



2019

# ANNUAL REPORT

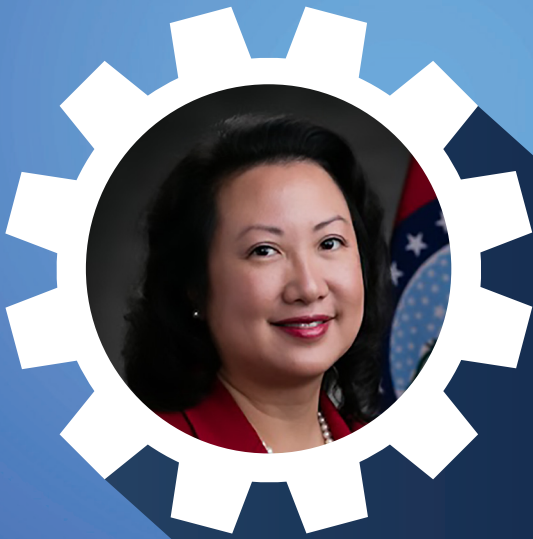
MISSOURI DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS





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# MESSAGE FROM THE DIRECTOR

**ANNA HUI,  
DEPARTMENT DIRECTOR**

During this past year, the Missouri Department of Labor and Industrial Relations (DOLIR) continued its commitment to economic vitality, safety and fairness for all Missouri's businesses and workers. Our vision underscores our strategic focus on growth, safety and opportunity and the Governor's top priorities which are workforce development, infrastructure and government efficiency. The Department continues to look for areas of improvement and innovative programs and services to better meet the public's needs.

In our continued efforts to better serve our citizens and make government more efficient, in April 2019 the Division of Employment Security (DES) launched a mobile-friendly version of UInteract, the Division's complete unemployment insurance online system. With this launch, access is not only 24/7 but aligns with the lifestyle of today's consumer giving them the convenience of conducting business after hours and on the go. Being mobile-friendly allows greater self-service and also frees DES staff to focus on eligibility determinations which improves the speed in which eligible claimants receive their benefits and helps prevent improper payments to ineligible workers.

Also in FY 2019, the DES Tax Section began giving businesses the choice of correspondence audits or "desk" audits rather than in-person field audits, giving a less invasive option for businesses to provide requested information. Desk audits now account for approximately 50 percent of all audits, resulting in more efficient use of resources with a less intrusive method for business compliance.

To continue to advance DES modernization efforts, the Department proposed Senate Bill 90 (SB90). The bill was expanded to include four proposals from the Department including allowing the DES to communicate with both employers and claimants via electronic means, ensuring more efficient communications and savings in postage. SB90 also allows the DES to send assessments either via registered mail or by personal service; allowing assessments to be sent via certified mail saves approximately \$50,000 in postage annually. SB90 also requires employers with 50 or more employees to file quarterly wage information electronically and removed archaic language allowing for more updated means for information to be submitted and the collection of information from more employers more efficiently and accurately. Additionally, SB90 standardized the number of work searches required of those receiving unemployment benefits at three rather than varied numbers up to three, lessening administrative strain but also better accomplishing the goal of assisting claimants in returning to the workforce.

Also, during FY 2019 the Labor and Industrial Relations Commission was able to reduce the average time it takes to review unemployment appeals filed by employers and workers from 103 days to less than 40. For the first time in over 20 years the Commission has less than 100 pending unemployment cases, providing certainty for employers and workers, economic stability for the state and efficiency in government.

In conjunction with the Office of Administration's Information Technology Services Division, the Division of Workers' Compensation (DWC) is also modernizing, transitioning away from its outdated legacy computer system towards a modern computer system utilizing current technology platforms, and standards. This past year, the DWC also expanded its use of Box Account to achieve better efficiencies for external stakeholders. Box Account allows attorneys and law firms to submit Claims and Answers electronically, at no cost, saving time and money and decreasing DWC processing time with increased savings on postage and labor. The DWC's successful pilot use of the Box Account has also led the agency to utilize Box Account in multiple programs within the DES, the DLS and the MCHR.

Also in an effort to help our citizens, the Division of Labor Standards (DLS) has launched a new tool to help Missouri businesses more quickly access resources that help them develop safer and healthier workplaces while saving money on lost time and workers' compensation insurance costs. The Safe@Work Program joins together the DLS's three main safety programs: On-Site Safety and Health Consultation Program, the Missouri Workers' Safety Program, and the Missouri Mine and Cave Safety Program. It provides businesses with one portal to access resources for improving workplace safety and health. For more information, visit us at [labor.mo.gov/safe-at-work](http://labor.mo.gov/safe-at-work).

Lastly, DOLIR's State Board of Mediation (SBM) has also been modernizing its systems this year in an effort to better serve our citizens. The SBM can now accept petitions of Certification for Representation, Decertification and amended petitions online. Applicants are no longer required to print and fill out paper documents to submit petition or amendments. With a few simple answers and an electronic signature, the sender receives an automated response with a case number and copy of the petition, saving time for both the applicant and SBM staff.

