

MISSOURI — State Laws by Topic

➤ AGE ◀

Under the Missouri Human Rights Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on age.

In addition, it is an unlawful employment practice for an employer to print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on age.

Employers are expressly prohibited from retaliating or discriminating against an individual who opposes any practice prohibited by the Missouri Human Rights Act or because he/she has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing conducted pursuant to the Act.

It's not an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment, pursuant to a *bona fide* seniority system provided that such differences are not the result of an intention to discriminate based on age.

The Act defines age as 40 or more years but less than 70 years, and an employer as any person employing six or more individuals within Missouri.

➤ AIDS ◀

Discrimination: Employers are expressly prohibited from discriminating against an individual with AIDS or an AIDS-related virus. Provisions of the Missouri Human Rights Act apply to discrimination on the basis of HIV infection, except where the individual, by reason of currently having a contagious disease or infection, poses a direct threat to the health or safety of others or is unable to perform job duties.

➤ ARRESTS/CONVICTIONS ◀

No general provision prohibiting an employer's collection and use of arrest or conviction records. The Missouri Guidelines on Pre-Employment Inquiries states that inquiries into arrest records are unacceptable, but considers inquiries into convictions acceptable, as long as the questions are substantially related to the applicant's ability to perform the job in question.

➤ BREAKS ◀

No provision.

➤ **BREAST-FEEDING** ◀

A woman may, with as much discretion as possible, breast-feed her child in any public or private location where she is authorized to be present.

➤ **CHILD LABOR** ◀

Click on www.labor.mo.gov/DLS/YouthEmployment to access Missouri's Department of Labor, Division of Labor Standards youth employment home page.

➤ **CHILD SUPPORT** ◀

Employers served with a child support order must begin withholding two weeks after the order is mailed. Amounts are remitted within seven business days of payday. Notify the state agency promptly if the employee-obligor terminates.

➤ **COURT ATTENDANCE** ◀

See jury duty.

➤ **DISABILITIES** ◀

Under the Missouri Human Rights Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on disability.

In addition, it is an unlawful employment practice for an employer to print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on disability.

Employers are expressly prohibited from retaliating or discriminating against an individual who opposes any practice prohibited by the Missouri Human Rights Act or because he/she has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing conducted pursuant to the Act.

The Act defines a person with a disability as one who has a physical or mental impairment that substantially limits one or more major life activity, is regarded as having such an impairment, or has a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job. An employer is defined as any person employing six or more individuals in Missouri.

➤ **DRUG TESTING** ◀

An employer may require a drug or alcohol test as a condition of employment, as long as the employee is informed of the requirement prior to taking the test. Employers must have a policy specifying that an employee may be subject to:

1. pre-employment testing;
2. random testing during the course of employment;
3. testing upon reasonable suspicion;
4. post-accident testing.

The policy must also contain a statement that a positive test result may result in suspension or termination of employment.

Notification: Employers must notify employees by conspicuously posting the policy in the workplace, including the policy in a personnel handbook, or including a statement of such a policy in a collective bargaining agreement.

An amendment to the state constitution legalized medicinal marijuana.

➤ **FAMILIAL/MARITAL STATUS** ◀

No provisions specified in the general employment context.

➤ **FAMILY/MEDICAL LEAVE** ◀

See medical donation leave and pregnancy.

➤ **GENETIC TESTING** ◀

Employers are prohibited from using genetic testing results to distinguish between, discriminate against, or restrict any right or benefit otherwise due to an employee or applicant. The restriction does not prohibit: 1) underwriting in connection with individual or group life, disability income, or long-term care insurance; 2) any action required or permitted by law or regulation; 3) action taken with the written permission of the employee, the applicant, or the authorized representative of the employee or applicant; or 4) the use of genetic information when the information is directly related to a person's ability to perform assigned job responsibilities.

➤ **HEALTH CARE CONTINUATION COVERAGE** ◀

Continuation coverage requirements apply to employer-sponsored group health plans that do not meet federal COBRA requirements. Eligible employees have the right to continue coverage for up to nine months.

Click on <https://insurance.mo.gov/consumers/faq/lhfaqs.php> for more information.

➤ **JURY DUTY** ◀

Employers may not discriminate, threaten, discipline, or take adverse action against an employee because of the employee's jury summons or service.

