

MISSOURI

Workers' Compensation Law

Roles and Responsibilities for Employers and Employees

DIVISION OF WORKERS' COMPENSATION

Missouri Division of Workers' Compensation
P.O. Box 58,
Jefferson City, MO 65102
573-751-4231

Insurance Company, Third Party Administrator, Service Company, or Designated Individual If Self-Insured

Name _____
Address _____
Phone _____

Employee Information

The Missouri Division of Workers' Compensation (DWC) administers programs for workers who have been injured on the job or exposed to an occupational disease arising out of and in the course of employment. The Division's Administrative Law Judges have the authority to approve settlements or issue awards after a hearing relating to an injured employee's entitlement to benefits under the Missouri Workers' Compensation Act.

Steps to Take When Injured on the Job

1. Notify your employer immediately (written notice must be provided within 30 days of the accident or 30 days after the diagnosis of any occupational disease or repetitive trauma) by contacting _____
employer representative _____ *phone number* _____

2. Ask your employer to provide medical treatment (your employer/insurer is responsible for providing medical treatment and paying the medical fees and charges unless you choose to treat with another doctor at your own expense without your employer/insurer's approval).
3. Get more information about the benefits available under the Workers' Compensation Program or about the steps you may take to get the benefits you need. Visit www.labor.mo.gov/DWC or call 800-775-COMP.

Benefits for Injured Employees

Medical Care:

The employer or insurer is required to provide medical treatment and care that is reasonably required to cure and relieve the effects of the injury. This includes all costs for authorized medical treatment, prescriptions, and medical devices. There is no deductible, and all costs are paid by the employer or the workers' compensation insurance company. If you receive a bill, contact your employer or the insurance company immediately. The employer/insurer has the right to choose the healthcare provider or treating physician. You may select a different healthcare provider or treating physician, but if you do so, it may be at your own expense.

Payment for Lost Wages:

- If a doctor says you are unable to work due to your injuries or recovery from a surgery, you may be entitled to temporary total disability (TTD) benefits. If a doctor says that you can perform light or modified duty work and your employer offers you such work, you may not be eligible for TTD benefits. TTD benefits should be continued until the doctor says you can return to work, or when your treatment is concluded because your condition has reached "maximum medical improvement," whichever occurs first.
- If you return to light or modified duty at less than full pay, you may be entitled to temporary partial disability benefits.

Permanent Disability Benefits:

If the injury or illness results in a permanent disability, you may be entitled to receive either permanent partial or permanent total disability benefits.

Survivor Benefits:

If a work-related injury causes an employee's death, the surviving dependents may receive weekly death benefits paid at 66 2/3% of the deceased employee's average weekly wage along with funeral expenses up to \$5,000 from the employer/insurer. For additional information relating to survivor's benefits, including college scholarship opportunities for surviving children, please visit www.labor.mo.gov/DWC.

Additional Benefits for Occupational Diseases Due to Toxic Exposure - Permanent Total Disability and/or Death:

For information relating to additional benefits available, please refer to the Division's website at www.labor.mo.gov/DWC/Injured_Workers/benefits_available.

EMPLOYER INFORMATION

With some exceptions, all employers with five or more employees, and construction industry employers with one or more employees, are required to insure their workers' compensation liability, either by purchasing a policy, obtaining self-insurance, or obtaining workers' compensation insurance provided by benefits to workers injured on the job. Employers also are required to post this notice in the workplace for employees to view. This poster is required by section 287.127, RSMo, and is available to employers and insurers free of charge by contacting the Division at 800-775-COMP.

Steps to Take When an Injury Occurs

1. Do a safe first aid as administered until the employee is taken to a physician or hospital for further medical care, if necessary.
2. Report the injury to the insurance company or Third Party Administrator (TPA) within five days of the date of injury or within five days of the date on which the injury was reported to the employer by the employee, whichever is later. The insurer, TPA, or Division approved self-insurer is responsible for filing a First Report (FD-1) with the Division of Workers' Compensation within 30 days of knowledge of the injury.
3. Pay medical bills related to the work injury for treatment reasonably required to cure and relieve the employee of the effects of the injury. This includes all costs for authorized medical treatment, prescriptions, and medical devices. The employer has the right to choose the healthcare provider or treating physician. (The employee may select a different healthcare provider or treating physician, but if the employee does so, it may be at his/her own expense.)
4. For more liability and insurance information relating to the Workers' Compensation Program, visit www.labor.mo.gov/DWC or call 800-775-COMP.

