

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1559

100TH GENERAL ASSEMBLY

Reported from the Committee on Small Business and Industry, April 30, 2020, with recommendation that the Senate Committee Substitute do pass.

3966S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 287.067, 288.132, and 290.502, RSMo, section 288.036 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, section 288.036 as enacted by house bill no. 1456, ninety-third general assembly, second regular session, section 288.060 as enacted by house bill no. 150, ninety-eighth general assembly, first regular session, and section 288.060 as enacted by house bill no. 163, ninety-sixth general assembly, first regular session, and to enact in lieu thereof nine new sections relating the employee-employer relationship, with a delayed effective date for certain sections.

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

Section A. Sections 287.067, 288.132, and 290.502, RSMo, section 288.036
2 as enacted by house bill no. 150, ninety-eighth general assembly, first regular
3 session, section 288.036 as enacted by house bill no. 1456, ninety-third general
4 assembly, second regular session, section 288.060 as enacted by house bill no.
5 150, ninety-eighth general assembly, first regular session, and section 288.060 as
6 enacted by house bill no. 163, ninety-sixth general assembly, first regular session,
7 are repealed and nine new sections enacted in lieu thereof, to be known as
8 sections 285.050, 285.075, 287.067, 287.069, 288.036, 288.060, 288.132, 288.133,
9 and 290.502, to read as follows:

**285.050. 1. Any employer may refuse to accommodate the use of
2 marijuana at the employer's place of business for any purpose allowed
3 by article XIV of the Missouri Constitution.**

**4 2. Any employer may institute a random drug-testing policy for
5 all employees of such employer and all prospective employees. Receipt**

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

6 of a positive drug test for marijuana may be considered grounds for
7 dismissal from employment in the case of an employee or, in the case
8 of a prospective employee, grounds for refusal of employment.

9 3. For purposes of this section, the following terms shall mean:

10 (1) "Employer", any person acting directly or indirectly in the
11 interest of an employer in relation to an employee, and shall include a
12 public governmental body;

13 (2) "Marijuana", the same meaning given in article XIV of the
14 Missouri Constitution;

15 (3) "Public governmental body", the same meaning given in
16 section 610.010.

285.075. 1. Notwithstanding any voluntary agreement entered
2 into between the United States Department of Labor and a franchisee
3 or a franchisor, neither a franchisee nor a franchisee's employee shall
4 be deemed to be an employee of the franchisor for any purpose, unless
5 the franchisor exercises direct and immediate control over the hiring,
6 termination, discipline, and direction of the franchisee's employees.

7 2. For purposes of this section, the terms "franchisee" and
8 "franchisor" shall have the same meaning as in 16 C.F.R. 436.1.

287.067. 1. In this chapter the term "occupational disease" is hereby
2 defined to mean, unless a different meaning is clearly indicated by the context,
3 an identifiable disease arising with or without human fault out of and in the
4 course of the employment. Ordinary diseases of life to which the general public
5 is exposed outside of the employment shall not be compensable, except where the
6 diseases follow as an incident of an occupational disease as defined in this
7 section. The disease need not to have been foreseen or expected but after its
8 contraction it must appear to have had its origin in a risk connected with the
9 employment and to have flowed from that source as a rational consequence.

10 2. An injury or death by occupational disease is compensable only if the
11 occupational exposure was the prevailing factor in causing both the resulting
12 medical condition and disability. The "prevailing factor" is defined to be the
13 primary factor, in relation to any other factor, causing both the resulting medical
14 condition and disability. Ordinary, gradual deterioration, or progressive
15 degeneration of the body caused by aging or by the normal activities of day-to-day
16 living shall not be compensable.

17 3. An injury due to repetitive motion is recognized as an occupational

18 disease for purposes of this chapter. An occupational disease due to repetitive
19 motion is compensable only if the occupational exposure was the prevailing factor
20 in causing both the resulting medical condition and disability. The "prevailing
21 factor" is defined to be the primary factor, in relation to any other factor, causing
22 both the resulting medical condition and disability. Ordinary, gradual
23 deterioration, or progressive degeneration of the body caused by aging or by the
24 normal activities of day-to-day living shall not be compensable.

25 4. "Loss of hearing due to industrial noise" is recognized as an
26 occupational disease for purposes of this chapter and is hereby defined to be a
27 loss of hearing in one or both ears due to prolonged exposure to harmful noise in
28 employment. "Harmful noise" means sound capable of producing occupational
29 deafness.

