

HOUSE COMMITTEE BILL NO. 1

AN ACT

To repeal sections 290.502, 290.600, 290.603, 290.606, and 290.612, RSMo, and to enact in lieu thereof five new sections 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Section A. Sections 290.502, 290.600, 290.603, 290.606, and 290.612, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 290.502, 290.600, 290.603, 290.606, and 290.612, to read as follows: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

17 successor agency, with the amount of the minimum wage increase or
18 decrease rounded to the nearest five cents.

19 3. Except as may be otherwise provided pursuant to sections
20 290.500 to 290.530, and notwithstanding subsection 1 of this
21 section, effective January 1, 2025, every employer shall pay to
22 each employee wages at the rate of not less than \$13.75 per hour,
23 or wages at the same rate or rates set under the provisions of
24 federal law as the prevailing federal minimum wage applicable to
25 those covered jobs in interstate commerce, whichever rate per hour
26 is higher. Thereafter, the minimum wage established by this
27 subsection shall be increased by \$1.25 per hour, to \$15.00 per
28 hour, effective January 1, 2026. Thereafter, the minimum wage
29 established by this subsection shall be increased or decreased on
30 January 1, 2027, and on January 1 of successive years, per the
31 method set forth in subsection 2 of this section. If at any time
32 the federal minimum wage rate is above or is thereafter increased
33 above the minimum wage then in effect under this subsection, the
34 minimum wage required by this subsection shall continue to be
35 increased pursuant to this subsection, but the higher federal rate
36 shall immediately become the minimum wage required by this
37 subsection and shall be increased or decreased per the method set
38 forth in subsection 2 for so long as it remains higher than the
39 state minimum wage required and increased pursuant to this
40 subsection.

41 4. For purposes of this section, the term "public employer"
42 means an employer that is the state or a political subdivision of
43 the state, including a department, agency, officer, bureau,

44 division, board, commission, or instrumentality of the state, or a
45 city, county, town, village, school district, or other political
46 subdivision of the state. ~~【Subsection 3 of this section】~~ Beginning
47 on the effective date of this section, the provisions of this
48 section shall [not] apply to a public employer with respect to its
49 employees. [Any public employer that is subject to subsections 1
50 and 2 of this section shall continue to be subject to those
51 subsections.】

290.600. As used in sections 290.600 through 290.642:

2 (1) "Department", department of labor and industrial
3 relations;

4 (2) "Director", director of the department of labor and
5 industrial relations;

6 (3) "Domestic violence", as such term is defined in section
7 455.010;

8 (4) "Earned paid sick time", time that is compensated at the
9 same hourly rate and with the same benefits, including health care
10 benefits, as the employee normally earns during hours worked and is
11 provided by an employer to an employee for the purposes described
12 in section 290.606, but in no case shall this hourly amount be less
13 than that provided under section 290.502;

14 (5) "Employee", any individual employed in this state by an
15 employer, but does not include:

16 (a) Any individual engaged in the activities of an
17 educational, charitable, religious, or nonprofit organization
18 where the employer-employee relationship does not, in fact, exist
19 or where the services rendered to the organization are on a

20 voluntary basis;

21 (b) Any individual standing in loco parentis to foster
22 children in their care;

23 (c) Any individual employed for less than four months in any
24 year in a resident or day camp for children or youth, or any
25 individual employed by an educational conference center operated
26 by an educational, charitable or not-for-profit organization;

27 (d) Any individual engaged in the activities of an
28 educational organization where employment by the organization is
29 in lieu of the requirement that the individual pay the cost of
30 tuition, housing or other educational fees of the organization or
31 where earnings of the individual employed by the organization are
32 credited toward the payment of the cost of tuition, housing or
33 other educational fees of the organization;

34 (e) Any individual employed on or about a private residence
35 on an occasional basis for six hours or less on each occasion;

36 (f) Any individual employed on a casual basis to provide
37 baby-sitting services;

38 (g) Any individual employed by an employer subject to the
39 provisions of Part A of Subtitle IV of Title 49, United States
40 Code, 49 U.S.C. §§ 10101 et seq.;

