

SECOND REGULAR SESSION

HOUSE BILL NO. 3419

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FOGLE.

6186H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 290.502, RSMo, and to enact in lieu thereof seventeen new sections relating to employee compensation, with penalty provisions.

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

Section A. Section 290.502, RSMo, is repealed and seventeen new sections enacted
2 in lieu thereof, to be known as sections 290.502, 290.601, 290.604, 290.605, 290.607,
3 290.610, 290.613, 290.616, 290.619, 290.622, 290.625, 290.628, 290.631, 290.634, 290.637,
4 290.640, and 290.643, to read as follows:

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 [~~but ending December 31, 2024~~], by the increase or decrease in
8 the cost of living. On September 30, 2007, and on each September 30 of each successive year
9 [~~but ending December 31, 2024~~], the director shall measure the increase or decrease in the
10 cost of living by the percentage increase or decrease as of the preceding July over the level as
11 of July of the immediately preceding year of the Consumer Price Index for Urban Wage
12 Earners and Clerical Workers (CPI-W) or successor index as published by the U.S.
13 Department of Labor or its successor agency, with the amount of the minimum wage increase
14 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.

15 3. Except as may be otherwise provided pursuant to sections 290.500 to 290.530, and
16 notwithstanding subsection 1 of this section, effective January 1, 2025, every employer shall
17 pay to each employee wages at the rate of not less than \$13.75 per hour, or wages at the same
18 rate or rates set under the provisions of federal law as the **prevailing** federal minimum wage
19 applicable to those covered jobs in interstate commerce, whichever rate per hour is higher.
20 Thereafter, the minimum wage established by this subsection shall be increased by \$1.25 per
21 hour, to \$15.00 per hour, effective January 1, 2026. **Thereafter, the minimum wage**
22 **established by this subsection shall be increased or decreased on January 1, 2027, and**
23 **on January first of successive years, per the method set forth in subsection 2 of this**
24 **section.** If at any time the federal minimum wage rate is above or is thereafter increased
25 above the minimum wage then in effect under this subsection, **the minimum wage required**
26 **by this subsection shall continue to be increased pursuant to this subsection, but** the
27 higher federal rate shall immediately become the minimum wage required by this subsection
28 **and shall be increased or decreased per the method set forth in subsection 2 for so long**
29 **as it remains higher than the state minimum wage required and increased pursuant to**
30 **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. ~~[Beginning on August 28, 2025, the~~
35 ~~provisions]~~ **Subsection 3** of this section shall **not** apply to a public employer with respect to
36 its employees. **Any public employer that is subject to subsections 1 and 2 of this section**
37 **shall continue to be subject to those subsections.**

290.601. As used in sections 290.601 to 290.643:

- 2 (1) "Department", department of labor and industrial relations;
- 3 (2) "Director", director of the department of labor and industrial relations;
- 4 (3) "Domestic violence", as such term is defined in section 455.010;
- 5 (4) "Earned paid sick time", time that is compensated at the same hourly rate
6 and with the same benefits, including health care benefits, as the employee normally
7 earns during hours worked and is provided by an employer to an employee for the
8 purposes described in section 290.607, but in no case shall this hourly amount be less
9 than that provided under section 290.502;
- 10 (5) "Employee", any individual employed in this state by an employer, but does
11 not include:
 - 12 (a) Any individual engaged in the activities of an educational, charitable,
13 religious, or nonprofit organization where the employer-employee relationship does not,
14 in fact, exist or where the services rendered to the organization are on a voluntary basis;

15 **(b) Any individual standing in loco parentis to foster children in their care;**

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

19 **(d) Any individual engaged in the activities of an educational organization where**
20 **employment by the organization is in lieu of the requirement that the individual pay the**
21 **cost of tuition, housing or other educational fees of the organization or where earnings**
22 **of the individual employed by the organization are credited toward the payment of the**
23 **cost of tuition, housing, or other educational fees of the organization;**

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

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

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

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

31 **(i) Any individual who is employed in any government position defined in 29**
32 **U.S.C. Section 203(e)(2)(C)(i)-(ii);**