30 5. "Radiation disability" is recognized as an occupational disease for
31 purposes of this chapter and is hereby defined to be that disability due to
32 radioactive properties or substances or to Roentgen rays (X-rays) or exposure to
33 ionizing radiation caused by any process involving the use of or direct contact
34 with radium or radioactive properties or substances or the use of or direct
35 exposure to Roentgen rays (X-rays) or ionizing radiation.

36 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or
37 disease of the heart or cardiovascular system, including carcinoma, may be
38 recognized as occupational diseases for the purposes of this chapter and are
39 defined to be disability due to exposure to smoke, gases, carcinogens, inadequate
40 oxygen, of paid firefighters of a paid fire department or paid police officers of a
41 paid police department certified under chapter 590 if a direct causal relationship
42 is established[, or psychological stress of firefighters of a paid fire department or
43 paid peace officers of a police department who are certified under chapter 590 if
44 a direct causal relationship is established].

45 7. Any employee who is exposed to and contracts any contagious or
46 communicable disease arising out of and in the course of his or her employment
47 shall be eligible for benefits under this chapter as an occupational disease.

48 8. With regard to occupational disease due to repetitive motion, if the
49 exposure to the repetitive motion which is found to be the cause of the injury is
50 for a period of less than three months and the evidence demonstrates that the
51 exposure to the repetitive motion with the immediate prior employer was the
52 prevailing factor in causing the injury, the prior employer shall be liable for such
53 occupational disease.

287.069. 1. For the purposes of this section, the following terms shall mean:

(1) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department of health and senior services pursuant to sections 190.001 to 190.245;

(2) "Emergency services telecommunicator", any person employed as an emergency telephone worker, call taker, or public safety dispatcher whose duties include receiving, processing, or transmitting public safety information received through a 911 public safety answering point;

(3) "First responder", a law enforcement officer, a firefighter, a paramedic, an emergency medical technician, a registered nurse employed to provide emergency medical services outside of a medical facility, an emergency services telecommunicator, an officer employed by the state or a political subdivision at a corrections, detention, or secure treatment facility, a sheriff or full-time deputy sheriff of any county, or a member of the state highway patrol;

(4) "Mental impairment", a diagnosis of post-traumatic stress disorder by a licensed psychiatrist or psychologist; and

(5) "Paramedic", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(6) "Post-traumatic stress disorder", the condition as described in the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association.

2. If, preceding the date of injury or death, an employee who was employed on active duty as a first responder is diagnosed with a mental impairment and had not been diagnosed with the mental impairment previously, then the mental impairment shall presumptively be considered an occupational disease and shall be presumed to have arisen out of and in the course of employment. This presumption may be rebutted by substantial factors brought by the employer or insurer. Any substantial factors that are used to rebut this presumption and that are known to the employer or insurer at the time of the denial of liability shall be communicated to the employee on the denial of liability.

38 **3. One or more compensable mental impairment claims arising**
39 **out of a single accident shall constitute a single injury.**

40 **4. A mental impairment shall not be considered an occupational**
41 **disease if it results from a disciplinary action, work evaluation, job**
42 **transfer, layoff, demotion, promotion, termination, retirement, or**
43 **similar action taken in good faith by the employer.**

 [288.036. 1. "Wages" means all remuneration, payable or
2 paid, for personal services including commissions and bonuses and,
3 except as provided in subdivision (7) of this section, the cash value
4 of all remuneration paid in any medium other than
5 cash. Gratuities, including tips received from persons other than
6 the employing unit, shall be considered wages only if required to be
7 reported as wages pursuant to the Federal Unemployment Tax Act,
8 26 U.S.C. Section 3306, and shall be, for the purposes of this
9 chapter, treated as having been paid by the employing
10 unit. Severance pay shall be considered as wages to the extent
11 required pursuant to the Federal Unemployment Tax Act, 26
12 U.S.C. Section 3306(b). Vacation pay, termination pay, severance
13 pay and holiday pay shall be considered as wages for the week with
14 respect to which it is payable. The total amount of wages derived
15 from severance pay, if paid to an insured in a lump sum, shall be
16 prorated on a weekly basis at the rate of pay received by the
17 insured at the time of termination for the purposes of determining
18 unemployment benefits eligibility. The term "wages" shall not
19 include:

20 (1) The amount of any payment made (including any
21 amount paid by an employing unit for insurance or annuities, or
22 into a fund, to provide for any such payment) to, or on behalf of, an
23 individual under a plan or system established by an employing unit
24 which makes provision generally for individuals performing
25 services for it or for a class or classes of such individuals, on
26 account of:

27 (a) Sickness or accident disability, but in case of payments
28 made to an employee or any of the employee's dependents this
29 paragraph shall exclude from the term wages only payments which
30 are received pursuant to a workers' compensation law; or

31 (b) Medical and hospitalization expenses in connection with
32 sickness or accident disability; or

33 (c) Death;

34 (2) The amount of any payment on account of sickness or
35 accident disability, or medical or hospitalization expenses in
36 connection with sickness or accident disability, made by an
37 employing unit to, or on behalf of, an individual performing
38 services for it after the expiration of six calendar months following
39 the last calendar month in which the individual performed services
40 for such employing unit;

41 (3) The amount of any payment made by an employing unit
42 to, or on behalf of, an individual performing services for it or his or
43 her beneficiary:

44 (a) From or to a trust described in 26 U.S.C. Section 401(a)
45 which is exempt from tax pursuant to 26 U.S.C. Section 501(a) at
46 the time of such payment unless such payment is made to an
47 employee of the trust as remuneration for services rendered as
48 such an employee and not as a beneficiary of the trust; or

49 (b) Under or to an annuity plan which, at the time of such
50 payments, meets the requirements of Section 404(a)(2) of the
51 Federal Internal Revenue Code (26 U.S.C.A. Section 404);

52 (4) The amount of any payment made by an employing unit
53 (without deduction from the remuneration of the individual in
54 employment) of the tax imposed pursuant to Section 3101 of the
55 Federal Internal Revenue Code (26 U.S.C.A. Section 3101) upon an
56 individual with respect to remuneration paid to an employee for
57 domestic service in a private home or for agricultural labor;

58 (5) Remuneration paid in any medium other than cash to
59 an individual for services not in the course of the employing unit's
60 trade or business;

61 (6) Remuneration paid in the form of meals provided to an
62 individual in the service of an employing unit where such
63 remuneration is furnished on the employer's premises and at the
64 employer's convenience, except that remuneration in the form of
65 meals that is considered wages and required to be reported as
66 wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C.

67 Section 3306 shall be reported as wages as required thereunder;

68 (7) For the purpose of determining wages paid for
69 agricultural labor as defined in paragraph (b) of subdivision (1) of
70 subsection 12 of section 288.034 and for domestic service as defined
71 in subsection 13 of section 288.034, only cash wages paid shall be
72 considered;

73 (8) Beginning on October 1, 1996, any payment to, or on
74 behalf of, an employee or the employee's beneficiary under a
75 cafeteria plan, if such payment would not be treated as wages
76 pursuant to the Federal Unemployment Tax Act.

77 2. The increases or decreases to the state taxable wage base
78 for the remainder of calendar year 2004 shall be eight thousand
79 dollars, and the state taxable wage base in calendar year 2005, and
80 each calendar year thereafter, shall be determined by the
81 provisions within this subsection. On January 1, 2005, the state
82 taxable wage base for calendar year 2005, 2006, and 2007 shall be
83 eleven thousand dollars. The taxable wage base for calendar year
84 2008 shall be twelve thousand dollars. The state taxable wage
85 base for each calendar year thereafter shall be determined by the
86 average balance of the unemployment compensation trust fund of
87 the four preceding calendar quarters (September thirtieth, June
88 thirtieth, March thirty-first, and December thirty-first of the
89 preceding calendar year), less any outstanding federal Title XII
90 advances received pursuant to section 288.330, less the principal,
91 interest, and administrative expenses related to any credit
92 instrument issued under section 288.030, and less the principal,
93 interest, and administrative expenses related to any financial
94 agreements under subdivision (17) of subsection 2 of section
95 288.330. When the average balance of the unemployment
96 compensation trust fund of the four preceding quarters (September
97 thirtieth, June thirtieth, March thirty-first, and December
98 thirty-first of the preceding calendar year), as so determined is:

99 (1) Less than, or equal to, three hundred fifty million
100 dollars, then the wage base shall increase by one thousand dollars;
101 or

102 (2) Six hundred fifty million or more, then the state taxable

103 wage base for the subsequent calendar year shall be decreased by
104 five hundred dollars. In no event, however, shall the state taxable
105 wage base increase beyond twelve thousand five hundred dollars,
106 or decrease to less than seven thousand dollars. For calendar year
107 2009, the tax wage base shall be twelve thousand five hundred
108 dollars. For calendar year 2010 and each calendar year thereafter,
109 in no event shall the state taxable wage base increase beyond
110 thirteen thousand dollars, or decrease to less than seven thousand
111 dollars.