41 (h) Any individual employed on a casual or intermittent basis
42 as a golf caddy, newsboy, or in a similar occupation;

43 (i) Any individual who is employed in any government position
44 defined in 29 U.S.C. §§ 203(e)(2)(C)(i)-(ii);

45 (j) Any individual employed by a retail or service business
46 whose annual gross volume sales made or business done is less than

47 five hundred thousand dollars;

48 (k) Any individual who is an offender, as defined in section
49 217.010, who is incarcerated in any correctional facility operated
50 by the department of corrections, including offenders who provide
51 labor or services on the grounds of such correctional facility
52 pursuant to section 217.550; ~~or~~]

53 (l) Any individual described by the provisions of section 29
54 U.S.C. 213(a)(8);

55 (m) Any individual employed by a seasonal employer as defined
56 under this section;

57 (n) Any individual who is an employee of an employer engaged
58 in the operation of a vessel that is documented by the United
59 States under 46 U.S.C. Section 12105;

60 (o) Any individual who is the owner, as defined under section
61 301.010, and operator of a motor vehicle which is leased or
62 contracted with a driver to a for-hire motor carrier operating
63 within a commercial zone as defined under section 390.020 or
64 390.041, or operating under a certificate issued by the Missouri
65 department of transportation or by the United States Department of
66 Transportation, or any of its subagencies; or

67 (p) Any individual who is a commercial over-the-road (OTR) or
68 long-haul truck driver or an individual over whom the Secretary of
69 Transportation has power to establish qualifications and maximum
70 hours of service under the provisions of 49 U.S.C. Section 31502;

71 (6) "Employer", any person acting directly or indirectly in
72 the interest of an employer in relation to an employee and
73 employing one hundred or more full-time employees; provided,

74 however, that for the purposes of sections 290.600 through 290.642
75 "employer" does not include the United States government, the
76 state, or a political subdivision of the state, including a
77 department, agency, officer, bureau, division, board, commission,
78 or instrumentality of the state, or a city, county, town, village,
79 school district, public higher education institution, or other
80 political subdivision of the state;

81 (7) "Family member", ~~[any of the following individuals:~~
82 ~~(a)]~~ regardless of age, a biological, adopted or foster
83 child, stepchild or legal ward, a child of a domestic partner, a
84 child to whom the employee stands in loco parentis, or an
85 individual to whom the employee stood in loco parentis when the
86 individual was a minor;

87 ~~[(b) A biological, foster, stepparent or adoptive parent or~~
88 ~~legal guardian of an employee or an employee's spouse or domestic~~
89 ~~partner or an individual who stood in loco parentis when the~~
90 ~~employee or employee's spouse or domestic partner was a minor~~
91 ~~child;~~

92 ~~(c) An individual to whom the employee is legally married~~
93 ~~under the laws of any state, or a domestic partner who is~~
94 ~~registered as such under the laws of any state or political~~
95 ~~subdivision, or an individual with whom the employee is in a~~
96 ~~continuing social relationship of a romantic or intimate nature;~~

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

100 ~~(e) A person for whom the employee is responsible for~~

~~providing or arranging health or safety-related care, including
but not limited to helping that individual obtain diagnostic,
preventative, routine, or therapeutic health treatment or ensuring
the person is safe following domestic violence, sexual assault, or
stalking;]~~

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

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

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

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

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

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

a. The wages the employee would have been paid for the hours

absent during use of earned paid sick time if the employee had worked; or,

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

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

~~[(c) For employees who are paid a salary, the same hourly rate shall be determined by dividing the wages the employee earns in the previous pay period by the total number of hours worked during the previous pay period. For determining total number of hours worked during the previous pay period, employees who are exempt from overtime requirements under 29 U.S.C. § 213(a)(1), the Fair Labor Standards Act, shall be assumed to work forty hours in each work week unless their normal work week is less than forty hours, in which case earned paid sick time shall accrue and the same hourly rate shall be calculated based on the employee's normal work week. Regardless of the basis used, the same hourly rate shall not be less than the effective minimum wage specified in section 290.502,~~

