

SECOND REGULAR SESSION

SENATE BILL NO. 725

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4275S.03I

AN ACT

To repeal sections 290.080, 290.502, 290.512, and 290.527, RSMo, and to enact in lieu thereof four new sections relating to wages paid to employees, with a referendum clause.

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

Section A. Sections 290.080, 290.502, 290.512, and 290.527, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 290.080, 290.502, 290.512, and 290.527, to read as follows:

290.080. **1.** All corporations doing business in this state, and all persons
2 operating railroads or railroad shops in this state, shall pay the wages and
3 salaries of their employees as often as semimonthly, within sixteen days of the
4 close of each payroll period; provided, however, that executive, administrative and
5 professional employees, and sales people and other employees compensated in
6 whole or in part on a commission basis, at the option of such employers, may be
7 paid their salaries or commissions monthly. Such corporations and persons either
8 as a part of the check, draft or other voucher paying the wages or separately,
9 shall furnish the employee at least once a month a statement showing the total
10 amount of deductions for the period. Any corporation or person violating this
11 section shall be deemed guilty of a misdemeanor, and upon conviction thereof
12 shall be fined in any sum not less than fifty dollars, nor more than five hundred
13 dollars, for each offense.

14 **2. (1) Employees covered under this section who are paid at a**
15 **rate of less than fifteen dollars per hour shall be given the option to be**
16 **paid on a weekly basis by his or her employer.**

17 **(2) Employees who wish to exercise the option to be paid on a**

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

18 **weekly basis shall provide written notice to his or her employer of such**
19 **election.**

290.502. 1. **This section shall be known and may be cited as the**
2 **"Minimum Wage Act".**

3 **2. Except as may be otherwise provided pursuant to sections 290.500 to**
4 **290.530[,]:**

5 **(1) Effective January 1, [2007] 2017, the minimum wage rate that**
6 **every employer shall pay to each employee [wages at the rate of \$6.50] shall be**
7 **no less than \$9.00 per hour[, or wages at the same rate or];**

8 **(2) Effective January 1, 2018, the minimum wage rate that every**
9 **employer shall pay to each employee shall be no less than \$10.00 per**
10 **hour;**

11 **(3) Effective January 1, 2019, the minimum wage rate that every**
12 **employer shall pay to each employee shall be no less than \$11.00 per**
13 **hour;**

14 **(4) Effective January 1, 2020, the minimum wage rate that every**
15 **employer shall pay to each employee shall be no less than \$12.00 per**
16 **hour;**

17 **(5) In the event that the rates set under the provisions of federal law**
18 **as the prevailing federal minimum wage applicable to those covered jobs in**
19 **interstate commerce[, whichever rate per hour is] are higher than the rates set**
20 **under this subsection the federal rate shall be the minimum wage rate**
21 **of this state.**

22 **[2.] 3. The minimum wage rate provided for in subsection 2 of this**
23 **section shall, whether or not such wage is derived from the statutory**
24 **minimum or the adoption of the federal minimum as required in such**
25 **subsection, be increased or decreased on January 1, [2008], 2019 and on**
26 **January [1] first of successive years, by the increase or decrease in the cost of**
27 **living. On September 30, [2007] 2018, and on each September [30] thirtieth of**
28 **each successive year, the director shall measure the increase or decrease in the**
29 **cost of living by the percentage increase or decrease as of the preceding July over**
30 **the level as of July of the immediately preceding year of the Consumer Price**
31 **Index for Urban Wage Earners and Clerical Workers (CPI-W) or successor index**
32 **as published by the U.S. Department of Labor or its successor agency, with the**
33 **amount of the minimum wage increase or decrease rounded to the nearest five**
34 **cents.**

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] **sixty** percent of the minimum wage rate specified in
4 sections 290.500 to 290.530, however, total compensation for such employee shall
5 total at least the minimum wage specified in sections 290.500 to 290.530, the
6 difference being made up by the employer.

7 2. If an employee receives and retains compensation in the form of goods
8 or services as an incident of his employment and if he is not required to exercise
9 any discretion in order to receive the goods or services, the employer is required
10 to pay only the difference between the fair market value of the goods and services
11 and the minimum wage otherwise required to be paid by sections 290.500 to
12 290.530. The fair market value of the goods and services shall be computed on
13 a weekly basis. The director shall provide by regulation a method of valuing the
14 goods and services received by any employee in lieu of the wages otherwise
15 required to be paid under the provisions of sections 290.500 to 290.530. He shall
16 also provide by regulation a method of determining those types of goods and
17 services that are an incident of employment the receipt of which does not require
18 any discretion on the part of the employee.

290.527. Any employer who pays any employee less wages than the wages
2 to which the employee is entitled under or by virtue of sections 290.500 to
3 290.530 shall be liable to the employee affected for the full amount of the wage
4 rate and an additional [equal] amount **equal to twice the unpaid wages** as
5 liquidated damages, less any amount actually paid to the employee by the
6 employer and for costs and such reasonable attorney fees as may be allowed by
7 the court or jury. The employee may bring any legal action necessary to collect
8 the claim. Any agreement between the employee and the employer to work for
9 less than the wage rate shall be no defense to the action. All actions for the
10 collection of any deficiency in wages shall be commenced within [two] **three** years
11 of the accrual of the cause of action.

Section B. This act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall
3 be held and conducted on Tuesday next following the first Monday in November,
4 2016, pursuant to the laws and constitutional provisions of this state for the
5 submission of referendum measures by the general assembly, and this act shall
6 become effective when approved by a majority of the votes cast thereon at such
7 election and not otherwise.