112 For any calendar year, the state taxable wage base shall not be
113 reduced to less than that part of the remuneration which is subject
114 to a tax under a federal law imposing a tax against which credit
115 may be taken for contributions required to be paid into a state
116 unemployment compensation trust fund. Nothing in this section
117 shall be construed to prevent the wage base from increasing or
118 decreasing by increments of five hundred dollars.]

288.036. 1. "Wages" means all remuneration, payable or paid, for
2 personal services including commissions and bonuses and, except as provided in
3 subdivision (7) of this [section] **subsection**, the cash value of all remuneration
4 paid in any medium other than cash. Gratuities, including tips received from
5 persons other than the employing unit, shall be considered wages only if required
6 to be reported as wages [pursuant to] **under** the Federal Unemployment Tax Act,
7 26 U.S.C. Section [3306] **3301, et seq., as amended**, and shall be, for the
8 purposes of this chapter, treated as having been paid by the employing
9 unit. Severance pay shall be considered as wages to the extent required
10 [pursuant to] **under** the Federal Unemployment Tax Act, 26 U.S.C. Section
11 3306(b). Vacation pay, **termination pay, severance pay**, and holiday pay shall
12 be considered as wages for the week with respect to which it is payable. **The**
13 **total amount of wages derived from severance pay, if paid to an insured**
14 **in a lump sum, shall be pro-rated on a weekly basis at the rate of pay**
15 **received by the insured at the time of termination for the purposes of**
16 **determining unemployment benefits eligibility.** The term "wages" shall not
17 include:

18 (1) The amount of any payment made (including any amount paid by an
19 employing unit for insurance or annuities, or into a fund, to provide for any such
20 payment) to, or on behalf of, an individual under a plan or system established by

21 an employing unit which makes provision generally for individuals performing
22 services for it or for a class or classes of such individuals, on account of:

23 (a) Sickness or accident disability, but in case of payments made to an
24 employee or any of the employee's dependents this paragraph shall exclude from
25 the term wages only payments which are received pursuant to a workers'
26 compensation law; or

27 (b) Medical and hospitalization expenses in connection with sickness or
28 accident disability; or

29 (c) Death;

30 (2) The amount of any payment on account of sickness or accident
31 disability, or medical or hospitalization expenses in connection with sickness or
32 accident disability, made by an employing unit to, or on behalf of, an individual
33 performing services for it after the expiration of six calendar months following the
34 last calendar month in which the individual performed services for such
35 employing unit;

36 (3) The amount of any payment made by an employing unit to, or on
37 behalf of, an individual performing services for it or his or her beneficiary:

38 (a) From or to a trust described in 26 U.S.C. Section 401(a) which is
39 exempt from tax pursuant to 26 U.S.C. Section 501(a) at the time of such
40 payment unless such payment is made to an employee of the trust as
41 remuneration for services rendered as such an employee and not as a beneficiary
42 of the trust; or

43 (b) Under or to an annuity plan which, at the time of such payments,
44 meets the requirements of Section 404(a)(2) of the Federal Internal Revenue Code
45 (26 U.S.C.A. Section 404);

46 (4) The amount of any payment made by an employing unit (without
47 deduction from the remuneration of the individual in employment) of the tax
48 imposed pursuant to Section 3101 of the Federal Internal Revenue Code (26
49 U.S.C.A. Section 3101) upon an individual with respect to remuneration paid to
50 an employee for domestic service in a private home or for agricultural labor;

51 (5) Remuneration paid in any medium other than cash to an individual
52 for services not in the course of the employing unit's trade or business;

53 (6) Remuneration paid in the form of meals provided to an individual in
54 the service of an employing unit where such remuneration is furnished on the
55 employer's premises and at the employer's convenience, except that remuneration
56 in the form of meals that is considered wages and required to be reported as

57 wages pursuant to the Federal Unemployment Tax Act, 26 U.S.C. Section 3306
58 shall be reported as wages as required thereunder;

59 (7) For the purpose of determining wages paid for agricultural labor as
60 defined in paragraph (b) of subdivision (1) of subsection 12 of section 288.034 and
61 for domestic service as defined in subsection 13 of section 288.034, only cash
62 wages paid shall be considered;

63 (8) Beginning on October 1, 1996, any payment to, or on behalf of, an
64 employee or the employee's beneficiary under a cafeteria plan, if such payment
65 would not be treated as wages pursuant to the Federal Unemployment Tax Act.

