

## Missouri

### Employment Law Workbook Addendum

(Update on legislation enacted from Jan. 1, 2015- Dec. 31, 2016)

#### Topics

##### **I. Discrimination**

No new laws or regulations enacted in 2015 or 2016.

##### **II. Pre-Employment Inquiry Guidelines**

No new laws or regulations enacted in 2015 or 2016.

##### **III. Family and Medical Leave**

No new laws or regulations enacted in 2015 or 2016.

##### **IV. Wage and Hour Laws**

###### **A. Missouri: 2017 Minimum Wage**

State law requires annual increases or decreases to the minimum wage to correspond with changes in the consumer price index. The Department of Labor & Industrial Relations has conducted the required annual review and announced that the minimum wage will increase from \$7.65 per hour to \$7.70 per hour beginning January 1, 2017.

Missouri law provides that employers do not have to pay covered tipped employees more than half the minimum wage if the employee's cash wage plus tips equals at least the minimum wage. Accordingly, the minimum cash wage for tipped employees will increase from \$3.83 to \$3.85 per hour.

§ 290.502 R.S.Mo. and § 290.512 R.S.Mo. (Effective Date 01/01/2017).

###### **B. Local Wage and Benefits Law**

Missouri has joined a growing list of states to pass legislation prohibiting local governments from enacting employment laws that provide benefits greater than that provided under state or federal law. This trend is in response to cities attempting to pass a higher minimum wage, often referred to as a "living wage," as well as paid sick leave ordinances and other employee benefits that exceed state and federal requirements.

The new law provides that no city, county, town, or village shall establish, mandate, or otherwise require an employer to provide to an employee: (1) a minimum or living wage rate or (2) employment benefits that exceed the requirements of federal or state laws, rules, or regulations. The law defines "employee" as an individual employed in Missouri by an employer. "Employer" is defined as any individual, sole proprietorship, partnership, limited liability company, corporation, or any other entity legally doing business in Missouri, excluding public employers. Employment benefits are benefits an employee receives in addition to wages and salary, and include health, disability, retirement and death benefits; group accidental death and dismemberment benefits; paid or unpaid days off from work for holidays, sick leave, vacation, and personal necessity; and terms of employment, attendance, or leave policies. The provisions of this bill do not preempt any state law or local minimum wage ordinance requirements in effect on August 28, 2015.

§ 285.055 R.S.Mo. (Effective Date 10/16/2015).

### **C. Tip Income Withholding**

An amended income tax law provides that the amount an employer must withhold from employee wages based on tip income is the greater of the amount of tips: 1) the employee reports in the federally-required written statement s/he gives to the employer; or 2) received by the employer and given to the employee. If an employee shares tips, employers withhold only from the employee who actually received the shared tips. Employers' tip income withholding obligation is limited to the portion of an employee's wages under the employer's control for which the employer is required to withhold federal income taxes on employee tips, which is calculated after making reductions for all required federal tax withholding, state income tax withholding on non-tip income, and other amounts that have higher legal priority.

§ 143.191 R.S.Mo. (08/28/2015).

### **V. Drug Testing**

No new laws or regulations enacted in 2015 or 2016.

### **VI. Noncompete and Other Employment Agreements**

No new laws or regulations enacted in 2015 or 2016.

### **VII. Workplace Safety**

Missouri's expansive new firearms legislation allows permitless concealed carry of a firearm. However, the new law preserves the state's restrictions prohibiting concealed firearms in certain categories of locations, including on private property where the owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place.

Thus, an employer maintains the right to prohibit firearms on its premises. The statute allows an owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person, to prohibit employees holding a Missouri lifetime or extended concealed carry permit from carrying concealed firearms on the employer's property. In addition, an employer may prohibit employees or other persons holding a Missouri lifetime or extended concealed carry permit from carrying a concealed firearm in vehicles owned by the employer. However, the possession of a firearm in a vehicle on the premises is not a criminal offense, so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

§ 50.535 R.S.Mo., § 57.281 R.S.Mo., § 563.031 R.S.Mo., § 571.030 R.S.Mo., § 571.101 R.S.Mo., § 571.104 R.S.Mo., § 571.111 R.S.Mo., § 571.126 R.S.Mo., § 571.205 R.S.Mo., § 571.210 R.S.Mo., § 571.215 R.S.Mo., § 571.220 R.S.Mo., § 571.225 R.S.Mo., § 571.230 R.S.Mo. (Effective Date 10/14/2016).

### **VIII. Workers' Compensation**

No new laws or regulations enacted in 2015 or 2016.

### **IX. Miscellaneous**