
Rules of Department of Labor and Industrial Relations

Division 30—Division of Labor Standards Chapter 4—Minimum Wage and Overtime Rules

Title	Page
8 CSR 30-4.010 Applicability and Definitions	3
8 CSR 30-4.020 Minimum Wage Rates.....	3
8 CSR 30-4.030 Training Wage for Learners and Apprentices (Rescinded March 30, 2009).....	3
8 CSR 30-4.040 Subminimum Wage Rates for the Physically or Mentally Impaired.....	3
8 CSR 30-4.050 Valuation of Goods and Services.....	4
8 CSR 30-4.060 Administrative Complaints; Notices Issued by the Director.....	4



Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Division 30—Division of Labor

Standards

Chapter 4—Minimum Wage and Overtime Rules

8 CSR 30-4.010 Applicability and Definitions

PURPOSE: This rule sets forth the applicability of the Missouri Minimum Wage Law and certain definitions of terms used in this chapter.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability—Except as provided in sections 290.500 to 290.530, RSMo, and any rules promulgated thereunder, the department, in interpreting and enforcing the Missouri Minimum Wage Law, will follow the written regulations established by the United States Department of Labor pertaining to the Fair Labor Standards Act, which are incorporated by reference. This rule incorporates the regulations published in the Federal Register, 29 CFR Chapter V, as last amended on December 16, 2004, and does not include any subsequent amendments or additions. A copy of the regulations is available at the United States Department of Labor, Frances Perkins Building, 200 Constitution Ave. NW, Washington, DC 20210, or at the Division of Labor Standards, 3315 W. Truman Blvd., Jefferson City, MO 65109.

(2) As used in 8 CSR 30-4.010–8 CSR 30-4.-060, unless the context clearly indicates otherwise, the following terms shall mean:

(A) Complainant—an individual filing an administrative complaint with the director under the Missouri Minimum Wage Law; and

(B) Tipped employee—any employee who regularly and customarily receives and retains compensation in the form of gratuities in addition to wages.

AUTHORITY: sections 290.512, 290.515, 290.517, and 290.523, RSMo Supp. 2008.*

Original rule filed July 22, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 8, 2003, effective April 30, 2004. Rescinded and readopted: Filed Aug. 15, 2008, effective March 30, 2009.

*Original authority: 290.512, RSMo 1990, amended 2006; 290.515, RSMo 1990, amended 2006; 290.517, RSMo 1990, amended 2006; and 290.523, RSMo 2008.

8 CSR 30-4.020 Minimum Wage Rates

PURPOSE: This rule describes the minimum wage rates to be paid to certain qualifying employees, describes generally the allowance of gratuities as a credit toward payment of the minimum wage, and describes how a workweek is calculated.

(1) Tipped employees shall receive at least the applicable minimum wages as set forth in this rule, except that the employer may claim gratuities as a credit toward the payment of the required minimum wage. The maximum amount of gratuities that the employer can claim as a credit is fifty percent (50%) of the applicable minimum wage rate. In no event shall the amount of wages and gratuities equal less than the applicable minimum wage, with the difference between the gratuities and the minimum wage being paid by the employer.

(2) Subject to the requirements of sections 290.500 to 290.530, RSMo, at least the minimum wage shall be paid for all hours worked, regardless of the frequency of payment and regardless of whether the wage is paid on an hourly, salaried, commissioned, or any other basis. If, in any workweek, the total wages earned by an employee is less than the applicable minimum wage rate for the total hours worked, the employer shall pay the difference between the total wages earned and the amount required to equal the minimum wage for the total hours worked in the workweek as required under the minimum wage law.

(3) The workweek is the seven (7)-day period that is the basis for determining an employee's hourly earnings. Once established, an employer shall not change or manipulate an employee's workweek to evade the requirements of the Missouri Minimum Wage Law.

(4) Hourly wages, tips, gratuities, and commissions shall be counted in the workweek in which the hourly wage, tip, gratuity, or commission is earned to determine if an employee earned at least the minimum wage rate.

AUTHORITY: sections 290.512, 290.515, and 290.523, RSMo Supp. 2008.* *Original rule filed July 22, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 8, 2003, effective April 30, 2004. Rescinded and readopted: Filed Aug. 15, 2008, effective March 30, 2009.*

*Original authority: 290.512, RSMo 1990, amended 2006; 290.515, RSMo 1990, amended 2006; and 290.523, RSMo 2008.

8 CSR 30-4.030 Training Wage for Learners and Apprentices (Rescinded March 30, 2009)

AUTHORITY: sections 290.512, 290.515, and 290.517, RSMo Supp. 1994. *Original rule filed July 22, 1992, effective Feb. 26, 1993. Amended: Filed March 27, 2000, effective Oct. 30, 2000. Rescinded: Filed Aug. 15, 2008, effective March 30, 2009.*

8 CSR 30-4.040 Subminimum Wage Rates for the Physically or Mentally Impaired

PURPOSE: This rule provides for the establishment of subminimum wages to be paid to persons whose earning capacity is reduced due to a physical or mental impairment.

(1) The director may provide for employment at a subminimum wage rate if it is deemed necessary to prevent curtailment of opportunities for employment of the physically or mentally impaired.

(2) A public hearing for the purpose of establishing a subminimum wage rate for any occupation may be held by the director on his/her own motion, or at the request of an interested person.

