

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

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1 AMEND House Bill No. 1851, Section A, Page 1, Line 2, by inserting immediately after all of  
2 said line the following:

3 "290.505. 1. No employer shall employ any of his employees for a workweek longer than  
4 forty hours unless such employee receives compensation for his employment in excess of the  
5 hours above specified at a rate not less than one and one-half times the regular rate at which he is  
6 employed.

7 2. Employees of an amusement or recreation business that meets the criteria set out in 29  
8 U.S.C. § 213(a) (3) must be paid one and one-half times their regular compensation for any hours  
9 worked in excess of fifty-two hours in any one-week period.

10 3. With the exception of employees described in subsection (2), the overtime  
11 requirements of subsection (1) shall not apply to employees who are exempt from federal  
12 minimum wage or overtime requirements [pursuant to 29 U.S.C. §§ 213(a)-(b)] including, but not  
13 limited to, the exemptions or hour calculation formulas specified in 29 U.S.C. Section 207 and  
14 213, and any regulations promulgated thereunder.

15 4. Except as may be otherwise provided under sections 290.500 to 290.530, this section  
16 shall be interpreted in accordance with the Fair Labor Standards Act, 29 U.S.C. Section 201, et  
17 seq., as amended, and the Portal to Portal Act, 29 U.S.C. Section 251, et seq., as amended, and  
18 any regulations promulgated thereunder.

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Action Taken \_\_\_\_\_

Date \_\_\_\_\_

1           290.512. 1. No employer of any employee who receives and retains compensation in the  
2 form of gratuities in addition to wages [is required to pay wages in excess of fifty percent of the  
3 minimum wage rate specified in sections 290.500 to 290.530, however, total compensation for  
4 such employee shall total at least the minimum wage specified in sections 290.500 to 290.530, the  
5 difference being made up by the employer] shall pay such employee a cash wage at a rate less than  
6 the cash wage amount specified in the Fair Labor Standards Act, 29 U.S.C. Section 203(m), for  
7 tipped employees. However, the total compensation for such tipped employee shall not be less  
8 than the minimum wage specified in section 290.502.

9           2. If an employee receives and retains compensation in the form of goods or services as an  
10 incident of his employment and if he is not required to exercise any discretion in order to receive  
11 the goods or services, the employer is required to pay only the difference between the fair market  
12 value of the goods and services and the minimum wage otherwise required to be paid by sections  
13 290.500 to 290.530. The fair market value of the goods and services shall be computed on a  
14 weekly basis. The director shall provide by regulation a method of valuing the goods and services  
15 received by any employee in lieu of the wages otherwise required to be paid under the provisions  
16 of sections 290.500 to 290.530. He shall also provide by regulation a method of determining  
17 those types of goods and services that are an incident of employment the receipt of which does not  
18 require any discretion on the part of the employee."; and

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20 Further amend said bill by amending the title, enacting clause, and intersectional references  
21 accordingly.  
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Action Taken \_\_\_\_\_

Date \_\_\_\_\_