

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1559, Page 1, Section A, Line 2, by inserting after all of said section and
2 line the following:

3
4 "290.500. As used in sections 290.500 to 290.530, the following words and phrases mean:

5 (1) "Agriculture", farming and all its branches including, but not limited to, the cultivation
6 and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any
7 agricultural commodities, the raising of livestock, fish and other marine life, bees, fur-bearing
8 animals or poultry and any practices performed by a farmer or on a farm as an incident to or in
9 conjunction with farming operations, including preparation for market, delivery to storage or to
10 market or to carriers for transportation to market;

11 (2) "Director", the director of the department of labor and industrial relations or his
12 authorized representative;

13 (3) "Employee", any individual employed by an employer, except that the term "employee"
14 shall not include:

15 (a) Any individual employed in a bona fide executive, administrative, or professional
16 capacity;

17 (b) Any individual engaged in the activities of an educational, charitable, religious, or
18 nonprofit organization where the employer-employee relationship does not, in fact, exist or where
19 the services rendered to the organization are on a voluntary basis;

20 (c) Any individual standing in loco parentis to foster children in their care;

21 (d) Any individual employed for less than four months in any year in a resident or day camp
22 for children or youth, or any individual employed by an educational conference center operated by
23 an educational, charitable or not-for-profit organization;

24 (e) Any individual engaged in the activities of an educational organization where
25 employment by the organization is in lieu of the requirement that the individual pay the cost of
26 tuition, housing or other educational fees of the organization or where earnings of the individual
27 employed by the organization are credited toward the payment of the cost of tuition, housing or
28 other educational fees of the organization;

29 (f) Any individual employed on or about a private residence on an occasional basis for six
30 hours or less on each occasion;

31 (g) Any handicapped person employed in a sheltered workshop, certified by the department
32 of elementary and secondary education;

33 (h) Any person employed on a casual basis to provide baby-sitting services;

34 (i) Any individual employed by an employer subject to the provisions of part A of subtitle
35 IV of title 49, United States Code, 49 U.S.C. §§ 10101 et seq.;

36 (j) Any individual employed on a casual or intermittent basis as a golf caddy, newsboy, or in

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1 a similar occupation;

2 (k) Any individual whose earnings are derived in whole or in part from sales commissions
3 and whose hours and places of employment are not substantially controlled by the employer;

4 (l) Any individual who is employed in any government position defined in 29 U.S.C. §§
5 203(e)(2)(C)(i)-(ii);

6 (m) Any individual employed by a retail or service business whose annual gross volume
7 sales made or business done is less than ~~[five hundred thousand dollars]~~six hundred thirty thousand
8 dollars, and beginning on January 1, 2021, shall include any adjustments for inflation which shall be
9 calculated annually using the annual average percentage change in the Consumer Price Index for All
10 Urban Consumers, as reported by the United States Bureau of Labor Statistics;

11 (n) Any individual who is an offender, as defined in section 217.010, who is incarcerated in
12 any correctional facility operated by the department of corrections, including offenders who provide
13 labor or services on the grounds of such correctional facility pursuant to section 217.550;

14 (o) Any individual described by the provisions of section 29 U.S.C. 213(a) (8);

15 (4) "Employer", any person acting directly or indirectly in the interest of an employer in
16 relation to an employee;

17 (5) "Learner and apprentice", any individual under 20 years of age who has not completed
18 the required training for a particular job. In no event shall the individual be deemed a learner or
19 apprentice in the occupation after three months of training except where the director finds, after
20 investigation, that for the particular occupation a minimum of proficiency cannot be acquired in
21 three months. In no case shall a person be declared to be a learner or apprentice after six months of
22 training for a particular employer or job. Employees of an amusement or recreation business that
23 meets the criteria set out in 29 U.S.C. § 213(a) (3) may be deemed a learner or apprentice for ninety
24 working days. No individual shall be deemed a learner or apprentice solely for the purpose of
25 evading the provisions of sections 290.500 to 290.530;

26 (6) "Occupation", any occupation, service, trade, business, industry, or branch or group of
27 industries or employment or class of employment in which individuals are gainfully employed;

28 (7) "Wage", compensation due to an employee by reason of his employment, payable in
29 legal tender of the United States or checks on banks convertible into cash on demand at full face
30 value;

31 (8) "Person", any individual, partnership, association, corporation, business, business trust,
32 legal representative, or any organized group of persons;

33 (9) "Man-day", any day during which an employee performs any agricultural labor for not
34 less than one hour."; and

35
36 Further amend said bill by amending the title, enacting clause, and intersectional references
37 accordingly.