

FIRST REGULAR SESSION

HOUSE BILL NO. 715

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WOLFIN.

1051H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 290.502, 290.600, 290.603, 290.606, 290.609, 290.612, 290.615, 290.618, 290.621, 290.624, 290.627, 290.630, 290.633, 290.636, 290.639, and 290.642, RSMo, and to enact in lieu thereof one new section relating to employee compensation.

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

Section A. Sections 290.502, 290.600, 290.603, 290.606, 290.609, 290.612, 290.615, 290.618, 290.621, 290.624, 290.627, 290.630, 290.633, 290.636, 290.639, and 290.642, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 290.502, to read as follows:

290.502. 1. Except as may be otherwise provided pursuant to sections 290.500 to 290.530, effective January 1, 2007, every employer shall pay to each employee wages at the rate of \$6.50 per hour, or wages at the same rate or rates set under the provisions of federal law as the prevailing federal minimum wage applicable to those covered jobs in interstate commerce, whichever rate per hour is higher.

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

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.

14 3. Except as may be otherwise provided pursuant to sections 290.500 to 290.530, and
 15 notwithstanding subsection 1 of this section, effective January 1, ~~[2025]~~ **2019**, every
 16 employer shall pay to each employee wages at the rate of not less than ~~[\$13.75]~~ **\$8.60** per
 17 hour, or wages at the same rate or rates set under the provisions of federal law as the
 18 prevailing federal minimum wage applicable to those covered jobs in interstate commerce,
 19 whichever rate per hour is higher. Thereafter, the minimum wage established by this
 20 subsection shall be increased **each year** by ~~[\$1.25]~~ **\$0.85** per hour, ~~[to \$15.00 per hour]~~
 21 **effective January 1 of each of the next four years until it reaches \$12.00 per hour**,
 22 effective January 1, ~~[2026]~~ **2023**. Thereafter, the minimum wage established by this
 23 subsection shall be increased or decreased on January 1, ~~[2027]~~ **2024**, and on January 1 of
 24 successive years, per the method set forth in subsection 2 of this section. If at any time the
 25 federal minimum wage rate is above or is thereafter increased above the minimum wage then
 26 in effect under this subsection, the minimum wage required by this subsection shall continue
 27 to be increased pursuant to this subsection, but the higher federal rate shall immediately
 28 become the minimum wage required by this subsection and shall be increased or decreased
 29 per the method set forth in subsection 2 for so long as it remains higher than the state
 30 minimum wage required and increased pursuant to this subsection.

31 4. For purposes of this section, the term "public employer" means an employer that is
 32 the state or a political subdivision of the state, including a department, agency, officer, bureau,
 33 division, board, commission, or instrumentality of the state, or a city, county, town, village,
 34 school district, or other political subdivision of the state. Subsection 3 of this section shall not
 35 apply to a public employer with respect to its employees. Any public employer that is subject
 36 to subsections 1 and 2 of this section shall continue to be subject to those subsections.

~~[290.600. As used in sections 290.600 through 290.642:~~

- 2 ~~(1) "Department", department of labor and industrial relations;~~
 3 ~~(2) "Director", director of the department of labor and industrial~~
 4 ~~relations;~~
 5 ~~(3) "Domestic violence", as such term is defined in section 455.010;~~
 6 ~~(4) "Earned paid sick time", time that is compensated at the same~~
 7 ~~hourly rate and with the same benefits, including health care benefits, as the~~
 8 ~~employee normally earns during hours worked and is provided by an employer~~
 9 ~~to an employee for the purposes described in section 290.606, but in no case~~
 10 ~~shall this hourly amount be less than that provided under section 290.502;~~
 11 ~~(5) "Employee", any individual employed in this state by an employer,~~
 12 ~~but does not include:~~
 13 ~~(a) Any individual engaged in the activities of an educational,~~
 14 ~~charitable, religious, or nonprofit organization where the employer-employee~~
 15 ~~relationship does not, in fact, exist or where the services rendered to the~~
 16 ~~organization are on a voluntary basis;~~

