

## SENATE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE NO. 2

FOR

HOUSE BILLS NOS. 567, 546, 758 &amp; 958

AN ACT

To repeal sections 290.600, 290.603, 290.606, 290.609, 290.612, 290.615, 290.621, 290.624, 290.627, and 290.633, RSMo, and to enact in lieu thereof nine new sections relating to employee compensation, with an emergency clause and penalty provisions.

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

Section A. Sections 290.600, 290.603, 290.606, 290.609, 290.612, 290.615, 290.621, 290.624, 290.627, and 290.633, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 290.600, 290.603, 290.606, 290.609, 290.612, 290.615, 290.621, 290.633, and 290.643, to read as follows:

290.600. As used in sections 290.600 through 290.642:

- (1) "Department", department of labor and industrial relations;
- (2) "Director", director of the department of labor and industrial relations;
- (3) "Domestic violence", as such term is defined in section 455.010;
- (4) "Earned paid sick time", time that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked and is provided by an employer to an employee for the purposes described in section 290.606, but in no case shall this hourly amount be less than [that

provided under] the effective minimum wage specified in  
section 290.502;

(5) "Employee", any individual employed in this state  
by an employer, but does not include:

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

(b) Any individual standing in loco parentis to foster  
children in their care;

(c) Any individual employed for less than four months  
in any [year] twelve-month period in a resident or day camp  
for children or youth, or any individual employed by an  
educational conference center operated by an educational,  
charitable or not-for-profit organization;

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

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

(f) Any individual employed on a casual basis to  
provide baby-sitting services;

(g) Any individual employed by an employer subject to  
the provisions of Part A of Subtitle IV of Title 49, United  
States Code, 49 U.S.C. §§ 10101 et seq.;

46 (h) Any individual employed on a casual or  
47 intermittent basis as a golf caddy, newsboy, or in a similar  
48 occupation;

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

51 (j) Any individual employed by a retail or service  
52 business whose annual gross volume sales made or business  
53 done is less than five hundred thousand dollars;

54 (k) Any individual who is an offender, as defined in  
55 section 217.010, who is incarcerated in any correctional  
56 facility operated by the department of corrections,  
57 including offenders who provide labor or services on the  
58 grounds of such correctional facility pursuant to section  
59 217.550; or,

60 (l) Any individual described by the provisions of  
61 section 29 U.S.C. 213(a)(8);

62 (m) An individual employed by a hospital as defined in  
63 section 197.020 who works wholly or partially in an on-call  
64 basis, only to the extent that the hours worked are on-  
65 call. To the extent that the individual works hours that  
66 are not on-call, the individual shall be considered an  
67 employee and shall accrue earned paid sick time as otherwise  
68 provided in sections 290.600 to 260.642;

69 (n) Any individual who is an employee of an employer  
70 while engaged in the operation of a vessel that is  
71 documented by the United States under 46 U.S.C. Section  
72 12105;

73 (o) Any individual who primarily works outside of this  
74 state;

75 (p) Any individual without an employer-employee  
76 relationship;

77 (q) Any individual employed by a hospital or long-term  
78 care facility licensed under either chapter 198 or section

197.020 who works wholly or partially on an as-needed basis,  
in which the individual determines their own shifts worked  
without any required minimal hours worked in any twelve-  
month period;

(r) Any employee who is covered by a collective  
bargaining agreement; or

(s) Any individual who is the spouse of the employer  
for whom the spouse is employed;

(6) "Employer", any person acting directly or  
indirectly in the interest of an employer in relation to an  
employee, and that employs at least twenty-five employees  
who work an average of at least thirty-five hours per week,  
or a combination of twenty-five or more employees that  
combined work an average of at least thirty-five hours per  
week; provided, however, that for the purposes of sections  
290.600 through 290.642 "employer" does not include the  
United States government, the state, or a political  
subdivision of the state, including a department, agency,  
officer, bureau, division, board, commission, or  
instrumentality of the state, or a city, county, town,  
village, school district, public higher education  
institution, or other political subdivision of the state.  
For purposes of determining whether an entity is an employer  
with the requisite number of employees pursuant to this  
subdivision, the number of employees shall be calculated  
based on the average number of employees employed during the  
preceding twelve-month period or, for employers not in  
existence for an entire twelve-month period, the average  
number of employees reasonably expected during the current  
twelve-month period;

