  
116 unemployment compensation trust fund. Nothing in this section  
117 shall be construed to prevent the wage base from increasing or  
118 decreasing by increments of five hundred dollars.]

288.036. 1. "Wages" means all remuneration, payable or paid, for  
2 personal services including commissions and bonuses and, except as provided in  
3 subdivision (7) of this [section] **subsection**, the cash value of all remuneration  
4 paid in any medium other than cash. Gratuities, including tips received from  
5 persons other than the employing unit, shall be considered wages only if required  
6 to be reported as wages [pursuant to] **under** the Federal Unemployment Tax Act,  
7 26 U.S.C. Section [3306] **3301, et seq., as amended**, and shall be, for the  
8 purposes of this chapter, treated as having been paid by the employing  
9 unit. Severance pay shall be considered as wages to the extent required  
10 [pursuant to] **under** the Federal Unemployment Tax Act, 26 U.S.C. Section  
11 3306(b). Vacation pay, **termination pay, severance pay**, and holiday pay shall  
12 be considered as wages for the week with respect to which it is payable. **The**  
13 **total amount of wages derived from severance pay, if paid to an insured**  
14 **in a lump sum, shall be pro-rated on a weekly basis at the rate of pay**  
15 **received by the insured at the time of termination for the purposes of**  
16 **determining unemployment benefits eligibility.** The term "wages" shall not  
17 include:

18 (1) The amount of any payment made (including any amount paid by an  
19 employing unit for insurance or annuities, or into a fund, to provide for any such  
20 payment) to, or on behalf of, an individual under a plan or system established by

21 an employing unit which makes provision generally for individuals performing  
22 services for it or for a class or classes of such individuals, on account of:

23 (a) Sickness or accident disability, but in case of payments made to an  
24 employee or any of the employee's dependents this paragraph shall exclude from  
25 the term wages only payments which are received pursuant to a workers'  
26 compensation law; or

27 (b) Medical and hospitalization expenses in connection with sickness or  
28 accident disability; or

29 (c) Death;

30 (2) The amount of any payment on account of sickness or accident  
31 disability, or medical or hospitalization expenses in connection with sickness or  
32 accident disability, made by an employing unit to, or on behalf of, an individual  
33 performing services for it after the expiration of six calendar months following the  
34 last calendar month in which the individual performed services for such  
35 employing unit;

36 (3) The amount of any payment made by an employing unit to, or on  
37 behalf of, an individual performing services for it or his or her beneficiary:

38 (a) From or to a trust described in 26 U.S.C. Section 401(a) which is  
39 exempt from tax pursuant to 26 U.S.C. Section 501(a) at the time of such  
40 payment unless such payment is made to an employee of the trust as  
41 remuneration for services rendered as such an employee and not as a beneficiary  
42 of the trust; or

43 (b) Under or to an annuity plan which, at the time of such payments,  
44 meets the requirements of Section 404(a)(2) of the Federal Internal Revenue Code  
45 (26 U.S.C.A. Section 404);

46 (4) The amount of any payment made by an employing unit (without  
47 deduction from the remuneration of the individual in employment) of the tax  
48 imposed pursuant to Section 3101 of the Federal Internal Revenue Code (26  
49 U.S.C.A. Section 3101) upon an individual with respect to remuneration paid to  
50 an employee for domestic service in a private home or for agricultural labor;

51 (5) Remuneration paid in any medium other than cash to an individual  
52 for services not in the course of the employing unit's trade or business;

53 (6) Remuneration paid in the form of meals provided to an individual in  
54 the service of an employing unit where such remuneration is furnished on the  
55 employer's premises and at the employer's convenience, except that remuneration  
56 in the form of meals that is considered wages and required to be reported as

57 wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C. Section 3306  
58 shall be reported as wages as required thereunder;

59 (7) For the purpose of determining wages paid for agricultural labor as  
60 defined in paragraph (b) of subdivision (1) of subsection 12 of section 288.034 and  
61 for domestic service as defined in subsection 13 of section 288.034, only cash  
62 wages paid shall be considered;

63 (8) Beginning on October 1, 1996, any payment to, or on behalf of, an  
64 employee or the employee's beneficiary under a cafeteria plan, if such payment  
65 would not be treated as wages pursuant to the Federal Unemployment Tax Act.