These are just a few of the 2019 updates and successes of the DOLIR team this past year. We will continue to focus our efforts in compliance assistance, common sense regulations, investing in the development of our team members, and innovating our service delivery for a more responsive government. We look forward to furthering our efforts in 2020 as we "Work Better Together." We invite you to join us in this effort and welcome your emailed suggestions and proposed solutions at [BetterTogether@labor.mo.gov](mailto:BetterTogether@labor.mo.gov).

# VISION STATEMENT:

To promote economic vitality, safety, and fairness for Missouri's businesses and workers

## The Department is comprised of:

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### **Labor and Industrial Relations Commission (LIRC)**

The LIRC provides oversight of the Department of Labor and Industrial Relations. It is composed of three commissioners appointed by the Governor, with the advice and consent of the Senate. The LIRC hears appeals of claims on Workers' Compensation, Unemployment Insurance, and Tort Victims' Compensation as well as objections to Prevailing Wage Orders.

### **Division of Employment Security (DES)**

The DES administers Missouri's Unemployment Insurance program, a joint state-federal program funded by the Unemployment Tax paid by employers. These funds are held in the Missouri Unemployment Compensation Trust Fund and payment of benefits for regular unemployment are made from this fund. There are also special unemployment programs available to qualified individuals.

### **Division of Workers' Compensation (DWC)**

The DWC provides oversight of programs that provide services to workers who have been injured or exposed to occupational disease in the course of employment. Administrative Law Judges approve settlements or issue awards after hearings related to compensation for injured workers. Line of Duty Compensation for the families of emergency workers killed on the job, payments to uncompensated Tort Victims, and oversight for the Second Injury Fund are also administered by the division.

## **Division of Labor Standards (DLS)**

The DLS is comprised of five sections. The Research and Analysis Section collects and analyzes data relating to occupational and work-related injuries and fatalities in cooperation with the U.S. Department of Labor, Bureau of Labor Statistics. The Wage and Hour Section enforces wage and hour laws and calculates annual prevailing wage/average hourly wage rates. Free safety consultation services for Missouri employers designed to help them stay in compliance with federal regulations are provided by the On-Site Safety and Health Consultation Program. Mine and Cave Safety staff inspect mines and show caves operating in Missouri and train miners prior to their beginning employment and annually thereafter to ensure safe and healthy work habits. The Mine and Cave Safety staff also assist with rescue and recovery efforts should there be a mining accident in Missouri. The Workers' Safety Program, funded by the Workers' Compensation Fund, certifies the safety programs of workers' compensation insurance carriers, certifies safety consultants and rehabilitation facilities for Second Injury Fund Rehab benefits, and assists employers in developing programs to improve workplace safety and eliminate hazards.

## **State Board of Mediation (SBM)**

The SBM is a quasi-judicial board that administers the Public Sector Labor Law (RSMo. Chapter 105.500 - 105.598). Duties include the definition of appropriate bargaining units of employees, certification and recertification of bargaining units, determination of majority representation status by secret ballot elections, and oversight of annual financial reporting by public employee unions and officials. A temporary injunction went into effect March 7, 2019, blocking the SBM from implementing any of the changes from HB 1413 (2018).

## **Missouri Commission on Human Rights (MCHR)**

The MCHR works to prevent and eliminate discrimination; investigates complaints of discrimination under the Missouri Human Rights Act, and facilitates fair and timely resolutions of discrimination claims.

# FINANCIAL APPROPRIATIONS



The operating budget for the Department is appropriated by the General Assembly and approved by the Governor in the annual budget process. These appropriations fund personnel services (payroll), equipment and other expenses necessary to carry out the duties of the Department. It does not include any benefit payments.

<b>\$36,769,776*</b>	<b>Division of Employment Security*</b>
<b>\$9,818,391**</b>	<b>Division of Workers' Compensation**</b>
<b>\$5,352,803</b>	<b>Director and Staff</b>
<b>\$2,269,227</b>	<b>Division of Labor Standards</b>
<b>\$1,428,226</b>	<b>Missouri Commission on Human Rights</b>
<b>\$1,032,418</b>	<b>Labor and Industrial Relations Commission</b>
<b>\$201,983</b>	<b>State Board of Mediation</b>
<hr/>	
<b>\$56,872,824</b>	<b>Total</b>

\* This amount excludes tax interceptions and benefit payments.

\*\*This amount excludes Second Injury and tort victims' claim payments and Second Injury Fund refunds.

# LEGISLATIVE SUMMARY

## Senate Bill 90

Senate Bill 90 was a Department proposal that sought to advance modernization efforts for the Division of Employment Security (DES). The bill was expanded to include four proposals from the Department that are further explained below.

### **Electronic Communication**

Language was added to Missouri Statute giving the DES the right to communicate with both employers and claimants via electronic means. Statute made many references to physical means of communication but did not address electronic communication. Considering that many people now utilize electronic platforms of communication and that in the Fiscal Year 2018 the DES spent approximately \$800,000 on postage, this change allows the DES to offer a more convenient way of communicating while also reducing costs.