- 17 (b) ~~Any individual standing in loco parentis to foster children in their~~
18 ~~care;~~
- 19 (c) ~~Any individual employed for less than four months in any year in a~~
20 ~~resident or day camp for children or youth, or any individual employed by an~~
21 ~~educational conference center operated by an educational, charitable or not-~~
22 ~~for-profit organization;~~
- 23 (d) ~~Any individual engaged in the activities of an educational~~
24 ~~organization where employment by the organization is in lieu of the~~
25 ~~requirement that the individual pay the cost of tuition, housing or other~~
26 ~~educational fees of the organization or where earnings of the individual~~
27 ~~employed by the organization are credited toward the payment of the cost of~~
28 ~~tuition, housing or other educational fees of the organization;~~
- 29 (e) ~~Any individual employed on or about a private residence on an~~
30 ~~occasional basis for six hours or less on each occasion;~~
- 31 (f) ~~Any individual employed on a casual basis to provide baby sitting~~
32 ~~services;~~
- 33 (g) ~~Any individual employed by an employer subject to the provisions~~
34 ~~of Part A of Subtitle IV of Title 49, United States Code, 49 U.S.C. §§ 10101 et~~
35 ~~seq.;~~
- 36 (h) ~~Any individual employed on a casual or intermittent basis as a golf~~
37 ~~caddy, newsboy, or in a similar occupation;~~
- 38 (i) ~~Any individual who is employed in any government position~~
39 ~~defined in 29 U.S.C. §§ 203(e)(2)(C)(i) (ii);~~
- 40 (j) ~~Any individual employed by a retail or service business whose~~
41 ~~annual gross volume sales made or business done is less than five hundred~~
42 ~~thousand dollars;~~
- 43 (k) ~~Any individual who is an offender, as defined in section 217.010,~~
44 ~~who is incarcerated in any correctional facility operated by the department of~~
45 ~~corrections, including offenders who provide labor or services on the grounds~~
46 ~~of such correctional facility pursuant to section 217.550; or,~~
- 47 (l) ~~Any individual described by the provisions of section 29 U.S.C.~~
48 ~~213(a)(8);~~
- 49 (6) ~~"Employer", any person acting directly or indirectly in the interest~~
50 ~~of an employer in relation to an employee; provided, however, that for the~~
51 ~~purposes of sections 290.600 through 290.642 "employer" does not include the~~
52 ~~United States government, the state, or a political subdivision of the state,~~
53 ~~including a department, agency, officer, bureau, division, board, commission,~~
54 ~~or instrumentality of the state, or a city, county, town, village, school district,~~
55 ~~public higher education institution, or other political subdivision of the state;~~
- 56 (7) ~~"Family member", any of the following individuals:~~
- 57 (a) ~~Regardless of age, a biological, adopted or foster child, stepchild or~~
58 ~~legal ward, a child of a domestic partner, a child to whom the employee stands~~
59 ~~in loco parentis, or an individual to whom the employee stood in loco parentis~~
60 ~~when the individual was a minor;~~
- 61 (b) ~~A biological, foster, stepparent or adoptive parent or legal guardian~~
62 ~~of an employee or an employee's spouse or domestic partner or an individual~~
63 ~~who stood in loco parentis when the employee or employee's spouse or~~
64 ~~domestic partner was a minor child;~~

65 ~~(c) An individual to whom the employee is legally married under the~~
66 ~~laws of any state, or a domestic partner who is registered as such under the~~
67 ~~laws of any state or political subdivision, or an individual with whom the~~
68 ~~employee is in a continuing social relationship of a romantic or intimate~~
69 ~~nature;~~

70 ~~(d) A grandparent, grandchild, or sibling (whether of a biological,~~
71 ~~foster, adoptive or step relationship) of the employee or the employee's spouse~~
72 ~~or domestic partner; or~~

73 ~~(e) A person for whom the employee is responsible for providing or~~
74 ~~arranging health or safety related care, including but not limited to helping that~~
75 ~~individual obtain diagnostic, preventative, routine, or therapeutic health~~
76 ~~treatment or ensuring the person is safe following domestic violence, sexual~~
77 ~~assault, or stalking;~~

78 ~~(8) "Health care professional", any individual licensed under federal or~~
79 ~~any state law to provide medical or emergency services, including but not~~
80 ~~limited to doctors, nurses, certified nurse midwives, mental health~~
81 ~~professionals, and emergency room personnel;~~

82 ~~(9) "Person", any individual, partnership, association, corporation,~~
83 ~~business, business trust, legal representative, or any organized group of~~
84 ~~persons;~~

85 ~~(10) "Retaliatory personnel action", denial of any right guaranteed~~
86 ~~under sections 290.600 through 290.642, or any threat, discharge, suspension,~~
87 ~~demotion, reduction of hours, or any other adverse action against an employee~~
88 ~~for the exercise of any right guaranteed herein. "Retaliatory personnel action"~~
89 ~~shall also include interference with or punishment for in any manner~~
90 ~~participating in or assisting an investigation, proceeding, or hearing under~~
91 ~~sections 290.600 through 290.642;~~

