

# 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	Name
Administrator, Service Company, or Designated Individual if Self-Insured	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.

#### 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
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*\*Failure to do so may jeopardize your ability to receive benefits*

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 the employer elects 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](http://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 deductibles, and all costs are paid by the employer or its 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](http://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](http://www.labor.mo.gov/DWC/Injured_Workers/benefits_available).

#### EMPLOYER INFORMATION

With some exceptions, all employers with one or more employees, and construction industry employers with one or more employees, are required to insure their workers' compensation liability. Other than self-insurance, the Missouri Workers' Compensation Insurance provides 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 statute 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. Be sure first aid is administered and 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 24 hours 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 of Injury 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 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 employer 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](http://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 its Missouri Workers' Safety Program.

Visit [www.labor.mo.gov/MWSP](http://www.labor.mo.gov/MWSP) 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

**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 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.

**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 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.

**Insurer Fraud** - knowingly and intentionally refusing to comply with workers' compensation obligations to which an insurance company or self-insurer knows an employee 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.

**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 should 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. TDD/TTY: 800-775-2986 Relay Missouri: 711 (07-19)

## \$12.00 MISSOURI MINIMUM WAGE IN EFFECT FOR PRIVATE EMPLOYERS FOR 2023

The minimum wage rate will increase 85 cents each year through 2023 for all private, non-exempt businesses. Missouri Minimum Wage law does not apply to public employers, 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, \$5.00 per hour, plus any amount necessary to bring the employee's total compensation to a minimum of \$12.00 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 \$12.00 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/employees defined in Section 290.500(3), RSMo, and employees/employees 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/DLS/MinimumWage and is entitled to pursue a private legal right of action to collect any wages due.

An employer who willfully fails to pay 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/DLS/MINIMUMWAGE



DIVISION OF LABOR STANDARDS  
421 East Dunklin Street  
P.O. Box 449  
Jefferson City, MO 65102-0449

573-751-3403  
Fax: 573-751-3721  
laborstandards@labor.mo.gov

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program. TDD/TTY: 800-775-2986 Relay Missouri: 711 (11-22)

### 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 Fair Labor Standards Act in addition to this state posting. According to the Dept. of Labor, where 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

#### REQUIRED POSTER:

## 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 on 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, scouts)
- Operating hazardous equipment: ladders, scaffolding, freight elevators, cranes, hoisting machines, man lifts, etc.
- Handling/maintaining power-driven machinery (with the exception of lawnmower/garden machinery in a domestic setting) (BISM:284.011(7)(c), and BISM:284.040(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 [YouthEmployment@labor.mo.gov](mailto:YouthEmployment@labor.mo.gov) or go to [www.labor.mo.gov/DLS](http://www.labor.mo.gov/DLS). If you have questions or need additional copies of this list.

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program. TDD/TTY: 800-775-2986 Relay Missouri: 711 (05-16)

## DISCRIMINATION IN EMPLOYMENT IS PROHIBITED

The Missouri Human Rights Act makes it unlawful for an employer to discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, or age (40 through 69). An employer's policy includes any person or entity that is a party to an employment contract with or without compensation to procure employment 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 state and local government 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, shift, or recall; job advertisements, recruitment, testing, use of company files; training and apprenticeship programs; fringe benefits.
- All state and local government agencies.
- Harassment on the basis of race, color, religion, national origin, ancestry, sex, disability, or age.
- Retaliating against an individual for filing a complaint or discrimination investigation or for opposing or reporting discrimination practices.
- Discriminating in any aspect of employment opportunity. Auxiliary aids and services are available upon request to individuals with disabilities.

**CONTACT US**

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
10101  
Email: [hr@labor.mo.gov](mailto:hr@labor.mo.gov)  
421 East Dunklin Street  
7th Fl. Box 128  
Jefferson City, MO 65101-1228  
573-751-3225  
Toll-free Discrimination Hotline: 800-775-2228 TDD/TTY: 800-775-2986  
Relay Missouri: 711

The statutory purpose of the Missouri Commission on Human Rights is to prevent and eliminate discrimination on protected categories under the Missouri Human Rights Act (42) in employment, housing, and places of public accommodations through education and the enforcement of the Act. The Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
MISSOURI COMMISSION ON HUMAN RIGHTS (19-21)  
Date registered in CSR 00-010 is required to be posted in all places of business or establishments that are subject to the Missouri Human Rights Act.

## UNEMPLOYMENT INSURANCE BENEFITS NOTICE TO WORKERS

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

**Nothing is deducted from your pay to cover its cost.**

**WHEN TO APPLY FOR UI BENEFITS**

- If you are unemployed, laid off or working less than full time or your employer has reduced your hours.
- If you are laid off or quit for a valid reason related to the work or the employer; and
- If you are able to work, available for work and actively seeking employment.

**HOW TO APPLY FOR UI BENEFITS**

- To apply, visit [unemployment.labor.mo.gov](http://unemployment.labor.mo.gov) to create a new user account and the your initial claim, or
- If you do not have internet access, call a Regional Claims Center during normal business hours, Monday through Friday from 8 a.m. to 5 p.m.

Jefferson City: 573-751-8040 Springfield: 417-386-4653  
Kansas City: 816-888-3101 St. Louis: 314-344-4650  
Outside Local Calling Area: 800-230-2519

If you believe someone is fraudulently claiming unemployment benefits, email [reportunemployment@labor.mo.gov](mailto:reportunemployment@labor.mo.gov) or call 573-751-4080, option 3.

**PROPER WORKER CLASSIFICATION**

Most new hires are considered an employee or an independent contractor. Businesses that employ both workers as independent contractors and employees must clearly identify each worker as either an independent contractor or an employee on all unemployment benefits, workers' compensation coverage and employer tax contributions.

If you think you may be improperly classified or suspect a business is improperly classifying workers, visit [labor.mo.gov/UnfClassified](http://labor.mo.gov/UnfClassified) or call 573-751-9088.

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

DIVISION OF EMPLOYMENT SECURITY  
10101  
Jefferson City, MO 65102-1000  
Fax: 573-751-4792  
unemployment@labor.mo.gov

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## VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE LEAVE TIME ALLOWED

**See Section 288.020, RSMo, and refer to Sections 288.025 and 288.027, 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 receiving from, physical or psychological injuries caused by such violence.
- Obtaining services from a victim services organization.
- Obtaining psychological or other counseling.
- Participating in any program, 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 take two workdays of unpaid leave within any 12-month period to address the related matter above. An individual who works for a business employee 25 or more employees is entitled to take one workday of unpaid leave within any 12-month period to address such matter. Leave may be taken discontinuously or as an individual work schedule. The employer shall not be liable for the cost of leave unless otherwise stated in this poster.

**EMPLOYER:**

- Must report certificate of 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 reporting of domestic or sexual violence or an equivalent position.
- Must maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave and have provided that the employee continued in the employment previously held.
- Must, under reasonable circumstances, recover from the employee the premium paid for health insurance coverage if the employee fails to return from leave after the leave period first ordered.

DIVISION OF LABOR STANDARDS  
10101  
Jefferson City, MO 65102-1000  
Fax: 573-751-4792  
unemployment@labor.mo.gov