

MISSOURI



Workers' Compensation Law

Roles and Responsibilities for Employers and Employees



DIVISION OF WORKERS' COMPENSATION

Missouri Division of Workers' Compensation
P.O. Box 58,
Jefferson City, MO 65102
573-751-4231

Insurance Company, Third Party Administrator, Service Company, or Designated Individual If Self-Insured

Name _____
Address _____
Phone _____

Employee Information

The Missouri Division of Workers' Compensation (DWC) administers programs for workers who have been injured on the job or exposed to an occupational disease arising out of and in the course of employment. The Division's Administrative Law Judges have the authority to approve settlements or issue awards after a hearing relating to an injured employee's entitlement to benefits under the Workers' Compensation Law.

Steps to Take When Injured on the Job

1. Notify your employer immediately (written notice must be provided within 30 days of the accident or 30 days after the diagnosis of any occupational disease or repetitive trauma) by contacting _____ (employer representative) _____ (phone number)

(Failure to do so may jeopardize your ability to receive benefits)

2. Ask your employer to provide medical treatment (your employer/insurer is responsible for providing medical treatment and paying the medical fees and charges unless you choose to treat with another doctor at your own expense without your employer/insurer's approval).

3. Get more information about the benefits available under the Workers' Compensation Program or about the steps you may take to get the benefits you need. Visit www.labor.mo.gov/DWC or call 800-775-COMP.

Benefits for Injured Employees

Medical Care:

The employer or insurer is required to provide medical treatment and care that is reasonably expected to cure and relieve the effects of the injury. This includes all costs for authorized medical treatment, prescriptions, and medical devices. There is no deductible, and all costs are paid by the employer or its workers' compensation insurance company. If you receive a bill, contact your employer or the insurance company immediately. The employer/insurer has the right to choose the healthcare provider or treating physician. You may select a different healthcare provider or treating physician, but if you do so, it may be at your own expense.

Payment for Lost Wages:

If a doctor says you are unable to work due to your injury or recovery from a surgery, you may be entitled to temporary total disability (TTD) benefits. If a doctor says that you can perform light or modified duty work and your employer offers you such work, you may not be eligible for TTD benefits. TTD benefits should be continued until the doctor says you can return to work, or when your treatment is concluded because your condition has reached "maximum medical improvement," whichever occurs first.

If you return to light or modified duty at less than full pay, you may be entitled to temporary partial disability benefits.

Permanent Disability Benefits:

If the injury or illness results in a permanent disability, you may be entitled to receive either permanent partial or permanent total disability benefits.

Survivor Benefits:

If a work-related injury causes an employee's death, the surviving dependents may receive weekly death benefits paid at 66 2/3% of the deceased employee's average weekly wage along with funeral expenses up to \$5,000 from the employer/insurer. For additional information relating to survivor's benefits, including college scholarship opportunities for surviving children, please visit www.labor.mo.gov/DWC.

Additional Benefits for Occupational Diseases Due to Toxic Exposure - Permanent Total Disability and/or Death:

For information relating to additional benefits available, please refer to the Division's website at www.labor.mo.gov/DWC/Injured_Workers/benefits_available

EMPLOYER INFORMATION

With some exceptions, all employers with one or more employees, and construction industry employers with one or more employees, are required to insure their workers' compensation liability, either by purchasing employer liability insurance or by self-insuring. Workers' compensation insurance provides benefits to workers injured on the job. Employers also are required to post this notice in the workplace for employees to view. This poster is required by section 287.127, RSMo, and is available to employers and insurers free of charge by contacting the Division at 800-775-COMP.

Steps to Take When an Injury Occurs

- Do some first aid as an administrator or the employee is taken to a physician or hospital for further medical care, if necessary.
- Report the injury to the insurance company or Third Party Administrator (TPA) within five days of the date of injury or within five days of the date on which the injury was reported to the employer by the employee, whichever is later. The insurer, TPA, or Division approved self-insurer is responsible for filing a First Report of Injury with the Division of Workers' Compensation within 30 days of knowledge of the injury.
- Pay medical bills related to the work injury for treatment reasonably required to cure and relieve the employee of the effects of the injury. This includes all costs for authorized medical treatment, prescriptions, and medical devices. The employer has the right to choose the healthcare provider or treating physician. (The employee may select a different healthcare provider or treating physician, but if the employee does so, it may be at higher own expense.)
- For more liability and insurance information relating to the Workers' Compensation Program, visit www.labor.mo.gov/DWC or call 800-775-COMP.

