

FIRST REGULAR SESSION

# SENATE BILL NO. 582

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ESLINGER.

2756S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 178, RSMo, by adding thereto one new section relating to sheltered workshops.

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

Section A. Chapter 178, RSMo, is amended by adding thereto  
2 one new section, to be known as section 178.935, to read as  
3 follows:

178.935. 1. For the purposes of this section, the  
2 following terms mean:

3 (1) "Certificate", authorization issued to employers  
4 by the department to pay special wages to workers who have  
5 disabilities for the work being performed;

6 (2) "Commensurate Wage", a wage paid to a disabled  
7 person when his or her disability impairs his or her  
8 productive and earning capacities for the work being  
9 performed. The wage shall be commensurate with the worker's  
10 productivity as compared to the wage and productivity of an  
11 experienced worker who is not disabled.

12 2. Notwithstanding any provision of law to contrary,  
13 the department, to the extent necessary to prevent the  
14 curtailment of opportunities for employment, shall provide  
15 for the employment, under special certificates, of disabled  
16 persons at sheltered workshops, at wages which are:

17 (1) Lower than the wage rate applicable under sections  
18 290.500 to 290.530;

19           (2) Commensurate with those paid to nondisabled  
20 workers, employed in the vicinity in which the persons under  
21 the certificates are employed, for essentially the same  
22 type, quality, and quantity of work; and

23           (3) Related to the person's productivity.

24           3. The department shall not issue a certificate under  
25 subsection 2 of this section unless the sheltered workshop  
26 provides written assurances to the department of the  
27 following:

28           (1) In the case of persons paid on an hourly rate  
29 basis, wages paid in accordance with subsection 2 of this  
30 section shall be reviewed by the sheltered workshop at  
31 periodic intervals at least once every six months; and

32           (2) Wages paid in accordance with subsection 2 of this  
33 section shall be adjusted by the sheltered workshop at  
34 periodic intervals, at least once each year, to reflect  
35 changes in the prevailing wage paid to experienced  
36 nondisabled persons employed in the locality for essentially  
37 the same type of work.

38           4. Notwithstanding the provisions of subsection 2 of  
39 this section, no sheltered workshop shall be permitted to  
40 reduce the hourly wage rate prescribed by certificate under  
41 this section of any disabled worker for a period of two  
42 years from such date without prior authorization from the  
43 department.

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