

**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 30-4.050 Valuation of Goods and Services. The division proposes to delete section (2) 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PURPOSE: This amendment serves to eliminate outdated and redundant requirements.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.

[(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)] (2) 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)] (3) 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, fire- wood 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] 2016. Original rule filed July 22, 1992, effective Feb. 26, 1993. 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.*