(7) "Family member", any of the following individuals:

(a) Regardless of age, a biological, adopted or foster  
child, stepchild or legal ward, a child of a domestic

partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;

(b) A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or an individual who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;

(c) An individual to whom the employee is legally married under the laws of any state, or a domestic partner [who is registered as such under the laws of any state or political subdivision, or an individual with whom the employee is in a continuing social relationship of a romantic or intimate nature];

(d) A grandparent, grandchild, or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or

(e) A person for whom the employee is responsible for [providing or arranging health or safety-related care, including but not limited to helping that individual obtain diagnostic, preventative, routine, or therapeutic health treatment or] ensuring the person is safe following domestic violence, sexual assault, or stalking;

(8) "Health care professional", any individual licensed under federal or any state law to provide medical or emergency services, including but not limited to doctors, nurses, certified nurse midwives, mental health professionals, and emergency room personnel;

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

(10) ["Retaliatory personnel action", denial of any right guaranteed under sections 290.600 through 290.642, or

any threat, discharge, suspension, demotion, reduction of hours, or any other adverse action against an employee for the exercise of any right guaranteed herein. "Retaliatory personnel action" shall also include interference with or punishment for in any manner participating in or assisting an investigation, proceeding, or hearing under sections 290.600 through 290.642;

(11)] "Same hourly rate", means the following:

(a) For employees paid on the basis of a single hourly rate, the same hourly rate shall be the employee's regular hourly rate;

(b) For employees who are paid multiple hourly rates of pay from the same employer, the same hourly rate shall be either:

a. The wages the employee would have been paid for the hours absent during use of earned paid sick time if the employee had worked; or,

b. The weighted average of all hourly rates of pay during the previous pay period.

Whatever method the employer uses, the employer must use a consistent method for each employee [throughout a year].  
Nothing in this subdivision shall prohibit an employer from changing the employer's internal policies and procedures as long as the policies are in compliance with sections 290.600 through 290.642;

(c) For employees who are paid a salary, the same hourly rate shall be determined by dividing the wages the employee earns in the previous pay period by the total number of hours worked during the previous pay period. For determining total number of hours worked during the previous pay period, employees who are exempt from overtime requirements under 29 U.S.C. § 213(a)(1), the Fair Labor Standards Act, shall be assumed to work forty hours in each

work week unless their normal work week is less than forty hours, in which case earned paid sick time shall accrue and the same hourly rate shall be calculated based on the employee's normal work week. Regardless of the basis used, the same hourly rate shall not be less than the effective minimum wage specified in section 290.502;

(d) For employees paid on a piece rate or a fee-for-service basis, the same hourly rate shall be a reasonable calculation of the wages or fees the employee would have received for the piece work, service, or part thereof, if the employee had worked. Regardless of the basis used, the same hourly rate shall not be less than the effective minimum wage specified in section 290.502;

(e) For employees who are paid on a commission basis (whether base wage plus commission or commission only), the same hourly rate shall be the greater of the base wage or the effective minimum wage specified in section 290.502;

(f) For employees who receive and retain compensation in the form of gratuities in addition to wages, the same hourly rate shall be the greater of the employee's regular hourly rate or one hundred percent of the effective minimum wage specified in section 290.502 without deduction of any tips as a credit;

[(12)] (11) "Sexual assault", as such term is defined in section 455.010;

[(13)] (12) "Stalking", as such term is defined in section 455.010;

[(14) "Year", a regular and consecutive twelve-month period as determined by the employer; except that for the purposes of section 290.615 and section 290.627, "year" shall mean a calendar year]

(13) "Twelve-month period", a period determined by the employer, pursuant to a written policy, that may be a

211 calendar year, fiscal year, or any nonrolling twelve  
212 consecutive month period.

