

HB 2505 -- LEAVE FROM EMPLOYMENT

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This bill creates the "Missouri Family and Medical Leave Act", which requires an employer with at least 10 employees to provide family and medical leave to any employee who has been employed for at least four weeks, if the employee is unable to work because of one of the following reasons:

- (1) His or her own serious health condition;
- (2) For the purpose of caring for a family member with a serious health condition;
- (3) To bond with a child within one year of the birth or placement of the child in connection with foster care or adoption; or
- (4) For the purpose of participating in activities directly related to the educational advancement of the employee's child.

Employees taking family and medical leave are compensated at 75% of the hourly rate at which the employee is paid or \$12 per hour, whichever is greater. Full-time employees are entitled to 320 hours of family and medical leave. Part-time employees are entitled to four weeks of family and medical leave with the number of hours paid each week being equal to the average of the hours worked over the four weeks prior to taking family and medical leave or 25 hours each week, whichever is greater. Leave must be taken concurrent with any leave taken under the federal Family Medical Leave Act. Leave taken under this bill may be in addition to any additional leave provided by an employer's leave program. The employer is required to maintain health care coverage for the employee in the same manner as if the employee had not taken leave.

Eligibility for leave under this bill will be established by filing a certificate of a health care provider that establishes the serious health condition of the employee or the employee's family member.

An employer who fails to comply with the leave requirements of this bill will be liable to the affected employee for the full amount of wages owed plus an additional equal amount as liquidated damages. All actions brought under this bill must be commenced within two years of the accrual of the cause of action. The bill makes it unlawful for an employer to discharge or discriminate against an employee because the employee has taken family and medical leave benefits.

An employer who violates this provision is liable to the employee for damages as specified in the bill. An action to recover damages or equitable relief can be brought against the employer by any individual for and on behalf of the individual or the individual and other individuals similarly situated.

The right to bring an action terminates on the filing of a complaint by the Department of Labor and Industrial Relations. The bill details the provisions relating to the filing of a complaint by the Department, the recovery of damages and when the action can may be brought. A discrimination claim must be brought within three years after the date of the last event constituting the violation.

The bill requires the Department to develop and implement an outreach program to make employees aware of their rights, duties, and responsibilities. The Department is required to create a notice that summarizes the Missouri Family and Medical Leave Program for employers to post in a conspicuous place where employee notices are normally posted.

This bill is similar to HB 1255 and SB 193 (2023).