

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 779

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Pre-filed December 22, 2005, and ordered printed.

Read 2nd time January 11, 2006, and referred to the Committee on Small Business, Insurance and Industrial Relations.

Reported from the Committee February 23, 2006, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 13, 2006. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

3554S.01P

AN ACT

To repeal sections 287.127 and 288.130, RSMo, and to enact in lieu thereof three new sections relating to labor posting requirements, with penalty provisions.

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

Section A. Sections 287.127 and 288.130, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 213.140, 287.127
3 and 288.130, to read as follows:

213.140. The Missouri commission on human rights shall provide
2 every employer, labor organization, employment agency, business, or
3 establishment that is required to post the commission's equal
4 employment, fair housing, or public accommodation's poster, all
5 required posters, free of charge. The printed statement contained in
6 such posters shall in a clear and conspicuous manner, include language
7 that describes the means by which the employer, labor organization,
8 employment agency, business, or establishment may request and obtain
9 any updated or replacement poster, and that distribution of such
10 posters shall be free of charge upon request. The poster developed by
11 the commission shall be the official poster to be posted in order for
12 employers, labor organizations, employment agencies, businesses or
13 establishments to gain compliance for all posting requirements
14 required by the commission. The use of any other poster that deviates
15 in any way, in form or content, from the official poster, shall not satisfy
16 the requirements of this section.

287.127. 1. Beginning January 1, 1993, all employers shall post a notice
2 at their place of employment, in a sufficient number of places on the premises to
3 assure that such notice will reasonably be seen by all employees. An employer
4 for whom services are performed by individuals who may not reasonably be
5 expected to see a posted notice shall notify each such employee in writing of the
6 contents of such notice. The notice shall include:

7 (1) That the employer is operating under and subject to the provisions of
8 the Missouri workers' compensation law;

9 (2) That employees must report all injuries immediately to the employer
10 by advising the employer personally, the employer's designated individual or the
11 employee's immediate boss, supervisor or foreman and that the employee may
12 lose the right to receive compensation if the injury or illness is not reported
13 within thirty days or in the case of occupational illness or disease, within thirty
14 days of the time he or she is reasonably aware of work relatedness of the injury
15 or illness; employees who fail to notify their employer within thirty days may
16 jeopardize their ability to receive compensation, and any other benefits under this
17 chapter;

18 (3) The name, address and telephone number of the insurer, if insured.
19 If self-insured, the name, address and telephone number of the employer's
20 designated individual responsible for reporting injuries or the name, address and
21 telephone number of the adjusting company or service company designated by the
22 employer to handle workers' compensation matters;

23 (4) The name, address and the toll-free telephone number of the division
24 of workers' compensation;

25 (5) That the employer will supply, upon request, additional information
26 provided by the division of workers' compensation;

27 (6) That a fraudulent action by the employer, employee or any other
28 person is unlawful.

29 2. The division of workers' compensation shall develop the notice to be
30 posted and shall distribute such notice free of charge to employers and insurers
31 upon request. **The division shall, in a clear and conspicuous manner,**
32 **include language that describes the means by which employers and**
33 **insurers may request and obtain any updated or replacement notice,**
34 **and that distribution of such notice shall be free of charge to employers**
35 **and insurers upon request. The use of any other notice that deviates**
36 **in any way, in form or content, from the official notice, shall not satisfy**

37 **the requirements of this section.** Failure to request such notice does not
38 relieve the employer of its obligation to post the notice. If the employer carries
39 workers' compensation insurance, the carrier shall provide the notice to the
40 insured within thirty days of the insurance policy's inception date. **The notice**
41 **developed by the division shall be the official notice to be posted in**
42 **order for employers and insurers to gain compliance under this section.**

43 3. Any employer who willfully violates the provisions of this section shall
44 be guilty of a class A misdemeanor and shall be punished by a fine of not less
45 than fifty dollars nor more than one thousand dollars, or by imprisonment in the
46 county jail for not more than six months or by both such fine and imprisonment,
47 and each such violation or each day such violation continues shall be deemed a
48 separate offense.

288.130. 1. Each employing unit shall keep true and accurate payroll and
2 other related records, containing such information as the division may by
3 regulation prescribe for a period of at least three calendar years after the record
4 was made. Such records shall be open to inspection and be subject to being
5 copied by authorized representatives of the division at any reasonable time and
6 as often as may be necessary. Any authorized person engaged in administering
7 this law may require from any employing unit any sworn or unsworn reports,
8 with respect to individuals performing services for it, which are deemed necessary
9 for the effective administration of this law.

10 2. All employers required to report W-2 copy A information on magnetic
11 media tape to the Social Security Administration pursuant to 26 CFR Section
12 301.6011-2, or successor regulations, are likewise required to report quarterly
13 wage information due pursuant to section 288.090 to the division on magnetic
14 tape or diskette in a format prescribed by the division.

15 3. Each employer shall post and maintain in places readily accessible to
16 the employer's workers printed statements concerning benefit rights, claims for
17 benefits and such other matters related to the administration of this law as the
18 division may by regulation prescribe. **The printed statement as described**
19 **in 8 CSR 10-3.070, as amended, shall, in a clear and conspicuous**
20 **manner, include language that describes the means by which employers**
21 **and insurers may request and obtain any updated or replacement**
22 **statement, and that distribution of such statement shall be free of**
23 **charge to employers and insurers upon request.** Each employer shall
24 supply to workers copies of any printed statements relating to claims for benefits

25 when and as the division may by regulation prescribe. Such printed statements
26 and other materials shall be supplied by the division without cost. **The printed**
27 **statement developed by the division under 8 CSR 10-3.070, as amended,**
28 **shall be the official printed statement to be posted in order for**
29 **employers and insurers to gain compliance under this section. The use**
30 **of any other printed statement that deviates in any way, in form or**
31 **content, from the official printed statement, shall not satisfy the**
32 **requirements of this section.**

33 4. A deputy shall make an ex parte determination after investigation but
34 without hearing with respect to any matter pertaining to the liability of an
35 employing unit which does not involve a claimant. The deputy shall promptly
36 notify any interested employing units of each such determination and the reason
37 for it. The division shall grant a hearing before an appeals tribunal to any
38 employing unit appealing from any such ex parte determination provided an
39 appeal is filed in writing within thirty days following the date of notification or
40 the mailing of such determination to the party's last known address. In the
41 absence of an appeal any such determination shall become final at the expiration
42 of a thirty-day period. The deputy may, however, at any time within a year from
43 the date of the deputy's determination, for good cause, reconsider the
44 determination and shall promptly notify all interested employing units of his
45 amended determination and the reason for it.

46 5. The thirty-day period provided in subsection 4 of this section may, for
47 good cause, be extended.

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