(3) Employees affected by a proposed subminimum wage shall be given reasonable notice of the public hearing and shall be given the opportunity to submit oral or prepared written testimony concerning, but not limited to, the following:

(A) The need for a subminimum wage rate; and

(B) Recommendations as to the appropriate level of wages to be set as the subminimum wage for the occupation(s) being considered.

(4) Subminimum wage rates that are to be considered by the director shall be duly approved by filing a Notice of Proposed Rulemaking and a subsequent Order of Rulemaking with the secretary of state as provided for state agencies under Chapter 536, RSMo.



AUTHORITY: sections 290.515 and 290.523, RSMo Supp. 2008. Original rule filed July 22, 1992, effective Feb. 26, 1993. Amended: Filed Aug. 15, 2008, effective March 30, 2009.*

**Original authority: 290.515, RSMo 1990, amended 2006 and 290.523, RSMo 2008.*

8 CSR 30-4.050 Valuation of Goods and Services

PURPOSE: This rule provides for the valuation of those types of goods and services which may be received by the employee and credited by the employer in payment of the minimum wage.

(1) The fair market value of meals, lodging, and other goods and services may be deducted by the employer as a credit toward the payment of the minimum wage to the employee so long as the meals, lodging and other goods and services are voluntarily received by the employee for the private benefit of the employee.

(2) The term fair market value as used in this rule means the price which the goods or services in question would bring when offered for sale by one willing but not obliged to sell it, and when bought by one willing or desirous to purchase it but who is not compelled to do so. The fair market value of the goods and services which are accepted by the employee as wages shall be computed on a weekly basis. Once an accounting has been made of the fair market value of the goods and services accepted by the employee in each workweek, full settlement of the amount owed to the employee shall be made by the employer on each regular payday. The employer shall be required to pay only the difference between the fair market value of the goods and services accepted during the pay period, and the minimum wage otherwise required to be paid.

(3) The following is an illustrative, but not exhaustive, listing of goods and services which are not considered to be for the private benefit of the employee and whose fair market value may not be deducted by the employer as a credit toward the payment of the minimum wage to the employee:

- (A) Tools;
- (B) Equipment;
- (C) Uniforms, including, but not limited to, garments such as suits, dresses, aprons and all other garments whatsoever as worn by the employees as a condition of employment. This apparel of a similar design, color or

material, or forming part of the decorative pattern of the establishment or distinguishing the employee as an employee of the concern is presumed to be worn as a condition of employment;

- (D) Laundry or cleaning of uniforms;
- (E) Maintenance of tools, equipment or uniforms;
- (F) Breakage or loss of tools, equipment or uniforms;
- (G) Any other item required by the employer to be worn or used by the employee as a condition of employment; and
- (H) Transportation furnished to the employee where that transportation is an incident of and necessary to the employment, such as travel costs of railroad maintenance-of-way workers.

(4) The following is an illustrative, but not exhaustive, listing of goods and services which are considered to be for the private benefit of the employee and whose fair market value may be deducted by the employer as a credit toward the payment of the minimum wage to the employee:

- (A) Meals;
- (B) Lodging;
- (C) Tuition furnished by a college to its student employees;
- (D) Merchandise furnished at company stores and commissaries;
- (E) Fuel (including coal, kerosene, firewood and lumber slabs);
- (F) Electricity, water and gas furnished for the noncommercial personal use of the employee; and
- (G) Transportation furnished to employees between their homes and work, where the transportation is not necessary to the employment.

AUTHORITY: sections 290.512, 290.515 and 290.517, RSMo Supp. 1990. Original rule filed July 22, 1992, effective Feb. 26, 1993.*

**Original authority: 290.512, RSMo 1990; 290.515, RSMo 1990; and 290.517, RSMo 1990.*

8 CSR 30-4.060 Administrative Complaints; Notices Issued by the Director

PURPOSE: This rule establishes requirements for the filing of administrative minimum wage complaints.

(1) An individual who believes that he or she has not been paid the required minimum wage may file a complaint on a form prescribed by the department. The department will not accept anonymous or third-party complaints. A complaint form can be

obtained by accessing the department's website at www.dolir.mo.gov or by contacting the Division of Labor Standards by phone at (573) 751-3403.

(2) The department shall have authority to investigate and ascertain the wages of persons employed in any occupation included within the meaning of sections 290.500 to 290.530, RSMo. Employees that are not covered and not required to be paid the minimum wage rate are listed in section 290.500(3), RSMo.

(3) A complainant shall provide and keep the department advised of the complainant's current mailing address and telephone number.

(4) An employer under investigation shall provide the department with a copy of the first page of its most recent income and sales tax returns to determine the applicability of the minimum wage law. The employer shall also keep the department advised of the employer's current mailing address and telephone number.

(5) Upon completion of the department's investigation, the parties shall be notified of the department's findings.

(6) Any employer wishing to establish a training rate for learners and apprentices as permitted by section 290.517, RSMo, shall provide a written request to the director stating the classification of workers it desires to be designated as learners or apprentices. Upon such notice and in the discretion of the director, a hearing will be held consistent with section 290.517, RSMo.

AUTHORITY: sections 290.517 and 290.523, RSMo Supp. 2008. Original rule filed Aug. 15, 2008, effective March 30, 2009.*

**Original authority: 290.517, RSMo 1990, amended 2006 and 290.523, RSMo 2008.*