66 2. The increases or decreases to the state taxable wage base for the
67 remainder of calendar year 2004 shall be eight thousand dollars, and the state
68 taxable wage base in calendar year 2005, and each calendar year thereafter, shall
69 be determined by the provisions within this subsection. On January 1, 2005, the
70 state taxable wage base for calendar year 2005, 2006, and 2007 shall be eleven
71 thousand dollars. The taxable wage base for calendar year 2008 shall be twelve
72 thousand dollars. The state taxable wage base for each calendar year thereafter
73 shall be determined by the average balance of the unemployment compensation
74 trust fund of the four preceding calendar quarters (September thirtieth, June
75 thirtieth, March thirty-first, and December thirty-first of the preceding calendar
76 year), less any outstanding federal Title XII advances received pursuant to
77 section 288.330, less the principal, interest, and administrative expenses related
78 to any credit instrument issued under section 288.030, and less the principal,
79 interest, and administrative expenses related to any financial agreements under
80 subdivision (17) of subsection 2 of section 288.330. When the average balance of
81 the unemployment compensation trust fund of the four preceding quarters
82 (September thirtieth, June thirtieth, March thirty-first, and December thirty-first
83 of the preceding calendar year), as so determined is:

84 (1) Less than, or equal to, three hundred fifty million dollars, then the
85 wage base shall increase by one thousand dollars; or

86 (2) Six hundred fifty million or more, then the state taxable wage base for
87 the subsequent calendar year shall be decreased by five hundred dollars. In no
88 event, however, shall the state taxable wage base increase beyond twelve
89 thousand five hundred dollars, or decrease to less than seven thousand
90 dollars. For calendar year 2009, the tax wage base shall be twelve thousand five
91 hundred dollars. For calendar year 2010 and each calendar year thereafter, in
92 no event shall the state taxable wage base increase beyond thirteen thousand

93 dollars, or decrease to less than seven thousand dollars.
94 For any calendar year, the state taxable wage base shall not be reduced to less
95 than that part of the remuneration which is subject to a tax under a federal law
96 imposing a tax against which credit may be taken for contributions required to
97 be paid into a state unemployment compensation trust fund. Nothing in this
98 section shall be construed to prevent the wage base from increasing or decreasing
99 by increments of five hundred dollars.

[288.060. 1. All benefits shall be paid through employment
2 offices in accordance with such regulations as the division may
3 prescribe.

4 2. Each eligible insured worker who is totally unemployed
5 in any week shall be paid for such week a sum equal to his or her
6 weekly benefit amount.

7 3. Each eligible insured worker who is partially unemployed
8 in any week shall be paid for such week a partial benefit. Such
9 partial benefit shall be an amount equal to the difference between
10 his or her weekly benefit amount and that part of his or her wages
11 for such week in excess of twenty dollars, and, if such partial
12 benefit amount is not a multiple of one dollar, such amount shall
13 be reduced to the nearest lower full dollar amount. For calendar
14 year 2007 and each year thereafter, such partial benefit shall be an
15 amount equal to the difference between his or her weekly benefit
16 amount and that part of his or her wages for such week in excess
17 of twenty dollars or twenty percent of his or her weekly benefit
18 amount, whichever is greater, and, if such partial benefit amount
19 is not a multiple of one dollar, such amount shall be reduced to the
20 nearest lower full dollar amount. Pay received by an eligible
21 insured worker who is a member of the organized militia for
22 training or duty authorized by Section 502(a)(1) of Title 32, United
23 States Code, shall not be considered wages for the purpose of this
24 subsection.

25 4. The division shall compute the wage credits for each
26 individual by crediting him or her with the wages paid to him or
27 her for insured work during each quarter of his or her base period
28 or twenty-six times his or her weekly benefit amount, whichever is
29 the lesser. In addition, if a claimant receives wages in the form of

30 termination pay or severance pay and such payment appears in a
31 base period established by the filing of an initial claim, the
32 claimant may, at his or her option, choose to have such payment
33 included in the calendar quarter in which it was paid or choose to
34 have it prorated equally among the quarters comprising the base
35 period of the claim. For the purpose of this section, wages shall be
36 counted as wage credits for any benefit year, only if such benefit
37 year begins subsequent to the date on which the employing unit by
38 whom such wages were paid has become an employer. The wage
39 credits of an individual earned during the period commencing with
40 the end of a prior base period and ending on the date on which he
41 or she filed an allowed initial claim shall not be available for
42 benefit purposes in a subsequent benefit year unless, in addition
43 thereto, such individual has subsequently earned either wages for
44 insured work in an amount equal to at least five times his or her
45 current weekly benefit amount or wages in an amount equal to at
46 least ten times his or her current weekly benefit amount.

