

SECOND REGULAR SESSION

HOUSE BILL NO. 2818

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEATON.

5748H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 290.500, RSMo, and to enact in lieu thereof one new section relating to the minimum wage.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 290.500, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.500, to read as follows:

290.500. As used in sections 290.500 to 290.530, the following words and phrases mean:

(1) "Agriculture", farming and all its branches including, but not limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural commodities, the raising of livestock, fish and other marine life, bees, fur-bearing animals or poultry and any practices performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market;

(2) "Director", the director of the department of labor and industrial relations or his authorized representative;

(3) "Employee", any individual employed by an employer, except that the term "employee" shall not include:

(a) Any individual employed in a bona fide executive, administrative, or professional capacity;

(b) Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to the organization are on a voluntary basis;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 (c) Any individual standing in loco parentis to foster children in their care;
- 19 (d) Any individual employed for less than four months in any year in a resident or day
20 camp for children or youth, or any individual employed by an educational conference center
21 operated by an educational, charitable or not-for-profit organization;
- 22 (e) Any individual engaged in the activities of an educational organization where
23 employment by the organization is in lieu of the requirement that the individual pay the cost
24 of tuition, housing or other educational fees of the organization or where earnings of the
25 individual employed by the organization are credited toward the payment of the cost of
26 tuition, housing or other educational fees of the organization;
- 27 (f) Any individual employed on or about a private residence on an occasional basis
28 for six hours or less on each occasion;
- 29 (g) Any handicapped person employed in a sheltered workshop, certified by the
30 department of elementary and secondary education;
- 31 (h) Any person employed on a casual basis to provide baby-sitting services;
- 32 (i) Any individual employed by an employer subject to the provisions of part A of
33 subtitle IV of title 49, United States Code, 49 U.S.C. §§ 10101 et seq.;
- 34 (j) Any individual employed on a casual or intermittent basis as a golf caddy,
35 newsboy, or in a similar occupation;
- 36 (k) Any individual whose earnings are derived in whole or in part from sales
37 commissions and whose hours and places of employment are not substantially controlled by
38 the employer;
- 39 (l) Any individual who is employed in any government position defined in 29 U.S.C.
40 §§ 203(e)(2)(C)(i)-(ii);
- 41 (m) Any individual employed by a retail or service business whose annual gross
42 volume sales made or business done is less than **one million** five hundred thousand dollars;
- 43 (n) Any individual who is an offender, as defined in section 217.010, who is
44 incarcerated in any correctional facility operated by the department of corrections, including
45 offenders who provide labor or services on the grounds of such correctional facility pursuant
46 to section 217.550;
- 47 (o) Any individual described by the provisions of section 29 U.S.C. 213(a) (8);
- 48 (4) "Employer", any person acting directly or indirectly in the interest of an employer
49 in relation to an employee;
- 50 (5) "Learner and apprentice", any individual under 20 years of age who has not
51 completed the required training for a particular job. In no event shall the individual be
52 deemed a learner or apprentice in the occupation after three months of training except where
53 the director finds, after investigation, that for the particular occupation a minimum of
54 proficiency cannot be acquired in three months. In no case shall a person be declared to be a

55 learner or apprentice after six months of training for a particular employer or job. Employees
56 of an amusement or recreation business that meets the criteria set out in 29 U.S.C. § 213(a)
57 (3) may be deemed a learner or apprentice for ninety working days. No individual shall be
58 deemed a learner or apprentice solely for the purpose of evading the provisions of sections
59 290.500 to 290.530;

60 (6) "Occupation", any occupation, service, trade, business, industry, or branch or
61 group of industries or employment or class of employment in which individuals are gainfully
62 employed;

63 (7) "Wage", compensation due to an employee by reason of his employment, payable
64 in legal tender of the United States or checks on banks convertible into cash on demand at full
65 face value;

66 (8) "Person", any individual, partnership, association, corporation, business, business
67 trust, legal representative, or any organized group of persons;

68 (9) "Man-day", any day during which an employee performs any agricultural labor
69 for not less than one hour.

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