92 ~~(11) "Same hourly rate", means the following:~~

93 ~~(a) For employees paid on the basis of a single hourly rate, the same~~
94 ~~hourly rate shall be the employee's regular hourly rate;~~

95 ~~(b) For employees who are paid multiple hourly rates of pay from the~~
96 ~~same employer, the same hourly rate shall be either:~~

97 ~~a. The wages the employee would have been paid for the hours absent~~
98 ~~during use of earned paid sick time if the employee had worked; or,~~

99 ~~b. The weighted average of all hourly rates of pay during the previous~~
100 ~~pay period.~~

101
102 ~~Whatever method the employer uses, the employer must use a consistent~~
103 ~~method for each employee throughout a year;~~

104 ~~(c) For employees who are paid a salary, the same hourly rate shall be~~
105 ~~determined by dividing the wages the employee earns in the previous pay~~
106 ~~period by the total number of hours worked during the previous pay period.~~
107 ~~For determining total number of hours worked during the previous pay period,~~
108 ~~employees who are exempt from overtime requirements under 29 U.S.C. § 213~~
109 ~~(a)(1), the Fair Labor Standards Act, shall be assumed to work forty hours in~~
110 ~~each work week unless their normal work week is less than forty hours, in~~
111 ~~which case earned paid sick time shall accrue and the same hourly rate shall be~~
112 ~~calculated based on the employee's normal work week. Regardless of the basis~~

113 used, the same hourly rate shall not be less than the effective minimum wage
114 specified in section 290.502;

115 (d) For employees paid on a piece rate or a fee for service basis, the
116 same hourly rate shall be a reasonable calculation of the wages or fees the
117 employee would have received for the piece work, service, or part thereof, if
118 the employee had worked. Regardless of the basis used, the same hourly rate
119 shall not be less than the effective minimum wage specified in section
120 290.502;

121 (e) For employees who are paid on a commission basis (whether base
122 wage plus commission or commission only), the same hourly rate shall be the
123 greater of the base wage or the effective minimum wage specified in section
124 290.502;

125 (f) For employees who receive and retain compensation in the form of
126 gratuities in addition to wages, the same hourly rate shall be the greater of the
127 employee's regular hourly rate or one hundred percent of the effective
128 minimum wage specified in section 290.502 without deduction of any tips as a
129 credit;

130 (12) "Sexual assault", as such term is defined in section 455.010;

131 (13) "Stalking", as such term is defined in section 455.010;

132 (14) "Year", a regular and consecutive twelve month period as
133 determined by the employer; except that for the purposes of section 290.615
134 and section 290.627, "year" shall mean a calendar year.]

2 ~~[290.603. 1. Employees of an employer with fifteen or more~~
3 ~~employees shall accrue a minimum of one hour of earned paid sick time for~~
4 ~~every thirty hours worked, but such employees shall not be entitled to use~~
5 ~~more than fifty six hours of earned paid sick time per year, unless the~~
6 ~~employer selects a higher limit.~~

7 2. Employees of an employer with fewer than fifteen employees shall
8 accrue a minimum of one hour of earned paid sick time for every thirty hours
9 worked, but such employees shall not be entitled to use more than forty hours
10 of earned paid sick time per year, unless the employer selects a higher limit.

11 3. In determining the number of employees of an employer, all
12 employees performing work in the state for an employer for compensation on
13 a full time, part time, or temporary basis shall be counted. In situations in
14 which the number of employees performing work in the state for an employer
15 for compensation per week fluctuates above and below fifteen employees per
16 week over the course of a year, an employer is required to provide earned paid
17 sick time pursuant to subsection 1 of this section if it maintained fifteen or
18 more employees in the state on the payroll for some portion of a working day
19 in each of twenty or more different calendar weeks, including any periods of
20 leave, and whether or not the weeks were consecutive, in either the current or
21 the preceding year (irrespective of whether the same individuals were in
22 employment in each working day).