### **Changes to Mail Requirements**

This provision changed the requirement for the DES to send assessments either via registered mail or by personal service. The new law allows for the DES to send assessments via certified mail. This change will allow the DES to save approximately \$50,000 in postage costs annually.

### **Electronic Wage Reporting**

This provision requires an employer with 50 or more employees to file its quarterly wage information to the DES electronically, unless good cause is approved by the director. Previous law required all employers with 250 workers or more to report quarterly wage information to the DES on magnetic tape or diskette in a format prescribed by the DES. This not only removes archaic language from the statute, but also allows the DES to collect information from more employers in the state in a more efficient and accurate manner.

### **Work Search Requirements**

This provision set the number of work searches required for those receiving Unemployment Insurance (UI) benefits at three. Previously, the number could vary and caused unnecessary administrative strain. This new legislation allows for the DES to administer a consistent number of work searches for all claimants to better accomplish the goal of assisting claimants in returning to the workforce.

Get updates on the Missouri Legislature at [mo.gov/government](http://mo.gov/government)



# LABOR AND INDUSTRIAL RELATIONS COMMISSION



**Robert W. Cornejo,**  
**Chair**  
Public Member

**Reid K. Forrester,**  
**Commissioner**  
Employer Member

**Curtis E. Chick, Jr.,**  
**Commissioner**  
Employee Member

The Labor and Industrial Relations Commission (LIRC) was established by Article IV, Section 49 of the Missouri Constitution. The LIRC's primary constitutional duty is to oversee the Department of Labor and Industrial Relations.

The Labor and Industrial Relations Commission (LIRC) was established by Article IV, Section 49 of the Missouri Constitution with the primary constitutional duty to oversee the Department of Labor and Industrial Relations. In 1974, the LIRC delegated to the Director of the Department, who is appointed by the Governor and confirmed by the Senate, in his or her capacity as the chief administrative officer over all units of the Department except the Commission itself, the administrative authority required to effectively carry out the day-to-day operations, functions, and duties of the Department and its divisions as established by law.

The LIRC is composed of three commissioners and operates under the authority of Chapter 286, RSMo. 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 LIRC, who must be a licensed Missouri attorney, represents the public. The other two members represent employers and employees respectively. The Governor designates one member as the chair.

The LIRC hears appeals from administrative decisions in workers' compensation, unemployment compensation, and tort victims' compensation cases. The LIRC also hears and decides prevailing wage disputes. In addition, the LIRC approves or disapproves all rules or regulations proposed by the divisions within the Department.

During FY 2019 the LIRC reduced the average time it takes to review unemployment appeals filed by employers and workers from 103 days to less than 40 days. Ninety-five percent of cases are now completed within 40 days of reaching the LIRC. This was accomplished by reviewing processes, pinpointing problem areas, and creating solutions to streamline the resolution time of unemployment dispute cases. At the end of the fiscal year, there were 40 unemployment and 17 employer contribution cases pending, compared to December 31, 2017 when the LIRC had 606 unemployment cases pending. This is the first time in over 20 years the LIRC has less than 100 pending unemployment cases. Adjudicating these cases quickly provides certainty for employers and workers, economic stability for the state, and efficient government services to the citizens of Missouri.

## **Employment Security**

- 1,885 Employee Benefit Appeals
- 50 Employer Contribution Appeals
- 2,146 Benefit Decisions/Orders Issued
- 33 Contribution Decisions/Orders Issued
- 280 Appeals to the Missouri Court of Appeals
- 57 Benefit/Contribution Cases Pending as of June 30, 2019

## **Workers' Compensation/Tort Victims/Line of Duty**

- 180 Applications for Review of Award by Administrative Law Judge
- 21 Motions for Modification of Award
- 52 Applications for Approval of Settlement
- 90 Awards Issued
- 217 Orders Issued
- 25 Oral Arguments Heard
- 53 Appeals to the Missouri Court of Appeals
- 120 Cases Pending as of June 30, 2019

## **Prevailing Wage**

- 76 Objections Filed
- 1 Hearings Held
- 6 Decisions Issued
- 0 Appeals to Court

# DIVISION OF EMPLOYMENT SECURITY

**CHRIS SLINKARD,  
DIVISION DIRECTOR**



The Division of Employment Security (DES) is responsible for administering the state's Unemployment Insurance (UI) program. In Missouri, it is a joint state-federal program funded solely through tax contributions paid by employers, so no deductions are made from employees' paychecks for this insurance. All tax contributions are deposited into the Missouri Unemployment Compensation Fund (UTF). Payments of benefits under the regular UI program are made from the UTF to eligible claimants.

