



Department of Labor & Industrial Relations

421 E. Dunklin St., PO Box 504
Jefferson City 65102-0504
Telephone: (573) 751-4091 / FAX: (573) 751-4135
www.labor.mo.gov

The Missouri Department of Labor and Industrial Relations was created by Article IX section 49 of the Missouri Constitution. The department is composed of the Labor and Industrial Relations Commission and five divisions: the Division of Employment Security adjudicates unemployment claims benefits to employees who become unemployed through no fault of their own; the Division of Workers' Compensation ensures that workers injured on the job receive the benefits they deserve and investigates allegations of workers' compensation fraud and noncompliance; the State Board of Mediation determines the appropriate bargaining unit for public employees and regulates utility labor relations; the Division of Labor Standards regulates wages and wage rates and promotes safe working environments; and the Missouri Human Rights Commission enforces and adjudicates Missouri's anti-discriminatory, fair housing, employment and public accommodation statutes.

Labor and Industrial Relations Commission

3315 W. Truman Blvd., PO Box 599
Jefferson City 65102-0599
Telephone: (573) 751-2461 / FAX: (573) 751-7806
www.labor.mo.gov/lirc
Email: lirc@labor.mo.gov

The Labor and Industrial Relations Commission is composed of three commissioners. Each commissioner is appointed to a staggered six-year term by the governor with the advice and consent of the Senate. One member of the commission, a licensed Missouri attorney, represents the public. The other two members represent employers and employees, respectively. The governor designates one member as chair. The commission hears appeals from administrative decisions in workers' compensation, unemployment compensation,



JOHN J. LARSEN JR.
Chair, Labor and Industrial
Relations Commission



JAMES AVERY JR.
Commissioner, Labor and
Industrial Relations Commission



CURTIS E. CHICK JR.
Commissioner, Labor and
Industrial Relations Commission



PAMELA M. HOFMANN
Secretary, Labor and Industrial
Relations Commission

crime victims' compensation and tort victims' compensation cases. The commission also hears objections to prevailing wage disputes and challenges to determinations by public bodies to enter into project labor agreements. In addition, the commission is charged with the statutory authority to approve or disapprove all rules or regulations declared by the divisions within the department. The Labor and Industrial Relations Commission nominates, and the governor appoints, a director to be chief executive officer of the department with the advice and consent of the Senate.

Commissioners

Larsen, John J. Jr., (D), chair;
Chick, Curtis E. Jr., (D), employee representative,
July 27, 2014;
Avery, James Jr., (R), employer representative,
July 27, 2016.

Office of the Director

The director of the Department of Labor and Industrial Relations is responsible for the supervision of the divisions. The director's office staff provides administrative support, human resource services and financial management.

Office of the General Counsel

The Office of General Counsel provides legal advice regarding the operations of the department and labor-related matters to the director and to the executive staff of the department and its divisions. The largest portion of the work of the General Counsel's Office relates to cases concerning the payment of unemployment benefits and the assessment and collection of unemployment taxes. The General Counsel's Office also represents the department in a variety of other litigation in trial courts, in administrative tribunals and before arbitrators; provides advice on internal administrative and personnel matters; prepares and reviews contracts, leases and other legal documents; responds to requests under the Open Records Law; provides training to departmental personnel; and assists in responding to comments and inquiries from private citizens and public officials.

Division of Employment Security

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www.labor.mo.gov/des

The Division of Employment Security was established in 1946 to administer the Missouri Unemployment Compensation Law. The division collects tax contributions from employers and pays unemployment benefits to individuals who are determined eligible under the law. State unemployment contributions paid by Missouri employers into the Missouri Trust Fund are set aside for the sole purpose of providing for the payment of weekly unemployment benefits to qualified claimants. The division consists of seven sections: benefits, contributions field, employer contributions, unemployment insurance programs, appeals, quality control and unemployment insurance modernization.

At the peak of the economic slump in 2009, the Unemployment Trust Fund went insolvent. In order to pay benefits to the more than 114,000 claimants in a timely manner, Missouri, like other states, began borrowing funds from the federal government secured through a loan. To date, \$1.1 billion has been borrowed from the federal government and \$778 million has been repaid. Since 2011, Missouri has made voluntary payments in the amount of \$652 million, saving Missouri employers \$7.45 million in additional future interest charges.

In 2012, the division paid \$1.1 billion in state and federal benefits to 220,000 claimants.



