

HB 3226 -- LEAVE FROM EMPLOYMENT

SPONSOR: Walsh Moore

This bill establishes the "Missouri Earned Family and Medical Leave Act" and defines several terms that apply to the provisions contained in the bill (Section 285.400).

The bill establishes the "Missouri Earned Family and Medical Leave Program" and specifies that all employees, as defined in the bill, who are not independent contractors are eligible for up to six weeks each year of wage replacement benefits (Section 285.405).

The bill makes an employee eligible, beginning January 1, 2030, for benefits equal to 100% of his or her average weekly pay for each full week taken for family or medical leave, due to the employee's serious health condition, to care for a family member who has a serious health condition, to bond with a child during the first year after birth or adoption, or to assume familial responsibility due to a family member's active duty in the armed forces. All employees must contribute .025% of their average weekly pay to the "Missouri Earned Family and Medical Leave Fund" in the State Treasury beginning January 1, 2028.

Employees establish eligibility for each leave period by filing a claim for benefits supported by a certificate of a treating health care provider for the serious health condition of the family member that requires the care of the employee or that establishes the serious health condition of the employee, as specified in the bill. The bill specifies the guidelines to be met for leave to assume a familial responsibility to a spouse, child, or parent being on active duty and for employees seeking leave due to a serious health condition. The Department must develop the certificates, which must contain the information included in the bill. The bill also provides forms of proof for treatment occurring outside Missouri and to supplement any claim (Section 285.410).

An employee can take partial weeks of family or medical leave but will only receive benefits equal to the fraction of the weekly pay equal to the number of days of leave taken divided by the number of the days that the employee would have otherwise worked. No more than six weeks of Missouri earned family and medical leave will be paid to an employee within any 52-week period. An employee has 41 consecutive days following the first compensable day to file a claim for benefits with the Department of Labor and

Industrial Relations. The Department can extend the time period as specified in the bill.

The bill provides for the subtraction from the taxpayer's Federal adjusted gross income the amount contributed to the Missouri earned family and medical leave fund, to the extent it is included in the federal adjusted gross income (Section 143.121, RSMo).

An employee cannot receive benefits on any day for which he or she is eligible to receive unemployment or Workers' Compensation benefits. Leave taken under this Act must be taken concurrently with leave taken under the federal Family Medical Leave Act (Section 285.405).

Employees must provide at least 30 days of notice if the need for leave is foreseeable (Section 285.415).

Employees are entitled to appeal a determination of eligibility by the Department to the Administrative Hearing Commission. A decision by the Commission is final unless a party files a petition for judicial review within 30 days under Chapter 536. An employee is not entitled to appeal a determination of the amount of benefits received but can request a redetermination by the Department within one year of the initial determination. The bill specifies the reasons for redetermination (Section 285.420).

The bill makes it unlawful for any person to discriminate against an employee because he or she filed a claim for, indicated an intent to file a claim for, or has received Missouri Earned Family and Medical Leave benefits. Further, a person violating the antidiscrimination provision under the bill will be liable to the employee for equitable relief including employment, reinstatement, or promotion and for damages as specified in the bill. The Department can bring an action seeking relief on behalf of the employee. An action must be brought within three years after the date of the alleged violation for which the action is brought (Section 285.425).

The Department must develop and implement an outreach program to make employees aware of the benefits under the Act, as specified in the bill. By January 1, 2033, the State Auditor is required to submit a report to the General Assembly on the benefits paid for each month during the one-year period beginning on January 1, 2030. The bill specifies the information to be included in the report (Section 285.430).

The total wages used to compute the contribution rate to the Fund must not exceed the contribution and benefit base used to calculate Social Security taxes. If, at the discretion of the Department Director there are not sufficient resources in the Fund to satisfy all claims, the Director is permitted to reduce the benefit amount each employee will receive. No employee will receive benefits until January 1, 2030. The provisions of this bill sunset on December 31, six years after the effective date. (Section 285.435)

The bill grants rule making authority to the Department (Section 285.440).

The bill contains a referendum clause to be presented to the voters at the 2026 General Election.

This bill is similar to HB 1563 (2025) and HB 2597(2024).