290.603. 1. (1) Employees of an employer [with  
2 fifteen or more employees] shall accrue a minimum of one  
3 hour of earned paid sick time for every [thirty] thirty-two  
4 hours worked, but such employees shall not be entitled to  
5 use more than fifty-six hours of earned paid sick time per  
6 [year] twelve-month period, unless the employer selects a  
7 higher limit.

8 (2) As an alternative to the accrual of paid earned  
9 sick time, an employer may provide an employee not less than  
10 fifty-six hours of earned paid sick time at the beginning of  
11 a twelve-month period for immediate use. An employer that  
12 provides employees with earned paid sick leave pursuant to  
13 this subdivision shall not be subject to the requirements of  
14 section 290.615.

15 (3) Any employer with a written paid leave policy,  
16 such as a paid time off policy or other similar leave  
17 policy, who makes available an amount of paid leave, that  
18 may be used for the same or similar purposes and under the  
19 same or similar conditions as earned paid sick time under  
20 sections 290.600 through 290.642, shall not be required to  
21 provide any additional paid sick time under this section or  
22 otherwise be subject to the provisions of sections 290.600  
23 through 290.642, with the exception of sections 290.600,  
24 290.612, and 290.621, which shall be applicable to such  
25 employer and its employees with respect to the employers  
26 paid leave policy.

27 2. [Employees of an employer with fewer than fifteen  
28 employees shall accrue a minimum of one hour of earned paid  
29 sick time for every thirty hours worked, but such employees  
30 shall not be entitled to use more than forty hours of earned



31 paid sick time per year, unless the employer selects a  
32 higher limit.

33 3. In determining the number of employees of an  
34 employer, all employees performing work in the state for an  
35 employer for compensation on a full-time, part-time, or  
36 temporary basis shall be counted. In situations in which  
37 the number of employees performing work in the state for an  
38 employer for compensation per week fluctuates above and  
39 below fifteen employees per week over the course of a year,  
40 an employer is required to provide earned paid sick time  
41 pursuant to subsection 1 of this section if it maintained  
42 fifteen or more employees in the state on the payroll for  
43 some portion of a working day in each of twenty or more  
44 different calendar weeks, including any periods of leave,  
45 and whether or not the weeks were consecutive, in either the  
46 current or the preceding year (irrespective of whether the  
47 same individuals were in employment in each working day).

48 4.] All employees shall accrue earned paid sick time  
49 as follows:

50 (1) Earned paid sick time as provided in this section  
51 shall begin to accrue at the commencement of employment or  
52 [May] August 1, 2025, whichever is later. An employee  
53 [shall be entitled to] may use earned paid sick time [as it  
54 is accrued] following ninety calendar days of continuous  
55 employment, unless an employer's written policy allows the  
56 use of such leave prior to ninety days of continuous  
57 employment. An employer may provide all earned paid sick  
58 time that an employee is expected to accrue in a [year]  
59 twelve-month period at the beginning of the [year] twelve-  
60 month period. Once an employee has accrued fifty-six hours  
61 of earned paid sick time in a twelve-month period, the  
62 employee shall stop accruing earned paid sick time until the  
63 following twelve-month period. For employers who provide

64 time to employees pursuant to subdivision (2) of subsection  
65 1 of this section, those employers may limit the amount of  
66 earned paid sick time provided at fifty-six hours, for full  
67 time employees, or up to fifty-six hours, for part time  
68 employees, based upon their anticipated hours worked;

69 (2) Employees who are exempt from overtime  
70 requirements under 29 U.S.C. § 213(a)(1) of the Federal Fair  
71 Labor Standards Act will be assumed to work forty hours in  
72 each work week for purposes of earned paid sick time accrual  
73 unless their normal work week is less than forty hours, in  
74 which case earned paid sick time accrues based upon that  
75 normal work week;