JULIE GIBSON
Acting Director



TAMMY CAVENDER
Director of Administration



CHASTITY YOUNG
Director of Legislative and
Public Affairs



TOM BASTIAN
Director of Communications



MICHAEL PRITCHETT
General Counsel and Acting
Chair, State Board of Mediation



KEN JACOB
Acting Director, Division of
Employment Security

Unemployment Insurance

The unemployment benefits paid to insured workers help maintain the economy of the state during periods of economic downturn by helping preserve the level of consumer purchasing power. Payments of benefits under the regular program are made from a trust fund, financed by the aforementioned employer tax contributions. No part of the contribution is deducted from worker wages. Eligible claimants can qualify for up to 20 weeks of unemployment compensation under the Regular Benefit Program. The average

weekly wage for the year ending December 31, 2012, was \$805.48. The average weekly benefit amount for fourth quarter 2012 was \$243.09, and the maximum benefit amount of \$320 was received by 36.9 percent of claimants. Starting in 2008, federally funded unemployment benefits became available and were integrated into Missouri's unemployment benefit system. Over the course of this administration, several federal benefit programs have expired, been extended and phased out. Toward the end of 2012, only the last two tiers of the federal benefit programs remained, offering a total of 21.6 weeks of benefits after claimants exhaust state benefits.

Employer Contributions

The division's Contributions Section ensures employers are properly classifying their workers, reporting their workers' wages and paying the correct tax contributions on wages. Correct reporting helps ensure the prompt payment of unemployment benefits to insured workers during periods of unemployment. Employment security law includes an experience rating provision as an incentive for employers to maintain stable employment, review claims and reduce unemployment. The law allows employers that are eligible for rate calculations to submit voluntary payments for the purpose of reducing their contribution rates. Employers file quarterly contribution and wage reports with the division to report their workers' earnings. Reports may be filed online at www.ustar.labor.mo.gov.

Payment of Benefits

One of the main objectives of the division is the prompt payment of unemployment benefits to eligible claimants. Through four claims centers located in Jefferson City, St. Louis, Kansas City and Springfield, unemployed Missouri workers file initial and weekly claims for unemployment compensation by telephone. The division also offers filing of unemployment claims online at www.mocclaim.mo.gov. A person must have worked in employment covered under the Missouri Employment Security Law and earned enough qualifying wages in order to establish a claim for unemployment benefits. Detailed wage records are kept on every worker reported by employers on the quarterly contribution and wage report in order to calculate benefits.

Fraud Efforts

The division began improving its efforts to combat fraud in 2009 following an audit conducted by the Missouri state auditor's office. The audit concluded that Missouri ranked last in the country in its ability to identify worker misclas-

sification fraud, an act where employers improperly classify their employees to avoid paying employment taxes. The division initiated a taskforce composed of tax experts and retired police officers, and refocused resources to target industries likely to violate worker classification laws. In 2012, 11,233 misclassified workers were identified, associated with more than \$2.5 million in unpaid unemployment taxes.

Through numerous cross-match systems, including the federal and state new-hire databases, the division also identifies claimants committing unemployment fraud. In 2011, the division added an additional layer of protection by cross matching the unemployment list against the Missouri Department of Corrections offender population and against the Social Security Administration's death list. In 2012, the division identified 16,898 claimants committing fraud and collected \$10.8 million in restitution by using all tactics to discover fraud.

Division of Workers' Compensation

3315 W. Truman Blvd., PO Box 58
Jefferson City 65102-0058
Telephone: (573) 751-4231 / FAX: (573) 751-2012
Toll free: (800) 775-2667
Toll free: (800) 592-6003 (Report Fraud & Noncompliance)
www.labor.mo.gov/dwc
Email: workerscomp@labor.mo.gov

The Missouri Division of Workers' Compensation administers the programs that provide for Missouri workers who are injured on the job or develop occupational diseases. The division focuses on making sure that those who can return to work do so as soon as possible, having received adequate treatment and benefits. For those who cannot return to work because of their injury or injuries, permanent disability benefits are allowed by Missouri law.

The division has eight offices throughout Missouri with the main office being in Jefferson City. Missouri employers are required to report workplace injuries within 30 days of occurrence. The division processes approximately 120,000 reports of injury each year.