33 **(j) Any individual employed by a retail or service business whose annual gross**
34 **volume sales made or business done is less than five hundred thousand dollars;**

35 **(k) Any individual who is an offender, as defined in section 217.010, who is**
36 **incarcerated in any correctional facility operated by the department of corrections,**
37 **including offenders who provide labor or services on the grounds of such correctional**
38 **facility pursuant to section 217.550; or**

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

40 **(6) "Employer", any person acting directly or indirectly in the interest of an**
41 **employer in relation to an employee; provided, however, that for the purposes of**
42 **sections 290.601 to 290.643 "employer" does not include the United States government,**
43 **the state, or a political subdivision of the state, including a department, agency, officer,**
44 **bureau, division, board, commission, or instrumentality of the state, or a city, county,**
45 **town, village, school district, public higher education institution, or other political**
46 **subdivision of the state;**

47 **(7) "Family member", any of the following individuals:**

48 **(a) Regardless of age, a biological, adopted, or foster child, stepchild or legal**
49 **ward, a child of a domestic partner, a child to whom the employee stands in loco**
50 **parentis, or an individual to whom the employee stood in loco parentis when the**
51 **individual was a minor;**

52 **(b) A biological, foster, stepparent or adoptive parent or legal guardian of an**
53 **employee or an employee's spouse or domestic partner or an individual who stood in**
54 **loco parentis when the employee or employee's spouse or domestic partner was a minor**
55 **child;**

56 **(c) An individual to whom the employee is legally married under the laws of any**
57 **state, or a domestic partner who is registered as such under the laws of any state or**
58 **political subdivision, or an individual with whom the employee is in a continuing social**
59 **relationship of a romantic or intimate nature;**

60 **(d) A grandparent, grandchild, or sibling, whether of a biological, foster,**
61 **adoptive, or step relationship, of the employee or the employee's spouse or domestic**
62 **partner; or**

63 **(e) A person for whom the employee is responsible for providing or arranging**
64 **health or safety-related care including, but not limited to, helping that individual obtain**
65 **diagnostic, preventive, routine, or therapeutic health treatment or ensuring the person is**
66 **safe following domestic violence, sexual assault, or stalking;**

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

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

73 **(10) "Retaliatory personnel action", denial of any right guaranteed under**
74 **sections 290.601 to 290.643, or any threat, discharge, suspension, demotion, reduction of**
75 **hours, or any other adverse action against an employee for the exercise of any right**
76 **guaranteed herein. "Retaliatory personnel action" shall also include interference with**
77 **or punishment for, in any manner, participating in or assisting an investigation,**
78 **proceeding, or hearing under sections 290.601 to 290.643;**

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

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

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

84 **a. The wages the employee would have been paid for the hours absent during use**
85 **of earned paid sick time if the employee had worked; or**

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

88

89 Whatever method the employer uses, the employer shall use a consistent method for
90 each employee throughout a year;

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

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

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

109 (f) For employees who receive and retain compensation in the form of gratuities
110 in addition to wages, the same hourly rate shall be the greater of the employee's regular
111 hourly rate or one hundred percent of the effective minimum wage specified in section
112 290.502 without deduction of any tips as a credit;

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

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

115 (14) "Year", a regular and consecutive twelve-month period as determined by
116 the employer;, except that for the purposes of section 290.616 and section 290.628,
117 "year" shall mean a calendar year.

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

9 **3. In determining the number of employees of an employer, all employees**
10 **performing work in the state for an employer for compensation on a full-time, part-**
11 **time, or temporary basis shall be counted. In situations in which the number of**
12 **employees performing work in the state for an employer for compensation per week**
13 **fluctuates above and below fifteen employees per week over the course of a year, an**
14 **employer is required to provide earned paid sick time pursuant to subsection 1 of this**
15 **section if it maintained fifteen or more employees in the state on the payroll for some**
16 **portion of a working day in each of twenty or more different calendar weeks, including**
17 **any periods of leave, and whether the weeks were consecutive, in either the current or**
18 **the preceding year, irrespective of whether the same individuals were in employment in**
19 **each working day.**