➤ **LIFESTYLE DISCRIMINATION** ◀

Employers are prohibited from refusing to hire, discharging, or otherwise discriminating against an employee in compensation, terms, or conditions of employment based on the employee's use of lawful alcohol or tobacco products off the employer's premises during non-working hours, unless such use interferes with the employee's duties and performance, the employee's co-workers, or the overall operation of the employer's business. *Exception:* Religious organizations and non-profit health promotion organizations.

Employers may provide or contract for health benefits at a reduced premium rate for employees who do not smoke or use tobacco products.

➤ **MASS LAYOFF NOTIFICATION** ◀

No state-specific notification provision.

➤ **MEDICAL DONATION LEAVE** ◀

State employees are entitled to leave of up to five workdays to serve as a bone marrow donor and up to 30 workdays to serve as an organ donor. To be eligible for leave, an employee must submit written verification from the physician slated to perform the procedure verifying that the employee is, indeed, serving as a donor. Employees granted leave are entitled to receive their regular salary without interruption during the period of leave.

➤ **MILITARY LEAVE** ◀

Members of the state military forces, any Missouri employee who is a member of the national guard of another state, or any member of any reserve component of the Armed Forces of the United States, who are ordered to active state duty are entitled, upon being relieved from such duty, to reemployment rights as provided by federal law.

Employers with 50 or more employees must allow employees to take an unpaid leave of absence for up to 15 days during a calendar year to perform civil air patrol emergency service duty or counter-narcotics missions. Employees can't lose time, leave, or any other rights or benefits as a result of taking leave. Employers have the right to request that an employee be exempt from this duty; the Missouri wing commander must honor this request.

➤ **MINIMUM WAGE** ◀

Minimum hourly wage/overtime rate: \$8.60/\$12.90; \$9.45/\$14.18, eff. 1-1-20; \$10.30/\$15.40, eff. 1-1-21; \$11.15/\$16.73, eff. 1-1-22; \$12/\$18, eff. 1-1-23.

Basis for overtime: Over 40 hours/week.

Opportunity wage for under 20-year-olds: None.

Note: State inflation adjusts its minimum wage annually.

➤ **NATIONAL ORIGIN** ◀

Under the Missouri Human Rights Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on national origin or ancestry.

In addition, it is an unlawful employment practice for an employer to print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on national origin or ancestry.

Employers are expressly prohibited from retaliating or discriminating against an individual who opposes any practice prohibited by the Missouri Human Rights Act or because he/she has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing conducted pursuant to the Act.

The Act defines an employer as any person employing six or more individuals within Missouri.

➤ **NEW-HIRE REPORTING** ◀

Data to be reported: Employee's name, address, SSN; employer's name, address, federal EIN.

Reporting deadline/form: Within 20 days of hire or rehire; on W-4s.

➤ **OVERTIME** ◀

Basis for overtime: Over 40 hours in a workweek.

No state employee, regardless of job classification, who works in a maximum or intermediate security mental health facility may be required to work more than 12 hours in any 24-hour period unless the Department of Mental Health declares an emergency workforce shortage.

➤ **PAY STATEMENTS** ◀

Information required: Deductions for pay period.

➤ **PERSONNEL FILES** ◀

No provision.

➤ **POLYGRAPH TESTING** ◀

No provisions specified in the general employment context.

➤ **POSTING REQUIREMENTS** ◀

Workers' Compensation (English & Spanish) — All employers

Notice to Workers Concerning Unemployment Benefits (English & Spanish) — All employers

Discrimination in Employment — All employers

Discrimination in Housing (English & Spanish) — Required posting for all landlords

Youth Employment List — Recommended for employers of youth under 16

Minimum Wage — All employers

➤ **PREGNANCY** ◀

Coverage: Any person employing six or more persons within the state, not including religious organizations.

General rule: Disabilities caused or contributed to by pregnancy, miscarriage, legal abortion, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and should be treated as such under any health or temporary disability insurance or sick leave plans available in connection with employment.

Written or unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan — formal or informal — shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

In addition, employers cannot have a written or unwritten employment policy or practice that excludes applicants or employees based on pregnancy, unless a business necessity exists.