Missouri employers are required to either obtain workers' compensation insurance or obtain approval from the division to self-insure their workers' compensation liability, paying claims out-of-pocket as they arise. Self-insured employers must provide a bond or letter of credit to the division to secure their promise to compensate employees' for their work-related injuries. In 2011, 29 percent of Missouri workers were employed by self-insured employers.

Benefits available through the workers' compensation system include medical treatment, temporary disability benefits while in treatment

and permanent disability benefits when treatment is complete. Injured workers can also qualify for benefits from the Second Injury Fund, which was created by the General Assembly during World War II to ease the workers' compensation burden on employers by compensating for employees' preexisting injuries. The fund, which receives money from a surcharge on workers' compensation premiums, began facing financial difficulty in 2005 when the surcharge on premiums was capped by the General Assembly at three percent. Senate Bill 1, effective January 1, 2014, mandates a supplemental surcharge not to exceed three percent for calendar years 2014 to 2021 on employers' workers' compensation premiums and equivalent premiums for self-insured employers.

Most workers' compensation cases are resolved without lengthy proceedings, as was the intent of the workers' compensation system approved by Missouri voters in 1926. For those cases not resolved by compromise, the division's administrative law judges conduct hearings and make determinations on what, if any, benefits are owed the injured worker. If a worker or employer disagrees with the administrative law judge's ruling, an appeal may be made with the Labor and Industrial Relations Commission.

The division is in the process of modernizing its systems so it can better serve Missouri workers and employers. This multi-year project will eliminate most paper and postage costs by allowing employers, workers and others to interact electronically with the division.

The division's Fraud and Noncompliance Unit was established in 1993 to conduct investigations of all allegations of fraud and noncompliance. Employers who do not properly insure their workers' compensation liability commit noncompliance, an offense that can lead to fines, penalties and prison time. Fraud occurs when employers, insurance carriers, physicians, attorneys or employees are involved in attempting to claim or deny benefits in a fraudulent manner, an offense that also carries criminal consequences.

Workers' Safety Program

All insurance carriers writing workers' compensation insurance in Missouri must provide comprehensive safety engineering and management services to employers. The Workers' Safety Program certifies and audits these services, investigates complaints of inadequate loss control services, monitors the impact of those services on Missouri employers and offers additional safety assistance when needed. The Workers' Safety Program maintains a registry of certified safety consultants and engineers who can offer independent safety services to Missouri employers. The Workers' Safety Program also oversees the



JOHN HICKEY
Director, Division of
Workers' Compensation



BOB BEDELL
Assistant Director, Division of
Workers' Compensation

10-Hour Construction Safety Training Program that requires all employees on a public works project to have 10 hours of safety training prior to working on the project.

State Board of Mediation

3315 W. Truman Blvd., Ste. 211, PO Box 2071

Jefferson City 65102-2071

Telephone: (573) 751-3614 / FAX: (573) 751-0083

www.labor.mo.gov/sbm

Email: sbm@labor.mo.gov

The State Board of Mediation is a quasi-judicial board created by the General Assembly in 1947 to assist in the resolution of labor disputes in the public utility industry. The Board's primary activity, however, changed in 1965 with the passage of the Public Sector Labor Law, sections 105.500 to 105.530 of the Missouri Revised Statutes. This law authorizes the board to determine appropriate bargaining units of public employees based on their community of interests and to conduct secret ballot elections to determine whether a majority of the employees in a bargaining unit agree to be represented by a petitioning labor organization.

The board consists of five members appointed by the governor. Two members are employers or selected from an association representing employers, two members hold membership in a *bona fide* trade or labor union and the fifth member is a neutral party who serves as full-time chairman and administrator of the agency.

If a public employer and a petitioning labor organization cannot agree on which employees should be included in an appropriate bargaining unit or on the manner of conducting the election, the board will hold a formal hearing at which the parties may present evidence and legal arguments in support of their positions on the disputed questions. After considering the evidence and legal arguments, the board issues a written decision resolving the disputes.

If a majority of the members of a bargaining unit vote for the labor organization in a board-conducted election, the board certifies it as the exclusive bargaining representative for all the unit members for the purposes of collective bargaining. The labor organization will then negotiate with the public employer of the unit members over salaries and other conditions of employment with the goal of reaching a written agreement governing these matters. The labor organization will also represent unit members with regard to individual employment issues that may arise, such as disciplinary charges.