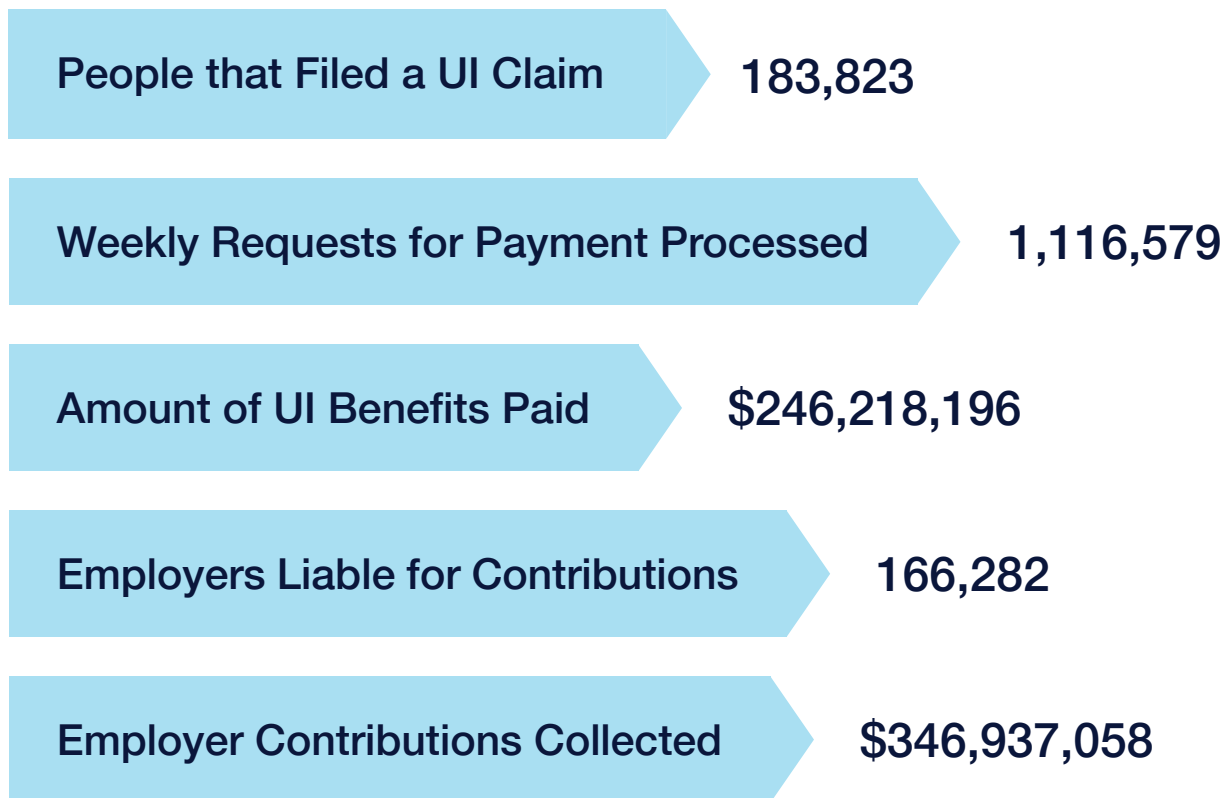
The UI system in the United States was created in 1935 to stabilize the economy and alleviate personal hardship stemming from involuntary job loss. Benefits paid to eligible recipients are intended to provide temporary financial assistance to people who are able and willing to work and who are unemployed through no fault of their own. These benefits help maintain the economy of the state during periods of economic downturn by helping preserve the level of consumer purchasing power.

The DES processes weekly requests for payment and pays benefits to individuals in covered employment under state and federal unemployment programs. Missouri's unemployment program is normally comprised of regular UI, Unemployment Compensation for Ex-Servicemembers (UCX), Unemployment Compensation for Federal Employees (UCFE), and Trade Readjustment Allowances. When authorized, the DES is also responsible for administering federal-state Extended Benefits, federal Emergency Unemployment Compensation, and Disaster Unemployment Assistance.

In April 2019, the DES launched a mobile-friendly version of UInteract, the Division's complete unemployment insurance online system. Being mobile-friendly with 24/7 access, UInteract is now aligned with the lifestyle of today's consumer, giving them the convenience of conducting business after hours and on the go. These self-service functions allow unemployed workers to not only avoid on-hold wait times but to file initial unemployment claims and weekly requests for payments, get answers to questions about their claim, and access current job listings specific to their skill set and experience, helping them to find work sooner. The DES also suspended the use of its Interactive Voice Response system, which failed to adequately collect the necessary information to file a complete and accurate claim. Claimants who do not have access to the internet are still able to visit their local Job Center to file claims online while taking advantage of job services and training available there, or they can call our dedicated support lines to receive personal assistance over the phone. Greater self-service allows the DES

staff to focus on eligibility determinations, which improves the speed in which eligible claimants receive their benefits and helps further prevent improper payments to ineligible workers.

Also in SFY 2019, the DES Tax Section began giving businesses the choice of having correspondence audits or “desk” audits in contrast with all in-person field audits. The DES is committed to the education and assistance that it can provide businesses, and this change attempts to achieve a less invasive opportunity for businesses or their representatives to provide requested information. Correspondence audits now comprise approximately 50 percent of all audits, resulting in more efficient use of resources, while offering a less intrusive method for business compliance.



## UI Appeals Section

Pursuant to federal and Missouri law, the DES must provide an opportunity for a fair hearing before an impartial tribunal to all parties affected by a deputy’s determination. The DES UI Appeals Section provides due process hearings for all appeals arising under the basic programs of UI benefit entitlement and tax liability, as well as special unemployment programs, when authorized.