23 4. All employees shall accrue earned paid sick time as follows:

24 (1) Earned paid sick time as provided in this section shall begin to
25 accrue at the commencement of employment or May 1, 2025, whichever is
later. An employee shall be entitled to use earned paid sick time as it is

26 accrued. An employer may provide all earned paid sick time that an employee
27 ~~is expected to accrue in a year at the beginning of the year;~~

28 ~~(2) Employees who are exempt from overtime requirements under 29~~
29 ~~U.S.C. § 213(a)(1) of the Federal Fair Labor Standards Act will be assumed to~~
30 ~~work forty hours in each work week for purposes of earned paid sick time~~
31 ~~accrual unless their normal work week is less than forty hours, in which case~~
32 ~~earned paid sick time accrues based upon that normal work week;~~

33 ~~(3) Up to eighty hours of earned paid sick time shall be carried over to~~
34 ~~the following year if the employee has any unused accrued earned paid sick~~
35 ~~time at the end of the year, but this law does not require an employer to permit~~
36 ~~an employee to use more than the applicable number of hours of earned paid~~
37 ~~sick time per year as set forth in subsections 1 and 2 of this section.~~
38 ~~Alternatively, in lieu of carryover of unused earned paid sick time from one~~
39 ~~year to the next, an employer may pay an employee for unused earned paid~~
40 ~~sick time at the end of a year which could be carried over and provide the~~
41 ~~employee with an amount of paid sick time that meets or exceeds the~~
42 ~~requirements of sections 290.600 through 290.642 that is available for the~~
43 ~~employee's immediate use at the beginning of the subsequent year;~~

44 ~~(4) If an employee is transferred to a separate division, entity, or~~
45 ~~location, but remains employed by the same employer, the employee is entitled~~
46 ~~to all earned paid sick time accrued at the prior division, entity, or location and~~
47 ~~is entitled to use all earned paid sick time as provided in this section. When~~
48 ~~there is a separation from employment and the employee is rehired within nine~~
49 ~~months of separation by the same employer, previously accrued earned paid~~
50 ~~sick time that had not been used shall be reinstated. Further, the employee~~
51 ~~shall be entitled to use accrued earned paid sick time and accrue additional~~
52 ~~earned paid sick time at the recommencement of employment;~~

53 ~~(5) When a different employer succeeds or takes the place of an~~
54 ~~existing employer, all employees of the original employer who remain~~
55 ~~employed by the successor employer are entitled to all earned paid sick time~~
56 ~~they accrued when employed by the original employer, and are entitled to use~~
57 ~~earned paid sick time previously accrued;~~

58 ~~(6) At its discretion, an employer may loan earned paid sick time to an~~
59 ~~employee in advance of accrual by such employee.~~

60 ~~5. Any employer with a paid leave policy, such as a paid time off~~
61 ~~policy, who makes available an amount of paid leave sufficient to meet the~~
62 ~~accrual requirements of this section that may be used for the same purposes~~
63 ~~and under the same conditions as earned paid sick time under sections 290.600~~
64 ~~through 290.642 is not required to provide additional paid sick time under this~~
65 ~~section.~~

66 ~~6. Except as specifically provided in this section, nothing in this~~
67 ~~section shall be construed as requiring financial or other reimbursement to an~~
68 ~~employee from an employer upon the employee's termination, resignation,~~
69 ~~retirement, or other separation from employment for accrued earned paid sick~~
70 ~~time that has not been used.~~

71 ~~7. Employees shall not accrue earned paid sick time before May 1,~~
72 ~~2025. Employees who are employed or who commence employment on or~~
73 ~~after May 1, 2025 shall accrue earned paid sick time and be entitled to use~~

74 earned paid sick time as it is accrued in accordance with sections 290.600
 75 through 290.642. The department may develop model posters and notices,
 76 engage in rulemaking, initiate outreach programs, and engage in other
 77 activities for implementation of the provisions of sections 290.600 through
 78 290.642 as authorized by those sections before May 1, 2025.]

2 ~~[290.606. 1. Earned paid sick time shall be provided to an employee
 by an employer for:~~

3 ~~(1) An employee's mental or physical illness, injury, or health
 4 condition; an employee's need for medical diagnosis, care, or treatment of a
 5 mental or physical illness, injury, or health condition; an employee's need for
 6 preventative medical care;~~

7 ~~(2) Care of a family member with a mental or physical illness, injury,
 8 or health condition; care of a family member who needs medical diagnosis,
 9 care, or treatment of a mental or physical illness, injury, or health condition;
 10 care of a family member who needs preventative medical care;~~

11 ~~(3) Closure of the employee's place of business by order of a public
 12 official due to a public health emergency, or an employee's need to care for a
 13 child whose school or place of care has been closed by order of a public
 14 official due to a public health emergency, or care for oneself or a family
 15 member when it has been determined by the health authorities having
 16 jurisdiction or by a health care provider that the employee's or family
 17 member's presence in the community may jeopardize the health of others
 18 because of his or her exposure to a communicable disease, whether or not the
 19 employee or family member has actually contracted the communicable
 20 disease; or~~

21 ~~(4) Absence necessary due to domestic violence, sexual assault, or
 22 stalking, provided the leave is to allow the employee to obtain for the
 23 employee or the employee's family member:~~