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

21 **(1) Earned paid sick time as provided in this section shall begin to accrue at the**
22 **commencement of employment or January 1, 2027, whichever is later. An employee**
23 **shall be entitled to use earned paid sick time as it is accrued. An employer may provide**
24 **all earned paid sick time that an employee is expected to accrue in a year at the**
25 **beginning of the year;**

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

31 **(3) Up to eighty hours of earned paid sick time shall be carried over to the**
32 **following year if the employee has any unused accrued earned paid sick time at the end**
33 **of the year, but this law does not require an employer to permit an employee to use more**
34 **than the applicable number of hours of earned paid sick time per year as set forth in**
35 **subsections 1 and 2 of this section. Alternatively, in lieu of carryover of unused earned**
36 **paid sick time from one year to the next, an employer may pay an employee for unused**
37 **earned paid sick time at the end of a year that could be carried over and provide the**
38 **employee with an amount of paid sick time that meets or exceeds the requirements of**
39 **sections 290.601 to 290.643 that is available for the employee's immediate use at the**
40 **beginning of the subsequent year;**

41 **(4) If an employee is transferred to a separate division, entity, or location, but**
42 **remains employed by the same employer, the employee is entitled to all earned paid sick**
43 **time accrued at the prior division, entity, or location and is entitled to use all earned**
44 **paid sick time as provided in this section. When there is a separation from employment**
45 **and the employee is rehired within nine months of separation by the same employer,**

46 previously accrued earned paid sick time that had not been used shall be reinstated.
47 Further, the employee shall be entitled to use accrued earned paid sick time and accrue
48 additional earned paid sick time at the recommencement of employment;

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

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

55 5. Any employer with a paid leave policy, such as a paid time off policy, who
56 makes available an amount of paid leave sufficient to meet the accrual requirements of
57 this section that may be used for the same purposes and under the same conditions as
58 earned paid sick time under sections 290.601 to 290.643 is not required to provide
59 additional paid sick time under this section.

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

64 7. Employees shall not accrue earned paid sick time before January 1, 2027.
65 Employees who are employed or who commence employment on or after January 1,
66 2027, shall accrue earned paid sick time and be entitled to use earned paid sick time as it
67 is accrued in accordance with sections 290.601 to 290.643. The department may develop
68 model posters and notices, engage in rulemaking, initiate outreach programs, and
69 engage in other activities for implementation of the provisions of sections 290.601 to
70 290.643 as authorized by those sections before January 1, 2027.

290.605. 1. For purposes of this section, the term "earned paid bereavement
2 time" means time that is compensated at the same hourly rate and with the same
3 benefits, including health care benefits, as the employee normally earns during hours
4 worked and is provided by an employer to an employee for the purposes described in
5 section 290.607, but in no case shall this hourly amount be less than that provided under
6 section 290.502, that is taken in connection with the death of a family member or for the
7 grieving of a reproductive loss. "Reproductive loss" includes a miscarriage, an
8 unsuccessful round of intrauterine insemination or of an assisted reproductive
9 technology procedure, a failed adoption match or an adoption that is not finalized
10 because it is contested by another party, a failed surrogacy agreement, a diagnosis that
11 negatively impacts pregnancy or fertility, or a stillbirth.

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

16 **3. Employees of an employer with fewer than fifteen employees shall accrue a**
17 **minimum of one hour of earned paid bereavement time for every thirty hours worked,**
18 **but such employees shall not be entitled to use more than forty hours of earned paid**
19 **bereavement time per year, unless the employer selects a higher limit.**

20 **4. In determining the number of employees of an employer, all employees**
21 **performing work in the state for an employer for compensation on a full-time, part-**
22 **time, or temporary basis shall be counted. In situations in which the number of**
23 **employees performing work in the state for an employer for compensation per week**
24 **fluctuates above and below fifteen employees per week over the course of a year, an**
25 **employer is required to provide earned paid bereavement time pursuant to subsection 2**
26 **of this section if it maintained fifteen or more employees in the state on the payroll for**
27 **some portion of a working day in each of twenty or more different calendar weeks,**
28 **including any periods of leave, and whether the weeks were consecutive, in either the**
29 **current or the preceding year, irrespective of whether the same individuals were in**
30 **employment in each working day.**