The board's jurisdiction under the Public Sector Labor Law to determine appropriate bargaining units and to certify exclusive bargaining representatives extends to almost all public employees, including those employed by the state and its agencies, counties, cities, school districts, fire departments and other special districts. The board, however, does not have jurisdiction to resolve such matters for police officers, deputy sheriffs, Missouri Highway Patrol officers, Missouri National Guard members or teachers at schools, colleges and universities. These types of employees still have the right to organize and bargain collectively, but the board has no authority to play a role when they are engaged in such activities.

In 2011–2012, the board received 41 petitions and conducted 21 representation elections, affecting more than 1,000 public employees.

Division of Labor Standards

3315 W. Truman Blvd., PO Box 449
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www.labor.mo.gov/dls
Email: laborstandards@labor.mo.gov

The Division of Labor Standards currently consists of three sections: Wage and Hour, On-Site Safety and Health Consultation Service, and Mine and Cave Safety.

Wage and Hour Section

The Wage and Hour Section determines and enforces the prevailing wage. Prevailing wage survey information for construction projects is solicited for all applicable construction projects on an ongoing basis. The survey information is used to determine the prevailing wage rates for workers employed on public works construction projects. Communication with contractors, labor unions, public bodies, employees and other interested parties occurs daily to assist in achieving voluntary compliance. Site inspections are performed to assure compliance with prevailing wage rates and to investigate complaints. The



JOHN LINDSEY
Director
Division of Labor Standards

prevailing wage not only ensures that in tough economic times wages do not decline, but also supports worker health and pension benefits, increases sales tax revenue and corporate sales taxes, supports apprenticeship training, lowers occupational injuries, and increases the productivity of the construction workforce.

The Wage and Hour Section administers and enforces Missouri's child labor laws. The law ensures that no child younger than 16 years of age is employed in an occupation that is detrimental to the child's safety, health, morals, educational processes or general well-being. No child under the age of 14 may work in any occupation, unless specifically allowed. The exception is entertainment industry employment. The law restricts work hours for youth under 16. A child 14 or 15 years old may not be employed during the regular school term unless the public school superintendent or designee of the district where the youth lives has issued a work certificate. Youth under 16 may work in the entertainment industry if the division issues the youth a work permit.

The Wage and Hour Section is also responsible for the administration and enforcement of Missouri's minimum wage law. Effective January 1, 2007, the minimum wage law applies to all businesses except retail or service businesses whose annual gross volume sales or business done is less than \$500,000. The minimum wage rate increased from \$7.25 to \$7.35 per hour on January 1, 2013.

The Wage and Hour Section provides information for Missouri's labor laws, including allowable breaks, lunches, vacations, hiring, wage levels, dismissals and discipline, among other topics.

On-Site Safety and Health Section

The On-Site Safety and Health Section offers a free, confidential consultation service to employers to ensure they comply with federal Occupa-



JAMES BUFORD
Commissioner, Missouri
Commission on Human Rights



MICHAEL DIERKES
Commissioner, Missouri
Commission on Human Rights



JENIFER PLACZEK
Commissioner, Missouri
Commission on Human Rights



DR. ROGER WORTHINGTON
Commissioner, Missouri
Commission on Human Rights

tional Safety and Health Administration (OSHA) regulations. This program reduces workplace injuries and illnesses. At the employer's request, a consultant visits the workplace and informs the employer of problems found and recommends solutions to eliminate hazards and provides safety and health training. Since 2009, requests for these services have increased by 77 percent. In fiscal year 2012, the On-Site Program helped employers avoid more than \$5.7 million in OSHA fines by eliminating hazards within the workplace.

The Safety and Health Achievement Recognition Program (SHARP) is for small businesses that operate effective safety and health management programs. Participants in SHARP can receive up to a two-year exemption from certain OSHA inspections.

Mine and Cave Inspection Program

The Mine and Cave Inspection Program is mandated by Chapter 293, RSMo. Inspectors travel to the mine or cave site on a regular basis to inspect the property for safety and health hazards, including unsafe processes or work procedures that could cause accidents, injuries or fatalities. All safety and health conditions of the site are inspected, and if any hazards are found, the company is required to abate the problem in a prescribed period of time. Cost-effective recommendations on how to abate any safety or health problem are offered and consultations on any condition are available to the operator to bring them into compliance with state and federal laws.

