

# Notice To Workers Concerning Unemployment Benefits

The Missouri Employment Security Law provides unemployment insurance benefits for workers who become totally or partially unemployed if they meet the eligibility requirements of the law.

No deductions are made from employees' paychecks for this insurance. The employer pays the tax in Missouri.

For additional information concerning unemployment insurance, or to file your initial, renewed, or weekly claim, visit our Web site at [www.mocclaim.mo.gov](http://www.mocclaim.mo.gov) or contact the Regional Claims Center serving your area Monday through Friday from 8 a.m. to 5 p.m.

Local numbers are:   **Jefferson City: 573-751-9040**   **Kansas City: 816-889-3101**  
                                  **Springfield: 417-895-6851**   **St. Louis: 314-340-4950**

If outside the local area call: **800-320-2519**

Your claim also may be filed at any time over the Internet at: [www.mocclaim.mo.gov](http://www.mocclaim.mo.gov)

**DIVISION OF EMPLOYMENT SECURITY**  
P.O. Box 59, Jefferson City, MO 65104-0059





**LABOR.MO.GOV**  
LABOR AND INDUSTRIAL RELATIONS

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.

### **Steps to Take When Injured on the Job**

1. Notify your employer immediately (written notice must be provided within 30 days of the injury/or 30 days when reasonably aware of the work-relatedness of occupational illness or disease) by contacting

\_\_\_\_\_, \_\_\_\_\_  
*employer representative* *phone number*

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

2. Seek medical attention (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](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 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 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 an employee dies on the job, the surviving dependents may receive weekly death benefits paid at 66 2/3% of the deceased employee's average weekly wage for the year immediately preceding the injury, 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).

The Division of Workers' Compensation does not discriminate against individuals with disabilities as mandated by P.L. 101-336, The Americans With Disability Act. Alternative format available upon request.

# Workers' Compensation Law

## Roles and Responsibilities for Employers and Employees

### 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 or obtaining self-insurance authority. 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 section 287.127, RSMo, and is available to employers and insurers free of charge by contacting the Division at 800-775-Comp. This poster must be displayed in its original 11" x 17" size.

### 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 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 admitted 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 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/insurer 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](http://www.labor.mo.gov/DWC) or call 800-775-COMP.

### Workplace Safety

The Missouri Department of Labor offers free safety services to employers through its Missouri Workers' Safety Program (MWSP) to help employers reduce occupational injuries and workers' compensation costs.

Call 573-751-3403 or e-mail [mwsp@labor.mo.gov](mailto:mwsp@labor.mo.gov) for more information or for a registry of certified consultants and safety engineers. **Employees are urged to report all safety hazards or concerns to the Occupational Safety and Health Administration (OSHA) at 816-483-9531 or 314-425-4249.**

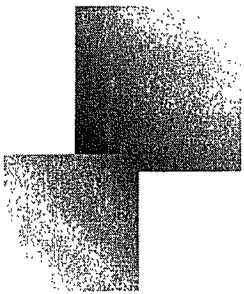
### Fraud/Noncompliance

**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 is a class D 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 C felony.

**Employer Fraud** - knowingly misrepresenting an employee's job classification to obtain insurance at less than the proper rate is a class A misdemeanor. A subsequent violation is a class D 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 C 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 D 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 C 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 annual premium the employer would have paid had it been insured or up to \$50,000, whichever is greater. A subsequent violation is a class D 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.



# DISCRIMINATION IN EMPLOYMENT

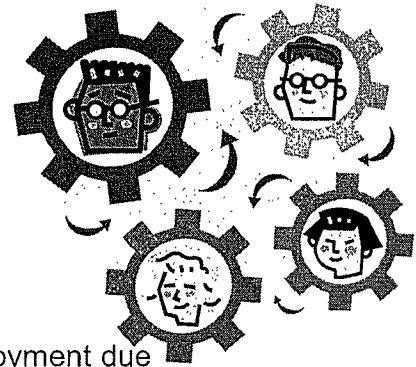
because of race, color, ancestry, religion, national origin,  
sex, disability or age (40-69)



MO DEPARTMENT OF  
LABOR AND  
INDUSTRIAL RELATIONS

**MISSOURI  
COMMISSION ON  
HUMAN RIGHTS**

## ***IS PROHIBITED BY LAW IN MISSOURI***



It is illegal if an **EMPLOYER** uses one of these factors in:

- Refusing to interview, hire, or promote
- Discharging or demoting
- Withholding pay or terms, privileges, or conditions of employment due

An **Employment Agency** discriminates by withholding full and equal services, or by filling job orders with discriminatory provisions.

