

## Questions and answers about Missouri's earned paid sick time requirements

Proposition A was approved by Missouri voters in November 2024. The law mandates nonexempted employers to provide earned paid sick time and prescribes requirements surrounding the use of accrued sick leave.

### What Employers Are Exempted?

The U.S. government, the state of Missouri or any political subdivision of the state are exempted. This includes “a department, agency, officer, bureau, division, board, commission, or instrumentality of the state, or a city, county, town, village, school district, public higher education institution, or other political subdivision of the state.” *Section 290.600(6), RSMo.*

### What Are the Accrual Requirements?

Employers must provide a minimum of one hour of earned paid sick time for every 30 hours worked. *Sections 290.603.1 & .2, RSMo.*

**Example:** An employee who typically works 40 hours per week will accrue 69.33 hours or 8.66 days of earned paid sick time per year.

Earned paid sick time must be accrued and paid at the same hourly rate, including health care benefits, as the employee is paid for hours worked. *Section 290.600(4), RSMo.*

An employer may provide all earned paid sick time that an employee is expected to accrue in a year at the beginning of the year. *Section 290.603.4(A), RSMo.*

### How Is the Hourly Rate Calculated?

The hourly rate for employees who receive a single hourly rate shall be their regular rate. *Section 290.600(11)(A), RSMo.*

The hourly rate for employees who receive multiple hourly rates can be either the amount the employee would have been paid for the hours during which earned paid sick time is used or the weighted average of all hourly rates of pay during the previous pay period. Employers must use a consistent method for each employee during a calendar year. *Section 290.600(11)(B), RSMo.*

The hourly rate for salaried employees is determined by dividing the wages earned in the previous pay period by the total number of hours worked in that period. Exempt employees are assumed to have worked 40 hours in each week unless their normal work week is less than 40 hours. *Section 290.600(11)(C), RSMo.*

The hourly rate for employees paid on a fee-for-service basis is a reasonable calculation of the wages or fees the employee would have received for their services if they had worked. *Section 290.600(11)(D), RSMo.*

**Note:** For physicians who are paid on production, this is the most applicable method for calculating the hourly rate.

In no event may an employee's earned paid sick time be less than the minimum wage. *Section 290.600(11), RSMo.*

## When Can Employees Use Earned Paid Sick Time?

Employees are entitled to use earned paid sick time as it accrues. *Section 290.603.4(A), RSMo.*

## Are There Limits on How Much Earned Paid Sick Time an Employee Can Use?

Employers with 15 or more employees may limit an employee's use of earned paid sick time to 56 hours per year. *Section 290.603.1, RSMo.*

**Example:** For an employee who typically works 40 hours per week, this equates to 7 days of earned paid sick time per year.

Employers with fewer than 15 employees may limit an employee's use of earned paid sick time to 40 hours per year. *Section 290.603.2, RSMo.*

## Can Employees Carry Over Earned Paid Sick Time From Year to Year?

Employees are entitled to carry over up to 80 hours of unused earned paid sick time to the following year. *Section 290.603.4(C), RSMo.*

## Are Employers Required to Pay Out Unused Earned Paid Sick Time?

No. The law does not require the employer to reimburse an employee for accrued but unused earned paid sick time upon separation from employment. *Section 290.603.6, RSMo.*

An employer is not required to reimburse an employee for unused earned paid sick time exceeding 80 hours at the end of a year. An employer may pay an employee for unused earned paid sick time that could be carried over and provide the employee with an amount of earned paid sick time that meets or exceeds the law's requirements at the beginning of the subsequent year. *Section 290.603.4(C), RSMo.*

## When Can Employees Use Earned Paid Sick Time?

Employees may use earned paid sick time for:

- » a mental or physical illness, injury or health condition, including preventative care
- » care of a family member with a mental or physical illness, injury or health condition, including preventative care
- » closure of the employer's business due to a declared public health emergency
- » care for a child whose school or day care is closed due to a declared public health emergency
- » isolation or quarantine of the employee or family member due to exposure to a communicable disease
- » absences associated with domestic violence, stalking or sexual assault of the employee or the employee's family member to receive medical care, victim's services, psychological or other counseling, relocation and legal proceedings

*Section 290.606.1, RSMo.*

## Who Counts as a Family Member?

Family members include:

