

**Title 8—DEPARTMENT OF
LABOR AND INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 4—Minimum Wage and Overtime Rules**

PROPOSED AMENDMENT

8 CSR 30-4.020 Minimum Wage Rates. The division proposes to amend section (4), delete section (1), and renumber the remaining sections.

PURPOSE: This amendment serves to eliminate outdated and redundant requirements. This amendment also renumbers the regulation in light of the amendments.

[(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)] (1) 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)] (2) 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)] (3) Hourly wages, tips, gratuities, and commissions [shall be] **are** 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] 2016. Original rule filed July 22, 1992, effective Feb. 26, 1993. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 19, 2018.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Labor Standards, Attn: Matt Cowell, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*