

ISSUE ALERTS



MISSOURI EMPLOYERS: DEADLINE TO IMPLEMENT PAID SICK TIME UNDER MISSOURI PROPOSITION A IS APRIL 15, 2025

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Despite a pending legal challenge, the initial deadline under Missouri’s new earned paid sick time (“PST”) law is looming, and employers should begin preparing now. Proposition A, which amended Missouri’s Minimum Wage and Overtime Law, requires employers to provide PST to all employees working in Missouri, including part-time and temporary employees. By April 15, 2025, employers must provide notice to employees regarding their right to accrue and use PST, and employees must begin accruing PST by May 1, 2025.

A lawsuit challenging Proposition A is pending before the Missouri Supreme Court, and the Court will hear oral arguments on March 12, 2025. But the Court may not issue a decision until this spring, giving employers little time to implement the new law if they wait for the Court’s decision.

Employers who are subject to the law — which includes most private employers with at least one Missouri employee — should take steps now to ensure they are ready by the April 15 deadline.

ACCRUAL OF PST

Under Proposition A, employees must accrue PST at a rate of at least one hour for every 30 hours worked.^[1] Under the statute, employees must receive PST based on cumulative hours worked, even if the hours are worked non-consecutively or over the course of one or more weeks. As a result, even irregular part-time employees who work brief shifts sporadically during the year are entitled to earn PST each time their total hours worked reach the 30-hour threshold.^[2]

All earned PST must be available for employees to use immediately upon accrual, for their own, or a family member’s, absences relating to medical or domestic violence needs. Employers are not permitted to institute a waiting period before employees may utilize accrued PST, but employers who prefer to front-load leave at the beginning of the year are permitted to do so. As with similar leave laws, employers may designate any regular, consecutive 12-month period as a “year” for the purposes of using and accruing PST.

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Note that Proposition A's definition of use of PST for "family members" is broader than other paid leave regulations.

The statute does not permit employers to place a limit on the amount of PST employees *accrue* in a year, but employers may limit the amount of PST employees *use* during the year.

Employers with fewer than 15 employees may restrict employees to using only 40 hours of PST per year. Employers with 15 or more employees may limit employees to using only 56 hours of PST per year.

Regardless of employer size, employees must be permitted to rollover up to 80 hours of accrued, unused PST from year to year. In lieu of rolling PST over, the statute permits employers to pay out the value of accrued, unused PST to employees at the end of the year, but they must also provide employees with PST that is available for "immediate use" at the beginning of the subsequent year.

Notably, the statute does not entitle employees to payment for accrued, unused PST upon separation from employment. However, under some circumstances, employees who are rehired by the employer must have all previously accrued PST reinstated.

NEXT STEPS

Under the law, Missouri employers with existing paid time off policies are not required to change their policies, as long as current policies: (1) provide an amount of leave sufficient to meet the same accrual requirements, (2) permit leave for the same purposes as those in the statute, and (3) permit leave under the same conditions as PST. Employers should review their policies to ensure compliance before April 15.

On or before April 15, 2025, or within 14 days of commencing employment, whichever is later, employers must provide employees with a written notice regarding their right to PST. The notice must include the following:

- Beginning May 1, 2025, employees accrue and are entitled to earned paid sick time at the rate of one hour of earned paid sick time for every 30 hours of work, and may use earned paid sick time, subject to the limits and terms under sections Mo. Rev. Stat. § 290.600 et seq.,
- Employers are prohibited from taking retaliatory personnel action against employees who request or use earned paid sick time as allowed by law,
- Each employee has the right to bring a civil action if earned paid sick time is denied by the employer or the employee is subjected to retaliatory personnel action by the employer for exercising their rights under the law; and
- Contact information for the Missouri Department of Labor.

The pending lawsuit could potentially invalidate Proposition A, but the Court's decision will likely arrive at the last minute. In the meantime, employers should assume PST is the law in Missouri and prepare to comply with the statute by April 15, 2025.

[1] Salaried employees who are exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA") are assumed to work 40 hours in each work week for purposes of PST accrual, unless their normal work week is less than 40 hours.

[2] Some temporary workers are not considered "employees" for the purposes of PST, including (among others) casual babysitters, casual workers in private residences (if employed for fewer than six hours on each occasion), individuals employed intermittently as a "golf caddy, newsboy, or in a similar occupation," and youth camp workers employed for fewer than four months per year.

FOR MORE INFORMATION

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If you have questions or want more information regarding Missouri's new PST law, contact your legal counsel. If you do not have regular counsel for such matters, Foulston Siefkin LLP would welcome the opportunity to work with you to meet your specific needs. For more information, contact Tara Eberline at 913.253.2136 or teberline@foulston.com. For more information on the firm, please visit our website at www.foulston.com.

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PRACTICE AREAS

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