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# What Employers Need to Know About Missouri Paid Sick Leave

**Melissa M. Pesce, Shareholder (St. Louis)**



## Overview of the Today's Presentation

- ❖ Key Dates and Deadlines
- ❖ Overview of Accrual, Use and Carryover
- ❖ Terms and Conditions of Use
- ❖ Legal Challenges and Pending Legislation
- ❖ Employer Checklist
- ❖ Question & Answer Session

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# **OVERVIEW OF THE MISSOURI PAID SICK LEAVE LAW**

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# Dates and Deadlines

Effective date:  
May 1, 2025

- Employees start earning PSL
- Employees can use PSL as earned

First Notice:  
April 15, 2025

- Single Sheet of Paper
- 14 pt font
- 8.5" x 11"

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**All Missouri employers are covered except:**

- (1) U.S. Government
- (2) A state or political subdivision of the state (including departments, agencies, officers, bureaus, divisions, boards, commissions or any instrumentality of the state)
- (3) A city, county, town, or village
- (4) School district
- (5) Public higher education institution
- (6) Other political subdivision of the state

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## Who is eligible?

- ✓ All employees who perform work in the State of Missouri
- ✓ Full-time, part-time, seasonal, temporary
- ✓ No minimum hours worked
- ✓ No minimum length of service



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## Reasons for PSL Use

- Employee's own physical or mental illness, injury, or health condition, including the need for diagnosis, care or treatment, and preventive medical care;
- Employee's Family Member's physical or mental illness or injury, or health condition, including the need for diagnosis, care or treatment, and preventive medical care;

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## Reasons for PSL Use

- Company's closure or the employee's child's school or place of care by order of a public official due to a public health emergency, or when health authorities have determined that the employee's or a Family Member's presence in the community would jeopardize others' health due to a communicable disease; or
- Employee's need to obtain medical care, counseling, or services from a victim services organization; to relocate due to domestic violence or sexual assault; or to obtain legal services or participate in a civil or criminal proceeding related to or resulting from the domestic violence or sexual assault resulting from domestic violence or sexual assault of the employee or their Family Member.

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# Notice of Use

## ***Foreseeable Use:***

Employees must follow the employer's written policy for providing notice.

## ***Unforeseeable Use:***

Employees must provide notice as soon as practicable under the circumstances.

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## Transfer, Termination and Rehire

- ❖ Employees who transfer outside of MO retain PSL for use according to PSL Policy
- ❖ At termination, payout of unused PSL is not required
- ❖ Employees rehired within 9 months must have PSL balance re-instated

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## Use of Current Paid Time Off Policy

An employer with an existing PTO policy “that makes available an amount of paid leave **sufficient to meet the accrual requirements** of this section” does not need to provide additional PSL.

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## “Same Terms and Conditions” as PSL

- Reasons for Use
- No limits on accrual
- Annual Use Cap
- Increments of Use
- Carryover
- No Retaliation
- Compliance with Appropriate Notice
- Required Documentation

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## **Notice to All Eligible Employees**

- ✓ 8.5” x 11” single sheet of paper
- ✓ 14 pt font (or larger)
  
- ✓ **Must include:**
  - (1) accrual rate and start date;
  - (2) anti-retaliation protection;
  - (3) right to bring civil action;
  - (4) contact information for DOL.

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# Collective Bargaining Agreement (CBA)

- ❖ CBA in effective 11/5/24 – compliance not needed until next CBA
- ❖ Waiver of rights is void against public policy

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# LEGAL CHALLENGE AND LEGISLATION



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***Raymond McCarty v. Missouri Sec. of State, SC 100876 (Mo. Sup. Ct.).***

**Challenges Constitutionality of Prop A**

- ❖ Description was insufficient
- ❖ Violated “Single Issue” mandate
- ❖ Failed to disclose economic impact

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## Pending Legislation

- ❖ Multiple bills pending in Missouri House and Senate
- ❖ Address both minimum wage and paid sick leave
- ❖ Attempt to correct some of the deficiencies in the Supreme Court challenge

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# HB 567

- ❖ Introduced by Republican House members
- ❖ Changes effective date to 1/1/26
- ❖ No other substantive changes
- ❖ Has already passed House – now in Senate

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## Effect of Pending Legislation

- ❖ Postpone start date for PSL to 1/1/26
- ❖ Postpone first notice to 12/15/25
- ❖ Correct deficiencies in legal challenge

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## 1. Prepare a Compliant Policy

- ✓ New PSL Policy vs. Current PTO Policy
- ✓ Incorporate new policy into handbook
- ✓ Assure new policy complies with Prop A

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### 3. Method for Employee Notice

- ✓ Written policy on notice of PSL use
- ✓ Means for providing notice of PSL use
- ✓ Tracking of PSL accrual and balance

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## 4. Requests for Documentation

- ✓ Written policy/process for requesting documentation to support PSL after 3 consecutive days
- ✓ Maintaining medical and sexual assault records separate from other files

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## **5. Anti-Retaliation Provision**

- ✓ Educate managers on anti-retaliation provision
- ✓ Modify attendance and discipline policies to remove adverse action related to PSL use
- ✓ Assess impact on incentives tied to attendance

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## 6. Provide Notice of Eligibility

- ✓ Notice must be provided on or before April 15, 2025.
- ✓ Notice to all new hires within 14 days of hire

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## **NOTICE CHECKLIST:**

- ✓ 8.5” x 11” single sheet of paper
- ✓ 14 point font
- ✓ Inclusion of mandated topics
- ✓ Employers can revise to fit specific PSL/PTO Plan

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**Where to find more information:**



**[www.mo.gov/dls/minimum-wage](http://www.mo.gov/dls/minimum-wage)**

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# QUESTIONS



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