31 **5. All employees shall accrue earned paid bereavement time as follows:**

32 **(1) Earned paid bereavement time as provided in this section shall begin to**
33 **accrue at the commencement of employment or January 1, 2027, whichever is later. An**
34 **employee shall be entitled to use earned paid bereavement time as it is accrued. An**
35 **employer may provide all earned paid bereavement time that an employee is expected to**
36 **accrue in a year at the beginning of the year;**

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

42 **(3) Up to eighty hours of earned paid bereavement time shall be carried over to**
43 **the following year if the employee has any unused accrued earned paid bereavement**
44 **time at the end of the year, but this section does not require an employer to permit an**
45 **employee to use more than the applicable number of hours of earned paid bereavement**
46 **time per year as set forth in subsections 2 and 3 of this section. Alternatively, in lieu of**
47 **carryover of unused earned paid bereavement time from one year to the next, an**
48 **employer may pay an employee for unused earned paid bereavement time at the end of**

49 a year which could be carried over and provide the employee with an amount of paid
50 bereavement time that meets or exceeds the requirements of sections 290.601 to 290.643
51 that is available for the employee's immediate use at the beginning of the subsequent
52 year;

53 (4) If an employee is transferred to a separate division, entity, or location, but
54 remains employed by the same employer, the employee is entitled to all earned paid
55 bereavement time accrued at the prior division, entity, or location and is entitled to use
56 all earned paid bereavement time as provided in this section. When there is a separation
57 from employment and the employee is rehired within nine months of separation by the
58 same employer, previously accrued earned paid bereavement time that had not been
59 used shall be reinstated. Further, the employee shall be entitled to use accrued earned
60 paid bereavement time and accrue additional earned paid bereavement time at the
61 recommencement of employment;

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

67 (6) At its discretion, an employer may loan earned paid bereavement time to an
68 employee in advance of accrual by such employee; and

69 (7) Earned paid bereavement leave shall be taken within ninety calendar days of
70 the family member's death or of the event resulting in reproductive loss.

71 6. Any employer with a bereavement policy who makes available an amount of
72 paid bereavement leave sufficient to meet the accrual requirements of this section that
73 may be used for the same purposes and under the same conditions as under this section
74 is not required to provide additional paid bereavement time under this section.

75 7. Except as specifically provided in this section, nothing in this section shall be
76 construed as requiring financial or other reimbursement to an employee from an
77 employer upon the employee's termination, resignation, retirement, or other separation
78 from employment for accrued earned bereavement paid sick time that has not been
79 used.

80 8. Employees shall not accrue earned bereavement paid sick time before
81 January 1, 2027. Employees who are employed or who commence employment on or
82 after January 1, 2027, shall accrue earned bereavement paid sick time and be entitled to
83 use earned bereavement paid sick time as it is accrued in accordance with sections
84 290.601 to 290.643.

290.607. 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; and an employee's need for 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; and care of a family member who needs preventive medical care;

(3) Closure of the employee's place of business by order of a public official due to a public health emergency, 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 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 practicable, 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 need for such time to the employer in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of

38 the employer. Where such need is not foreseeable, an employer may require an
39 employee to provide notice of the need for the use of earned paid sick time as soon as
40 practicable.

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

46 5. An employer shall not require, as a condition of an employee's taking earned
47 paid sick time, that the employee search for or find a replacement worker to cover the
48 hours during which the employee is using earned paid sick time.

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

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

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

58 (2) In cases of domestic violence, sexual assault, or stalking, if the employer
59 requests, one of the following types of documentation selected by the employee shall be
60 considered reasonable documentation:

61 (a) A police report indicating that the employee or the employee's family
62 member was a victim of domestic violence, sexual assault, or stalking;

63 (b) A written statement from an employee or agent of a victim service provider
64 affirming that the employee or employee's family member is or was receiving services
65 from a victim service provider;

66 (c) Documentation signed by a health care professional from whom the employee
67 or employee's family member sought assistance relating to domestic violence, sexual
68 assault, or stalking or the effects thereof;

69 (d) A court document indicating that an employee or employee's family member
70 is or was involved in a legal action related to domestic violence, sexual assault, or
71 stalking; or

72 (e) A written statement from the employee affirming that the employee or
73 employee's family member is taking or took earned paid sick time for a qualifying
74 purpose of subsection 1 of this section.