76 (3) Up to eighty hours of earned paid sick time shall  
77 be carried over to the following [year] twelve-month period  
78 if the employee has any unused accrued earned paid sick time  
79 at the end of the [year] twelve-month period, but this law  
80 does not require an employer to permit an employee to use  
81 more than the applicable number of hours of earned paid sick  
82 time per [year] twelve-month period as set forth in  
83 [subsections 1 and 2 of] this section. Alternatively, in  
84 lieu of carryover of unused earned paid sick time from one  
85 [year] twelve-month period to the next, an employer may pay  
86 an employee for unused earned paid sick time at the end of a  
87 [year] twelve-month period which could be carried over and  
88 provide the employee with an amount of paid sick time that  
89 meets or exceeds the requirements of sections 290.600  
90 through 290.642 that is available for the employee's  
91 immediate use at the beginning of the subsequent [year]  
92 twelve-month period. For an employer that provides earned  
93 paid sick time at the beginning of a year as described in  
94 subdivision (2) of subsection 1 of this section, the  
95 employer is not required to allow the employee to carry over  
96 any unused accrued earned paid sick time and the employer is

not required to pay the employee for unused earned paid sick time at the end of the year which could be carried over so long as the employer provides the employee not less than the required number of hours of earned paid sick time as set forth in subdivision (2) of subsection 1 of this section at the beginning of the subsequent twelve-month period for immediate use;

(4) If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all earned paid sick time accrued at the prior division, entity, or location and is entitled to use all earned paid sick time as provided in this section. When there is a separation from employment and the employee is rehired within ~~nine~~ six months of separation by the same employer, previously accrued earned paid sick time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued earned paid sick time and accrue additional earned paid sick time at the recommencement of employment;

(5) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all earned paid sick time they accrued when employed by the original employer, and are entitled to use earned paid sick time previously accrued;

(6) At its discretion, an employer may loan earned paid sick time to an employee in advance of accrual by such employee.

[5. Any employer with a paid leave policy, such as a paid time off policy, who makes available an amount of paid leave sufficient to meet the accrual requirements of this section that may be used for the same purposes and under the same conditions as earned paid sick time under sections

290.600 through 290.642 is not required to provide additional paid sick time under this section.

6.] 3. Except as specifically provided in this section, nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued earned paid sick time that has not been used.

[7.] 4. Employees shall not accrue earned paid sick time before [May 1, 2025] August 1, 2025. Employees who are employed or who commence employment on or after [May 1, 2025] August 1, 2025 shall accrue earned paid sick time and be entitled to use earned paid sick time as it is accrued in accordance with sections 290.600 through 290.642. The department may develop model posters and notices, engage in rulemaking, initiate outreach programs, and engage in other activities for implementation of the provisions of sections 290.600 through 290.642 as authorized by those sections before [May 1, 2025] August 1, 2025.

290.606. 1. Earned paid sick time shall be provided to an employee by an employer for:

(1) An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; an employee's need for preventative medical care;

(2) Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; care of a family member who needs preventative medical care;

(3) [Closure of the employee's place of business by order of a public official due to a public health emergency,

or] An employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or

(4) Absence necessary due to domestic violence, sexual assault, or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member:

(a) Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual assault, or stalking;

(b) Services from a victim services organization;

(c) Psychological or other counseling;

(d) Relocation or taking steps to secure an existing home due to the domestic violence, sexual assault, or stalking; or

(e) Legal services, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual assault, or stalking.

2. [Earned paid sick time shall be provided upon the request of an employee. Such request may be made orally, in writing, by electronic means, or by any other means acceptable to the employer. When possible, the request shall include the expected duration of the absence.]

3.] When the use of earned paid sick time is foreseeable, the employee shall make a good faith effort to

provide notice of the need for such time to the employer in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of the employer. Where such need is not foreseeable, an employer may require an employee to provide notice of the need for the use of earned paid sick time as soon as practicable. An employer may deny the use of foreseeable earned paid sick time if such use would unduly disrupt the employer's operations. For purposes of this subsection, a need for leave is not foreseeable if the reasons were not known to the employee in advance and could not be planned with reasonable certainty, including but not limited to sudden illness, injury, or medical emergency affecting the employee or a family member.

[4.] 3. An employer that requires notice of the need to use earned paid sick time where the need is not foreseeable shall provide a written policy that contains procedures for the employee to provide notice. An employer that has not provided to the employee a copy of its written policy for providing such notice shall not deny earned paid sick time to the employee based on noncompliance with such a policy.