47 5. The duration of benefits payable to any insured worker
48 during any benefit year shall be limited to:

49 (1) Twenty weeks if the Missouri average unemployment
50 rate is nine percent or higher;

51 (2) Nineteen weeks if the Missouri average unemployment
52 rate is between eight and one-half percent and nine percent;

53 (3) Eighteen weeks if the Missouri average unemployment
54 rate is eight percent up to and including eight and one-half
55 percent;

56 (4) Seventeen weeks if the Missouri average unemployment
57 rate is between seven and one-half percent and eight percent;

58 (5) Sixteen weeks if the Missouri average unemployment
59 rate is seven percent up to and including seven and one-half
60 percent;

61 (6) Fifteen weeks if the Missouri average unemployment
62 rate is between six and one-half percent and seven percent;

63 (7) Fourteen weeks if the Missouri average unemployment
64 rate is six percent up to and including six and one-half percent;

65 (8) Thirteen weeks if the Missouri average unemployment

66 rate is below six percent.

67 As used in this subsection, the phrase "Missouri average
68 unemployment rate" means the average of the seasonally adjusted
69 statewide unemployment rates as published by the United States
70 Department of Labor, Bureau of Labor Statistics, for the time
71 periods of January first through March thirty-first and July first
72 through September thirtieth. The average of the seasonally
73 adjusted statewide unemployment rates for the time period of
74 January first through March thirty-first shall be effective on and
75 after July first of each year and shall be effective through
76 December thirty-first. The average of the seasonally adjusted
77 statewide unemployment rates for the time period of July first
78 through September thirtieth shall be effective on and after January
79 first of each year and shall be effective through June thirtieth; and

80 (9) The provisions of this subsection shall become effective
81 January 1, 2016.

82 6. In the event that benefits are due a deceased person and
83 no petition has been filed for the probate of the will or for the
84 administration of the estate of such person within thirty days after
85 his or her death, the division may by regulation provide for the
86 payment of such benefits to such person or persons as the division
87 finds entitled thereto and every such payment shall be a valid
88 payment to the same extent as if made to the legal representatives
89 of the deceased.

90 7. The division is authorized to cancel any benefit warrant
91 remaining outstanding and unpaid one year after the date of its
92 issuance and there shall be no liability for the payment of any such
93 benefit warrant thereafter.

94 8. The division may establish an electronic funds transfer
95 system to transfer directly to claimants' accounts in financial
96 institutions benefits payable to them pursuant to this chapter. To
97 receive benefits by electronic funds transfer, a claimant shall
98 satisfactorily complete a direct deposit application form authorizing
99 the division to deposit benefit payments into a designated checking
100 or savings account. Any electronic funds transfer system created
101 pursuant to this subsection shall be administered in accordance

102 with regulations prescribed by the division.

103 9. The division may issue a benefit warrant covering more
104 than one week of benefits.

105 10. Prior to January 1, 2005, the division shall institute
106 procedures including, but not limited to, name, date of birth, and
107 Social Security verification matches for remote claims filing via the
108 use of telephone or the internet in accordance with such
109 regulations as the division shall prescribe. At a minimum, the
110 division shall verify the Social Security number and date of birth
111 when an individual claimant initially files for unemployment
112 insurance benefits. If verification information does not match what
113 is on file in division databases to what the individual is stating, the
114 division shall require the claimant to submit a division-approved
115 form requesting an affidavit of eligibility prior to the payment of
116 additional future benefits. The division of employment security
117 shall cross-check unemployment compensation applicants and
118 recipients with Social Security Administration data maintained by
119 the federal government at least weekly. The division of
120 employment security shall cross-check at least monthly
121 unemployment compensation applicants and recipients with
122 department of revenue drivers license databases.]

288.060. 1. All benefits shall be paid through employment offices in
2 accordance with such regulations as the division may prescribe.

3 2. Each eligible insured worker who is totally unemployed in any week
4 shall be paid for such week a sum equal to his or her weekly benefit amount.