- » children, regardless of age, including a biological, adopted or foster child, stepchild or legal ward, child of a domestic partner, or a person to whom the employee stood/stands in loco parentis
- » parents, including biological, foster, stepparents or adoptive parents or legal guardians of the employee or the employee's spouse or domestic partner, or an individual who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor
- » a spouse, domestic partner or individual with whom the employee is in a continuing romantic or intimate relationship
- » grandparents, grandchildren or siblings, whether biological or through an adoptive or step relationship of the employee or employee's spouse or domestic partner
- » a person for whom the employee is responsible for providing or arranging health or safety-related care

*Section 290.600(7), RSMo.*

## How Do Employees Request Earned Paid Sick Time?

Employees may request earned paid sick time orally, in writing, by electronic means or by any other means acceptable to the employer. *Section 290.606.2, RSMo.*

Employees must make a good faith effort to provide notice of the need for leave when it is foreseeable. When the need for leave is not foreseeable, notice should be given as soon as practicable. *Section 290.606.3, RSMo.*

## Can an Employer Deny a Request to Take Earned Paid Sick Time?

Employers may deny a request for earned paid sick time that does not comply with the employer's notice policy, provided the employer has provided employees with a written copy of its policy for requesting earned paid sick time. *Section 290.606.4, RSMo.*

## Can an Employer Require Documentation Confirming the Need for Earned Paid Sick Time?

Documentation that leave was for a qualifying reason can be required if an employee takes earned paid sick time for three or more consecutive workdays. *Section 290.606.7, RSMo.*

For health-related absences, documentation from a health care professional may only confirm that the leave was for a qualifying reason. The employer cannot request information about the nature of the illness, underlying health needs or details about domestic violence, sexual assault or stalking unless otherwise required by law. *Section 290.606.7(A) & (C), RSMo.*

For absences related to domestic violence, sexual assault or stalking, the employee may choose to supply one of the following forms of documentation:

- » a police report or court document confirming the incident or legal proceeding
- » a written statement from a victim's service provider confirming the receipt of services by the employee or employee's family member
- » documentation from a health care provider
- » a written statement from the employee affirming the leave was for a qualifying reason associated with domestic violence, sexual assault or stalking

*Section 290.606.7(B), RSMo.*

## What Prohibitions Exist for Employers?

An employer cannot require an employee to find a replacement to cover his or her shift as a condition to taking earned paid sick time. *Section 290.606.5, RSMo.*

The lawful use of earned paid sick time may not be counted as an absence leading to adverse employment actions against an employee. *Section 290.609.3, RSMo.*

An employer cannot restrain or deny an employee's right to earned paid sick time as authorized by law. *Section 290.609.1, RSMo.*

An employer cannot retaliate against an employee for requesting or using earned paid sick time as allowed by law. *Section 290.609.2, RSMo.*

## What Are the Penalties for Employers That Violate the Law?

An employer who violates the law may be guilty of a class C misdemeanor. *Section 290.624.1, RSMo.*

An employee may bring a civil action for violations of the law and may be awarded the full amount of any unpaid earned sick time, actual damages, attorney's fees and up to twice the amount of unpaid earned sick time as liquidated damages, as well as reinstatement and back pay. *Section 290.627.2, RSMo.*

## What Are the Effective Dates of the Law?

Employees begin to accrue earned paid sick time on May 1, 2025. *Section 290.603.4, RSMo.*

By April 15, 2025, or within 14 days of hire, whichever is later, employers must provide written notice to employees of the following:

- » employees accrue and may use earned paid sick time at the rate of one hour for every 30 hours worked
- » the employer cannot retaliate against an employee for requesting or using earned paid sick time as allowed by law
- » an employee may bring a civil action if earned paid sick time is denied in violation of the law or if the employer retaliates against an employee for requesting or using earned paid sick time under the law
- » contact information for the Missouri Department of Labor

*Section 290.612.1, RSMo.*

By April 15, 2025, or upon such date as the Missouri Department of Labor makes available a poster containing the requisite notice to employees, whichever is later, employers must display the poster in a conspicuous area of the workplace. *Section 290.612.2, RSMo.*

## What If I Have Additional Questions?

Please see the Missouri Department of Labor's [FAQs](#), or contact [Jane Drummond](#), MHA's General Counsel and Senior Vice President of Governmental Relations.