



Department of Labor and 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 comprised of the Labor and Industrial Relations Commission and five divisions: (1) The Division of Employment Security adjudicates unemployment claims benefits to employees who become unemployed through no fault of their own; (2) 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; (3) The State Board of Mediation determines the appropriate bargaining unit for public employees and regulates utility labor relations; (4) The Division of Labor Standards regulates wages and wage rates and promotes safe working environments; (5) The Missouri Human Rights Commission enforces and adjudicates Missouri's anti-discriminatory, fair housing, and employment, and public accommodation statutes.

Labor and Industrial Relations Commission

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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, and tort victims' compensation cases. The commission also hears and decides prevailing wage disputes. 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.

Labor and Industrial Relations Commissioners

Ringer, William F., (R) chair, public member,
June 27, 2012;
Hickey, John J., (D), employee representative,
June 27, 2008;
Bartlett, Alice A., (R), employer representative,
June 27, 2010.

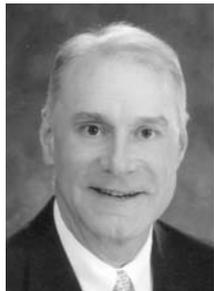
Office of the Director

The director of the Department of Labor and Industrial Relations is responsible for the supervision of the divisions. The director nominates members of the Missouri Commission on Human Rights and the governor appoints commissioners with advice and consent of the Senate. 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 general counsel prepares and reviews contracts, leases and other legal documents for the department; reviews and responds to subpoenas; and assists in responding to comments and inquiries from private citizens and public officials. The legal unit in the Division of Workers' Compensation also oversees various programs of that division, such as the medical fee dispute program.

Additionally, the General Counsel's Office represents the department and its agencies in a variety of litigation in trial courts, appellate courts and administrative tribunals. The Division of Employment Security is represented by the General Counsel's Office attorneys in cases concerning the payment of unemployment benefits and the assessment and collection of unemployment taxes. The General Counsel's Office represents the department in cases filed in administrative agencies, including the Personnel Advisory Board, the Equal Employment Opportunity Commission and the Missouri Commission on Human Rights. The General Counsel's Office also prosecutes the rights of private citizens who have suffered from discrimination.



WILLIAM F. RINGER
Chair, Labor and
Industrial Relations Commission



JOHN J. HICKEY
Commissioner, Labor and
Industrial Relations Commission



ALICE A. BARTLETT
Commissioner, Labor and
Industrial Relations Commission



PAMELA M. HOFMANN
Secretary, Labor and
Industrial Relations Commission



LAWRENCE G. REBMAN
Director



PETER LYSKOWSKI
Deputy Director



CHASTITY YOUNG
Special Assistant to the Director



TAMMY CAVENDER
Director of Administration

Division of Employment Security

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www.labor.mo.gov/es

The Missouri State Free Employment Service was established in 1899 to receive and process applications of those looking for work. Over the first three decades, the focus of Missouri's Department of Labor was on matching people with employment opportunities.

The Great Depression provided the impetus for numerous joint federal and state employment programs such as the *Wagner-Peyser Act of 1933*, the *Social Security Act of 1935* and the *Federal Unemployment Insurance Tax Act of 1939*. On July 17, 1937, the Missouri General Assembly created the Unemployment Compensation Commission. The unemployment programs of the Great Depression were based in part on the realization that employers decide whether to employ or lay off workers, and as such, unemployment should be a cost of doing business. Unemployment insurance is now completely funded through taxes on employers' payrolls.

On July 1, 1946, The Division of Employment Security was established to administer the *Missouri Unemployment Compensation Law*. The Division consists of five sections: Benefits, Contributions Field, Employer Contributions, Unemployment Insurance Programs and Appeals. The Division of Employment Security



MICHAEL PRITCHETT
General Counsel



GRACIA BACKER
Director, Division of
Employment Security

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.

In 2009, Missourians experienced the highest unemployment levels since 1982. The current level of unemployment is compounded by the fact that during the economic boom of the 1980s and 1990s, the State of Missouri's Unemployment Trust Fund became increasingly underfunded, because the rate of taxation failed to keep pace with the growth of Missouri industry. On February 23, 2009, the Division of Employment

Security once again began borrowing from the federal government to meet its obligation under the *Social Security Act* to provide unemployment compensation. Failure to provide unemployment compensation would cost Missouri employers \$1 billion annually in Federal Unemployment Tax Act credits. Given the high rate of unemployment, Missouri will continue to face major solvency issues for years to come. The division's financial projections show a mounting deficit to the federal government of more than \$1 billion, even assuming a decline in the unemployment level. Employers in the state will be responsible for paying off this debt.

Unemployment Insurance

The unemployment benefits paid to insured workers help to 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 26 weeks of unemployment compensation under the Regular Benefit Program. The average weekly wage for first quarter 2009 - \$748.46. The average weekly benefit for first quarter 2009 was \$255.26, and the maximum benefit amount of \$320 was received by 44.9 percent of claimants.

Employer Contributions

The division's Contributions Section ensures that employers are properly classifying their workers, reporting their workers' wages, and paying the correct tax contributions on wages. Correct reporting helps to 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 via the Internet 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 via the Internet at www.mocclaim.com. 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.