Workers' Safety

Developing and implementing a comprehensive safety and health program can reduce occupational injuries and help lower workers' compensation costs. Insurance carriers in the state of Missouri must provide safety assistance at the request of the insured employer. The Missouri Department of Labor evaluates these services and provides additional assistance through Missouri's Safety Program.

Visit www.labor.mo.gov/MMSF or call 573-751-4231 for more information about these programs or for a registry of independent consultants who are certified in the state of Missouri to provide safety assistance.

Fraud/Noncompliance

1. **Employee Fraud** – knowingly making a claim for workers' compensation benefits to which an employee knows he/she is not entitled or knowingly presenting multiple claims for the same occurrence with intent to defraud is a class E felony, punishable by any fine up to \$10,000, or double the value of the fraud, whichever is greater. A subsequent violation is a class D felony.
2. **Employer Fraud** – knowingly misrepresenting an employee's job classification or any other fact to obtain insurance at less than the proper rate is a class A misdemeanor. A subsequent violation is a class E felony. An employer who knowingly makes a false or fraudulent statement regarding an employee's entitlement to benefits to discourage the worker from making a legitimate claim or who knowingly makes a false or fraudulent material statement or material representation to deny benefits to a worker is guilty of a class A misdemeanor punishable by a fine of up to \$10,000. A subsequent violation is a class D felony.
3. **Insurer Fraud** – knowingly and intentionally refusing to comply with workers' compensation obligations to which an insurance company or self-insurer knows an employer is entitled is a class E felony, punishable by a fine of up to \$10,000 or double the value of the fraud, whichever is greater. A subsequent violation is a class D felony.
4. **Employer Noncompliance** – knowingly failing to insure workers' compensation liability under the law is a class A misdemeanor punishable by a fine of up to three times the actual premium the employer would have paid had it been insured or up to \$50,000, whichever is greater. A subsequent violation is a class E felony. An employer who willfully fails to post the notice of workers' compensation at the workplace is guilty of a class A misdemeanor punishable by a fine of \$50 to \$1,000 or by imprisonment or both fine and imprisonment.

*Make sure your data is turned on and scan the QR code with your smartphone's camera to go to the Division of Workers' Compensation's Website for more information. If you are not redirected, you may need to update your smartphone's operating system or download a QR Code reader app.

Missouri Division of Workers' Compensation is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
DDTTY: 800-735-2966 Relay Missouri: 711 (11-23)

\$12.30 MISSOURI MINIMUM WAGE

IN EFFECT FOR PRIVATE EMPLOYERS FOR 2024

Beginning January 1, 2024, the minimum wage rate for all private and non-exempt businesses will be based annually on the increase or decrease in the cost of living pursuant to the Consumer Price Index. Missouri Minimum Wage law does not apply to public employees, nor does it allow the state's minimum wage rate to be lower than the federal minimum wage rate.

TIPPED EMPLOYEES
Employers are required to pay tipped employees at least 50 percent of the minimum wage, \$6.15 per hour, plus any amount necessary to bring the employee's total compensation to a minimum of \$12.30 per hour.

OVERTIME COMPENSATION
Overtime compensation must also be paid at a rate of at least one and one-half times a covered employee's regular rate for all hours worked over 40 in a workweek.

EXCEPTIONS
All businesses are required to pay, at minimum, the \$12.30 per hour rate, except retail and service businesses whose annual gross sales are less than \$500,000. The law does not apply to certain exempt employees/employers defined in Section 290.550(3), RSMo, and employees/employers pertaining to agriculture in Section 290.507, RSMo, nor does it supersede more favorable laws or interfere with collective bargaining agreement rights.

EMPLOYEE RIGHTS
An employee not being paid the correct wages can file a minimum wage complaint at labor.mo.gov/DS/MinimumWage and is entitled to pursue a private legal right of action to collect any wages due. An employer who unlawfully pays sub-minimum wages will be liable for the full amount of wages due (plus twice the amount left unpaid as liquidated damages) less any amount actually paid. The employer is also liable for costs and reasonable attorney fees as may be allowed by the court or jury.