75 **(3) An employer shall not require that the documentation explain the nature of**
76 **the illness, details of the underlying health needs, or the details of the domestic violence,**
77 **sexual assault, or stalking, unless otherwise required by law.**

290.610. 1. It shall be unlawful for an employer or any other person to interfere
2 **with, restrain, or deny the exercise of, or the attempt to exercise, any right protected**
3 **under sections 290.601 to 290.643.**

4 **2. An employer shall not take retaliatory personnel action or discriminate**
5 **against an employee or former employee because the individual has exercised rights**
6 **protected under sections 290.601 to 290.643. Such rights include, but are not limited to,**
7 **the right to request or use earned paid sick time or earned bereavement time pursuant**
8 **to sections 290.601 to 290.643; the right to file a complaint or inform any person about**
9 **any employer's alleged violation of sections 290.601 to 290.643; the right to participate**
10 **in any investigation, hearing, or proceeding or cooperate with or assist the department**
11 **in any investigations of alleged violations of sections 290.601 to 290.643; and the right to**
12 **inform any person of his or her potential rights under sections 290.601 to 290.643.**

13 **3. It shall be unlawful for an employer's absence control policy to count earned**
14 **paid sick time or earned bereavement time taken under sections 290.601 to 290.643 as**
15 **an absence that may lead to or result in discipline, discharge, demotion, suspension, or**
16 **any other adverse action.**

17 **4. Protections of this section shall apply to any individual who mistakenly but in**
18 **good faith alleges violations of sections 290.601 to 290.643.**

290.613. 1. Employers shall give employees a written notice about earned paid
2 **sick time and earned paid bereavement time within fourteen calendar days of the**
3 **commencement of employment or on December 15, 2026, whichever is later, which shall**
4 **include the following information:**

5 **(1) Beginning January 1, 2027, employees accrue and are entitled to earned paid**
6 **sick time at the rate one hour of earned paid sick time for every thirty hours of work,**
7 **and may use earned paid sick time, subject to the limits and terms under sections**
8 **290.601 to 290.643;**

9 **(2) It is prohibited for an employer to take retaliatory personnel action against**
10 **employees who request or use earned paid sick time or earned paid bereavement time as**
11 **allowed by law;**

12 **(3) Each employee has the right to bring a civil action if earned paid sick time or**
13 **earned paid bereavement time as required by sections 290.601 to 290.643 is denied by**
14 **the employer or the employee is subjected to retaliatory personnel action by the**
15 **employer for exercising the employee's rights under sections 290.601 to 290.643; and**

16 **(4) The contact information for the department.**

17

18 **Notice shall be provided by the employer to the employee on a single piece of paper, at**
19 **least 8.5 x 11 inches, in no less than 14-point font.**

20 **2. Beginning December 15, 2026, employers shall display a poster that contains**
21 **the information required in subsection 1 of this section in a conspicuous and accessible**
22 **place in each establishment where such employees are employed, provided that such**
23 **poster has been made available by the department.**

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

290.616. 1. Employers shall retain records documenting hours worked by
2 **employees and earned paid sick time and earned paid bereavement time taken by**
3 **employees, for a period of not less than three years, and shall allow the department**
4 **access to such records, with appropriate notice and at a mutually agreeable time, to**
5 **monitor compliance with the requirements of sections 290.601 to 290.643.**

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

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

290.619. 1. The department may, in accordance with chapter 536, promulgate
2 **rules for the implementation, enforcement, and administration of sections 290.601 to**
3 **290.643. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
4 **created under the authority delegated in this section shall become effective only if it**
5 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
6 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
7 **vested with the general assembly pursuant to chapter 536 to review, to delay the**

8 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
9 then the grant of rulemaking authority and any rule proposed or adopted after the
10 effective date of this act, shall be invalid and void.

