

SECOND REGULAR SESSION

HOUSE BILL NO. 2554

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

4070H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 290.500, RSMo, and to enact in lieu thereof one new section relating to minimum wage.

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

Section A. Section 290.500, RSMo, is repealed and one new section enacted in lieu 2 thereof, to be known as section 290.500, to read as follows:

290.500. As used in sections 290.500 to 290.530, the following words and phrases 2 mean:

(1) "Agriculture", farming and all its branches including, but not limited to, the 3 cultivation and tillage of the soil, dairying, the production, cultivation, growing and 4 harvesting of any agricultural commodities, the raising of livestock, fish and other marine life, 5 bees, fur-bearing animals or poultry and any practices performed by a farmer or on a farm as 6 an incident to or in conjunction with farming operations, including preparation for market, 7 delivery to storage or to market or to carriers for transportation to market;

(2) "Director", the director of the department of labor and industrial relations or his 9 authorized representative;

(3) "Employee", any individual employed by an employer, except that the term 11 "employee" shall not include:

(a) Any individual employed in a bona fide executive, administrative, or professional 13 capacity;

(b) Any individual engaged in the activities of an educational, charitable, religious, or 15 nonprofit organization where the employer-employee relationship does not, in fact, exist or 16 where the services rendered to the organization are on a voluntary basis;

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.

- (c) Any individual standing in loco parentis to foster children in their care;
- (d) Any individual employed for less than four months in any year in a resident or day camp for children or youth, or any individual employed by an educational conference center operated by an educational, charitable or not-for-profit organization;
- (e) Any individual engaged in the activities of an educational organization where employment by the organization is in lieu of the requirement that the individual pay the cost of tuition, housing or other educational fees of the organization or where earnings of the individual employed by the organization are credited toward the payment of the cost of tuition, housing or other educational fees of the organization;
- (f) Any individual employed on or about a private residence on an occasional basis for six hours or less on each occasion;
- (g) Any handicapped person employed in a sheltered workshop, certified by the department of elementary and secondary education;
- (h) Any person employed on a casual basis to provide baby-sitting services;
- (i) Any individual employed by an employer subject to the provisions of part A of subtitle IV of title 49, United States Code, 49 U.S.C. §§ 10101 et seq.;
- (j) Any individual employed on a casual or intermittent basis as a golf caddy, newsboy, or in a similar occupation;
- (k) Any individual whose earnings are derived in whole or in part from sales commissions and whose hours and places of employment are not substantially controlled by the employer;
- (l) Any individual who is employed in any government position defined in 29 U.S.C. §§ 203(e)(2)(C)(i)-(ii);
- (m) Any individual employed by a retail or service business whose annual gross volume sales made or business done is less than ~~five hundred thousand~~ **eleven million one hundred thousand dollars, and beginning with the 2028 calendar year, this threshold amount shall be adjusted annually by the percent increase or decrease in inflation.** The department shall determine the percentage increase or decrease in inflation as of the preceding July over the level as of July of the immediately preceding year of the Consumer Price Index for All Urban Consumers for the United States as reported by the Bureau of Labor Statistics, or its successor index. The department shall publish the new threshold amount annually beginning on or after October 1, 2027, and the new threshold amount shall take effect on January first of each calendar year;
- (n) Any individual who is an offender, as defined in section 217.010, who is incarcerated in any correctional facility operated by the department of corrections, including offenders who provide labor or services on the grounds of such correctional facility pursuant to section 217.550;

55 (o) Any individual described by the provisions of section 29 U.S.C. 213(a) (8);
56 (4) "Employer", any person acting directly or indirectly in the interest of an employer
57 in relation to an employee;

58 (5) "Learner and apprentice", any individual under 20 years of age who has not
59 completed the required training for a particular job. In no event shall the individual be
60 deemed a learner or apprentice in the occupation after three months of training except where
61 the director finds, after investigation, that for the particular occupation a minimum of
62 proficiency cannot be acquired in three months. In no case shall a person be declared to be a
63 learner or apprentice after six months of training for a particular employer or job. Employees
64 of an amusement or recreation business that meets the criteria set out in 29 U.S.C. § 213(a)
65 (3) may be deemed a learner or apprentice for ninety working days. No individual shall be
66 deemed a learner or apprentice solely for the purpose of evading the provisions of sections
67 290.500 to 290.530;

68 (6) "Occupation", any occupation, service, trade, business, industry, or branch or
69 group of industries or employment or class of employment in which individuals are gainfully
70 employed;

71 (7) "Wage", compensation due to an employee by reason of his employment, payable
72 in legal tender of the United States or checks on banks convertible into cash on demand at full
73 face value;

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

76 (9) "Man-day", any day during which an employee performs any agricultural labor
77 for not less than one hour.

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