A **Labor Union** discriminates by failing to represent a member or refusing membership to an applicant.

**Missouri's Human Rights Act applies to:**

- private employers with 6 or more employees
- all apprenticeship or training programs
- all labor organizations
- all employment agencies, public or private
- all state and local government agencies

*Note: Most complaints must be filed within 180 days of alleged discrimination.*

### **MCHR Offices to Serve You:**

3315 W. Truman Blvd., Suite 212  
Jefferson City, MO 65102-1129  
(573) 751-3325

111 N. 7th Street, Suite 903  
St. Louis, MO 63101-2142  
(314) 340-7590

**Toll-Free Discrimination Complaint Hotline: 1-877-781-2436**

**Relay Missouri: 7-1-1**

**[www.dolir.mo.gov/hr](http://www.dolir.mo.gov/hr)**

"The function of the Commission shall be to encourage fair treatment for and to foster mutual understanding and respect among, and to discourage discrimination against, any racial, ethnic, religious or other group protected by this chapter, members of these groups or persons with disabilities." Section 213.020.2 RSMO **POSTING REQUIRED BY 8 CSR 60-3.010**



## Missouri Department of Labor and Industrial Relations DIVISION OF LABOR STANDARDS

[www.labor.mo.gov/lis/minimumwage](http://www.labor.mo.gov/lis/minimumwage)

# Missouri Minimum Wage **\$7.25**

Effective July 24, 2009

Missouri's current minimum wage rate is \$7.25 per hour. All businesses are required to pay at minimum, the \$7.25 per hour rate, except retail and service businesses whose annual gross sales are less than \$500,000. There also are certain classes of employees under the definition of "employee" in Section 290.500(3), RSMo, and pertaining to agriculture in Section 290.507, RSMo, to which Missouri's law does not apply. In addition, overtime compensation must be paid at a rate not less than one and one-half times a covered employee's regular rate for all hours worked over 40 in a workweek.

The minimum wage rate may increase on January 1, 2010, based on any increase in the cost of living as measured by the Consumer Price Index (CPI) (see Section 290.502, RSMo). It will not decrease on January 1, 2010, because it cannot be lower than the federal minimum wage. The Missouri Minimum Wage Law does not apply to exempt employees/employers, and does not supersede more favorable laws or interfere with collective bargaining agreement rights.

### Tipped Employees

Compensation for tipped employees must total at least \$7.25 per hour. Employers of tipped employees are required to pay tipped employees at least 50 percent of the minimum wage, or \$3.625 per hour. Employers of tipped employees must pay more than half of the minimum wage to tipped employees if it is necessary to bring the employee's total compensation up to \$7.25 per hour.

### Records to be kept and retention period

Employers must keep a record of the name, address, and job description of each employee, the rate of pay, the amount paid each period, and the number of hours worked each day and each workweek (see Section 290.520, RSMo). These records must be kept for a period of not less than three years. The records shall be open for inspection by the Missouri Division of Labor Standards.

### Penalties

Any employer who hinders the Division of Labor Standards' performance of duties in the enforcement of the law by any of the acts listed in Section 290.525, RSMo, is guilty of a class C misdemeanor.

An employee may bring any legal action necessary to collect wages owed. An employer who pays an employee wages less than what is due under the law shall be liable for the full amount of the wage rate and an additional equal amount as liquidated damages, less any amount actually paid, and for costs and such reasonable attorney fees as may be allowed by the court or jury (see Section 290.527, RSMo).

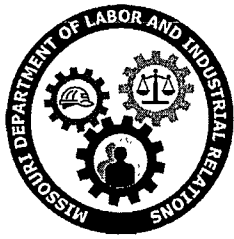
### Complaints

A Minimum Wage complaint form can be printed from the Web site [www.labor.mo.gov/lis/minimumwage](http://www.labor.mo.gov/lis/minimumwage). The form may be sent to the Division using the contact information below. The Division of Labor Standards only will act on complaints filed by an affected employee. Anonymous or third-party complaints will not be accepted. Once the investigation is complete, the employer and employee will be informed of the findings.

