

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 471**  
**102ND GENERAL ASSEMBLY**

1305H.03P

DANA RADEMAN MILLER, Chief Clerk

---

**AN ACT**

To repeal section 168.110, RSMo, and to enact in lieu thereof three new sections relating to public employee incentives.

---

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

Section A. Section 168.110, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 105.1750, 168.093, and 168.110, to read as follows:

**105.1750. 1. Except as provided under subsection 2 of this section, personnel payments made to a public employee by a public employer, as such terms are defined in section 105.055, to encourage retention or exceptional employment achievement, established by formally adopted policy or contract at least one year prior to the applicable employment achievement, shall not be considered a bonus in violation of Article III, Section 39 of the Constitution of Missouri. The retention or achievement payments include, but are not limited to, payments that do not exceed twenty percent of base wages or salary, to be awarded on completion of the retention period in question and not more frequent than annually. Payments for exceptional employment achievement shall be made according to specific, written criteria predetermined and approved by the public employer in writing at least one year prior to the exceptional employment achievement.**

**2. The provisions of this section shall not apply to any public employee holding a position of employment for which the salary is set by statute.**

**168.093. 1. A contract between a school district and any individual school district employee may include a provision specifying that the school district may offer and award the school district employee payments for exceptional employment**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 **achievement or to encourage retention of such school district employee under section**  
5 **105.1750.**

6 **2. Each school district providing payments to encourage retention or for**  
7 **exceptional employment achievement shall adopt a written policy describing specific**  
8 **predetermined criteria approved by the school board at least one year prior to the**  
9 **exceptional employment achievement.**

168.110. 1. As used in this section, the following terms mean:

2 **(1) "Hard-to-staff schools", attendance centers where the percentage of**  
3 **certificated positions in the attendance center that were left vacant or were filled with**  
4 **a teacher not fully qualified in the prior academic year exceeds five percent as reported**  
5 **to the department of elementary and secondary education;**

6 **(2) "Hard-to-staff subject areas", content areas for which positions were left**  
7 **vacant or were filled with a teacher not fully qualified in the prior academic year as**  
8 **reported to the department of elementary and secondary education.**

9 **2. The board of education of a school district may modify an indefinite contract**  
10 **annually on or before the fifteenth day of May in the following particulars:**

11 **(1) Determination of the date of beginning and length of the next school year;**

12 **(2) Fixing the amount of annual compensation for the following school year as**  
13 **provided by the salary schedule adopted by the board of education applicable to all teachers.**

14 **3. The board of education of a school district may include differentiated**  
15 **placement of teachers on the salary schedule to increase compensation in order to**  
16 **recruit and retain teachers in hard-to-staff subject areas or hard-to-staff schools. The**  
17 **board may annually review its hard-to-staff subject areas and hard-to-staff schools. No**  
18 **modifications to the identification of hard-to-staff subject areas or hard-to-staff schools,**  
19 **or both, for the purpose of placement on the salary schedule shall result in the demotion**  
20 **of a teacher in the salary schedule.**

21 **4. Any salary schedule that includes differentiated placement of teachers on the**  
22 **salary schedule under subsection 3 of this section for hard-to-staff subject areas or**  
23 **hard-to-staff schools, or both, shall be set prior to approval by such board of education.**

24 **5. The modifications shall be effective at the beginning of the next school year. All**  
25 **teachers affected by the modification shall be furnished written copies of the modifications**  
26 **within thirty days after their adoption by the board of education.**

27 **6. Each school district that includes differentiated placement of teachers on the**  
28 **district salary schedule shall annually provide to the department of elementary and**  
29 **secondary education a report containing the following information:**

30 **(1) The salary schedule adopted by the district;**

31           **(2) The number of positions filled by differentiated placement of teachers for**  
32 **hard-to-staff subject areas;**

33           **(3) The number of positions filled with differentiated placement of teachers for**  
34 **hard-to-staff schools;**

35           **(4) The number of steps and additional compensation that teachers with**  
36 **differentiated placement received for the school year; and**

37           **(5) Any other relevant information required by the department.**

✓