

SECOND REGULAR SESSION

SENATE BILL NO. 1007

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time January 23, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4119S.011

AN ACT

To repeal sections 290.502, 290.505, and 290.512, RSMo, and to enact in lieu thereof three new sections relating to employee compensation, with an emergency clause.

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

Section A. Sections 290.502, 290.505, and 290.512, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 290.502,
3 290.505, and 290.512, to read as follows:

290.502. 1. Except as may be otherwise provided [pursuant to] **under**
2 sections 290.500 to 290.530, effective January 1, 2007, every employer shall pay
3 to each employee wages at the rate of \$6.50 per hour, or wages at the same rate
4 or rates set under the provisions of federal law as the prevailing federal minimum
5 wage applicable to those covered jobs in interstate commerce, whichever rate per
6 hour is higher.

7 2. The minimum wage shall be increased or decreased on January 1, 2008,
8 and on January 1 of successive years, by the increase or decrease in the cost of
9 living. On September 30, 2007, and on each September 30 of each successive
10 year, the director shall measure the increase or decrease in the cost of living by
11 the percentage increase or decrease as of the preceding July over the level as of
12 July of the immediately preceding year of the Consumer Price Index for Urban
13 Wage Earners and Clerical Workers (CPI-W) or successor index as published by
14 the U.S. Department of Labor or its successor agency, with the amount of the
15 minimum wage increase or decrease rounded to the nearest five
16 cents. **Beginning January 1, 2010, and continuing each year thereafter,**
17 **the minimum wage shall not be increased under this subsection to**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 **exceed the federal minimum wage rate in effect in the year the**
19 **indexing under this subsection occurs.**

290.505. 1. No employer shall employ any of his employees for a
2 workweek longer than forty hours unless such employee receives compensation
3 for his employment in excess of the hours above specified at a rate not less than
4 one and one-half times the regular rate at which he is employed.

5 2. Employees of an amusement or recreation business that meets the
6 criteria set out in 29 U.S.C. § 213(a) (3) must be paid one and one-half times their
7 regular compensation for any hours worked in excess of fifty-two hours in any
8 one-week period.

9 3. With the exception of employees described in subsection (2), the
10 overtime requirements of subsection (1) shall not apply to employees who are
11 exempt from federal minimum wage or overtime requirements [pursuant to 29
12 U.S.C. §§ 213(a)-(b)] **including, but not limited to, the exemptions or hour**
13 **calculation formulas specified in 29 U.S.C. Section 207 and 213, and any**
14 **regulations promulgated thereunder.**

15 4. **Except as may be otherwise provided under sections 290.500**
16 **to 290.530, this section shall be interpreted in accordance with the Fair**
17 **Labor Standards Act, 29 U.S.C. Section 201, et seq., as amended, and the**
18 **Portal to Portal Act, 29 U.S.C. Section 251, et seq., as amended, and any**
19 **regulations promulgated thereunder.**

290.512. 1. No employer of any employee who receives and retains
2 compensation in the form of gratuities in addition to wages [is required to pay
3 wages in excess of fifty percent of the minimum wage rate specified in sections
4 290.500 to 290.530, however, total compensation for such employee shall total at
5 least the minimum wage specified in sections 290.500 to 290.530, the difference
6 being made up by the employer] **shall pay such employee a cash wage at a**
7 **rate less than the cash wage amount specified in the Fair Labor**
8 **Standards Act, 29 U.S.C. Section 203(m), for tipped**
9 **employees. However, the total compensation for such tipped employee**
10 **shall not be less than the minimum wage specified in section 290.502.**

11 2. If an employee receives and retains compensation in the form of goods
12 or services as an incident of his employment and if he is not required to exercise
13 any discretion in order to receive the goods or services, the employer is required
14 to pay only the difference between the fair market value of the goods and services
15 and the minimum wage otherwise required to be paid by sections 290.500 to

16 290.530. The fair market value of the goods and services shall be computed on
17 a weekly basis. The director shall provide by regulation a method of valuing the
18 goods and services received by any employee in lieu of the wages otherwise
19 required to be paid under the provisions of sections 290.500 to 290.530. He shall
20 also provide by regulation a method of determining those types of goods and
21 services that are an incident of employment the receipt of which does not require
22 any discretion on the part of the employee.

Section B. Because of the need to preserve federal standards relating to
2 overtime payments to employees, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and section A of this act shall be in full force and effect upon its passage and
6 approval.

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Bill

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