



Countdown to Compliance: Missouri's New Paid Sick Leave and Minimum Wage Increases

On November 5, 2024, Missouri voters passed Proposition A, requiring employers to provide paid sick leave and increasing minimum wage.

The new law goes into effect on January 1, 2025, with paid sick leave accrual requirements going into effect on **May 1, 2025**. The first minimum wage increase becomes effective **January 1, 2025**, with an additional increase scheduled to go into effect on **January 1, 2026**. This alert covers some, but not all the requirements under the new law. Employers are encouraged to contact their legal counsel for a full understanding of the newly enacted requirements.

Paid Sick Leave

The following actions should be taken by employers to comply with the newly passed paid sick leave law:

- On or before **April 15, 2025**, provide written notice to employees about the sick leave policy, if changing from the company's current policy (see more below on instances when a Company need not revise its policies);
- For employees commencing employment after April 15, 2025, provide written notice within fourteen calendar days of the commencement of employment;
- Beginning **May 1, 2025**, provide one hour of paid sick leave for every thirty hours an employee works;
- Keep records of employees' hours worked and paid sick leave used for a minimum of three years, and provide the records to the Department of Labor and Industrial Relations on request;
- Review current policies and procedures and update accordingly.

For employers with fifteen *or more* employees, employees can use up to fifty-six hours, or seven days, of paid sick time per year. For employers with *fewer than* fifteen employees, employees can use up to forty hours, or five days, per year. Employers should be mindful that the number of employees an employer has includes *all* employees doing work in Missouri for compensation, including employees who are full-time, part-time or employed on a temporary basis.

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Frontloading Sick Leave Versus Earn as you Go

Employers can choose to provide all paid sick leave an employee is expected to accrue over the course of a year at the beginning of the year. If an employer elects to frontload time, it can pay the employee for the unused time at the end of the year in lieu of a carryover of the accrued but unused time.

If an employer does not frontload or pay for the unused time, an employee is entitled to carry over up to eighty hours of unused accrued paid sick leave per year. If an employee does carry over hours to the next year, the employer is still only required to allow employees to use up to fifty-six or forty hours per year, respectively.

Written Notice Requirements

Employers must provide written notice about the earned paid sick leave policy to employees by April 15, 2025, or if an employee is hired after that date, within two weeks of their hiring. The written notice must include:

1. Language that explains that beginning on May 1, 2025, employees accrue and are entitled to one hour of earned paid sick time for every thirty hours of work, and may use earned paid sick time, subject to the terms and limits of the law;
2. A statement that an employer cannot retaliate against employees who request or use their earned paid sick time;
3. A statement that each employee has the right to bring a civil action if their required earned paid sick time is denied or if the employee is subjected to retaliation;
4. The contact information for the Department of Labor and Industrial Relations must be on a single piece of paper at least 8.5 x 11-inch paper, in at least 14-point font.

An employer may not require that an employee search for or find a replacement worker to cover the hours as a condition of an employee's taking earned paid sick leave hours.

Additionally, if the Missouri Department of Labor and Industrial Relations makes posters available containing the above information, employers will be required to display them in a conspicuous and accessible place.

Verification of Information

For earned paid sick time of three or more consecutive workdays, an employer can require "reasonable documentation" that the leave is being used for a covered purpose. "Reasonable documentation" is very limited under this new law. In addition, an employer may not require that the documentation provide details on the nature of illness, the underlying health needs, or the details of domestic violence, sexual assault or stalking, unless otherwise required by law.

Any health or safety information employers receive must be kept on a separate form in a separate file from other personnel information and must be treated as confidential medical records that cannot be shared. The employer must also retain records of hours worked and earned paid sick leave taken by employees for at least three years. If the Department of Labor and Industrial Relations requests to view the records, the employer must provide access.

Exempt Employees and Exempt Employers

Certain employees are exempt and not included in the definition of "employees" covered by the new law. In addition, certain governmental entities are not considered "employers" within the meaning of the new law.



Review of Current Policies

If an employer has a paid leave policy that meets the accrual hour requirements and that may be used for the same purposes and under the same conditions as the earned paid sick time required by Proposition A, they do not need to provide additional paid sick leave.

All employers should review their current paid leave policies to determine if they already comply with the new requirements.

Increase in Minimum Wage

Minimum Wage will increase in the state as of **January 1, 2025**, to \$13.75 per hour. Employers should also be aware that an additional increase in minimum wage will occur on **January 1, 2026**, to \$15.00 per hour.

After 2026, the minimum wage will increase based on cost of living, per the Consumer Price Index for Urban Wage Earners and Clerical Workers, as provided by the Department of Labor. If federal minimum wage ever exceeds Missouri's state minimum wage, Missouri's minimum wage will increase accordingly, to equal that of the federal minimum wage.

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