Once an appeal is filed, an impartial Appeals Referee conducts an evidentiary hearing and issues a written decision regarding the appeal. The decision of the Appeals Referee is subject to review by the Labor and Industrial Relations Commission upon timely application by the aggrieved party.

**17,449**  
**Appeals filed**  
**17,484 Appeals**  
**disposed by**  
**decision or order**

# UI Benefits Section

The DES works to provide prompt and accurate payments of unemployment benefits to eligible claimants. 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. The formula to determine the benefit amount uses wages earned by the individual worker, which means not all workers are eligible for 20 weeks of benefits.

**20 weeks**

Maximum number of weeks eligible for benefits

**\$320**

Maximum weekly benefit amount paid

**\$264.70**

Average weekly benefit amount paid

The DES uses an identity verification solution for all unemployment claims filed. The program is designed to ensure that the information provided during the claim intake process is correct and belongs to the person filing a claim for unemployment benefits prior to UI benefits being paid. A series of questions are presented that only the user should be able to answer. If individuals do not provide the correct answers, they are mailed a letter directing them to report to a Job Center with proof of their identity.

**In SFY 2019, over 3,490 people failed the identity proofing program and subsequently did not report to the Job Center as required to verify their identity.**

The DES continues to partner with the Missouri Department of Higher Education and Workforce Development – Office of Workforce Development to offer extensive re-employment services for jobseekers. The collaborative efforts maintain an environment within both agencies that allows data sharing which sustains a large number of programs aimed at improving the ability of unemployed workers to find new jobs or seek further education to enhance opportunities for re-employment. An example of this is implementation of the job matching system, where an unemployed worker is provided with available job openings matching their skills and prior work history when filing an unemployment claim.

In addition, the DES and the Office of Workforce Development are jointly responsible for the operation of Missouri's Reemployment Services and Eligibility Assessment (RESEA) Program. This program targets claimants who are most likely to exhaust their UI benefits and recipients of UCX and requires them to report to their local Missouri Job Centers to receive specialized reemployment services and a UI eligibility assessment. In SFY 2019, 11,322 job seekers received services through the RESEA program.

**SHAREDWORK**

An alternative to layoffs for employers faced with a reduction in available work

301 Employers participated

18,248 Employee layoffs avoided

\$2,730,343 Paid in Shared Work benefits

## UI Tax Section

The UI Tax Section assists businesses in meeting their obligations under the UI program for filing required quarterly reports and payment of UI tax. Liable employers are assigned a UI tax rate as defined within the law.

Employers paid \$346,937,058  
in UI taxes that  
were credited to the  
Unemployment Trust Fund

Provided UI coverage for  
3,296,451 employees

Generally, an employer's tax rate is determined by the relationship between chargeable benefits paid out, UI taxes paid in, and an employer's average annual taxable payroll.

**MISSOURI IS  
1 OF 17 STATES  
THAT ALLOW A MINIMUM  
UI TAX  
RATE OF 0%**

166,282 Employers  
were assisted in  
establishment  
of liability and  
maintenance of their  
employer accounts  
and records.

22,151 Employers not  
previously liable for UI  
tax, became liable.

The UI Tax Section monitors and improves compliance among businesses to ensure equity and a level playing field. Businesses that don't properly report and pay UI taxes for their workers gain an unfair advantage. It also creates barriers for eligible workers to access UI benefits in a time of need.

8,424 Investigations conducted

4,454 Workers identified  
as improperly classified

# UI Integrity Section

As part of an ongoing effort to detect and reduce improper UI benefit payments, the DES conducts cross-matches to compare relevant databases to claimants who file for UI benefits. Claimants who have returned to work and continue to complete weekly requests for payment are one of the leading causes of improper payments. One of the most effective tools for early detection of improper payments is cross-matching new hire data reported by employers.



The DES utilizes a variety of cross-matches to prevent and detect fraud and improper payments of the UI program, including the quarterly cross-match with wages reported by employers.

## Quarterly cross matches detected \$2,820,959 in improperly paid benefits.

Collection of overpaid benefits is a high priority. Methods used to collect the debt for overpaid benefits include intercepting state and federal income tax refunds and state lottery winnings, offsetting future payment of unemployment benefits, voluntary credit card payments, cash payments, and garnishment of wages.

### The DES recovered:

**\$10.3 million of improperly paid benefits**

**and more than \$3.5 million in fraud penalties**

**The most egregious overpayments of benefits due to fraud are investigated and referred for criminal prosecution.**

The DES is an active member of a centralized, multi-state data analysis project to prevent UI fraud and address identity theft. The Suspicious Actor Repository (SAR) allows Missouri to cross-match initial, renewed and weekly UI claims against a database of information associated with potentially fraudulent claims or overpayments. The SAR project offers several benefits to Missouri including leveraging information collected by other state workforce agencies, a focus on identifying and addressing identity theft, an expanded visibility into potential multi-state fraud activity and automated flagging of data for further investigation.