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/wc
Email: workerscomp@labor.mo.gov

The Missouri Division of Workers' Compensation administers the programs which 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, the division ensures that they receive the permanent benefits 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. Such employers must provide a bond or letter of credit to the division to secure their promise to compensate for employees' work-related injuries. In 2009, 39 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.

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 that do not resolve by compromise, the divi-

sion'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 that 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.

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
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The State Board of Mediation is a quasi-judicial board created by the General Assembly in 1947. This five-member board is appointed by the governor. Two members are employers or selected from an association representing employers. The other two members hold membership in a bona fide trade or labor union. The fifth member is a neutral party who serves as full-time chairman and administrator of the agency.

Article I Section 29 of the Missouri Constitution states that all employees shall have the right to organize and to bargain collectively through representatives of their own choosing. In 2007, the Missouri Supreme Court overruled prior cases and held that the phrase "all employees" applies to public employees as well as private-sector employees.

The Board of Mediation is charged with regulating of the labor relations of public utilities and determining appropriate bargaining units of public employees, based on their community of interests. The board also conducts elections to determine the representation status of petitioning bargaining units.

In 1965, the General Assembly enacted Chapter 105, RSMo, the *Public Sector Labor Law*. Currently, the law covers all public employees in Missouri except police, deputy sheriffs, Missouri highway patrol officers, Missouri National Guard members, and all teachers at Missouri schools, colleges and universities.



PETER LYSKOWSKI
Acting Director, Division of
Workers' Compensation



JAMIE HAGLER
Chief of Operations, Division of
Workers' Compensation



JIM AVERY
Chair
State Board of Mediation



CARLA BUSCHJOST
Director
Division of Labor Standards

In fiscal year 2008–2009, the State Board of Mediation processed 63 petitions and conducted 28 representation elections affecting over 2,300 employees.

Division of Labor Standards

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The Division of Labor Standards currently consists of four sections: Wage and Hour, On-Site Safety and Health Consultation Service, Mine and Cave Safety and Health, and the Workers' Safety Program.

Wage and Hour

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 prevailing wage not only ensures that in tough economic times that wages do not decline, but also supports worker health and pension benefits, increases sales tax revenue, corporate sales taxes, supports apprenticeship training, lowers occupation injuries, discourages hiring of out-of-state contractors 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 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 business whose annual gross volume sales or business done is less than \$500,000. The minimum wage rate on July 24, 2009 increases from \$7.05 to \$7.25 per hour.

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

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

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 three-year exemption from certain OSHA inspections.

Mine and Cave Safety and Health

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, unsafe processes or work procedures that could or would 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 is published on the department's web site at www.labor.mo.gov/l/minesafety/mocaves.html.

The Mine and Cave Safety and Health Training 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.

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 safety consultants, engineers and is used by employers. The Workers' Safety Program also investigates complaints of inadequate loss control services against insurance carriers and monitors the impact of safety services being provided by insurance carriers. The Workers' Safety Program will also oversee the enforcement of the 10-Hour Construction Safety Training Program beginning August 28, 2009, which requires all employees on a public works project to have 10 hours of safety training prior to working on the project.

Missouri Commission on Human Rights

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The Missouri Commission on Human Rights



Missouri Commission on Human Rights, Commissioners Adolfo Castillo, Daniel Champion, Jaye Jackson, Executive Director Alisa Warren, Alvin Carter (chair) and Herman Elmore

administers programs to prevent and eliminate discrimination and to provide equitable and timely resolutions of discrimination claims.

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*.

In 2009, the commission celebrated its 50th Anniversary. In 1959, the *Missouri Manual* reported that the commission investigated 16 complaints and began the study of human rights in Missouri. Today, the commission staff handles approximately 21,000 cases annually. In 2008, the commission conducted 2,065 hearings on such cases.

The *Missouri Human Rights Act* requires the commission to receive, investigate, settle or conciliate complaints of alleged discrimination and conduct public hearings. The statute also enables 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. The commission responds to complaints of alleged discrimination in employment, housing and public accommodations based on race, color, religion, national origin, ancestry, sex, physical/mental disability handicap, age (40-70 employment only) and familial status (housing only).

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 nine congressional districts, one member-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

- Carter, Alvin**, (R), chair, St. Thomas, April 1, 2011;
- Belarbi, Abdeldjelil (D.J.)**, (D), commissioner, Rolla, 8th District, April 1, 2007;
- Buford, James**, (D), commissioner, St. Louis, 1st District, April 1, 2013;
- Castillo, Adolfo**, (R), commissioner, Joplin, 7th District, April 1, 2009;
- Champion, Daniel E.**, (D), commissioner, Lee's Summit, 6th District, April 1, 2012;
- Checkett, Christi Anne**, (R), commissioner, Imperial, 3rd District, April 1, 2009;
- Vacancy**, commissioner, Kansas City, 5th District;
- Elmore, Herman W.**, (R), commissioner, St. Charles, 2nd District, April 1, 2011;
- Jackson, Jaye A.**, (D), commissioner, Mexico, 9th District, April 1, 2008;
- Pentlin, Susan L.**, (D), commissioner, Warrensburg, 4th District, April 1, 2006;
- Zimmerman, David C.**, (D), commissioner, Crystal City, At Large, April 1, 2010.