

SECOND REGULAR SESSION

SENATE BILL NO. 1043

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time February 25, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5579S.011

AN ACT

To repeal section 290.500, RSMo, and to enact in lieu thereof one new section relating to the minimum wage.

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

Section A. Section 290.500, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 290.500, to read as follows:

290.500. As used in sections 290.500 to 290.530, the following words and
2 phrases mean:

3 (1) "Agriculture", farming and all its branches including, but not limited
4 to, the cultivation and tillage of the soil, dairying, the production, cultivation,
5 growing and harvesting of any agricultural commodities, the raising of livestock,
6 fish and other marine life, bees, fur-bearing animals or poultry and any practices
7 performed by a farmer or on a farm as an incident to or in conjunction with
8 farming operations, including preparation for market, delivery to storage or to
9 market or to carriers for transportation to market;

10 (2) "Director", the director of the department of labor and industrial
11 relations or his authorized representative;

12 (3) "Employee", any individual employed by an employer, except that the
13 term "employee" shall not include:

14 (a) Any individual employed in a bona fide executive, administrative, or
15 professional capacity;

16 (b) Any individual engaged in the activities of an educational, charitable,
17 religious, or nonprofit organization where the employer-employee relationship
18 does not, in fact, exist or where the services rendered to the organization are on
19 a voluntary basis;

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

20 (c) Any individual standing in loco parentis to foster children in their
21 care;

22 (d) Any individual employed for less than four months in any year in a
23 resident or day camp for children or youth, or any individual employed by an
24 educational conference center operated by an educational, charitable or
25 not-for-profit organization;

26 (e) Any individual engaged in the activities of an educational organization
27 where employment by the organization is in lieu of the requirement that the
28 individual pay the cost of tuition, housing or other educational fees of the
29 organization or where earnings of the individual employed by the organization are
30 credited toward the payment of the cost of tuition, housing or other educational
31 fees of the organization;

32 (f) Any individual employed on or about a private residence on an
33 occasional basis for six hours or less on each occasion;

34 (g) Any handicapped person employed in a sheltered workshop, certified
35 by the department of elementary and secondary education;

36 (h) Any person employed on a casual basis to provide baby-sitting
37 services;

38 (i) Any individual employed by an employer subject to the provisions of
39 part A of subtitle IV of title 49, United States Code, 49 U.S.C. §§ 10101 et seq.;

40 (j) Any individual employed on a casual or intermittent basis as a golf
41 caddy, newsboy, or in a similar occupation;

42 (k) Any individual whose earnings are derived in whole or in part from
43 sales commissions and whose hours and places of employment are not
44 substantially controlled by the employer;

45 (l) Any individual who is employed in any government position defined in
46 29 U.S.C. §§ 203(e)(2)(C)(i)-(ii);

47 (m) Any individual employed by a retail or service business whose annual
48 gross volume sales made or business done is less than [five hundred thousand]
49 **one million** dollars;

50 (n) Any individual who is an offender, as defined in section 217.010, who
51 is incarcerated in any correctional facility operated by the department of
52 corrections, including offenders who provide labor or services on the grounds of
53 such correctional facility pursuant to section 217.550;

54 (o) Any individual described by the provisions of section 29 U.S.C. 213(a)
55 (8);

56 (4) "Employer", any person acting directly or indirectly in the interest of
57 an employer in relation to an employee;

58 (5) "Learner and apprentice", any individual under 20 years of age who
59 has not completed the required training for a particular job. In no event shall the
60 individual be deemed a learner or apprentice in the occupation after three months
61 of training except where the director finds, after investigation, that for the
62 particular occupation a minimum of proficiency cannot be acquired in three
63 months. In no case shall a person be declared to be a learner or apprentice after
64 six months of training for a particular employer or job. Employees of an
65 amusement or recreation business that meets the criteria set out in 29 U.S.C. §
66 213(a) (3) may be deemed a learner or apprentice for ninety working days. No
67 individual shall be deemed a learner or apprentice solely for the purpose of
68 evading the provisions of sections 290.500 to 290.530;

69 (6) "Occupation", any occupation, service, trade, business, industry, or
70 branch or group of industries or employment or class of employment in which
71 individuals are gainfully employed;

72 (7) "Wage", compensation due to an employee by reason of his
73 employment, payable in legal tender of the United States or checks on banks
74 convertible into cash on demand at full face value;

75 (8) "Person", any individual, partnership, association, corporation,
76 business, business trust, legal representative, or any organized group of persons;

77 (9) "Man-day", any day during which an employee performs any
78 agricultural labor for not less than one hour.

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