24 ~~(a) Medical attention needed to recover from physical or psychological
 25 injury or disability caused by domestic violence, sexual assault, or stalking;~~

26 ~~(b) Services from a victim services organization;~~

27 ~~(c) Psychological or other counseling;~~

28 ~~(d) Relocation or taking steps to secure an existing home due to the
 29 domestic violence, sexual assault, or stalking; or~~

30 ~~(e) Legal services, including preparing for or participating in any civil
 31 or criminal legal proceeding related to or resulting from the domestic violence,
 32 sexual assault, or stalking.~~

33 ~~2. Earned paid sick time shall be provided upon the request of an
 34 employee. Such request may be made orally, in writing, by electronic means,
 35 or by any other means acceptable to the employer. When possible, the request
 36 shall include the expected duration of the absence.~~

37 ~~3. When the use of earned paid sick time is foreseeable, the employee
 38 shall make a good faith effort to provide notice of the need for such time to the
 39 employer in advance of the use of the earned paid sick time and shall make a
 40 reasonable effort to schedule the use of earned paid sick time in a manner that
 41 does not unduly disrupt the operations of the employer. Where such need is~~

42 not foreseeable, an employer may require an employee to provide notice of the
43 need for the use of earned paid sick time as soon as practicable.

44 4. An employer that requires notice of the need to use earned paid sick
45 time where the need is not foreseeable shall provide a written policy that
46 contains procedures for the employee to provide notice. An employer that has
47 not provided to the employee a copy of its written policy for providing such
48 notice shall not deny earned paid sick time to the employee based on
49 noncompliance with such a policy.

50 5. An employer may not require, as a condition of an employee's
51 taking earned paid sick time, that the employee search for or find a
52 replacement worker to cover the hours during which the employee is using
53 earned paid sick time.

54 6. Earned paid sick time may be used in the smaller of hourly
55 increments or the smallest increment that the employer's payroll system uses to
56 account for absences or use of other time.

57 7. For earned paid sick time of three or more consecutive work days,
58 an employer may require reasonable documentation that the earned paid sick
59 time has been used for a purpose covered by subsection 1 of this section.

60 (1) Documentation signed by a health care professional indicating that
61 earned paid sick time is necessary shall be considered reasonable
62 documentation for purposes of this section.

63 (2) In cases of domestic violence, sexual assault, or stalking, if the
64 employer requests, one of the following types of documentation selected by
65 the employee shall be considered reasonable documentation: (i) a police
66 report indicating that the employee or the employee's family member was a
67 victim of domestic violence, sexual assault, or stalking; (ii) a written statement
68 from an employee or agent of a victim service provider affirming that the
69 employee or employee's family member is or was receiving services from a
70 victim service provider; (iii) documentation signed by a health care
71 professional from whom the employee or employee's family member sought
72 assistance relating to domestic violence, sexual assault, or stalking or the
73 effects thereof; (iv) a court document indicating that an employee or
74 employee's family member is or was involved in a legal action related to
75 domestic violence, sexual assault, or stalking; or (v) a written statement from
76 the employee affirming that the employee or employee's family member is
77 taking or took earned paid sick time for a qualifying purpose of subsection 1 of
78 this section.

79 (3) An employer may not require that the documentation explain the
80 nature of the illness, details of the underlying health needs, or the details of the
81 domestic violence, sexual assault, or stalking, unless otherwise required by
82 law.]

2 [290.609. 1. It shall be unlawful for an employer or any other person
3 to interfere with, restrain, or deny the exercise of, or the attempt to exercise,
4 any right protected under sections 290.600 through 290.642.

5 2. An employer shall not take retaliatory personnel action or
6 discriminate against an employee or former employee because the individual
has exercised rights protected under sections 290.600 through 290.642. Such

7 rights include, but are not limited to, the right to request or use earned paid
 8 sick time pursuant to sections 290.600 through 290.642; the right to file a
 9 complaint or inform any person about any employer's alleged violation of
 10 sections 290.600 through 290.642; the right to participate in any investigation,
 11 hearing, or proceeding or cooperate with or assist the department in any
 12 investigations of alleged violations of sections 290.600 through 290.642; and
 13 the right to inform any person of his or her potential rights under sections
 14 290.600 through 290.642.

15 3. It shall be unlawful for an employer's absence control policy to
 16 count earned paid sick time taken under sections 290.600 through 290.642 as
 17 an absence that may lead to or result in discipline, discharge, demotion,
 18 suspension, or any other adverse action.