➤ **RACE** ◀

Under the Missouri Human Rights Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on race or color.

In addition, it is an unlawful employment practice for an employer to print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on race or color.

Employers are expressly prohibited from retaliating or discriminating against an individual who opposes any practice prohibited by the Missouri Human Rights Act or because he/she has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing conducted pursuant to the Act.

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➤ **REFERENCES** ◀

Service letters: Corporations with at least seven workers must provide service letters to any former employees who worked for at least 90 days. The former employees must request the letter in writing within a reasonable period after they've left the business. The letter, which must be issued within 45 days of the request, must state: 1) the nature and character of the services rendered; 2) employment dates; and 3) for what cause, if any, the employees quit or were discharged. An employer who fails to provide a requested service letter may be sued for any damages resulting from that failure.

➤ **RELIGION** ◀

Under the Missouri Human Rights Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on religion.

In addition, it is an unlawful employment practice for an employer to print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on religion.

Employers are expressly prohibited from retaliating or discriminating against an individual who opposes any practice prohibited by the Missouri Human Rights Act or because he/she has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing conducted pursuant to the Act.

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➤ **REPORTING PAY** ◀

No provision.

➤ **SAFETY** ◀

There is no OSHA-monitored state plan. For general information about workplace safety and health consultation services, click on www.labor.mo.gov/DLS/WorkplaceSafety/.

➤ **SCHOOL VISITATION LEAVE** ◀

No provision.

➤ **SEX DISCRIMINATION** ◀

Under the Missouri Human Rights Act, employers are prohibited from failing or refusing to hire; terminating; limiting, segregating, or classifying; or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on sex.

In addition, it is an unlawful employment practice for an employer to print, circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination based on sex.

Employers are expressly prohibited from retaliating or discriminating against an individual who opposes any practice prohibited by the Missouri Human Rights Act, or because he/she has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing conducted pursuant to the Act.

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➤ **SEXUAL HARASSMENT** ◀

No general provision.

➤ **SEXUAL ORIENTATION DISCRIMINATION** ◀

An executive order prohibits state employers from discriminating against individuals based on sexual orientation.

➤ **SMOKING** ◀

Smoking is restricted to designated areas in enclosed indoor areas serving as a place of employment.

Smoking is prohibited in public places, including retail or commercial establishments, except in designated areas that use existing barriers and ventilation systems. Seating should be arranged so as to put non-smokers farthest away from smoking areas.

Signs must be posted indicating non-smoking and smoking areas.

See also lifestyle discrimination.

➤ **SOCIAL SECURITY NUMBER PRIVACY** ◀

Social Security numbers may not be made available to the general public; transmitted over unsecured Internet connections; or used to access an Internet site unless accompanied by an authentication device (a unique password or personal identification number, for example).

In addition to current prohibitions, beginning January 1, 2016, private employers, insurers, and health plans are prohibited from requiring employees to use the last four digits of their Social Security numbers as employee identification numbers for any type of employment-related activity.

➤ **UNEMPLOYMENT INSURANCE** ◀

Click on the following link www.labor.mo.gov/DES/Employers/ to access the Missouri Department of Labor & Industrial Relations, Division of Employment Security unemployment insurance tax home page for employers.

➤ **VACATION PAY UPON TERMINATION** ◀

No provision specifically requiring payment of accrued vacation at the time of termination. However, employees may have a contractual right to vacation pay. If so, the terms of their agreement govern whether they are entitled to vacation pay on termination.

➤ **VIOLENCE** ◀

No general workplace violence provision.

➤ **VOTING** ◀

Employees are entitled to three consecutive hours to vote while the polls are open or the amount of work time that, when added to time available before or after work, will total three consecutive hours while polls are open. Employers aren't obligated to give time off to employees who live and vote in another state. Employers may choose when employees take time off to vote.

Wages: Employers may not deduct time off to vote from employees' wages. Moreover, employees must be paid the full amount (straight time plus overtime pay) that they would have received for working if they hadn't taken time off to vote.

Notification: Employees must notify employers of the need to take time off to vote before Election Day. Election judges must notify employers at least seven days prior to an election that they will be absent.