The DES is responsible for the operation of two federally mandated programs, Benefit Accuracy Measurement (BAM) and Tax Performance System (TPS). The BAM program audits paid and denied unemployment claims. The TPS program audits the operation of the DES UI tax program.

**930 Benefit claims audited**

**1002 Tax cases audited as improperly classified**

Other functions and responsibilities of the UI Integrity Section include producing and providing statistical information, raw data and financial information to the Department's executive staff, the U.S. Department of Labor (USDOL), members of the Missouri General Assembly and all other interested stakeholders. The Integrity Section also prepares and submits USDOL required reports, UTF projections, budget oversight, and fiscal notes; calculates and monitors the DES performance measures; writes and monitors grants; assists in the implementation of statutory changes; and ensures Missouri's UI system complies with federal laws and policies.

### Employment and Earnings

Cal. Year	Covered Employers	Covered Employees <sup>1</sup>	State Revenues <sup>1,2</sup>	Wages Paid in Covered Employment <sup>1</sup>		Average Tax Rate-Percent of		Taxable Wage Base	Annual Wage
				Total	Taxable	Total	Taxable		
2014	145,488	2.64M	\$634.9M	\$112.1B	\$27.6B	0.7	2.2	\$13,000	\$43,923
2015	150,049	2.7M	\$605.9M	\$117B	\$28.6B	0.6	2.0	\$13,000	\$45,130
2016	153,948	2.7M	\$570.9M	\$121.7B	\$29.5B	0.57	1.88	\$13,000	\$45,711
2017	161,917	2.7M	\$434.4M	\$126.9B	\$30.5B	0.43	1.44	\$13,000	\$46,931
2018	166,204	2.7M	\$376.4M	\$133.2B	\$29.9B	0.33	1.17	\$12,500	\$48,615

1 - These are abbreviated figures.

2 - As the reserves in Missouri's UI Trust Fund continue to grow, statutory thresholds are exceeded that activate reductions in the amount of UI Revenue (taxes) paid by businesses.

### UI Claims and Benefits

Cal. Year	First Payments	Weeks Compensated	Benefits Paid <sup>1</sup>	Avg. Weekly Benefit Amt.	Average Duration	Exhaustion Rate	Trust Fund Balance <sup>1,2</sup>	Outstanding Fed. Loans <sup>1</sup>
2014	118,063	1,664,558	\$389.2M	\$243.63	14.1	41.5	\$104.8M	\$0
2015	103,654	1,362,049	\$324.4M	\$247.30	13.1	35.5	\$377.5M	\$0
2016	95,704	1,148,289	\$279.8M	\$253.45	12.0	39.5	\$663.9M	\$0
2017	92,635	1,117,855	\$283.8M	\$260.58	12.1	32.6	\$826.5M	\$0
2018	83,884	1,027,699	\$265.1M	\$264.96	12.3	31.4	\$942.9M	\$0

1 - These are abbreviated figures.

2 - As the reserves in Missouri's UI Trust Fund continue to grow, statutory thresholds are exceeded that activate reductions in the amount of UI Revenue (taxes) paid by businesses.



## Unemployment Compensation Fund

<b>Balance on Hand - July 1, 2018</b>	<b>\$919,772,396.43</b>
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### Deposit

Net UI Contributions	\$346,937,057.36
Penalty/Interest	\$2,499,353.03
U.S. Treasury Interest Credits	\$22,536,503.09
Intra-Account Transfer	\$600,386,458.00
From Other States-Interstate Benefits CWC	\$4,102,804.84
FECA Advances/Reimbursements-UCX	\$596,162.98
Reimbursable-Local Govt. & Other Pol. Subdivisions	\$4,137,696.89
Reimbursable-State Govt., State Hospitals, and Higher Education	\$1,723,652.87
Reimbursable-Nonprofit Organizations	\$9,994,887.80
Federal Share Extended Benefits	\$(400,000.00)
Federal Emergency Compensation/EUC08	\$(7,100,000.00)
Federal Emergency Compensation/FAC	\$(320,000.00)
Short Time Compensation-Federal	\$0.00
FECA Advances/Reimbursements-UCFE	\$4,026,171.12
From Other Sources-Trust Fund Loans	\$33,647.77
From Other Sources-Federal Assessment	\$(82,000.00)
From Other Sources-Federal Interest Payment	\$0.00
<b>Total Receipts</b>	<b>\$989,072,395.75</b>

### Disbursements

Net UI Benefits	\$216,835,286.58
Net Reimbursable Benefit Payments-Local Govt. and Other Pol. Subdivisions	\$4,093,178.20
Net Reimbursable Benefit Payments-State Govt., State Hospitals, and Higher Education	\$1,757,709.21
Net Reimbursable Benefit Payments-NonProfit Organizations	\$9,631,693.39

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## Disbursements (continued)