19 4. Protections of this section shall apply to any individual who
 20 mistakenly but in good faith alleges violations of sections 290.600 through
 21 290.642.]

2 [290.612. 1. Employers shall give employees a written notice about
 3 earned paid sick time within fourteen calendar days of the commencement of
 4 employment or on April 15, 2025, whichever is later, which must include the
 5 following information: (1) beginning May 1, 2025, employees accrue and are
 6 entitled to earned paid sick time at the rate one hour of earned paid sick time
 7 for every thirty hours of work, and may use earned paid sick time, subject to
 8 the limits and terms under sections 290.600 through 290.642 of Missouri law,
 9 (2) it is prohibited for an employer to take retaliatory personnel action against
 10 employees who request or use earned paid sick time as allowed by law, (3)
 11 each employee has the right to bring a civil action if earned paid sick time as
 12 required by sections 290.600 through 290.642 is denied by the employer or the
 13 employee is subjected to retaliatory personnel action by the employer for
 14 exercising the employee's rights under sections 290.600 through 290.642; and,
 15 (4) the contact information for the department. Notice shall be provided by the
 16 employer to the employee on a single piece of paper, at least 8.5 x 11, in no
 17 less than 14 point font.

18 2. Beginning April 15, 2025, employers shall display a poster that
 19 contains the information required in subsection 1 of this section in a
 20 conspicuous and accessible place in each establishment where such employees
 21 are employed, provided that such poster has been made available by the
 22 department.

23 3. The department may create and make available to employers, model
 24 notices and posters that contain the information required under subsection 1 of
 25 this section for employers' use in complying with subsections 1 and 2 of this
 26 section. Nothing in this subsection shall be interpreted or applied, either
 27 expressly or through practical necessity, to require the department to create or
 28 make available notices or posters if it requires the appropriation of funds to
 cover the costs of such acts.]

2 [290.615. 1. Employers shall retain records documenting hours
 3 worked by employees and earned paid sick time taken by employees, for a
 period of not less than three years, and shall allow the department access to

4 such records, with appropriate notice and at a mutually agreeable time, to
 5 ~~monitor compliance with the requirements of sections 290.600 through~~
 6 ~~290.642.~~

7 2. ~~To the extent permitted by law, the director may inspect such~~
 8 ~~records, and the records shall be open for inspection by the director by~~
 9 ~~appointment. Where the records required under this section are kept outside~~
 10 ~~the state, the records shall be made available to the director upon demand.~~
 11 ~~Every such employer shall furnish to the director on demand a sworn~~
 12 ~~statement of time records and information upon forms prescribed or approved~~
 13 ~~by the director. All the records and information obtained by the department~~
 14 ~~are confidential and shall be disclosed only on order of a court of competent~~
 15 ~~jurisdiction.~~

16 3. ~~Nothing in this section shall be interpreted or applied, either~~
 17 ~~expressly or through practical necessity, to require the department or director~~
 18 ~~to access or inspect records or to create forms relating to the inspection of~~
 19 ~~records if it requires the appropriation of funds to cover the costs of such acts.]~~

2 ~~[290.618. 1. The department may, in accordance with chapter 536,~~
 3 ~~promulgate rules for the implementation, enforcement, and administration of~~
 4 ~~sections 290.600 through 290.642. Any rule or portion of a rule, as that term is~~
 5 ~~defined in section 536.010, that is created under the authority delegated in this~~
 6 ~~section shall become effective only if it complies with and is subject to all of~~
 7 ~~the provisions of chapter 536 and, if applicable, section 536.028. This section~~
 8 ~~and chapter 536 are nonseverable and if any of the powers vested with the~~
 9 ~~general assembly pursuant to chapter 536 to review, to delay the effective date,~~
 10 ~~or to disapprove and annul a rule are subsequently held unconstitutional, then~~
 11 ~~the grant of rulemaking authority and any rule proposed or adopted after~~
 12 ~~November 5, 2024, shall be invalid and void.~~

13 2. ~~Nothing in this section shall be interpreted or applied, either~~
 14 ~~expressly or through practical necessity, to require the promulgation or~~
 15 ~~adoption of rules if it requires the appropriation of funds to cover the costs of~~
~~such acts.]~~

