



Missouri

Human Resources LEGAL FACT SHEET

Disclaimer: This fact sheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The fact sheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This fact sheet does not include all legal requirements for dairies. It was created in July 2018, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal fact sheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this fact sheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the fact sheet. This fact sheet should not be used as a substitute for competent legal advice from a licensed attorney.

ARE THERE MISSOURI STATE LAWS PERTAINING TO DAIRY FARMS ABOUT:

HIRING

TOPIC	ANSWER	DETAILS
Notice of Payday / Pay Rate ¹	YES	Must notify employees at least 30 days in advance of any reduction in wages. The notice can be a written poster in a conspicuous place at the worksite or it can be mailed to each employee.
Reporting ²	YES	<u>New hires</u> and rehires must be reported (by completed W-4 tax forms) to the New Hire Reporting Center within 20 days.

WAGES

TOPIC	ANSWER	DETAILS
Payday ³	YES	Must pay employees at least semimonthly and within 16 days of the end of the pay period. Administrative, executive, and professional employees can be paid monthly.
Final Pay ⁴	YES	<u>Employees that are fired or otherwise discharged</u> by the employer must be paid all wages owed on the day of the firing/dismissal. Upon request of the employee, the wages can be mailed, but they must be mailed within 7 days. Missouri law does not address final pay for employees that quit; it is good practice to pay those employees on the next regular payday.
Overtime ⁵	NO	Employees exempt from federal minimum wage or overtime requirements are also exempt from Missouri overtime law. Agriculture is exempt from federal overtime.
Reporting Time Pay	NO	Missouri law does not require reporting time pay, i.e. an employee is only required to be paid for actual hours worked.
Minimum Wage ⁶	YES	<u>\$7.85 per hour</u> Missouri minimum wage applies to agricultural employers that used more than 500 man-days of agricultural labor in any quarter during the preceding calendar year (there are some exceptions for hand harvest labor and range production of livestock). Missouri minimum wage law does not apply to employees that are the parent, spouse, child, or other member of the employer's immediate family. <u>More information.</u>

WAGES

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TOPIC	ANSWER	DETAILS
Pay Stub ⁷	YES	At least once a month, employers must provide employees a statement showing the total amount of deductions for the period.
Hours Worked	NO	Missouri law does not explicitly define 'hours worked' for calculating compensable time. Employers are encouraged to review the federal fact sheet.
Taxes and Withholding ⁸	YES	<p>If an employer is required to withhold federal income tax, then they must also <u>withhold Missouri income tax</u>. Employers must give employees a statement of taxes withheld, like a federal Form W-2, 1099-MISC or 1099-R. More details.</p> <p>Employers must pay <u>Missouri Unemployment Insurance</u> taxes if:</p> <ul style="list-style-type: none"> • You paid cash wages to farm workers of \$20,000 or more in a quarter in either the current or preceding calendar year; OR, • You employed ten or more farm workers for some part of a day in 20 or more weeks of either the current or preceding calendar year. <p>Certain family employment is excluded from coverage requirements (a parent employed by their son/daughter, a person employed by their spouse, or a child under 21 employed by a parent). Unemployment taxes are paid by the employer; they are not taken out of employee pay. You can credit the amount you pay to Missouri in calculating how much you owe for federal unemployment taxes.</p>
Deductions ⁹	YES	<p>The following deductions cannot be made if they take the <u>employee below the state minimum wage</u>:</p> <ul style="list-style-type: none"> • Tools; • Equipment; • Uniforms, including, but not limited to, garments such as suits, dresses, aprons and all other garments whatsoever as worn by the employees as a condition of employment; • Laundry or cleaning of uniforms; • Maintenance of tools, equipment or uniforms; • Breakage or loss of tools, equipment or uniforms; • Any other item required by the employer to be worn or used by the employee as a condition of employment; and • Transportation furnished to the employee where that transportation necessary for work. <p>Meals, Lodging, and other Goods/Services</p> <p>The fair market value of meals, lodging, and other goods/services can be taken as a credit toward the payment of the minimum wage as long as the meals, lodging, or other goods are voluntarily accepted by the employee, are actually used/taken by the employee, and are for the private benefit of the employee. Fair market value should be computed one a weekly basis.</p> <p>Examples of goods/services that can be counted toward the minimum wage: meals, lodging, tuition, merchandise at the company store, electricity/water/gas for noncommercial personal use, transportation between home and work when the transportation is not a condition of employment.</p> <p>Employers are also encouraged to review federal rules around deductions found in the federal fact sheet.</p>
Bonuses	YES/NO	<p>Missouri law does not explicitly address whether bonuses are considered wages. Generally nondiscretionary bonuses paid under an agreement would be considered wages protected under state wage payment laws. Discretionary wages are usually considered wages.</p> <p>A nondiscretionary bonus is one where the amount and criteria for getting the bonus are announced in advance. For example, performance goals (like meeting somatic cell count goals or a bonus for length of service) that workers know about in advance. Discretionary bonuses are ones that are not announced in advance, not expected by the employee, and not an incentive for the employee. For example, when the farm reaches a certain financial goal and decides to give all employees a bonus.</p> <p>Employers should follow any written policy they have about paying bonuses as a best practice.</p>