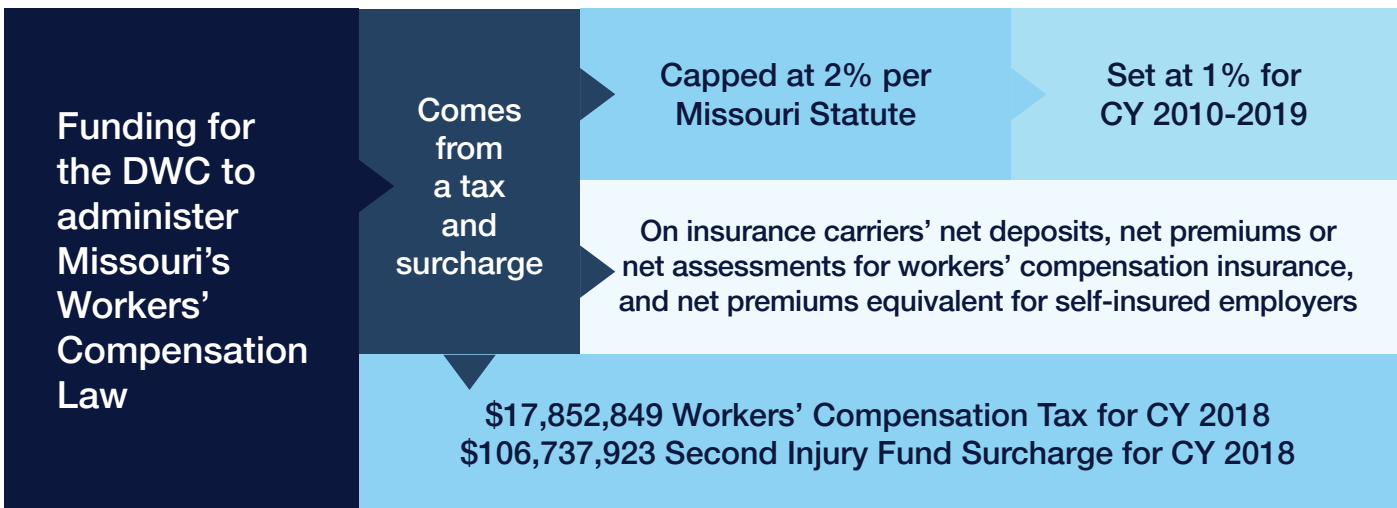
FECA Net Benefit Payments-UCX	\$579,715.49
Net Federal Benefits-Federal Share (Extended)	\$(51,088.92)
EUC 08 Activity	\$(1,383,192.04)
TEUC Activity	\$(9,183.09)
Federal Emergency Compensation-FAC	\$(86,333.83)
Short Time Compensation-Federal	\$2,699,809.25
To Other States-Interstate Benefits CWC	\$22,263,420.64
Title IX Funds-Withdrawn (Reed Act)	\$0.00
To Special Funds Penalty/Interest	\$2,602,418.41
FECA Net Benefit Payments-UCFE	\$3,612,808.72
Intra-Account Transfers	\$600,386,458.00
Other First Payments EB/Loan Repayment	\$0.00
<b>Total Disbursements</b>	<b>\$862,932,700.01</b>
<b>Balance on Hand - June 30, 2019</b>	<b>\$1,045,912,092.17</b>
<b>Cash Balance - June 30, 2019</b>	
<b>Clearing Account</b>	
Central Bank, Jefferson City, MO	\$145,527.62
<b>Benefit Account</b>	
Central Bank, Jefferson City, MO	\$1,009,091.11
<b>Trust Fund Account</b>	
U.S. Treasury	\$1,044,757,473.44



# DIVISION OF WORKERS' COMPENSATION

COLLEEN JOERN VETTER,  
DIVISION DIRECTOR

The Missouri Division of Workers' Compensation (DWC) administers programs that provide services to all stakeholders including workers who were injured on the job or were exposed to occupational diseases arising out of and in the course of employment. The DWC ensures injured workers receive benefits they are entitled to under the Missouri Workers' Compensation Law.



## Workplace Injuries Reported



**90,792** First Report of Injury (FROI) received, but no Claim for Compensation filed

**9,220** FROI received, and a Claim for Compensation filed

**1,676** Claims for Compensation filed but no FROI received



An employer or its insurer must report workplace injuries to the DWC, other than injuries that require immediate first aid and no further medical treatment or lost time from work, within 30 days of knowledge of the injury. Any person who knowingly fails to report the injury as required by law is deemed guilty of a misdemeanor and, on conviction, shall be punished by fine or imprisonment, or both. Employees can file a formal Claim for Compensation to initiate a contested case proceeding in the Workers' Compensation Program.

Employers subject to the Missouri Workers' Compensation Law are required to either purchase workers' compensation insurance coverage through an insurance carrier authorized to insure such liability in the state of Missouri by the Missouri Department of Commerce and Insurance or obtain approval from the DWC to self-insure their workers' compensation liability.