66 2. The increases or decreases to the state taxable wage base for the  
67 remainder of calendar year 2004 shall be eight thousand dollars, and the state  
68 taxable wage base in calendar year 2005, and each calendar year thereafter, shall  
69 be determined by the provisions within this subsection. On January 1, 2005, the  
70 state taxable wage base for calendar year 2005, 2006, and 2007 shall be eleven  
71 thousand dollars. The taxable wage base for calendar year 2008 shall be twelve  
72 thousand dollars. The state taxable wage base for each calendar year thereafter  
73 shall be determined by the average balance of the unemployment compensation  
74 trust fund of the four preceding calendar quarters (September thirtieth, June  
75 thirtieth, March thirty-first, and December thirty-first of the preceding calendar  
76 year), less any outstanding federal Title XII advances received pursuant to  
77 section 288.330, less the principal, interest, and administrative expenses related  
78 to any credit instrument issued under section 288.030, and less the principal,  
79 interest, and administrative expenses related to any financial agreements under  
80 subdivision (17) of subsection 2 of section 288.330. When the average balance of  
81 the unemployment compensation trust fund of the four preceding quarters  
82 (September thirtieth, June thirtieth, March thirty-first, and December thirty-first  
83 of the preceding calendar year), as so determined is:

84 (1) Less than, or equal to, three hundred fifty million dollars, then the  
85 wage base shall increase by one thousand dollars; or

86 (2) Six hundred fifty million or more, then the state taxable wage base for  
87 the subsequent calendar year shall be decreased by five hundred dollars. In no  
88 event, however, shall the state taxable wage base increase beyond twelve  
89 thousand five hundred dollars, or decrease to less than seven thousand  
90 dollars. For calendar year 2009, the tax wage base shall be twelve thousand five  
91 hundred dollars. For calendar year 2010 and each calendar year thereafter, in  
92 no event shall the state taxable wage base increase beyond thirteen thousand

93 dollars, or decrease to less than seven thousand dollars.  
94 For any calendar year, the state taxable wage base shall not be reduced to less  
95 than that part of the remuneration which is subject to a tax under a federal law  
96 imposing a tax against which credit may be taken for contributions required to  
97 be paid into a state unemployment compensation trust fund. Nothing in this  
98 section shall be construed to prevent the wage base from increasing or decreasing  
99 by increments of five hundred dollars.

[288.060. 1. All benefits shall be paid through employment  
2 offices in accordance with such regulations as the division may  
3 prescribe.

4 2. Each eligible insured worker who is totally unemployed  
5 in any week shall be paid for such week a sum equal to his or her  
6 weekly benefit amount.

7 3. Each eligible insured worker who is partially unemployed  
8 in any week shall be paid for such week a partial benefit. Such  
9 partial benefit shall be an amount equal to the difference between  
10 his or her weekly benefit amount and that part of his or her wages  
11 for such week in excess of twenty dollars, and, if such partial  
12 benefit amount is not a multiple of one dollar, such amount shall  
13 be reduced to the nearest lower full dollar amount. For calendar  
14 year 2007 and each year thereafter, such partial benefit shall be an  
15 amount equal to the difference between his or her weekly benefit  
16 amount and that part of his or her wages for such week in excess  
17 of twenty dollars or twenty percent of his or her weekly benefit  
18 amount, whichever is greater, and, if such partial benefit amount  
19 is not a multiple of one dollar, such amount shall be reduced to the  
20 nearest lower full dollar amount. Pay received by an eligible  
21 insured worker who is a member of the organized militia for  
22 training or duty authorized by Section 502(a)(1) of Title 32, United  
23 States Code, shall not be considered wages for the purpose of this  
24 subsection.