RECORD KEEPING

TOPIC	ANSWER	DETAILS
Payroll ¹⁰	YES	Employers subject to the MO minimum wage must <u>keep certain records for a period of at least three years</u> for each employee: <ul style="list-style-type: none"> • Name, address, and occupation • Rate of pay • Amount paid each pay period • Hours worked each day and each workweek • Any goods/services provided that count toward the minimum wage Records shall be open for inspection by the Department of Labor and Industries.
Personnel File — Employee Access	NO	Missouri law does not require private sector employers to grant employees access to their personnel file.
Unemployment Insurance ¹¹	YES	Employers subject to contributions must submit <u>quarterly wage reports</u> . Whether or not subject to Missouri Employment Security law, every employer in Missouri must maintain the following records for at least three full calendar years: <p>For each worker:</p> <ul style="list-style-type: none"> • Worker's name and SSN • Dates a worker was hired and separated (if applicable) • Dates on which a worker performed services • Location where services were performed • Amount of compensation paid each worker • Hours of each day in each pay period an individual worked in noncovered employment, and the nature of the work performed • Wages for each pay period showing separately money wages; cash value of any other compensation; commissions; any special payments like bonuses, prizes, and gifts – for those, also separate out cash versus not, and record the period of employment the special payments were related to. More details online.
Workers' Compensation ¹²	YES	Employers must keep a record of the correct name and addresses of the dependents of each employee. If any work-related fatality occurs, must provide the Division of Workers' Compensation with the dependents' names and addresses.
OSHA	YES	Missouri falls under federal OSHA jurisdiction. See the federal fact sheet for more details on recordkeeping requirements.
Federal	YES	There are numerous federal rules about recordkeeping. Employers should review the federal fact sheet.

WORKING CONDITIONS

TOPIC	ANSWER	DETAILS
Bathrooms ¹³	YES	Missouri has incorporated the federal Pasteurized Milk Ordinance (PMO). The PMO specifies that dairy farms have one or more toilets that are conveniently located, properly constructed, properly operated, and maintained in a sanitary manner.
Working Hours	NO	<u>No max hour</u> or day requirements for adults. See Child Labor (below) for maximum hours for minors.
Rest and Meal Breaks	NO	<u>Not required under Missouri law</u> . Employers that choose to provide rest and meal breaks must follow the applicable federal rules. Refer to federal fact sheet.
Labor Relations ¹⁴	YES	Employees in Missouri have the right to organize and bargain collectively through representation of their own choosing. But employees cannot be required to become or remain a union member as a condition of employment.