LEARN MORE AT LABOR.MO.GOV/DS/MINIMUMWAGE

DIVISION OF LABOR STANDARDS 421 East Dunklin Street P.O. Box 448 Jefferson City, MO 65102-0448 573-751-3403 Fax: 573-751-3721 laborstandards@labor.mo.gov

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program. DDTTY: 800-735-2966 Relay Missouri: 711 (11-23)

Notice to Employers / Employees

Your state has its own minimum wage law which requires posting a notice regarding the aspects of that law. Employers are still required to post the Federal Minimum Wage notice from the U.S. Dept. of Labor. Federal and state law have different minimum wage rates, the higher standard applies.

This Posting is for Informational Purposes Only

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

DIVISION OF LABOR STANDARDS

EMPLOYERS EMPLOYING WORKERS UNDER THE AGE OF 16

Youth Employment List
Employers are required to post this list of employed youth under the age of 16 in the workplace.

Name of Worker	School Term Shift (7 a.m. – 7 p.m.)	Non-School Shift (7 a.m. – 9 p.m.)
1) _____	_____	_____
2) _____	_____	_____
3) _____	_____	_____
4) _____	_____	_____
5) _____	_____	_____
6) _____	_____	_____
7) _____	_____	_____
8) _____	_____	_____
9) _____	_____	_____
10) _____	_____	_____

Work certificates are required for youth 14 to 15 years of age before they start employment at any job (other than in the entertainment industry) during the school year. No child under the age of 14 may be employed in any capacity (other than in the entertainment industry or in newspaper delivery, babysitting, occasional yard or farm work with parental consent, or some youth sporting events). Work certificates are issued by school officials or their designees (or a parent of a home-schooled child) only upon application requested in person by the child with the written consent of his/her parent, legal custodian or guardian or, if deemed necessary by the issuing officer, the child shall be accompanied by his parent, guardian or custodian. The school official has the right to deny a certificate if deemed not in the best interest of the youth. School officials should keep copies of certificates issued, and cancellation notices.

Unacceptable Types of Work and Workplaces for All Youth Under 16

- Door-to-door sales (excluding churches, schools, schools)
- Operating hazardous equipment (ladders, scaffolding, freight elevators, cranes, hoisting machines, lifts)
- Handling/maintaining power-driven machinery (with the exception of lawnmower/garden machinery in a domestic setting) (BSM 294.011(7)(c), and BSM 294.040(1))
- Mining, quarrying, or stone cutting/polishing (except in jewelry stores)
- Transporting or handling Type A and B explosives or ammunition
- Operation of any motor vehicle

Acceptable Work Hours for 14 and 15 year olds

- Between 7 a.m. and 7 p.m. during school term
- Between 7 a.m. and 9 p.m. during non-school term
- No more than three hours a day on school days
- No more than eight hours a day on non-school days
- No more than six days or 40 hours in a week

Please contact the Missouri Division of Labor Standards at 573-751-3403, or email us at laborstandards@labor.mo.gov or go to www.labor.mo.gov/DS if you have questions or need additional copies of this list.

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program. DDTTY: 800-735-2966 Relay Missouri: 711 (05-16)

MISSOURI

SP-MO-E

ADP
Employees: For additional information on our services, thank to your local state associate or visit us at www.adp.com
The ADP logo is a registered trademark of ADP Inc. All other products and logos are the property of their respective owners.

DISCRIMINATION IN EMPLOYMENT IS PROHIBITED

TAKE ACTION FILE A COMPLAINT

If you believe you have been discriminated against in regard to employment, you may contact us about filing a complaint of discrimination using the information below.

CONTACT US

MISSOURI COMMISSION ON HUMAN RIGHTS
800-775-2966
Email: info@mhri.mo.gov
421 East Dunklin Street P.O. Box 129 Jefferson City, MO 65101-129 573-751-3226 Toll-free Discrimination Complaint Hotline 877-781-4238 (DDTTY): 800-735-2966
Relay Missouri: 711

The Missouri Commission on Human Rights Act makes it illegal for an employer to discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, or age (18 through 69). An employment agency includes any person or organization that is engaged in understanding with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer.