5 3. Each eligible insured worker who is partially unemployed in any week
6 shall be paid for such week a partial benefit. Such partial benefit shall be an
7 amount equal to the difference between his or her weekly benefit amount and
8 that part of his or her wages for such week in excess of twenty dollars, and, if
9 such partial benefit amount is not a multiple of one dollar, such amount shall be
10 reduced to the nearest lower full dollar amount. For calendar year 2007 and each
11 year thereafter, such partial benefit shall be an amount equal to the difference
12 between his or her weekly benefit amount and that part of his or her wages for
13 such week in excess of twenty dollars or twenty percent of his or her weekly
14 benefit amount, whichever is greater, and, if such partial benefit amount is not
15 a multiple of one dollar, such amount shall be reduced to the nearest lower full

16 dollar amount. [Termination pay, severance pay, or] Pay received by an eligible
17 insured worker who is a member of the organized militia for training or duty
18 authorized by Section 502(a)(1) of Title 32, United States Code, shall not be
19 considered wages for the purpose of this subsection.

20 4. The division shall compute the wage credits for each individual by
21 crediting him or her with the wages paid to him or her for insured work during
22 each quarter of his or her base period or twenty-six times his or her weekly
23 benefit amount, whichever is the lesser. In addition, if a claimant receives wages
24 in the form of termination pay or severance pay and such payment appears in a
25 base period established by the filing of an initial claim, the claimant may, at his
26 or her option, choose to have such payment included in the calendar quarter in
27 which it was paid or choose to have it prorated equally among the quarters
28 comprising the base period of the claim. The maximum total amount of benefits
29 payable to any insured worker during any benefit year shall not exceed twenty
30 times his or her weekly benefit amount, or thirty-three and one-third percent of
31 his or her wage credits, whichever is the lesser. For the purpose of this section,
32 wages shall be counted as wage credits for any benefit year, only if such benefit
33 year begins subsequent to the date on which the employing unit by whom such
34 wages were paid has become an employer. The wage credits of an individual
35 earned during the period commencing with the end of a prior base period and
36 ending on the date on which he or she filed an allowed initial claim shall not be
37 available for benefit purposes in a subsequent benefit year unless, in addition
38 thereto, such individual has subsequently earned either wages for insured work
39 in an amount equal to at least five times his or her current weekly benefit
40 amount or wages in an amount equal to at least ten times his or her current
41 weekly benefit amount.

42 5. In the event that benefits are due a deceased person and no petition
43 has been filed for the probate of the will or for the administration of the estate
44 of such person within thirty days after his or her death, the division may by
45 regulation provide for the payment of such benefits to such person or persons as
46 the division finds entitled thereto and every such payment shall be a valid
47 payment to the same extent as if made to the legal representatives of the
48 deceased.

49 6. The division is authorized to cancel any benefit warrant remaining
50 outstanding and unpaid one year after the date of its issuance and there shall be
51 no liability for the payment of any such benefit warrant thereafter.

52 7. The division may establish an electronic funds transfer system to
53 transfer directly to claimants' accounts in financial institutions benefits payable
54 to them pursuant to this chapter. To receive benefits by electronic funds transfer,
55 a claimant shall satisfactorily complete a direct deposit application form
56 authorizing the division to deposit benefit payments into a designated checking
57 or savings account. Any electronic funds transfer system created pursuant to this
58 subsection shall be administered in accordance with regulations prescribed by the
59 division.

60 8. The division may issue a benefit warrant covering more than one week
61 of benefits.

62 9. Prior to January 1, 2005, the division shall institute procedures
63 including, but not limited to, name, date of birth, and Social Security verification
64 matches for remote claims filing via the use of telephone or the internet in
65 accordance with such regulations as the division shall prescribe. At a minimum,
66 the division shall verify the Social Security number and date of birth when an
67 individual claimant initially files for unemployment insurance benefits. If
68 verification information does not match what is on file in division databases to
69 what the individual is stating, the division shall require the claimant to submit
70 a division-approved form requesting an affidavit of eligibility prior to the payment
71 of additional future benefits. The division of employment security shall
72 cross-check unemployment compensation applicants and recipients with Social
73 Security Administration data maintained by the federal government at least
74 weekly. The division of employment security shall cross-check at least monthly
75 unemployment compensation applicants and recipients with department of
76 revenue drivers license databases.

 288.132. 1. There is hereby created in the state treasury the
2 "Unemployment Automation Fund", which shall consist of money collected [under
3 subsection 1 of section 288.131] **pursuant to section 288.133**, and such other
4 state funds appropriated by the general assembly. The state treasurer shall be
5 custodian of the fund and may approve disbursements from the fund in
6 accordance with sections 30.170 and 30.180. Upon appropriation, money in the
7 fund shall be used solely for the purpose of providing automated systems, and the
8 payment of associated costs, to improve the administration of the state's
9 unemployment insurance program. Notwithstanding the provisions of section
10 33.080 to the contrary, all moneys remaining in the fund at the end of the
11 biennium shall not revert to the credit of the general revenue fund. The state

12 treasurer shall invest moneys in the fund in the same manner as other funds are
13 invested. Any interest and money earned on such investments shall be credited
14 to the fund.