[5.] 4. An employer may not require, as a condition of an employee's taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time.

[6.] 5. Earned paid sick time may be used in [the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time] one-hour increments, except that an employer may require a minimum increment of up to four hours

81 when operational needs would be significantly disrupted by  
82 shorter increments.

83 [7.] 6. For earned paid sick time of three or more  
84 consecutive work days, an employer may require reasonable  
85 documentation that the earned paid sick time has been used  
86 for a purpose covered by subsection 1 of this section.

87 (1) Documentation signed by a [heath] health care  
88 professional indicating that earned paid sick time is  
89 necessary shall be considered reasonable documentation for  
90 purposes of this section.

91 (2) In cases of domestic violence, sexual assault, or  
92 stalking, if the employer requests, one of the following  
93 types of documentation selected by the employee shall be  
94 considered reasonable documentation: (i) a police report  
95 indicating that the employee or the employee's family member  
96 was a victim of domestic violence, sexual assault, or  
97 stalking; (ii) a written statement from an employee or agent  
98 of a victim service provider affirming that the employee or  
99 employee's family member is or was receiving services from a  
100 victim service provider; (iii) documentation signed by a  
101 health care professional from whom the employee or  
102 employee's family member sought assistance relating to  
103 domestic violence, sexual assault, or stalking or the  
104 effects thereof; (iv) a court document indicating that an  
105 employee or employee's family member is or was involved in a  
106 legal action related to domestic violence, sexual assault,  
107 or stalking; or (v) a written statement from the employee  
108 affirming that the employee or employee's family member is  
109 taking or took earned paid sick time for a qualifying  
110 purpose of subsection 1 of this section.

111 (3) An employer may not require that the documentation  
112 explain the nature of the illness, details of the underlying  
113 health needs, or the details of the domestic violence,

sexual assault, or stalking, unless otherwise required by law or, with respect to an illness, where disclosure is reasonably necessary for the protection of public health or safety.

290.609. 1. It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under sections 290.600 through 290.642.

2. An employer shall not [take retaliatory personnel action or] discriminate against an employee or former employee solely because the [individual] employee or former employee has properly exercised rights protected under sections 290.600 through 290.642. Such rights include, but are not limited to, the right to request or use earned paid sick time pursuant to sections 290.600 through 290.642; the right to file a complaint or inform any person about any employer's alleged violation of sections 290.600 through 290.642; the right to participate in any investigation, hearing, or proceeding or cooperate with or assist [the department] in any investigations of alleged violations of sections 290.600 through 290.642; and the right to inform any person of his or her potential rights under sections 290.600 through 290.642.

3. It shall be unlawful for an employer's absence control policy to count earned paid sick time taken under sections 290.600 through 290.642 as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action, unless the employer has reasonable suspicion that the employee used earned paid sick time not in accordance with section 290.606.

4. Protections of this section shall apply to any individual who mistakenly but in good faith alleges violations of sections 290.600 through 290.642.



290.612. 1. Employers shall give employees a written notice about earned paid sick time within fourteen calendar days of the commencement of employment or on ~~April~~ July 15, 2025, whichever is later, which must include the following information: (1) beginning ~~May~~ August 1, 2025, employees accrue and are entitled to earned paid sick time at the rate one hour of earned paid sick time for every ~~thirty~~ thirty-two hours of work, and may use earned paid sick time, subject to the limits and terms under sections 290.600 through 290.642 of Missouri law, and (2) ~~it is prohibited for an employer to take retaliatory personnel action against employees who request or use earned paid sick time as allowed by law,~~ (3) each employee has the right to bring a civil action if earned paid sick time as required by sections 290.600 through 290.642 is denied by the employer or the employee is subjected to retaliatory personnel action by the employer for exercising the employee's rights under sections 290.600 through 290.642; and, (4)] the contact information for the department. Notice shall be provided by the employer to the employee on a single piece of paper, at least 8.5 x 11, in no less than 14-point font.

