SENATE BILL NO. 325

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

AN ACT

To repeal section 290.528, RSMo, and to enact in lieu thereof one new section relating to the preemption of local ordinances involving employment law.

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

Section A. Section 290.528, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 290.700,
3 to read as follows:

[290.528.**] 290.700.** 1. As used in this section, the
2 following terms shall mean:
3   (1) "Employee", an individual employed in this state
4 by an employer;
5   (2) "Employer", any individual, sole proprietorship,
6 partnership, limited liability company, corporation, or any
7 other entity that is legally doing business in this state;
8 except that, the term "employer" shall not include any
9 public employer, as defined in section 285.525;
10   (3) "Employment benefits", anything of value that an
11 employee may receive from an employer in addition to wages
12 and salary. The term includes, but is not limited to,
13 health, disability, retirement, profit-sharing, and death
14 benefits; group accidental death and dismemberment benefits;
15 paid or unpaid days off from work for holidays, sick leave,
16 vacation, and personal necessity; and terms of employment,
17 attendance, or leave policies;

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted
and is intended to be omitted in the law.**

18   (4) "Political subdivision", any municipality, special

19   district, local governmental body, county, city, town, or

20   village.

21   2. Notwithstanding any other provisions of law to the

22   contrary, no political subdivision shall establish, mandate,

23   or **[**otherwise require**] enforce a policy, ordinance, or**

24   **resolution adopted by the political subdivision that:**

25   **(1) Requires** an employer to provide to an employee:

26   **[**(1)**] (a)** A minimum or living wage rate; or

27   **[**(2)**] (b)** Employment benefits;

28   that exceed state laws, rules, or regulations. Sections

29   290.500 to 290.530 shall preempt and nullify all political

30   subdivision ordinances, rules, and regulations currently in

31   effect or later enacted relating to the establishment or

32   enforcement of a minimum or living wage or the provision of

33   employment benefits that exceed state laws, rules, or

34   regulations;

35   **(2) Regulates the information an employer or potential**

36   **employer shall request, require, or exclude on an**

37   **application for employment from an employee or prospective**

38   **employee, provided that a policy, ordinance, or resolution**

39   **adopted by the political subdivision may require a criminal**

40   **background check for an employee or prospective employee in**

41   **connection with the receipt of a license or permit from the**

42   **political subdivision;**

43   **(3) Requires an employer to provide to an employee**

44   **paid or unpaid leave time that conflicts with sections**

45   **290.600 through 290.642;**

46   **(4) Regulates the hours and scheduling that an**

47   **employer is required to provide to employees, or otherwise**

48   **regulate employee output during work hours, provided that a**

49 policy, ordinance, or resolution adopted by the political

50 subdivision may limit the hours during which a business may

51 operate;

52   (5) Regulates or creates administrative or judicial

53 remedies for wage, hour, or benefit disputes, including, but

54 not limited to, any benefits described in this subsection.

55   3. Nothing in this section shall prohibit a political

56 subdivision from enacting a policy, ordinance, or resolution

57 adopted by the political subdivision regulating employment

58 discrimination pursuant to chapter 213.

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