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

290.622. 1. The department may investigate and ascertain compliance with
2 sections 290.601 to 290.643, establish and implement a system to receive complaints
3 regarding noncompliance with sections 290.601 to 290.643 and to investigate and
4 attempt to resolve complaints between the complainant and the subject of the complaint,
5 and establish additional means of enforcement, including requiring by subpoena the
6 testimony of witnesses and production of books, records, and other evidence relative to
7 any matter under investigation or hearing, issuing notices of violation, holding hearings
8 on notices of violation, making determinations, recovering unpaid earned sick time,
9 recovering unpaid earned bereavement time, and imposing fines for willful violations of
10 up to five hundred dollars per day of each day of a continuing violation. A final decision
11 of the department is subject to review in accordance with the provisions of chapter 536.

12 2. The department may develop and implement an outreach program to inform
13 employees, parents, and persons who are under the care of a health care provider about
14 the availability of earned paid sick time and earned paid bereavement time under
15 sections 290.601 to 290.643. This program may include the distribution of notices and
16 other written materials to child care and elder care providers, domestic violence
17 shelters, schools, hospitals, community health centers, and other health care providers
18 in Missouri.

19 3. A municipality, county, city, town, or village may adopt ordinances, rules, and
20 regulations to investigate and ascertain compliance with sections 290.601 to 290.643,
21 establish and implement a system to receive complaints regarding noncompliance with
22 sections 290.601 to 290.643 and to investigate and attempt to resolve complaints between
23 the complainant and the subject of the complaint, and establish additional means of
24 enforcement, with respect to employers within, or employees performing work while
25 physically present in, the geographic boundaries of the municipality, county, city, town,
26 or village. Any such ordinance, rule, or regulation shall be consistent with this law and
27 any department rules or regulations and system for compliance and enforcement. The
28 municipality, county, city, town, or village may exercise such powers as allowed by any
29 applicable charter or ordinance, including requiring by subpoena the testimony of
30 witnesses and production of books, records, and other evidence relative to any matter
31 under investigation or hearing, issuing notices of violation, holding hearings on notices

32 of violation, making determinations, recovering unpaid earned sick time, recovering
33 unpaid earned bereavement time, and imposing fines for willful violations of up to the
34 maximum allowed for an ordinance violation. Before investigating or seeking to resolve
35 any complaint between the complainant and the subject of the complaint, the
36 municipality, county, city, town, or village shall give notice to the department with a
37 copy of the complaint and, within fourteen days of such notice, the department may
38 intervene as of right and participate in the matter to ensure that the complaint is being
39 investigated and resolved in the interest of effective enforcement of sections 290.601 to
40 290.643 or, alternatively, the department may institute its own proceedings in which case
41 the municipality, county, city, town, or village shall refrain from acting on the matter so
42 long as the complaint is being investigated and resolved in the interest of effective
43 enforcement of sections 290.601 to 290.643. If the department does not, within fourteen
44 days, intervene or instigate its own proceedings, the municipality, county, city, town, or
45 village may, without the department, investigate and attempt to resolve the complaint
46 and take other additional means within its power to enforce sections 290.601 to 290.643
47 against the subject of the complaint. In no event shall an employer be subject to
48 compliance proceedings arising out of a single set of facts after having already been
49 subjected to a final compliance order by another governmental entity.

50 4. Nothing in this section shall be interpreted or applied, either expressly or
51 through practical necessity, to require the department, a municipality, county, city,
52 town, or village to conduct investigations and ascertain compliance with sections
53 290.601 to 290.643, to establish and implement a system to receive or resolve complaints,
54 to establish additional means of enforcement, or to conduct outreach and education,
55 including the creation of notices and other written materials, concerning sections
56 290.601 to 290.643, if it requires the appropriation of funds to cover the costs of such
57 acts.

290.625. 1. Any employer who willfully violates or fails to comply with any of
2 the provisions and requirements of sections 290.601 to 290.643 shall be guilty of a class
3 C misdemeanor; provided, however, that an employer who willfully violates the notice
4 and posting requirements of section 290.613 shall be guilty of an infraction.

5 2. For purposes of this section, each day of violation or failure to comply and
6 each employee affected shall constitute a separate offense.