2. Beginning ~~April~~ July 15, 2025, employers shall display a poster that contains the information required in subsection 1 of this section in a conspicuous and accessible place in each establishment where such employees are employed, provided that such poster has been made available by the department.

3. The department may create and make available to employers, model notices and posters that contain the information required under subsection 1 of this section for employers' use in complying with subsections 1 and 2 of this section. Nothing in this subsection shall be interpreted or applied, either expressly or through practical necessity, to

34 require the department to create or make available notices  
35 or posters if it requires the appropriation of funds to  
36 cover the costs of such acts.

290.615. 1. Employers shall retain records  
2 documenting hours worked by employees and earned paid sick  
3 time taken by employees, for a period of not less than  
4 [three years] two twelve-month periods, and shall allow the  
5 department access to such records, with appropriate notice  
6 and at a mutually agreeable time, to monitor compliance with  
7 the requirements of sections 290.600 through 290.642.

2. To the extent permitted by law, the director may  
9 inspect such records, and the records shall be open for  
10 inspection by the director by appointment. Where the  
11 records required under this section are kept outside [the]  
12 this state, the records shall be made available to the  
13 director upon demand. Every such employer shall furnish to  
14 the director on demand a sworn statement of time records and  
15 information upon forms prescribed or approved by the  
16 director. All the records and information obtained by the  
17 department are confidential and shall be disclosed only on  
18 order of a court of competent jurisdiction.

3. Nothing in this section shall be interpreted or  
20 applied, either expressly or through practical necessity, to  
21 require the department or director to access or inspect  
22 records or to create forms relating to the inspection of  
23 records if it requires the appropriation of funds to cover  
24 the costs of such acts.

290.621. 1. [ The department may investigate and  
2 ascertain compliance with sections 290.600 through 290.642,  
3 establish and implement a system to receive complaints] (1)  
4 An employee may file a complaint with the labor and  
5 industrial relation commission regarding intentional  
6 noncompliance with sections 290.600 through 290.642 [and to

7 investigate and attempt to resolve complaints between the  
8 complainant and the subject of the complaint, and establish  
9 additional means of enforcement, including requiring by  
10 subpoena the testimony of witnesses and production of books,  
11 records, and other evidence relative to any matter under  
12 investigation or hearing, issuing notices of violation,  
13 holding hearings on notices of violation, making  
14 determinations, recovering unpaid earned sick time, and  
15 imposing]. The commission shall hear in a proceeding, which  
16 may be either in person or remotely online, the parties at  
17 issue and their representatives and witnesses and shall  
18 determine the dispute by issuing a decision within ninety  
19 days of the last day of the hearing. The hearing shall be  
20 concluded within thirty days of the date of commencement of  
21 the hearing, except in extraordinary circumstances where a  
22 lengthy trial or complex issues necessitate a longer time  
23 than ninety days. All evidence introduced at any such  
24 hearings shall be reported by a competent reporter appointed  
25 by the department or be recorded by electronic means. The  
26 decision, together with a statement of the findings of fact,  
27 rulings of law and any other matters pertinent to the  
28 question at issue, shall be filed with the record of  
29 proceedings, and a copy of the decision shall immediately be  
30 sent by electronic means or in the case of an unrepresented  
31 employee, by United States mail, to the parties in dispute.  
32 In its decision, the commission may impose fines for  
33 [willful] violations [of up to five hundred dollars per day  
34 of each day of a continuing violation] as provided in  
35 subdivision (2) of this subsection. A final decision of the  
36 [department] commission is subject to review in accordance  
37 with the provisions of chapter 536.

38       (2) (a) Any fine imposed pursuant to this subsection  
39 shall be determined based on its relation in time to the  
40 most recent fine imposed for a violation, as follows:

41       a. For every violation that takes place within three  
42 months of the most recent violation, the tier of fine  
43 imposed pursuant to paragraph (b) of this subdivision shall  
44 be increased by one, until the tier is at a fourth tier  
45 violation. No fine shall be imposed that is higher than  
46 what is permitted for a fourth tier violation pursuant to  
47 subparagraph d of paragraph (b) of this subdivision;

48       b. For every successive period of three months that  
49 has elapsed since the most recent fine was imposed for a  
50 violation, the tier of fine imposed pursuant to paragraph  
51 (b) of this subdivision shall be reduced by one, until the  
52 tier is at a first tier violation. The tier of fine shall  
53 only be continually reduced if no additional fines for a  
54 violation have been imposed since the most recent fine was  
55 imposed.