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

~~(e) For employees who are paid on a commission basis (whether~~

~~base wage plus commission or commission only), the same hourly rate shall be the greater of the base wage or the effective minimum wage specified in section 290.502;~~

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

(12) "Seasonal employer", an employer whose operations and business are substantially all in an industry in which it is customary to operate, because of climatic conditions or because of the seasonal nature of such industry, only during a regularly recurring seasonal period or periods totaling twenty-six weeks or less in a fifty-two week period, as determined by the department;

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

~~[(13)]~~ (14) "Stalking", as such term is defined in section 455.010;

~~[(14)]~~ (15) "Year", a regular and consecutive twelve-month period as determined by the employer; except that for the purposes of section 290.615 and section 290.627, "year" shall mean a calendar year.

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

6 ~~2.~~ Employees of an employer with ~~[fewer than fifteen]~~ one
7 hundred or more employees shall accrue a minimum of one hour of
8 earned paid sick time for every ~~[thirty]~~ forty hours worked, but
9 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
11 higher limit.

12 ~~[3.]~~ 2. In determining the number of employees of an
13 employer, all employees performing work in the state for an
14 employer for compensation on a full-time~~[, part time, or~~
15 ~~temporary]~~ basis shall be counted, to be determined by the number
16 of full-time employees included in the employer's most recent tax
17 filing and modified as provided herein. In situations in which the
18 number of employees performing work in the state for an employer
19 for compensation per week fluctuates above and below ~~[fifteen]~~ one
20 hundred employees per week over the course of a year, an employer
21 is required to provide earned paid sick time pursuant to subsection
22 1 of this section if it maintained ~~[fifteen]~~ one hundred or more
23 employees in the state on the payroll for some portion of a working
24 day in each of twenty or more different calendar weeks, including
25 any periods of leave, and whether or not the weeks were
26 consecutive, in either the current or the preceding year
27 (irrespective of whether the same individuals were in employment
28 in each working day).

29 ~~[4.]~~ 3. All employees shall accrue earned paid sick time as
30 follows:

31 (1) Earned paid sick time as provided in this section shall
32 begin to accrue at the commencement of employment or May 1, 2025,

33 whichever is later. An employee shall be entitled to use earned
34 paid sick time as it is accrued. An employer may provide all
35 earned paid sick time that an employee is expected to accrue in a
36 year at the beginning of the year;

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

43 (3) ~~Up to eighty hours of~~ Earned paid sick time shall not
44 be required to be carried over to the following year if the
45 employee has any unused accrued earned paid sick time at the end of
46 the year~~[, but]~~. This law does not require an employer to permit
47 an employee to use more than the applicable number of hours of
48 earned paid sick time per year as set forth in subsections 1 and 2
49 of this section. ~~Alternatively, in lieu of~~ An employer may allow
50 carryover of unused earned paid sick time from one year to the next
51 at its discretion, and an employer at its discretion may pay an
52 employee for unused earned paid sick time at the end of a year
53 which could be carried over and provide the employee with an amount
54 of paid sick time that meets or exceeds the requirements of
55 sections 290.600 through 290.642 that is available for the
56 employee's immediate use at the beginning of the subsequent year;

57 (4) If an employee is transferred to a separate division,
58 entity, or location, but remains employed by the same employer, the
59 employee is entitled to all earned paid sick time accrued at the

prior division, entity, or location and is entitled to use all earned paid sick time as provided in this section. When there is a separation from employment and the employee is rehired within nine months of separation by the same employer, previously accrued earned paid sick time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued earned paid sick time and accrue additional earned paid sick time at the recommencement of employment;

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

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

~~[5-]~~ 4. Any employer with a paid leave policy, such as a paid time off policy, who makes available an amount of paid leave sufficient to meet the accrual requirements of this section that may be used for the same purposes and under the same conditions as earned paid sick time under sections 290.600 through 290.642 is not required to provide additional paid sick time under this section.

