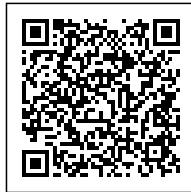


MISSOURI'S NEW PAID SICK TIME LAW: WHAT EMPLOYERS NEED TO KNOW

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As of May 1, 2025, employers in Missouri must comply with Proposition A, Missouri's Paid Sick Time law. Despite a lawsuit challenging the new law, the Missouri Supreme Court upheld Proposition A, on April 29, 2025. Employers with existing PTO policies must ensure compliance with the new law, while employers without a PTO policy must implement one.

Proposition A increases Missouri's minimum wage and requires most employers to provide mandatory paid sick time (hereinafter "PST").

For Missouri employers, important takeaways include:

- Most Missouri employers will be required to provide employees with up to 56 hours of PST (or 40 hours if an employer has fewer than 15 employees);

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- Employees accrue PST at the rate of one hour for every thirty hours worked;
- Employees may carryover up to 80 hours of their earned, unused PST from one year to the next unless the employer opts to pay out the unused earned PST;
- Employers are required to keep accurate records of accrued and used PST and are subject to civil and criminal penalties if they do not comply with the provisions of Proposition A; and
- Employers are required to give their employees written notice of their PST rights and must post these rights in a conspicuous place.

Who Is Covered?

Under the new law, "employer" excludes the United States government, the State of Missouri, and its political subdivisions—including counties, cities, school districts, and public higher education institutions. See Mo. Rev. Stat. § 290.600(6).

Also, the law broadly defines "employee" to include anyone employed by an employer in Missouri, with limited exceptions. See Mo. Rev. Stat. § 290.600(5).

Accrual and Usage of Paid Sick Time

Employees began accruing PST on May 1, 2025, or will begin accruing PST on their first day of employment and must be permitted to use it as soon as it is accrued. Accrual occurs at one hour of PST for every 30 hours worked. Employees' use of PST is limited as follows:

- 56 hours annually for employers with 15 or more employees; or
- 40 hours annually for employers with fewer than 15 employees.

Employers may frontload the full amount of leave at the beginning of each year rather than allow employees to accrue it over time. Employees may use PST in the smaller of one-hour increments, or the smallest increment tracked by the employer's payroll system for absences or other use of time. See Mo. Rev. Stat. §§ 290.603.1; 290.603.4; 290.603.2; 290.606.7.

Permissible Uses of Paid Sick Time

PST may be used for the following purposes:

- The employee's or employee's family member's mental or physical illness, injury, or medical care;
- The employee's or employee's family member's preventive medical care;

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- Absence due to domestic violence, sexual assault, or stalking (e.g., for counseling, relocation, legal proceedings); and
- Closure of the workplace or a child's school due to a public health emergency.

Documentation and Notice Requirements

If an employee uses PST for three or more consecutive workdays, an employer may require "reasonable documentation" that the PST was used for a covered purpose, but an employer may not require employees to disclose the nature of the illness or details related to domestic violence or similar issues. *See* Mo. Rev. Stat § 290.606.7.

Employees shall make a good faith effort to provide advance notice of their need to use PST and must make a reasonable effort to schedule their use of PST in a manner that does not unduly disrupt the operations of their employer when the need is foreseeable. For example, if an employee needs to schedule a medical appointment, the employee should make a good faith effort to provide advance notice and schedule the appointment in a manner that does not unduly disrupt their employer's operations.

If the need is unforeseeable, employers may require employees to provide notice as soon as practicable. If an employer requires notice when the need is unforeseeable, employers must have a written policy on how employees should notify them of needed leave. *See* Mo. Rev. Stat. §§ 290.606.3; 290.606.4.

An employer may not require an employee to search for or find a replacement worker to cover the hours during which the employee is using earned PST. *See* Mo. Rev. Stat. § 290.606.5.

Posting, Notice, and Recordkeeping Requirements

Employers must provide written notice of PST rights to their employees by April 15, 2025, or within 14 days of hire, whichever is later. In addition, employers must display a poster in a conspicuous location in each workplace. Requirements for the contents of the poster can be found in the statute or on the Missouri Department of Labor and Industrial Relation's website. *See* Mo. Rev. Stat. §§ 290.612.1; 290.612.2.

Employers must create and retain records of hours worked, and PST earned and used by each employee for at least three years and make these records available to the Missouri Department of Labor and Industrial Relations upon request. *See* Mo. Rev. Stat. §§ 290.615.1.

Penalties and Enforcement

Employers are prohibited from retaliating against employees for exercising their rights under the

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law. Additionally, it is unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise any rights protected under Proposition A. Violations can result in:

- Injunctive relief
- Full compensation for unpaid PST
- Liquidated damages (twice the amount of unpaid leave)
- Attorneys' fees and costs

Employers may face criminal penalties for willful violations, and employees may pursue private lawsuits without first filing an administrative complaint. The statute of limitations for such claims is three years. See Mo. Rev. Stat. §§ 290.624.1; 290.627.

Next Steps for Employers

Missouri employers should take immediate steps to ensure compliance by:

- Reviewing and updating existing PTO and sick leave policies;
- Modifying employee handbooks and onboarding materials;
- Implementing recordkeeping systems that track accrual and usage; and
- Posting required notices and training HR staff on the new rules.

For questions regarding notice requirements, employer compliance, and PTO policy revisions, please contact a member of Capes Sokol's Employment Law or Litigation team.

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