2 ~~[290.621. 1. The department may investigate and ascertain~~
 3 ~~compliance with sections 290.600 through 290.642, establish and implement~~
 4 ~~a system to receive complaints regarding noncompliance with sections~~
 5 ~~290.600 through 290.642 and to investigate and attempt to resolve complaints~~
 6 ~~between the complainant and the subject of the complaint, and establish~~
 7 ~~additional means of enforcement, including requiring by subpoena the~~
 8 ~~testimony of witnesses and production of books, records, and other evidence~~
 9 ~~relative to any matter under investigation or hearing, issuing notices of~~
 10 ~~violation, holding hearings on notices of violation, making determinations,~~
 11 ~~recovering unpaid earned sick time, and imposing fines for willful violations~~
 12 ~~of up to five hundred dollars per day of each day of a continuing violation. A~~
 13 ~~final decision of the department is subject to review in accordance with the~~
 14 ~~provisions of chapter 536.~~

15 2. ~~The department may develop and implement an outreach program~~
~~to inform employees, parents, and persons who are under the care of a health~~

16 care provider about the availability of earned paid sick time under sections
17 290.600 through 290.642. This program may include the distribution of
18 notices and other written materials to child care and elder care providers,
19 domestic violence shelters, schools, hospitals, community health centers and
20 other health care providers in Missouri.

21 3. A municipality, county, city, town, or village may adopt ordinances,
22 rules, and regulations to investigate and ascertain compliance with sections
23 290.600 through 290.642, establish and implement a system to receive
24 complaints regarding noncompliance with sections 290.600 through 290.642
25 and to investigate and attempt to resolve complaints between the complainant
26 and the subject of the complaint, and establish additional means of
27 enforcement, with respect to employers within, or employees performing
28 work while physically present in, the geographic boundaries of the
29 municipality, county, city, town, or village. Any such ordinance, rule, or
30 regulation shall be consistent with this law and any department rules or
31 regulations and system for compliance and enforcement. The municipality,
32 county, city, town, or village may exercise such powers as allowed by any
33 applicable charter or ordinance, including requiring by subpoena the testimony
34 of witnesses and production of books, records, and other evidence relative to
35 any matter under investigation or hearing, issuing notices of violation, holding
36 hearings on notices of violation, making determinations, recovering unpaid
37 earned sick time, and imposing fines for willful violations of up to the
38 maximum allowed for an ordinance violation. Before investigating or seeking
39 to resolve any complaint between the complainant and the subject of the
40 complaint, the municipality, county, city, town, or village shall give notice to
41 the department with a copy of the complaint and, within fourteen days of such
42 notice, the department may intervene as of right and participate in the matter to
43 ensure that the complaint is being investigated and resolved in the interest of
44 effective enforcement of sections 290.600 through 290.642 or, alternatively,
45 the department may institute its own proceedings in which case the
46 municipality, county, city, town, or village shall refrain from acting on the
47 matter so long as the complaint is being investigated and resolved in the
48 interest of effective enforcement of sections 290.600 through 290.642. If the
49 department does not, within fourteen days, intervene or instigate its own
50 proceedings, the municipality, county, city, town, or village may, without the
51 department, investigate and attempt to resolve the complaint and take other
52 additional means within its power to enforce sections 290.600 through 290.642
53 against the subject of the complaint. In no event shall an employer be subject
54 to compliance proceedings arising out of a single set of facts after having
55 already been subjected to a final compliance order by another governmental
56 entity.

57 4. Nothing in this section shall be interpreted or applied, either
58 expressly or through practical necessity, to require the department, a
59 municipality, county, city, town, or village to conduct investigations and
60 ascertain compliance with sections 290.600 through 290.642, to establish and
61 implement a system to receive or resolve complaints, to establish additional
62 means of enforcement, or to conduct outreach and education, including the
63 creation of notices and other written materials, concerning sections 290.600

64 through 290.642, if it requires the appropriation of funds to cover the costs of
 65 such acts.]

2 ~~[290.624. 1. Any employer who willfully violates or fails to comply~~
 3 ~~with any of the provisions and requirements of sections 290.600 through~~
 4 ~~290.642 shall be guilty of a class C misdemeanor; provided, however, that an~~
 5 ~~employer who willfully violates the notice and posting requirements of section~~
 6 ~~290.612 shall be guilty of an infraction.~~

7 ~~2. For purposes of this section, each day of violation or failure to~~
 8 ~~comply and each employee affected shall constitute a separate offense.]~~

9 ~~[290.627. 1. Any individual who claims to have been aggrieved by a~~
 10 ~~failure of an employer to comply with any portion of sections 290.600 through~~
 11 ~~290.642, including but not limited to the failure to provide earned paid sick~~
 12 ~~time or to allow employees to use such time consistent with sections 290.600~~
 13 ~~through 290.642, or who claims to have suffered a retaliatory personnel action,~~
 14 ~~shall have a right of action and may commence a civil action in the appropriate~~
 15 ~~court of jurisdiction within three years of the accrual of the cause of action, to~~
 16 ~~obtain appropriate relief with respect to such unlawful violation. Such action~~
 17 ~~may be brought without first filing an administrative complaint.~~