25 4. The division shall compute the wage credits for each  
26 individual by crediting him or her with the wages paid to him or  
27 her for insured work during each quarter of his or her base period  
28 or twenty-six times his or her weekly benefit amount, whichever is  
29 the lesser. In addition, if a claimant receives wages in the form of

30 termination pay or severance pay and such payment appears in a  
31 base period established by the filing of an initial claim, the  
32 claimant may, at his or her option, choose to have such payment  
33 included in the calendar quarter in which it was paid or choose to  
34 have it prorated equally among the quarters comprising the base  
35 period of the claim. For the purpose of this section, wages shall be  
36 counted as wage credits for any benefit year, only if such benefit  
37 year begins subsequent to the date on which the employing unit by  
38 whom such wages were paid has become an employer. The wage  
39 credits of an individual earned during the period commencing with  
40 the end of a prior base period and ending on the date on which he  
41 or she filed an allowed initial claim shall not be available for  
42 benefit purposes in a subsequent benefit year unless, in addition  
43 thereto, such individual has subsequently earned either wages for  
44 insured work in an amount equal to at least five times his or her  
45 current weekly benefit amount or wages in an amount equal to at  
46 least ten times his or her current weekly benefit amount.

47 5. The duration of benefits payable to any insured worker  
48 during any benefit year shall be limited to:

49 (1) Twenty weeks if the Missouri average unemployment  
50 rate is nine percent or higher;

51 (2) Nineteen weeks if the Missouri average unemployment  
52 rate is between eight and one-half percent and nine percent;

53 (3) Eighteen weeks if the Missouri average unemployment  
54 rate is eight percent up to and including eight and one-half  
55 percent;

56 (4) Seventeen weeks if the Missouri average unemployment  
57 rate is between seven and one-half percent and eight percent;

58 (5) Sixteen weeks if the Missouri average unemployment  
59 rate is seven percent up to and including seven and one-half  
60 percent;

61 (6) Fifteen weeks if the Missouri average unemployment  
62 rate is between six and one-half percent and seven percent;

63 (7) Fourteen weeks if the Missouri average unemployment  
64 rate is six percent up to and including six and one-half percent;

65 (8) Thirteen weeks if the Missouri average unemployment

66 rate is below six percent.

67 As used in this subsection, the phrase "Missouri average  
68 unemployment rate" means the average of the seasonally adjusted  
69 statewide unemployment rates as published by the United States  
70 Department of Labor, Bureau of Labor Statistics, for the time  
71 periods of January first through March thirty-first and July first  
72 through September thirtieth. The average of the seasonally  
73 adjusted statewide unemployment rates for the time period of  
74 January first through March thirty-first shall be effective on and  
75 after July first of each year and shall be effective through  
76 December thirty-first. The average of the seasonally adjusted  
77 statewide unemployment rates for the time period of July first  
78 through September thirtieth shall be effective on and after January  
79 first of each year and shall be effective through June thirtieth; and

80 (9) The provisions of this subsection shall become effective  
81 January 1, 2016.

82 6. In the event that benefits are due a deceased person and  
83 no petition has been filed for the probate of the will or for the  
84 administration of the estate of such person within thirty days after  
85 his or her death, the division may by regulation provide for the  
86 payment of such benefits to such person or persons as the division  
87 finds entitled thereto and every such payment shall be a valid  
88 payment to the same extent as if made to the legal representatives  
89 of the deceased.

90 7. The division is authorized to cancel any benefit warrant  
91 remaining outstanding and unpaid one year after the date of its  
92 issuance and there shall be no liability for the payment of any such  
93 benefit warrant thereafter.

94 8. The division may establish an electronic funds transfer  
95 system to transfer directly to claimants' accounts in financial  
96 institutions benefits payable to them pursuant to this chapter. To  
97 receive benefits by electronic funds transfer, a claimant shall  
98 satisfactorily complete a direct deposit application form authorizing  
99 the division to deposit benefit payments into a designated checking  
100 or savings account. Any electronic funds transfer system created  
101 pursuant to this subsection shall be administered in accordance

102 with regulations prescribed by the division.