Show caves must be equipped with necessary safety features, such as guard rails, bridges, ladders, entrances, platforms, walkways, safety barriers, rails, paths and electrical guards. The program also assists with coordinating cave rescue efforts. A listing of the caves inspected by the program can be found online at www.labor.mo.gov/DLS/WorkplaceSafety/minecave/cave_inspection.asp.



ALISA WARREN
Executive Director, Missouri
Commission on Human Rights

The Mine and Cave Safety and Health Section trains and retrains miners in the practice of implementing safe and healthy working habits in the mining workplace. This training is partially funded by a grant through the U.S. Department of Labor, Mine Safety and Health Administration (MSHA). Each miner must receive an initial safety and health training and annual retraining. Instructors conduct safety and health audits, prepare site-specific lesson plans corresponding to the training plan of the company, then present innovative training topics to the miners.

Missouri Commission on Human Rights

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Jefferson City 65102-1129
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www.labor.mo.gov/mohumanrights
Email: mchr@labor.mo.gov

The mission of the Missouri Commission on Human Rights (MCHR) is to prevent and eliminate discrimination. The MCHR investigates complaints of discrimination in housing, employment and places of public accommodations based on race, color, religion, national origin, ancestry,

sex, disability, age (in employment only) and familial status (in housing only). The MCHR also provides training to inform people of their rights and responsibilities under the Missouri Human Rights Act.

The Missouri Commission on Human Rights was created by the 69th General Assembly in 1957 and became a permanent agency in 1959. In 1961 the Fair Employment Practices Act was passed, in 1965 the Public Accommodations Act was passed and in 1972 the Fair Housing Act was passed. In 1986, these three laws were consolidated under Chapter 213, RSMo, as the Missouri Human Rights Act.

The commission staff handles approximately 1,800 cases annually. In addition to the enforcement mechanisms in the Missouri Human Rights Act, the statute also empowers the commission to certify local commissions, establish relationships with federal and local civil and human rights agencies, implement educational or research programs and develop ways to prevent discrimination. Commission members are nominated by the director of the Department of Labor and Industrial Relations and appointed by the governor with advice and consent of the Senate. The governor appoints at least one member from each of Missouri's eight congressional districts, two members-at-large and one member as chairperson. The commissioners serve for six years without compensation. The commission meets quarterly, and commission meetings are open to the public.

Missouri Commission on Human Rights

Vacancy, chair;

Buford, James, (R), commissioner, St. Louis, 1st District, April 1, 2013;

Dierkes, Michael, (R), commissioner, St. Louis, 2nd District, April 1, 2015;

Birks, Donna Lynn, (D), commissioner, Kansas City 5th April 1, 2018;

Placzek, Jenifer, (D), commissioner, Springfield, 7th District, April 1, 2015;

Worthington, Dr. Roger, (D), commissioner, Mexico, 4th District, April 1, 2014.

Martin Luther King Jr. State Celebration Commission

3026 LaClede Ave., St. Louis 63103

Telephone: (314) 340-3380 / FAX: (314) 340-3399

The commission considers and recommends to individuals and organizations appropriate activities for the recognition and celebration of Martin Luther King Day in Missouri. Created by executive order on December 2, 1985, the com-



CONSTANCE GULLY
Chair, Martin Luther King Jr.
State Celebration Commission

mission consists of 20 members who serve at the pleasure of the governor.

The Martin Luther King Jr. State Celebration Commission is a continuing commission and meets at the call of the chair.

Members, Martin Luther King Jr. State Celebration Commission

Gully, Constance, chair, St. Louis;

Banks, Anita, St. Louis;

Buford, James, St. Louis;

Cleaver, Rep. Emanuel, Kansas City;

Gales, Merdean F., St. Louis;

Gates, Ollie, Kansas City;

Givens, Dr. Henry Jr., St. Louis;

Hardin, Charlotte, Springfield;

Jones, Rev. Dr. Sammie, Florissant;

McBride, Jack, Fulton;

Mensey-Symonds, Myrle, St. Louis;

Middleton, Dr. Michael, Columbia;

Nance, Rev. Earl, St. Louis;

Packnett, Dr. Gwendolyn, St. Louis;

Slay, Mayor Francis, St. Louis;

Smith, Ruth A., Florissant;

Thomas, Bertha, Kirksville;

Thompson, Betty, St. Louis;

Thompson, Lessie, Lee's Summit;

Vacancies (3).