THE MISSOURI HUMAN RIGHTS ACT APPLIES TO:

- Private employers with six or more employees.
- All employment agencies.
- All apprenticeship or training programs.
- All state and local government agencies.
- All labor organizations.

DISCRIMINATION PRACTICES PROHIBITED BY THE MISSOURI HUMAN RIGHTS ACT INCLUDE:

- Hiring and firing; compensation, assignment, or classification of employees; transfer, promotion, layoff, or recall; job advertisements, recruitment, testing, use of company files, training, and apprenticeship programs; fringe benefits, pay, retirement plans, disability leave, or other terms and conditions of employment.
- Harassment on the basis of race, color, religion, national origin, ancestry, sex, disability, or age.
- Retaliation against an individual for filing a complaint of discrimination, participating in a proceeding, investigation or hearing, or opposing discriminatory practices.
- Discriminating in any aspect or employment against an individual because of the individual's association with a person in one of the protected categories.

UNEMPLOYMENT INSURANCE BENEFITS NOTICE TO WORKERS

Your employer is subject to the Missouri Unemployment Security Law and pays tax contributions to cover the Missouri unemployment insurance (UI) benefits in case you become unemployed through no fault of your own.

Nothing is deducted from your pay to cover UI costs.

WAYS TO APPLY FOR UI BENEFITS

- To apply, visit unemploy.labor.mo.gov to create a new user account and to file your initial claim.
- If you do not have Internet access, call a Regional Claims Center during normal business hours, Monday through Friday from 9 a.m. to 5 p.m.

HOW TO APPLY FOR UI BENEFITS

- If you are unemployed, laid off or working less than full time.
- If you lose your job through no fault of your own or quit for a valid reason related to the work or the employer.
- If you are able to work, available for work and actively seeking employment.

Jefferson City, 573-751-9040 Springfield, 417-895-6851
Kansas City, 816-898-3101 St. Louis, 314-340-4950
Outside Local Calling Area, 800-320-2019

PROPER WORKER CLASSIFICATION

Missouri law defines who is considered an employee or an independent contractor. Businesses that improperly treat workers as independent contractors lose out on competitive advantages. Improperly classified workers miss out on unemployment benefits, workers' compensation coverage and employer tax contributions.

If you think you may be improperly classified or suspect a business of improperly classifying workers, visit labor.mo.gov/UI/affected or call 573-751-9040.

LEARN MORE AT LABOR.MO.GOV/UNEMPLOYED-WORKERS

DIVISION OF EMPLOYMENT SECURITY P.O. Box 60 Jefferson City, MO 65108-0060 Fax: 573-751-0759 labor.mo.gov/unemploy

IMPORTANT: Fines and penalties apply for assistance in the translation and interpretation of the information in this document. Missouri Division of Employment Security is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. DDTTY: 800-735-2966 Relay Missouri: 711 (11-23)

VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE LEAVE TIME ALLOWED

See Section 285.020, RSMo, and refer to Sections 285.025 & 285.070, RSMo, for definitions.

EMPLOYERS who are victims of domestic or sexual violence, or have a family or household member who is a victim of domestic or sexual violence, may take unpaid leave from work to address such violence by:

- Seeking medical attention for, or recovering from, physical or psychological injuries caused by such violence.
- Obtaining services from a victim services organization.
- Obtaining psychological or other counseling.
- Participating in safety planning, temporarily or permanently, or taking other actions to increase the safety of the employee or employee's family or household.
- Seeking legal assistance or remedies to ensure health and safety.

In the case of domestic or sexual violence as defined by statute, an individual who works for a business with 50 or more employees is entitled to up to five employees of great leave within an 12-month period to address the related needs stated. An individual who works for a business employing 20 to 49 employees is entitled to up to two workweek of unpaid leave within any 12-month period to address such violence.

Leave may be taken concurrently or as a reduced work schedule. The employer shall provide the employee of leave under section 285.020 or 285.070.

EMPLOYER:

- May request certification that the employee or member of family or household is a victim as described above.
- Must restore the employee to the position of employment held prior to the absence of domestic or sexual violence or an equivalent position.
- May, under many circumstances, recover from the employee the premium paid for maintaining coverage if the employee fails to return from leave after the leave period has expired.

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program. DDTTY: 800-735-2966 Relay Missouri: 711 (11-23)