103 9. The division may issue a benefit warrant covering more  
104 than one week of benefits.

105 10. Prior to January 1, 2005, the division shall institute  
106 procedures including, but not limited to, name, date of birth, and  
107 Social Security verification matches for remote claims filing via the  
108 use of telephone or the internet in accordance with such  
109 regulations as the division shall prescribe. At a minimum, the  
110 division shall verify the Social Security number and date of birth  
111 when an individual claimant initially files for unemployment  
112 insurance benefits. If verification information does not match what  
113 is on file in division databases to what the individual is stating, the  
114 division shall require the claimant to submit a division-approved  
115 form requesting an affidavit of eligibility prior to the payment of  
116 additional future benefits. The division of employment security  
117 shall cross-check unemployment compensation applicants and  
118 recipients with Social Security Administration data maintained by  
119 the federal government at least weekly. The division of  
120 employment security shall cross-check at least monthly  
121 unemployment compensation applicants and recipients with  
122 department of revenue drivers license databases.]

288.060. 1. All benefits shall be paid through employment offices in  
2 accordance with such regulations as the division may prescribe.

3 2. Each eligible insured worker who is totally unemployed in any week  
4 shall be paid for such week a sum equal to his or her weekly benefit amount.

5 3. Each eligible insured worker who is partially unemployed in any week  
6 shall be paid for such week a partial benefit. Such partial benefit shall be an  
7 amount equal to the difference between his or her weekly benefit amount and  
8 that part of his or her wages for such week in excess of twenty dollars, and, if  
9 such partial benefit amount is not a multiple of one dollar, such amount shall be  
10 reduced to the nearest lower full dollar amount. For calendar year 2007 and each  
11 year thereafter, such partial benefit shall be an amount equal to the difference  
12 between his or her weekly benefit amount and that part of his or her wages for  
13 such week in excess of twenty dollars or twenty percent of his or her weekly  
14 benefit amount, whichever is greater, and, if such partial benefit amount is not  
15 a multiple of one dollar, such amount shall be reduced to the nearest lower full

16 dollar amount. [Termination pay, severance pay, or] Pay received by an eligible  
17 insured worker who is a member of the organized militia for training or duty  
18 authorized by Section 502(a)(1) of Title 32, United States Code, shall not be  
19 considered wages for the purpose of this subsection.

20 4. The division shall compute the wage credits for each individual by  
21 crediting him or her with the wages paid to him or her for insured work during  
22 each quarter of his or her base period or twenty-six times his or her weekly  
23 benefit amount, whichever is the lesser. In addition, if a claimant receives wages  
24 in the form of termination pay or severance pay and such payment appears in a  
25 base period established by the filing of an initial claim, the claimant may, at his  
26 or her option, choose to have such payment included in the calendar quarter in  
27 which it was paid or choose to have it prorated equally among the quarters  
28 comprising the base period of the claim. The maximum total amount of benefits  
29 payable to any insured worker during any benefit year shall not exceed twenty  
30 times his or her weekly benefit amount, or thirty-three and one-third percent of  
31 his or her wage credits, whichever is the lesser. For the purpose of this section,  
32 wages shall be counted as wage credits for any benefit year, only if such benefit  
33 year begins subsequent to the date on which the employing unit by whom such  
34 wages were paid has become an employer. The wage credits of an individual  
35 earned during the period commencing with the end of a prior base period and  
36 ending on the date on which he or she filed an allowed initial claim shall not be  
37 available for benefit purposes in a subsequent benefit year unless, in addition  
38 thereto, such individual has subsequently earned either wages for insured work  
39 in an amount equal to at least five times his or her current weekly benefit  
40 amount or wages in an amount equal to at least ten times his or her current  
41 weekly benefit amount.