Workers' Safety

Developing and implementing a comprehensive safety and health program can reduce occupational injuries and help lower workers' compensation costs. Insurance carriers in the state of Missouri must provide safety assistance at the request of the insured employer. The Missouri Department of Labor evaluates these services and provides additional assistance through the Missouri Workers' Safety Program.

Visit www.labor.mo.gov/MWSP or call 573-751-4231 for more information about these programs or for a registry of independent consultants who are certified in the state of Missouri to provide safety assistance.

Fraud/Noncompliance

Employee Fraud - knowingly making a claim for workers' compensation benefits to which an employee knows he/she is not entitled or knowingly presenting multiple claims for the same occurrence with intent to defraud is a class E felony, punishable by a fine of up to \$10,000, or double the value of the fraud, whichever is greater. A subsequent violation is a class D felony.

Employer Fraud - knowingly misrepresenting an employee's job classification or any other fact to obtain insurance at less than the proper rate is a class A misdemeanor. A subsequent violation is a class E felony. An employer who knowingly makes a false or fraudulent statement regarding an employee's entitlement to benefits to discourage the worker from making a legitimate claim or who knowingly makes a false or fraudulent statement regarding material or personal information to deny benefits to a worker is guilty of a class A misdemeanor punishable by a fine of up to \$10,000. A subsequent violation is a class D felony.

Insurer Fraud - knowingly and intentionally refusing to comply with workers' compensation obligations to which an insurance company or self-insurer knows an employer is entitled is a class E felony, punishable by a fine of up to \$10,000 or double the value of the fraud, whichever is greater. A subsequent violation is a class D felony.

Employer Noncompliance - knowingly failing to insure workers' compensation liability under the law is a class A misdemeanor punishable by a fine of up to three times the actual premium the employer would have paid had it been insured or up to \$50,000, whichever is greater. A subsequent violation is a class E felony. An employer who willfully fails to post the notice of workers' compensation at the workplace is guilty of a class A misdemeanor punishable by a fine of \$50 to \$1,000 or by imprisonment or both fine and imprisonment.

*Make sure your data is turned on and scan the QR Code with your smartphone's camera to go to the Division of Workers' Compensation Website for more information. If your smartphone is restricted, you may need to update your smartphone's operating system or download a QR Code reader app.

Missouri Division of Workers' Compensation is an equal opportunity employer. Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY: 800-735-2969 Relay Missouri: 711

DISCRIMINATION IN EMPLOYMENT IS PROHIBITED

The Missouri Human Rights Act (MHRA) prohibits an employer from discriminating against an individual on the basis of race, color, sex, religion, national origin, ancestry, marital status, disability, or age (40 through 69).

An employer cannot discriminate on the basis of sex or marital status if the employer is a contractor, subcontractor, or service provider for the state or a political subdivision of the state.

Discrimination includes:

- Hiring or firing decisions
- Promotions, demotions, transfers, or other changes in job assignment
- Pay, benefits, and other terms and conditions of employment
- Harassment on the basis of race, color, religion, national origin, ancestry, marital status, disability, or age

Discrimination includes:

- Retaliation against an individual for filing a complaint or participating in an investigation of a complaint
- Harassment on the basis of race, color, religion, national origin, ancestry, marital status, disability, or age

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UNEMPLOYMENT INSURANCE BENEFITS NOTICE TO WORKERS

Your employer is subject to the Missouri Unemployment Security Law and pays the contributions to fund unemployment benefits. If you are laid off, you may be eligible to receive unemployment benefits.

Nothing to deduct from your pay for your costs.