290.628. 1. Any individual who claims to have been aggrieved by a failure of an
2 employer to comply with any portion of sections 290.601 to 290.643, including, but not
3 limited to, the failure to provide earned paid sick time or earned paid bereavement time
4 or to allow employees to use such time consistent with sections 290.601 to 290.643, or
5 who claims to have suffered a retaliatory personnel action, shall have a right of action

6 and may commence a civil action in the appropriate court of jurisdiction within three
7 years of the accrual of the cause of action, to obtain appropriate relief with respect to
8 such unlawful violation. Such action may be brought without first filing an
9 administrative complaint.

10 2. In a civil action under this section, if the court finds a violation has occurred,
11 the court may grant as relief, as it deems appropriate and to the extent permitted by law,
12 any permanent or temporary injunction, the full amount of any unpaid earned sick time
13 or unpaid bereavement time plus any actual damages suffered as the result of the
14 employer's violation of sections 290.601 to 290.643, an additional amount equal to twice
15 any unpaid earned sick time as liquidated damages, costs, and reasonable attorney's fees
16 as may be allowed by the court, and other legal or equitable relief as may be appropriate
17 to remedy the violation, including, but not limited to, reinstatement to employment and
18 back pay.

290.631. 1. Except as otherwise required by law, an employer shall not require
2 disclosure of details relating to an employee's or an employee's family member's health
3 information, domestic violence, sexual assault, or stalking as a condition of providing
4 earned paid sick time or earned paid bereavement time under sections 290.601 to
5 290.643.

6 2. Unless as otherwise required by law, any health or safety information
7 possessed by an employer regarding an employee or employee's family member shall:

- 8 (1) Be maintained on a separate form and in a separate file from other personnel
9 information;
- 10 (2) Be treated as confidential medical records; and
- 11 (3) Not be disclosed except to the affected employee or with the express written
12 permission of the affected employee.

290.634. 1. With respect to employees covered by a valid collective bargaining
2 agreement in effect on January 1, 2027, no provisions of sections 290.601 to 290.643 shall
3 apply until the stated expiration date in the collective bargaining agreement; however,
4 the provisions of sections 290.601 to 290.643 shall apply upon any such agreement's
5 renewal, extension, amendment, or modification in any respect after January 1, 2027.

6 2. Nothing in sections 290.601 to 290.643 shall be deemed to interfere, impede, or
7 otherwise diminish the right of employees to bargain collectively through
8 representatives of their own choosing in order to establish earned paid sick time,
9 earned paid bereavement time, or other conditions of work in excess of the applicable
10 minimum standards under the provisions of sections 290.601 to 290.643.

11 3. Any waiver by an employee of rights under sections 290.601 to 290.643 shall
12 be deemed contrary to public policy and shall be void.

290.637. 1. Nothing in sections 290.601 to 290.643 shall be construed to discourage or prohibit an employer from the adoption or retention of an earned paid sick time policy, or earned paid bereavement time policy, or both, that is more generous than the one required herein.

2. Nothing in sections 290.601 to 290.643 shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick time or earned paid bereavement time to an employee than required herein. Nothing in sections 290.601 to 290.643 shall be construed as diminishing the rights of public employees regarding paid sick time or earned paid bereavement time or use of paid sick time or earned paid bereavement time as provided in the laws of Missouri and ordinances of political subdivisions pertaining to public employees.

290.640. 1. Sections 290.601 to 290.643 provide minimum requirements pertaining to earned paid sick time and earned paid bereavement time and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater accrual or use by employees of earned paid sick time and earned paid bereavement time or that extends other protections to employees.

2. Nothing in sections 290.601 to 290.643 shall be interpreted or applied to create a power or obligation contrary to any federal law, rule, or regulation.

290.643. Except as detailed in section 290.619, all of the provisions of sections 290.601 to 290.643 are severable, and if any provision, including any section, subsection, subdivision, paragraph, sentence, or clause, or the application thereof to any person or circumstance, is found by a court of competent jurisdiction to be invalid, unconstitutional, or unconstitutionally enacted, such decision shall not affect other provisions or applications of sections 290.601 to 290.643 that can be given effect without the invalid, unconstitutional, or unconstitutionally enacted provision or application, and to this end the provisions of sections 290.601 to 290.643 are declared severable.

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