42 5. In the event that benefits are due a deceased person and no petition  
43 has been filed for the probate of the will or for the administration of the estate  
44 of such person within thirty days after his or her death, the division may by  
45 regulation provide for the payment of such benefits to such person or persons as  
46 the division finds entitled thereto and every such payment shall be a valid  
47 payment to the same extent as if made to the legal representatives of the  
48 deceased.

49 6. The division is authorized to cancel any benefit warrant remaining  
50 outstanding and unpaid one year after the date of its issuance and there shall be  
51 no liability for the payment of any such benefit warrant thereafter.

52           7. The division may establish an electronic funds transfer system to  
53 transfer directly to claimants' accounts in financial institutions benefits payable  
54 to them pursuant to this chapter. To receive benefits by electronic funds transfer,  
55 a claimant shall satisfactorily complete a direct deposit application form  
56 authorizing the division to deposit benefit payments into a designated checking  
57 or savings account. Any electronic funds transfer system created pursuant to this  
58 subsection shall be administered in accordance with regulations prescribed by the  
59 division.

60           8. The division may issue a benefit warrant covering more than one week  
61 of benefits.

62           9. Prior to January 1, 2005, the division shall institute procedures  
63 including, but not limited to, name, date of birth, and Social Security verification  
64 matches for remote claims filing via the use of telephone or the internet in  
65 accordance with such regulations as the division shall prescribe. At a minimum,  
66 the division shall verify the Social Security number and date of birth when an  
67 individual claimant initially files for unemployment insurance benefits. If  
68 verification information does not match what is on file in division databases to  
69 what the individual is stating, the division shall require the claimant to submit  
70 a division-approved form requesting an affidavit of eligibility prior to the payment  
71 of additional future benefits. The division of employment security shall  
72 cross-check unemployment compensation applicants and recipients with Social  
73 Security Administration data maintained by the federal government at least  
74 weekly. The division of employment security shall cross-check at least monthly  
75 unemployment compensation applicants and recipients with department of  
76 revenue drivers license databases.

          288.132. 1. There is hereby created in the state treasury the  
2 "Unemployment Automation Fund", which shall consist of money collected [under  
3 subsection 1 of section 288.131] **pursuant to section 288.133**, and such other  
4 state funds appropriated by the general assembly. The state treasurer shall be  
5 custodian of the fund and may approve disbursements from the fund in  
6 accordance with sections 30.170 and 30.180. Upon appropriation, money in the  
7 fund shall be used solely for the purpose of providing automated systems, and the  
8 payment of associated costs, to improve the administration of the state's  
9 unemployment insurance program. Notwithstanding the provisions of section  
10 33.080 to the contrary, all moneys remaining in the fund at the end of the  
11 biennium shall not revert to the credit of the general revenue fund. The state

12 treasurer shall invest moneys in the fund in the same manner as other funds are  
13 invested. Any interest and money earned on such investments shall be credited  
14 to the fund.

15 2. The unemployment automation fund shall not be used in whole or in  
16 part for any purpose or in any manner that would permit its substitution for, or  
17 a corresponding reduction in, federal funds that would be available in its absence  
18 to finance expenditures for the administration of this chapter, or cause the  
19 appropriate agency of the United States government to withhold any part of an  
20 administrative grant which would otherwise be made.

**288.133. 1. Each employer liable for contributions pursuant to  
2 this chapter, except employers with a contribution rate equal to zero,  
3 shall pay an annual unemployment automation adjustment in an  
4 amount equal to fifteen one-thousandths of one percent of such  
5 employer's total taxable wages for the twelve-month period ending the  
6 preceding June thirtieth.**

7 2. Notwithstanding subsection 1 of this section to the contrary,  
8 the division may reduce the automation adjustment percentage to  
9 ensure that the total amount of adjustment due from all employers  
10 under this section shall not exceed five million dollars annually.

11 3. Each employer liable to pay an automation adjustment shall  
12 be notified of the amount due under this section by March thirty-first  
13 of each year and such amount shall be considered delinquent thirty  
14 days thereafter. Delinquent unemployment automation adjustment  
15 amounts may be collected in the manner provided under sections  
16 288.160 and 288.170. All moneys collected under this section shall be  
17 deposited in the unemployment automation fund established in section  
18 288.132.