18 ~~2. In a civil action under this section, if the court finds a violation has~~
 19 ~~occurred, the court may grant as relief, as it deems appropriate and to the~~
 20 ~~extent permitted by law, any permanent or temporary injunction, the full~~
 21 ~~amount of any unpaid earned sick time plus any actual damages suffered as the~~
 22 ~~result of the employer's violation of sections 290.600 through 290.642, an~~
 23 ~~additional amount equal to twice any unpaid earned sick time as liquidated~~
 24 ~~damages, costs, and reasonable attorney's fees as may be allowed by the court,~~
 25 ~~and other legal or equitable relief as may be appropriate to remedy the~~
 26 ~~violation, including, without limitation, reinstatement to employment and back~~
 27 ~~pay.]~~

28 ~~[290.630. 1. Except as otherwise required by law, an employer may~~
 29 ~~not require disclosure of details relating to an employee's or an employee's~~
 30 ~~family member's health information, domestic violence, sexual assault, or~~
 31 ~~stalking as a condition of providing earned paid sick time under sections~~
 32 ~~290.600 through 290.642.~~

33 ~~2. Unless as otherwise required by law, any health or safety~~
 34 ~~information possessed by an employer regarding an employee or employee's~~
 35 ~~family member must:~~

36 ~~(1) Be maintained on a separate form and in a separate file from other~~
 37 ~~personnel information;~~

38 ~~(2) Be treated as confidential medical records; and~~

39 ~~(3) Not be disclosed except to the affected employee or with the~~
 40 ~~express written permission of the affected employee.]~~

41 ~~[290.633. 1. With respect to employees covered by a valid collective~~
 42 ~~bargaining agreement in effect on November 5, 2024, no provisions of sections~~
 43 ~~290.600 through 290.642 shall apply until the stated expiration date in the~~

4 collective bargaining agreement; however, further the provisions of sections
5 290.600 through 290.642 shall apply upon any such agreement's renewal,
6 extension, amendment, or modification in any respect after November 5, 2024.

7 2. Nothing in sections 290.600 through 290.642 shall be deemed to
8 interfere, impede, or otherwise diminish the right of employees to bargain
9 collectively through representatives of their own choosing in order to establish
10 earned paid sick time or other conditions of work in excess of the applicable
11 minimum standards under the provisions of sections 290.600 through 290.642.

12 3. Any waiver by an employee of rights under sections 290.600
13 through 290.642 shall be deemed contrary to public policy and shall be void.]

2 [290.636. 1. Nothing in sections 290.600 through 290.642 shall be
3 construed to discourage or prohibit an employer from the adoption or retention
4 of an earned paid sick time policy more generous than the one required herein.

5 2. Nothing in sections 290.600 through 290.642 shall be construed as
6 diminishing the obligation of an employer to comply with any contract,
7 collective bargaining agreement, employment benefit plan, or other agreement
8 providing more generous paid sick time to an employee than required herein.
9 Nothing in sections 290.600 through 290.642 shall be construed as
10 diminishing the rights of public employees regarding paid sick time or use
11 of paid sick time as provided in the laws of Missouri and ordinances of
political subdivisions pertaining to public employees.]

2 [290.639. 1. Sections 290.600 through 290.642 provide minimum
3 requirements pertaining to earned paid sick time and shall not be construed to
4 preempt, limit, or otherwise affect the applicability of any other law,
5 regulation, requirement, policy, or standard that provides for greater accrual
6 or use by employees of earned paid sick time or that extends other protections
7 to employees.

8 2. Nothing in sections 290.600 through 290.642 shall be interpreted or
9 applied to create a power or obligation contrary to any federal law, rule, or
regulation.]

2 [290.642. Except as detailed in section 290.618, all of the provisions
3 of sections 290.600 through 290.642 are severable, and if any provision,
4 including any section, subsection, subdivision, paragraph, sentence, or clause,
5 or the application thereof to any person or circumstance, is found by a court of
6 competent jurisdiction to be invalid, unconstitutional, or unconstitutionally
7 enacted, such decision shall not affect other provisions or applications of
8 sections 290.600 through 290.642 that can be given effect without the invalid,
9 unconstitutional, or unconstitutionally enacted provision or application, and to
10 this end the provisions of sections 290.600 through 290.642 are declared
severable.]