~~[6-]~~ 5. Except as specifically provided in this section, nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued earned paid sick time that

has not been used.

~~[7.]~~ 6. Employees shall not accrue earned paid sick time before May 1, 2025. Employees who are employed or who commence employment on or after May 1, 2025 shall accrue earned paid sick time and be entitled to use earned paid sick time as it is accrued in accordance with sections 290.600 through 290.642. The department may develop model posters and notices, engage in rulemaking, initiate outreach programs, and engage in other activities for implementation of the provisions of sections 290.600 through 290.642 as authorized by those sections before May 1, 2025.

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

(1) An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for ~~[preventative]~~ preventive medical care;

(2) Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care of a family member who needs ~~[preventative]~~ preventive medical care;

(3) ~~[Closure of the employee's place of business by order of a public official due to a public health emergency, or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public~~

~~health emergency, or]~~ Care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or

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

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

(b) Services from a victim services organization;

(c) Psychological or other counseling;

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

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

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

3. When the use of earned paid sick time is foreseeable, the employee shall make a good faith effort to provide notice of the

44 need for such time to the employer in advance of the use of the
45 earned paid sick time and shall make a reasonable effort to
46 schedule the use of earned paid sick time in a manner that does not
47 unduly disrupt the operations of the employer. Where such need is
48 not foreseeable, an employer may require an employee to provide
49 notice of the need for the use of earned paid sick time as soon as
50 practicable.

51 4. An employer that requires notice of the need to use earned
52 paid sick time where the need is not foreseeable shall provide a
53 written policy that contains procedures for the employee to
54 provide notice. An employer that has not provided to the employee
55 a copy of its written policy for providing such notice shall not
56 deny earned paid sick time to the employee based on noncompliance
57 with such a policy.

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

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

65 7. For earned paid sick time of ~~three~~ one or more
66 consecutive work days, an employer may require reasonable
67 documentation that the earned paid sick time has been used for a
68 purpose covered by subsection 1 of this section.

69 (1) Documentation signed by a health care professional
70 indicating that earned paid sick time is necessary shall be

71 considered reasonable documentation for purposes of this section.

72 (2) In cases of domestic violence, sexual assault, or
73 stalking, if the employer requests, one of the following types of
74 documentation selected by the employee shall be considered
75 reasonable documentation: (i) a police report or incident report
76 indicating that the employee or the employee's family member was a
77 victim of domestic violence, sexual assault, or stalking; (ii) ~~["a~~
78 ~~written statement from an employee or agent of a victim service~~
79 ~~provider affirming that the employee or employee's family member~~
80 ~~is or was receiving services from a victim service provider; (iii)]~~
81 documentation signed by a health care professional from whom the
82 employee or employee's family member sought assistance relating to
83 domestic violence, sexual assault, or stalking or the effects
84 thereof; ~~["(iv)"]~~ or (iii) a court document indicating that an
85 employee or employee's family member is or was involved in a legal
86 action related to domestic violence, sexual assault, or stalking ~~["~~
87 ~~or (v) a written statement from the employee affirming that the~~
88 ~~employee or employee's family member is taking or took earned paid~~
89 ~~sick time for a qualifying purpose of subsection 1 of this~~
90 ~~section"]~~.

91 (3) An employer may not require that the documentation
92 explain the nature of the illness, details of the underlying health
93 needs, or the details of the domestic violence, sexual assault, or
94 stalking, unless otherwise required by law.

290.612. 1. Employers shall give employees a written notice
2 about earned paid sick time within fourteen calendar days of the
3 commencement of employment or on April 15, 2025, whichever is

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

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

25 3. The department may create and make available to employers,
26 model notices and posters that contain the information required
27 under subsection 1 of this section for employers' use in complying
28 with subsections 1 and 2 of this section. Nothing in this
29 subsection shall be interpreted or applied, either expressly or
30 through practical necessity, to require the department to create

31 or make available notices or posters if it requires the
32 appropriation of funds to cover the costs of such acts.