19 4. For the first quarter of each calendar year, the total amount  
20 of contribution otherwise due from each employer liable to pay  
21 contributions under this chapter shall be reduced by the dollar amount  
22 of unemployment automation adjustment due from such employer  
23 pursuant to subsection 1 of this section. However, the amount of  
24 contributions due from such employer for the first quarter of the  
25 calendar year in question shall not be reduced below zero.

290.502. 1. Except as may be otherwise provided pursuant to sections  
2 290.500 to 290.530, effective January 1, 2007, every employer shall pay to each  
3 employee wages at the rate of \$6.50 per hour, or wages at the same rate or rates

4 set under the provisions of federal law as the prevailing federal minimum wage  
5 applicable to those covered jobs in interstate commerce, whichever rate per hour  
6 is higher.

7       2. The minimum wage shall be increased or decreased on January 1, 2008,  
8 and on January 1 of successive years, by the increase or decrease in the cost of  
9 living. On September 30, 2007, and on each September 30 of each successive  
10 year, the director shall measure the increase or decrease in the cost of living by  
11 the percentage increase or decrease as of the preceding July over the level as of  
12 July of the immediately preceding year of the Consumer Price Index for Urban  
13 Wage Earners and Clerical Workers (CPI-W) or successor index as published by  
14 the U.S. Department of Labor or its successor agency, with the amount of the  
15 minimum wage increase or decrease rounded to the nearest five cents.

16       3. Except as may be otherwise provided pursuant to sections 290.500 to  
17 290.530, and notwithstanding subsection 1 of this section, effective January 1,  
18 2019, every employer shall pay to each employee wages at the rate of not less  
19 than \$8.60 per hour, or wages at the same rate or rates set under the provisions  
20 of federal law as the prevailing federal minimum wage applicable to those covered  
21 jobs in interstate commerce, whichever rate per hour is higher. Thereafter, the  
22 minimum wage established by this subsection shall be increased each year by  
23 \$.85 per hour, effective January 1 of each of the next four years, until it reaches  
24 \$12.00 per hour, effective January 1, 2023. Thereafter, the minimum wage  
25 established by this subsection shall be increased or decreased on January 1, 2024,  
26 and on January 1 of successive years, per the method set forth in subsection 2 of  
27 this section. If at any time the federal minimum wage rate is above or is  
28 thereafter increased above the minimum wage then in effect under this  
29 subsection, the minimum wage required by this subsection shall continue to be  
30 increased pursuant to this subsection, but the higher federal rate shall  
31 immediately become the minimum wage required by this subsection and shall be  
32 increased or decreased per the method set forth in subsection 2 for so long as it  
33 remains higher than the state minimum wage required and increased pursuant  
34 to this subsection.

35       4. **(1)** For purposes of this section, the term "public employer" means an  
36 employer that is the state or a political subdivision of the state, including a  
37 department, agency, officer, bureau, division, board, commission, or  
38 instrumentality of the state, or a city, county, town, village, school district, or  
39 other political subdivision of the state. Subsection 3 of this section shall not

40 apply to a public employer with respect to its employees. Any public employer  
41 that is subject to subsections 1 and 2 of this section shall continue to be subject  
42 to those subsections.

43 **(2) For purposes of this section, the term "private school" means**  
44 **any nonpublic school or school operated by a religious organization as**  
45 **defined in section 407.453 that is not a public school as defined under**  
46 **section 160.011. Subsection 3 of this section shall not apply to**  
47 **employers that are private schools with respect to their**  
48 **employees. Any employer that is a private school that is subject to**  
49 **subsections 1 and 2 of this section shall continue to be subject to those**  
50 **subsections.**

Section B. The enactment of section 288.133, and the repeal and  
2 reenactment of section 288.132 of this act shall become effective January 1, 2021.

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