➤ **WAGE DEDUCTIONS** ◀

Whenever employees of any state department, division, or agency establish any voluntary retirement plan, or participate in any group hospital service plan, group life insurance plan, medical service plan, or other such plan, or if they are members of an employee collective bargaining organization, or if they participate in a group plan for uniform rental, the commissioner of administration may deduct from such employees' compensation the amount necessary for each employee's participation in the plan or collective bargaining dues, provided that such dues deductions shall be made only from those individuals agreeing to such deductions.

➤ **WAGE GARNISHMENT** ◀

Garnishments are limited to the least of 25% of disposable weekly pay; the amount by which disposable weekly pay exceeds 30 times the federal minimum wage in effect during the week the garnishment is to occur; or for heads of households, 10% of disposable pay. Employers may not discharge an employee for any single indebtedness. If the last four digits of the employee's Social Security number are omitted from the garnishment writ, the employer cannot be held liable for withholding from the wrong employee.

➤ **WAGE PAYMENT ON TERMINATION** ◀

Employee who quits: No regulations. Final wages should be paid according to regular payday rules.

Employee who's fired: At once.

➤ **WAGE PAYMENTS** ◀

Payday requirements: At least twice a month or every 15 days.

Direct deposit: No provision.

➤ WHISTLEBLOWING ◀

Employers are prohibited from firing the following persons:

- an employee who reports an unlawful act of the employer;
- an employee who reports serious misconduct of behalf of the employer that violates a clear mandate or public policy as articulated in a constitutional provision, statute, or regulation;
- an employee who refuses to carry out an employer directive that, if completed, would be a violation of the law; or
- an employee who engages in conduct otherwise protected by statute or regulation where the statute or regulation does not provide for a private right of action.

➤ WORK AUTHORIZATION ◀

Employers are prohibited from knowingly employing, hiring, or continuing to employ illegal aliens to perform work in Missouri. Employers must provide identity information regarding a suspected unauthorized alien to the Missouri Attorney General, upon the Attorney General's request. The Attorney General is authorized to bring a civil action against the employer in the Circuit Court of Cole County, Missouri for violations of the law.

Knowingly violating this law may result in the suspension of a company's applicable local licenses, permits, and exemptions for 14 days. A second violation will result in suspension for a period of one year. A third or subsequent violation will result in permanent suspension.

If the Attorney General finds the employer acted unknowingly, the employer will have 15 business days to terminate the worker's employment, or to request a secondary or additional verification from the federal government. An employer that terminates an employee in accordance with the law will not be subject to liability under the Missouri Human Rights Act.

A general contractor will not be held liable for violations committed by a subcontractor if the contract binding the contractor and subcontractor states that the direct subcontractor is not knowingly in violation of the law and will not violate the law, and the contractor receives a sworn affidavit attesting to the fact that the direct subcontractor's employees are lawfully present in the United States.

All public employers must enroll and actively participate in the E-Verify work authorization program.

Any employer may enroll and participate in E-Verify to verify the employment eligibility of every employee in the employer's hire whose employment commences after the employer enrolls in E-Verify. **Note:** Participation in E-Verify shall be an affirmative defense to an allegation that a business entity knowingly hired an illegal alien.

Public contracts: Participation in E-Verify is required for all business entities receiving a state contract or grant in excess of \$5,000 or a state-administered tax credit, tax abatement, or loan from the state. Every such business entity shall also provide a signed affidavit on an annual basis

affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services.

A violation will result in the termination of the contract and the suspension or debarment of the business entity from doing business in this state for a period of three years. A second or subsequent violation will result in the termination of the contract and the permanent suspension or debarment of the business entity from doing business in this state. The state may withhold up to 25% of the total amount due to the business entity upon termination of the contract.

During or immediately after an emergency, the requirement to enroll and participate in E-Verify shall be suspended for 15 working days. An emergency includes the following natural and manmade disasters: major snow and ice storms, floods, tornadoes, severe weather, earthquakes, hazardous material incidents, nuclear power plant accidents, other radiological hazards, and major mechanical failures of a public utility facility.

➤ **WORKERS' COMPENSATION** ◀

Click on the following link www.labor.mo.gov/DWC/Employers to access the Missouri Department of Labor & Industrial Relations, Division of Workers' Compensation home page for employers.