56       (b) Fines for violations may only be imposed as  
57 follows:

58       a. For a first tier violation, a fine of up to two  
59 hundred fifty dollars per continuing violation;

60       b. For a second tier violation, a fine of up to five  
61 hundred dollars per continuing violation;

62       c. For a third tier violation, a fine of up to seven  
63 hundred fifty dollars per continuing violation;

64       d. For a fourth tier violation, a fine of up to one  
65 thousand dollars per continuing violation.

66       (3) Fines collected pursuant to this subsection shall  
67 be paid to the commission, which shall directly transmit  
68 such monies to the employee, provided that if any appeal is  
69 made after a final decision of the commission, the

commission shall keep possession of the fine until the case has been dismissed or has received a final judgment.

2. Nothing in this section shall affect the rights and remedies afforded to employees under common law as codified in subsection 3 of section 285.575.

3. The department may develop and implement an outreach program to inform employees, parents, and persons who are under the care of a health care provider about the availability of earned paid sick time under sections 290.600 through 290.642. This program may include the distribution of notices and other written materials to child care and elder care providers, domestic violence shelters, schools, hospitals, community health centers and other health care providers in Missouri.

[3. A municipality, county, city, town, or village may adopt ordinances, rules, and regulations to investigate and ascertain compliance with sections 290.600 through 290.642, establish and implement a system to receive complaints regarding noncompliance with sections 290.600 through 290.642 and to investigate and attempt to resolve complaints between the complainant and the subject of the complaint, and establish additional means of enforcement, with respect to employers within, or employees performing work while physically present in, the geographic boundaries of the municipality, county, city, town, or village. Any such ordinance, rule, or regulation shall be consistent with this law and any department rules or regulations and system for compliance and enforcement. The municipality, county, city, town, or village may exercise such powers as allowed by any applicable charter or ordinance, including requiring by subpoena the testimony of witnesses and production of books, records, and other evidence relative to any matter under investigation or hearing, issuing notices of violation,

holding hearings on notices of violation, making determinations, recovering unpaid earned sick time, and imposing fines for willful violations of up to the maximum allowed for an ordinance violation. Before investigating or seeking to resolve any complaint between the complainant and the subject of the complaint, the municipality, county, city, town, or village shall give notice to the department with a copy of the complaint and, within fourteen days of such notice, the department may intervene as of right and participate in the matter to ensure that the complaint is being investigated and resolved in the interest of effective enforcement of sections 290.600 through 290.642 or, alternatively, the department may institute its own proceedings in which case the municipality, county, city, town, or village shall refrain from acting on the matter so long as the complaint is being investigated and resolved in the interest of effective enforcement of sections 290.600 through 290.642. If the department does not, within fourteen days, intervene or instigate its own proceedings, the municipality, county, city, town, or village may, without the department, investigate and attempt to resolve the complaint and take other additional means within its power to enforce sections 290.600 through 290.642 against the subject of the complaint. In no event shall an employer be subject to compliance proceedings arising out of a single set of facts after having already been subjected to a final compliance order by another governmental entity.

4. Nothing in this section shall be interpreted or applied, either expressly or through practical necessity, to require the department, a municipality, county, city, town, or village to conduct investigations and ascertain compliance with sections 290.600 through 290.642, to establish and implement a system to receive or resolve

136 complaints, to establish additional means of enforcement, or  
137 to conduct outreach and education, including the creation of  
138 notices and other written materials, concerning sections  
139 290.600 through 290.642, if it requires the appropriation of  
140 funds to cover the costs of such acts.]