WORKING CONDITIONS

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TOPIC	ANSWER	DETAILS
Whistleblower Protection ¹⁵	YES	Missouri law prohibits employers from firing employees because they: report an unlawful act committed by the employer to the proper authorities; report to the employer serious misconduct by the employer that violates public policy/law; and/or refuse to carry out orders if doing so would violate the law. Applies to employers that employed 6 or more employees in 20 or more calendar weeks in the current or preceding calendar year. This law does not apply to supervisors, managers, or executive employees. Additionally, topic-specific laws (like wage discrimination, wage laws, etc.) may protect employees that report unlawful practices. And specific employee disclosures (for example, OSHA-related violations) are protected from retaliation.
Paid Sick and Vacation Leave	NO	<u>Paid sick or vacation leave</u> is not required under Missouri law. Employers who choose to provide such benefits must follow their written policy/contract.
Breaks for Nursing Mothers	NO	State law does not require workplace accommodations for employees that are nursing, but federal rules may apply. Employers are encouraged to review federal requirements in the federal fact sheet.
Pregnancy Accommodations and Leave ¹⁶	YES/NO	Missouri state law does not explicitly address workplace accommodations for pregnant employees. However, the state's anti-discrimination regulations specify that employers must treat disabilities stemming from pregnancy, miscarriage, legal abortion, childbirth and recovery as temporary disabilities, and must treat them the same as any other temporary disability for all job-related purposes. Applies to employers with 6 or more employees. An employer cannot terminate a temporarily disabled employee due to an inadequate leave policy if such policy has a disproportionate impact on employees of one sex and is not justified by business necessity.
Family and Medical Leave	NO	Missouri does not have a state-level family and medical leave law. Federal law requiring unpaid leave may apply depending on the size of the employer. Refer to federal fact sheet.
Military and other Service Leave	NO	Missouri law does not explicitly address leave requirements for members of the armed forces. Federal rules apply; refer to the federal fact sheet.
Crime Victim and Witness Leave ¹⁷	YES	Employers cannot fire or discipline an employee who is a witness, victim, or member of a victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending a criminal proceeding, or participating in preparation for it. Employers cannot require such employees to use vacation time, personal time, or sick leave for such situations.
Jury Duty Leave ¹⁸	YES	An employer cannot terminate, threaten or take any adverse action against an employee for responding to a jury summons or serving on a jury. Employers cannot ask or require an employee to use paid vacation, sick leave or other paid time off for jury duty. Missouri law does not require employers to pay employees for time spent responding to a summons or serving on a jury.
Voting Leave ¹⁹	YES	Employees can take up to three hours of paid leave during the time the polls are open to vote, if they do not otherwise have three consecutive non-work hours when polls are open. Employers cannot fire or threaten to fire an employee for taking such leave. Employees must request the leave before the day of the election, and the employer can specify when during the workday the employee can take voting leave.
School Activity Leave	NO	Missouri does not have a law on leave to attend a child's school activities.

HUMAN RIGHTS

TOPIC	ANSWER	DETAILS
Employment Discrimination ²⁰	YES	<p>Missouri law <u>prohibits employment discrimination</u> based on race, color, religion, national origin, sex, ancestry, age 40 to 69 (exception for high policy-making positions and executives), physical or mental disability, pregnancy, childbirth, pregnancy related medical conditions, or the use of alcohol/tobacco off premises outside of work hours. Applies to employers with 6 or more employees in each working day of 20 or more calendar weeks in the current or preceding calendar year. For the purposes of alcohol/tobacco use outside of work hours, applies to all employers.</p> <p>Employment discrimination means bias in hiring (including during interviews), promotion, job assignments, firing, pay, and other terms of employment.</p> <p>Employers cannot pay men and women different wages for comparable work on jobs that have virtually the same requirements in terms of skills, effort, and responsibility. Wage differences based on seniority, merit, quantity or quality of production or other factors other than sex are permitted.</p> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>
Harassment/ Sexual Harassment ²¹	YES	<p>Sexual harassment is a type of <u>discrimination based on sex</u>. Sexual harassment is unwelcome conduct. It becomes illegal when (1) employees have no choice but to tolerate the harassment if they want to keep their job; (2) it is so severe that a regular person would see it as intimidating, hostile, or abusive.</p> <p>Sexual harassment includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> • <i>Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes, touching and nude posters are just part of farm life and she should try to ignore it.</i> • <i>Acceptance or rejection of such conduct is used as the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just "treated her right."</i> • <i>The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or "just to go out for drinks after work." The worker says she isn't interested, but the co-worker won't take 'no' for an answer.</i> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>
Forced Labor ²²	YES	<p>Human trafficking is illegal in Missouri. Trafficking for labor means: recruiting, harboring, transporting, provisioning, or obtaining of a person by any means for subjection to forced labor, forced services, debt bondage, or slavery. <u>More details</u>.</p> <p>Employers should ensure they are carefully following all visa requirements or work agreements to avoid any inadvertent violations.</p>