HOW TO APPLY FOR UI BENEFITS

- If you are unemployed, laid off or working reduced hours, you may be eligible to receive unemployment benefits.
- If you have your job through the end of your year or you get a job, you may be eligible to receive unemployment benefits.
- If you are able to work, available for work, and actively seeking employment.

PROPER WORKER CLASSIFICATION

Missouri law defines who is considered an employee or independent contractor. Businesses that employ both workers and independent contractors have an obligation to properly classify workers. Improperly classifying workers may result in unemployment benefits, workers' compensation coverage and employer tax consequences.

IF YOU THINK YOU MAY BE IMPROPERLY CLASSIFIED OR SUSPECT A BUSINESS OF IMPROPER CLASSIFYING WORKERS, FILE A COMPLAINT WITH THE DIVISION.

LEARN MORE AT LABOR.MO.GOV/UNEMPLOYED-WORKERS

MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE LEAVE TIME ALLOWED

See Section 208.010, RSMo, and Section 208.015, RSMo, for definitions.

EMPLOYERS who are victims of domestic or sexual violence, or who are family or household members who are victims of domestic or sexual violence, may take unpaid leave from work to address such violence by:

- Seeking medical attention for, or counseling from, physical or psychological injury caused by such violence.
- Obtaining services from a victim services organization.
- Obtaining counseling or other counseling.
- Participating in safety planning, temporary or permanent relocation, or taking other actions to increase the safety of the employee or employee's family or household.
- Seeking legal assistance or assistance to ensure health and safety.

In the case of a family or household member who is defined by statute, an individual who works for the business and who is more employees is entitled to leave for the employee if absent from work within 90 days prior to when the victim leaves the work and within 90 days prior to when the victim leaves the work and within 90 days prior to when the victim leaves the work.

Leave may be taken incrementally on a reduced work schedule, and the employer shall make the employee's absence known to the appropriate supervisor.

EMPLOYER:

- May request certification that the employee or member of the family or household is a victim as described above.
- Must return the employee to the position of employment, or hold the job for the employee if the employee or member of the family or household is a victim as described above.
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\$12.30 MISSOURI MINIMUM WAGE IN EFFECT FOR PRIVATE EMPLOYERS FOR 2024

Beginning January 1, 2024, the minimum wage rate for all private and non-exempt businesses will be based annually on the increase or decrease in the cost of living pursuant to the Consumer Price Index. Missouri Minimum Wage law does not apply to public employees, nor does it allow the state's minimum wage rate to be lower than the federal minimum wage rate.



TIPPED EMPLOYEES

Employers are required to pay tipped employees at least 50 percent of the minimum wage, \$6.15 per hour, plus any amount necessary to bring the employee's total compensative to a minimum of \$12.30 per hour.

OVERTIME COMPENSATION

Overtime compensation must also be paid at a rate of at least one and one-half times a covered employee's regular rate for all hours worked over 40 in a workweek.

EXCEPTIONS

All businesses are required to pay, at minimum, the \$12.30 per hour rate, except retail and service businesses whose annual gross sales are less than \$500,000.

The law does not apply to certain exempt employees/employers defined in Section 290.500(3), RSMo, and employees/employers pertaining to agriculture in Section 290.507, RSMo, nor does it supersede more favorable laws or interfere with collective bargaining agreement rights.

EMPLOYEE RIGHTS

An employee not being paid the correct wages can file a minimum wage complaint at labor.mo.gov/DLS/MinimumWage and is entitled to pursue a private legal right of action to collect any wages due.

An employer who unlawfully pays sub-minimum wages will be liable for the full amount of wages due (plus twice the amount left unpaid as liquidated damages) less any amount actually paid. The employer is also liable for costs and reasonable attorney fees as may be allowed by the court or jury.

LEARN MORE AT LABOR.MO.GOV/DLS/MINIMUMWAGE



DIVISION OF LABOR STANDARDS

421 East Dunklin Street
P.O. Box 449
Jefferson City, MO 65102-0449

573-751-3403
Fax: 573-751-3721
laborstandards@labor.mo.gov

Missouri Department of Labor and Industrial Relations is an equal opportunity employer/program. TDD/TTY: 800-735-2969 Relay Missouri: 711

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