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Please visit [www.labor.mo.gov/lis/minimumwage](http://www.labor.mo.gov/lis/minimumwage) to answer many of your questions, find additional resources, or print a complaint form. As always, feel free to contact the Division directly for assistance at:

Missouri Division of Labor Standards  
P.O. Box 449, Jefferson City, MO 65102  
Phone: 573-751-3403 Fax: 573-751-3721  
E-mail: [minimumwage@labor.mo.gov](mailto:minimumwage@labor.mo.gov)  
Web site: [www.labor.mo.gov/lis/minimumwage](http://www.labor.mo.gov/lis/minimumwage)



Departamento del Trabajo y Relaciones Industriales  
del Estado de Missouri  
**DIVISIÓN DE NORMAS LABORALES**

[www.labor.mo.gov/ls/minimumwage](http://www.labor.mo.gov/ls/minimumwage)

**Salario Mínimo para Missouri \$7.25**  
Vigente a partir del 1 de enero de 2009

El salario mínimo actual en Missouri es de \$7.25 por hora. Se exige que todas las empresas paguen el mínimo de \$7.25 de esta nueva tarifa por hora, excepto aquellos negocios que sean de minoristas y los de servicio, cuyas ventas anuales brutas sean de menos de \$500,000. Existen también ciertas categorías de empleados, conforme a la definición de "empleado" la Sección 290.500(3) de los Estatutos Actualizados de Missouri (RSMo) y otros que pertenecen al ramo agrícola en la Sección 290.507 de los RSMo, a quienes no aplica la ley de Missouri. Asimismo, la retribución por tiempo extra debe pagarse a una tarifa que no sea menor a una y media veces la tarifa normal y cubrir el empleado por todas las horas que haya trabajado en una semana laboral de 40 horas.

Es posible que el 1 de enero de 2010 la tarifa del salario mínimo aumente con base en el incremento del costo de vida según se calcule en el Índice de Precios al Consumidor (CPI) (consulte el Artículo 290.502 de los RSMo). No se reducirá el 1 de enero de 2010 ya que no puede ser menor que el salario mínimo federal. La Ley sobre Salario Mínimo de Missouri no se aplica a los empleados/patronos exentos, ni tampoco reemplaza a leyes más favorables, ni interfiere con el derecho a un acuerdo de negociación colectiva.

### **Empleados que reciben propina**

La retribución para los empleados debe ser de por lo menos \$7.25 por hora. Los empleadores de los empleados que reciben propinas tienen la obligación de pagarles por lo menos 50% del salario mínimo o \$3.625 por hora. Los empleadores de empleados que reciben propina, deben pagarles más de la mitad del salario mínimo para que la retribución total del empleado dé un total de \$7.25 por hora, en caso de que esto sea necesario.

### **Mantener registros y periodo de retención**

Los empleadores deben llevar un registro con el nombre, domicilio y descripción del trabajo que desempeña cada uno de sus empleados, su tarifa regular, la cantidad que se le pague en cada período y el número de horas que haya trabajado cada día y cada semana laboral (consulte la sección 290.520 de los RSMo). Estos registros deben conservarse cuando menos 3 años. Los registros deben estar disponibles para las inspecciones por parte de la División de Normas Laborales de Missouri.

### **Sanciones**

El empleador que trata de impedir el desempeño de las obligaciones de la División de Normas Laborales en cuanto al cumplimiento de la ley mediante cualquiera de los actos que se incluyen en la Sección 290.525 de los RSMo, será considerado culpable de un delito de clase C.

Un empleado puede presentar una acción legal necesaria con el fin de cobrar el salario que no se le haya pagado. El empleador que le paga a un empleado un salario inferior al que le corresponda, conforme a la ley tendrá que pagarle la cantidad total de su sueldo, más otra cantidad igual por daños y perjuicios, menos lo que se le haya pagado, así como los gastos por los honorarios del abogado que el tribunal o jurado pueda autorizar (consulte la Sección 290.527 de los RSMo).

### **Denuncias**

Se puede imprimir un formulario para presentar una denuncia sobre salarios mínimos desde la página web [www.labor.mo.gov/ls/minimumwage](http://www.labor.mo.gov/ls/minimumwage) y se puede enviar a la División con la información de contacto que aparece a continuación. La División de Normas Laborales sólo intervendrá en los casos en que el empleado afectado presente su denuncia. No se aceptarán denuncias anónimas o que presenten terceras personas. Una vez que se termine la investigación, se informará de los resultados al empleador y al empleado.

Por favor visite [www.labor.mo.gov/ls/minimumwage](http://www.labor.mo.gov/ls/minimumwage) donde podrá encontrar respuestas a muchas de sus preguntas, para encontrar otros recursos adicionales o para imprimir el formulario de denuncia. Como siempre, siéntase con libertad de ponerse en contacto directamente con la División para que le brinden ayuda en:

Missouri Division of Labor Standards  
P.O. Box 449, Jefferson City, MO 65102  
Teléfono: 573-751-3403 Fax: 573-751-3721  
Correo electrónico: [minimumwage@labor.mo.gov](mailto:minimumwage@labor.mo.gov)  
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