CHILD LABOR

TOPIC	ANSWER	DETAILS
Child Labor ²³	YES	<p>Missouri child labor law does not apply to minors employed by their parent or legal guardian. It also does not cover occasional farm work which can be performed by any child over the age of 12.</p> <p>Work permits are required for minors under 16 to work during non-school hours during the school term.</p> <p>Minimum age:</p> <ul style="list-style-type: none"> • <i>During school hours: 16</i> • <i>Outside school hours: 14, except if working for their parent or legal guardian</i> <p>Max hours:</p> <ul style="list-style-type: none"> • <i>Under 16: No more than 3 hours on any school day, 8 hours on a non-school day. Max 6 days or 40 hours in any week. From Labor Day to June 1st, cannot work before 7am or after 7pm. Between June 1st and Labor Day, cannot work before 7am or after 9pm.</i> <p>There are <u>prohibited types of work</u> for employees under 16.</p>

HEALTH AND SAFETY

TOPIC	ANSWER	DETAILS
Workers' Compensation ²⁴	YES/NO	<p>Agricultural employers are not required to have workers' compensation coverage in Missouri, but it is good practice to have it.</p> <p>For agricultural employers that elect to have coverage and therefore become subject to state law: After receiving written notice of an injury from an employee, employers or their insurance carrier <u>must report the insurance carrier</u> within 5 days. A First Report of Injury form must be filed with the Division of Workers' Compensation within 30 days for all injuries requiring medical treatment beyond first aid or resulting in lost time from work – when the employee files the injury with the insurance carrier, it is the responsibility of the insurance carrier to report it to the Division of Workers' Compensation.</p>
OSHA	YES	Missouri falls under federal OSHA jurisdiction. See the federal fact sheet for details on OSHA requirements.
Housing	YES/NO	Missouri law does not explicitly address standards for permanent agricultural housing, though general landlord/tenant or public health laws may apply. Employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing.

References

1. Mo. Rev. Stat. §290.100
2. Mo. Rev. Stat. §285.300
3. Mo. Rev. Stat. §290.080
4. Mo. Rev. Stat. §290.110
5. Mo. Rev. Stat. §290.505
6. Mo. Rev. Stat. §290.507
7. Mo. Rev. Stat. §290.080
8. Mo. Rev. Stat. §143.191; §288.034.12
9. Mo. Code Regs. tit. 8, §30-4.050
10. Mo. Rev. Stat. §290.520
11. Mo. Code Regs. tit. 8, §10-4.020; §10-4.030
12. Mo. Rev. Stat. §287.240
13. Mo. Code Regs. tit. 2, §80-2.180
14. MO Const. Art. I Sec. 29; Mo. Rev. Stat. §290.590
15. Mo. Rev. Stat. §285.575
16. Mo. Code Regs. tit. 8, §60-3.040(16)(A) and (B)
17. Mo. Rev. Stat. §595.209(1)(14)
18. Mo. Rev. Stat. §494.460
19. Mo. Rev. Stat. §115.639
20. Mo. Rev. Stat. §213.055; 213.070; Mo. Rev. Stat. §290.145; Mo. Rev. Stat. §290.410; 8 CSR 60-3.040.
21. See above and Mo. Code Regs. tit. 8, §60-3.040(17)
22. Mo. Rev. Stat. §566.206
23. Mo. Rev. Stat. §294.011; §294.021; §294.027; §294.040
24. Mo. Rev. Stat. §287.090; §287.380