15 2. The unemployment automation fund shall not be used in whole or in
16 part for any purpose or in any manner that would permit its substitution for, or
17 a corresponding reduction in, federal funds that would be available in its absence
18 to finance expenditures for the administration of this chapter, or cause the
19 appropriate agency of the United States government to withhold any part of an
20 administrative grant which would otherwise be made.

**288.133. 1. Each employer liable for contributions pursuant to
2 this chapter, except employers with a contribution rate equal to zero,
3 shall pay an annual unemployment automation adjustment in an
4 amount equal to fifteen one-thousandths of one percent of such
5 employer's total taxable wages for the twelve-month period ending the
6 preceding June thirtieth.**

7 2. Notwithstanding subsection 1 of this section to the contrary,
8 the division may reduce the automation adjustment percentage to
9 ensure that the total amount of adjustment due from all employers
10 under this section shall not exceed five million dollars annually.

11 3. Each employer liable to pay an automation adjustment shall
12 be notified of the amount due under this section by March thirty-first
13 of each year and such amount shall be considered delinquent thirty
14 days thereafter. Delinquent unemployment automation adjustment
15 amounts may be collected in the manner provided under sections
16 288.160 and 288.170. All moneys collected under this section shall be
17 deposited in the unemployment automation fund established in section
18 288.132.

19 4. For the first quarter of each calendar year, the total amount
20 of contribution otherwise due from each employer liable to pay
21 contributions under this chapter shall be reduced by the dollar amount
22 of unemployment automation adjustment due from such employer
23 pursuant to subsection 1 of this section. However, the amount of
24 contributions due from such employer for the first quarter of the
25 calendar year in question shall not be reduced below zero.

290.502. 1. Except as may be otherwise provided pursuant to sections
2 290.500 to 290.530, effective January 1, 2007, every employer shall pay to each
3 employee wages at the rate of \$6.50 per hour, or wages at the same rate or rates

4 set under the provisions of federal law as the prevailing federal minimum wage
5 applicable to those covered jobs in interstate commerce, whichever rate per hour
6 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 cents.

16 3. Except as may be otherwise provided pursuant to sections 290.500 to
17 290.530, and notwithstanding subsection 1 of this section, effective January 1,
18 2019, every employer shall pay to each employee wages at the rate of not less
19 than \$8.60 per hour, or wages at the same rate or rates set under the provisions
20 of federal law as the prevailing federal minimum wage applicable to those covered
21 jobs in interstate commerce, whichever rate per hour is higher. Thereafter, the
22 minimum wage established by this subsection shall be increased each year by
23 \$.85 per hour, effective January 1 of each of the next four years, until it reaches
24 \$12.00 per hour, effective January 1, 2023. Thereafter, the minimum wage
25 established by this subsection shall be increased or decreased on January 1, 2024,
26 and on January 1 of successive years, per the method set forth in subsection 2 of
27 this section. If at any time the federal minimum wage rate is above or is
28 thereafter increased above the minimum wage then in effect under this
29 subsection, the minimum wage required by this subsection shall continue to be
30 increased pursuant to this subsection, but the higher federal rate shall
31 immediately become the minimum wage required by this subsection and shall be
32 increased or decreased per the method set forth in subsection 2 for so long as it
33 remains higher than the state minimum wage required and increased pursuant
34 to this subsection.

35 4. **(1)** For purposes of this section, the term "public employer" means an
36 employer that is the state or a political subdivision of the state, including a
37 department, agency, officer, bureau, division, board, commission, or
38 instrumentality of the state, or a city, county, town, village, school district, or
39 other political subdivision of the state. Subsection 3 of this section shall not

40 apply to a public employer with respect to its employees. Any public employer
41 that is subject to subsections 1 and 2 of this section shall continue to be subject
42 to those subsections.

43 **(2) For purposes of this section, the term "private school" means**
44 **any nonpublic school or school operated by a religious organization as**
45 **defined in section 407.453 that is not a public school as defined under**
46 **section 160.011. Subsection 3 of this section shall not apply to**
47 **employers that are private schools with respect to their**
48 **employees. Any employer that is a private school that is subject to**
49 **subsections 1 and 2 of this section shall continue to be subject to those**
50 **subsections.**

Section B. The enactment of section 288.133, and the repeal and
2 reenactment of section 288.132 of this act shall become effective January 1, 2021.

✓

Bill

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