290.633. 1. With respect to employees covered by a  
2 valid collective bargaining agreement in effect on [November  
3 5, 2024] May 1, 2025, no provisions of sections 290.600  
4 through 290.642 shall apply until the stated expiration date  
5 in the collective bargaining agreement; however, further the  
6 provisions of sections 290.600 through 290.642 shall apply  
7 upon any such agreement's renewal, extension, amendment, or  
8 modification in any respect after [November 5, 2024] May 1,  
9 2025.

10 2. Nothing in sections 290.600 through 290.642 shall  
11 be deemed to interfere, impede, or otherwise diminish the  
12 right of employees to bargain collectively through  
13 representatives of their own choosing in order to establish  
14 earned paid sick time or other conditions of work in excess  
15 of the applicable minimum standards under the provisions of  
16 sections 290.600 through 290.642.

17 3. Any waiver by an employee of rights under sections  
18 290.600 through 290.642 shall be deemed contrary to public  
19 policy and shall be void.

290.643. 1. The provisions of sections 290.600  
2 through 290.642 shall become null and void upon the issuance  
3 of a final opinion by a court of competent jurisdiction,  
4 including the case of McCarty, et al., v. Missouri Secretary  
5 of State, No. S.C. 100876, pending before the Missouri  
6 Supreme Court as of April 16, 2025, that either:

7 (1) Proposition A, from the November 5, 2024, general  
8 election, is invalid as violating the Missouri Constitution;  
9 or

10       (2) Proposition A, from the November 5, 2024, general  
11 election, had an election irregularity that invalidates the  
12 election results and a new election is warranted.

13       2. The declaration of sections 290.600 through 290.642  
14 as null and void shall only become effective upon  
15 notification to the revisor of statutes by an opinion by the  
16 attorney general of Missouri, a proclamation by the governor  
17 of Missouri, or the adoption of a concurrent resolution by  
18 the Missouri general assembly of the facts required by  
19 subsection 1 of this section.

2       [290.624. 1. Any employer who willfully  
3 violates or fails to comply with any of the  
4 provisions and requirements of sections 290.600  
5 through 290.642 shall be guilty of a class C  
6 misdemeanor; provided, however, that an employer  
7 who willfully violates the notice and posting  
8 requirements of section 290.612 shall be guilty  
9 of an infraction.]

10       2. For purposes of this section, each day  
11 of violation or failure to comply and each  
12 employee affected shall constitute a separate  
offense.]

2       [290.627. 1. Any individual who claims to  
3 have been aggrieved by a failure of an employer  
4 to comply with any portion of sections 290.600  
5 through 290.642, including but not limited to  
6 the failure to provide earned paid sick time or  
7 to allow employees to use such time consistent  
8 with sections 290.600 through 290.642, or who  
9 claims to have suffered a retaliatory personnel  
10 action, shall have a right of action and may  
11 commence a civil action in the appropriate court  
12 of jurisdiction within three years of the  
13 accrual of the cause of action, to obtain  
14 appropriate relief with respect to such unlawful  
15 violation. Such action may be brought without  
16 first filing an administrative complaint .

17       2. In a civil action under this section,  
18 if the court finds a violation has occurred, the  
19 court may grant as relief, as it deems  
appropriate and to the extent permitted by law,



20 any permanent or temporary injunction, the full  
21 amount of any unpaid earned sick time plus any  
22 actual damages suffered as the result of the  
23 employer's violation of sections 290.600 through  
24 290.642, an additional amount equal to twice any  
25 unpaid earned sick time as liquidated damages,  
26 costs, and reasonable attorney's fees as may be  
27 allowed by the court, and other legal or  
28 equitable relief as may be appropriate to remedy  
29 the violation, including, without limitation,  
30 reinstatement to employment and back pay.]

Section B. Because immediate action is necessary to  
2 ensure the financial stability, sustainability, and  
3 continuity of the business community, and to provide for the  
4 welfare of the people, section A of this act is deemed  
5 necessary for the immediate preservation of the public  
6 health, welfare, peace, and safety, and is hereby declared  
7 to be an emergency act within the meaning of the  
8 constitution, and section A of this act shall be in full  
9 force and effect upon its passage and approval.