

FIRST REGULAR SESSION

HOUSE BILL NO. 555

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS.

1240H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 290.230, 290.502, 290.603, and 290.612, RSMo, and to enact in lieu thereof four new sections relating to employee compensation, with a delayed effective date for a certain section.

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

Section A. Sections 290.230, 290.502, 290.603, and 290.612, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 290.230, 290.502,
3 290.603, and 290.612, to read as follows:

290.230. 1. (1) Except as otherwise provided in this section, not less than the
2 prevailing hourly rate of wages for work of a similar character in the locality in which the
3 work is performed or the public works contracting minimum wage, whichever is applicable,
4 shall be paid to all workers employed by or on behalf of any public body engaged in the
5 construction of public works, exclusive of maintenance work.

6 (2) For all work performed on a Sunday or a holiday, not less than twice the
7 prevailing hourly rate of wages for work of a similar character in the locality in which the
8 work is performed or the public works contracting minimum wage, whichever is applicable,
9 shall be paid to all workers employed by or on behalf of any public body engaged in the
10 construction of public works, exclusive of maintenance work. For purposes of this
11 subdivision, "holiday" shall include each of the following:

- 12 (a) January first;
- 13 (b) The last Monday in May;
- 14 (c) July fourth;
- 15 (d) The first Monday in September;

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.

- 16 (e) November eleventh;
17 (f) The fourth Thursday in November; and
18 (g) December twenty-fifth;

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20 If any holiday falls on a Sunday, the following Monday shall be considered a holiday.

21 (3) For all overtime work performed, not less than one and one-half the prevailing
22 hourly rate of wages for work of a similar character in the locality in which the work is
23 performed or the public works contracting minimum wage, whichever is applicable, shall be
24 paid to all workers employed by or on behalf of any public body engaged in the construction
25 of public works, exclusive of maintenance work or contractual obligation. For purposes of
26 this subdivision, "overtime work" shall include work that exceeds ten hours in one day and
27 work in excess of forty hours in one calendar week; and

28 (4) A thirty-minute lunch period on each calendar day shall be allowed for each
29 worker on a public works project, provided that such time shall not be considered as time
30 worked.

31 2. Only workers that are directly employed by contractors or subcontractors in actual
32 construction work on the site of the building or construction job shall be deemed to be
33 employed upon public works.

34 3. Any worker who agrees in writing to volunteer his or her labor without pay shall
35 not be deemed to be employed upon public works, and shall not be entitled to the wage rates
36 required pursuant to sections 290.210 to 290.340. For the purposes of this section, the term
37 "worker who agrees in writing to volunteer his or her labor without pay" shall mean a worker
38 who volunteers his or her labor without any promise of benefit or remuneration for such
39 voluntary activity, and who is not a prisoner in any jail or prison facility and who is not
40 performing community service pursuant to disposition of a criminal case against him or her,
41 and is not otherwise employed for compensation at any time in the construction or
42 maintenance work on the same public works for which the worker is a volunteer. Under no
43 circumstances may an employer or a public body force, compel or otherwise intimidate a
44 worker into performing work otherwise paid at a prevailing wage rate or at a public works
45 contracting minimum wage rate as a volunteer.

46 4. When the hauling of materials or equipment includes some phase of construction
47 other than the mere transportation to the site of the construction, workers engaged in this dual
48 capacity shall be deemed employed directly on public works.

49 5. (1) The provisions of sections 290.210 to 290.340 shall not apply to the
50 construction of public works for which either the engineer's estimate or the bid accepted by
51 the public body for the total project cost is in the amount of ~~[seventy-five]~~ **one hundred fifty**
52 thousand dollars or less.

53 (2) The total project cost shall be based upon the entire project and not individual
54 projects within a larger project.

55 (3) The total project cost shall include the value of work performed on the project by
56 every person paid by a contractor or subcontractor for that person's work on the project. The
57 total project cost shall additionally include all materials and supplies purchased for the
58 project.

59 6. A public body shall not divide a project into multiple contracts for the purpose of
60 lowering the total project cost below the threshold described in subsection 5 of this section.

61 7. For any public works project for which either the engineer's estimate or the bid
62 accepted by the public body for the total project cost is in the amount of ~~[seventy-five]~~ **one**
63 **hundred fifty** thousand dollars or less that becomes subject to a change order that increases
64 the total project cost in excess of ~~[seventy-five]~~ **one hundred fifty** thousand dollars, the
65 provisions of sections 290.210 to 290.340 shall apply only to that portion of the project that
66 was in excess of ~~[seventy-five]~~ **one hundred fifty** thousand dollars.

67 8. Notwithstanding any provision of law to the contrary, for the purposes of
68 construction of public works for which either the engineer's estimate or the bid accepted by
69 the public body for the total project cost is in the amount of ten thousand dollars or less for all
70 occupational titles, public bodies shall be exempt from any law requiring the use of
71 competitive bids.

290.502. 1. Except as may be otherwise provided pursuant to sections 290.500 to
2 290.530, effective January 1, 2007, every employer shall pay to each employee wages at the
3 rate of \$6.50 per hour, or wages at the same rate or rates set under the provisions of federal
4 law as the prevailing federal minimum wage applicable to those covered jobs in interstate
5 commerce, whichever rate per hour is higher.

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

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, every employer shall
16 pay to each employee wages at the rate of not less than \$13.75 per hour, or wages at the same
17 rate or rates set under the provisions of federal law as the prevailing federal minimum wage
18 applicable to those covered jobs in interstate commerce, whichever rate per hour is higher.

19 Thereafter, the minimum wage established by this subsection shall be increased by \$1.25 per
20 hour, to \$15.00 per hour, effective January 1, [~~2026~~] **2028**. Thereafter, the minimum wage
21 established by this subsection shall be increased or decreased on January 1, [~~2027~~] **2030**, and
22 on January 1 of successive years, per the method set forth in subsection 2 of this section. If at
23 any time the federal minimum wage rate is above or is thereafter increased above the
24 minimum wage then in effect under this subsection, the minimum wage required by this
25 subsection shall continue to be increased pursuant to this subsection, but the higher federal
26 rate shall immediately become the minimum wage required by this subsection and shall be
27 increased or decreased per the method set forth in subsection 2 for so long as it remains
28 higher than the state minimum wage required and increased pursuant to this subsection.

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

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

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

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

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

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

22 entitled to use earned paid sick time as it is accrued. An employer may provide all earned
23 paid sick time that an employee is expected to accrue in a year at the beginning of the year;

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

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

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

45 (5) When a different employer succeeds or takes the place of an existing employer, all
46 employees of the original employer who remain employed by the successor employer are
47 entitled to all earned paid sick time they accrued when employed by the original employer,
48 and are entitled to use earned paid sick time previously accrued;

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

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

56 6. Except as specifically provided in this section, nothing in this section shall be
57 construed as requiring financial or other reimbursement to an employee from an employer

58 upon the employee's termination, resignation, retirement, or other separation from
59 employment for accrued earned paid sick time that has not been used.

60 7. Employees shall not accrue earned paid sick time before May 1, 2025. Employees
61 who are employed or who commence employment on or after May 1, 2025 shall accrue
62 earned paid sick time and be entitled to use earned paid sick time as it is accrued in
63 accordance with sections 290.600 through 290.642. The department may develop model
64 posters and notices, engage in rulemaking, initiate outreach programs, and engage in other
65 activities for implementation of the provisions of sections 290.600 through 290.642 as
66 authorized by those sections before May 1, 2025.

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

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

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

Section B. The repeal and reenactment of section 290.230 of this act shall become
2 effective on January 1, 2026.

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