## Self-Insurance

Security Held FY 2017 <sup>2</sup>	\$622,419,435
Security Held FY 2018 <sup>2</sup>	\$620,890,435
Security Held FY 2019 <sup>2</sup>	\$659,756,214

### Individual Self-Insurance

FY	Employers	Employees Covered <sup>1</sup>	Payroll Covered <sup>1</sup>
2016	284	404,941	\$18,791,261,053
2017	277	408,792	\$19,365,151,611
2018	273	415,406	\$19,901,171,185
2019	245	412,663	\$20,529,944,545

### Group Trust Self-Insurance

FY	Employers	Employees Covered <sup>1</sup>	Payroll Covered <sup>1</sup>
2016	2,705	274,783	\$9,271,689,585
2017	2,667	273,261	\$9,327,369,666
2018	2,658	273,363	\$9,638,482,159
2019	2,633	276,271	\$9,841,361,246

<sup>1</sup> - Number valid as of close of prior calendar year

<sup>2</sup> - Excludes security called due to default

Injured workers bear the burden of proving entitlement to benefits under the Workers' Compensation Law. Injured workers also can qualify for benefits from the Second Injury Fund (SIF).

The SIF was created to benefit workers who are handicapped and certain workers with a previous work-related disability. It encourages employment by permitting persons to be employed without exposing employers to any liability for previous disabilities in certain cases.

The SIF, which receives money from a surcharge of up to three percent on employers' workers' compensation surcharge was capped at three percent by the General Assembly.

A change to the the law in 2014 authorized the imposition of and a supplemental surcharge, not to exceed three percent, on employers' workers' compensation premiums. In addition, the SIF's liability was reduced by eliminating permanent partial disability claims to be filed against the SIF and permanent total claims were limited to certain prior disabilities. Other benefits were also eliminated from the SIF such as second job wage loss and medical and death benefits if the employer fails to insure its workers' compensation liability as required by law.

## Second Injury Fund

Total recipients of PTD* benefits (both ongoing and lump sum)	2,486
Recipients who received ongoing, lifetime PTD* benefits	2,118
Total PTD* benefits paid	\$79,523,032.47
Total recipients of PPD** benefits (both ongoing and lump sum)	1,993
Total PPD** benefits paid	\$11,752,965.68
Total recipients of Rehab benefits (both ongoing and lump sum)	11
Total Rehab benefits paid	\$4,857.09
Total recipients of Uninsured Medical benefits (both ongoing and lump sum)	62
Total Uninsured Medical benefits paid	\$2,783,276.73
Total recipients of Uninsured Death benefits (both ongoing and lump sum)	10
Total Uninsured Death benefits paid	\$151,540.46
Total recipients of Lost Wages benefits (both ongoing and lump sum)	19
Total Lost Wages benefits paid	\$60,361.60

\*Permanent Total Disability  
 \*\*Permanent Partial Disability

Most workers' compensation cases are resolved through a settlement between the parties and without proceeding to a hearing. A hearing can be costly and time consuming. For cases not resolved by compromise settlement, the DWC's Administrative Law Judges conduct hearings and make determinations on what, if any, benefits are owed to the injured worker.



**19,479** | **Compromise settlements approved\***  
**7,115** | **Claims dismissed\***  
**1,375** | **Hearings**

\*(INS, SIF and MFD)

The DWC's Fraud and Noncompliance Unit investigates all allegations of fraud and noncompliance under Chapter 287 of the Missouri Revised Statutes. Employers who are subject to the law and knowingly fail to insure their workers' compensation liability are committing a criminal offense that can lead to fines and prison time.

Under § 287.128.3(6), RSMo, fraud includes to "Knowingly make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining or denying any benefit."

**446 Fraud and noncompliance cases investigated**

**72 Fraud and noncompliance cases referred to the Missouri Attorney General's Office for prosecution**

**432 Workers potentially impacted by failure of employer to insure, from the referred cases**

**\$309,737 In penalties recovered from the referred cases to the Attorney General's Office\*\***

\*\*Penalties recovered include those from cases referred, or penalties from, previous fiscal years. Some cases take longer than a year to reach a resolution and many penalties are paid in monthly installments over several years.

**Administrative Law Judges**

- Ryan Asbridge
- Karla Boresi
- Kenneth Cain
- Joseph Denigan
- Kevin Elmer
- Bruce Farmer
- Hannelore Fischer
- Karen Fisher
- Suzette Flowers
- Emily Fowler
- Kathleen Hart
- Angela Heffner
- Joseph Keaveny
- Edwin Kohner
- Margaret Landolt
- Victorine Mahon
- John Ottenad
- Lisa Pottenger
- Melodie Powell
- Lawrence Rebman
- Lee Schaefer
- Mark Siedlik
- Carl Strange
- Marvin Teer
- Jason Tilley
- Maureen Tilley
- Amy Young

As of 10-7-19

## Accidents and Diseases by Severity\*

Industry	Fatalities <sup>1</sup>	Lost Time <sup>2</sup>	Medical <sup>3</sup>	Unknown or Incident Only <sup>4</sup>	Total
Accommodation and Food Services	1	406	1,991	3,410	5,808
Administrative and Support and Waste Management and Remediation Services	6	421	1,421	2,236	4,084
Agriculture, Forestry, Fishing and Hunting	1	68	317	576	962
Arts, Entertainment and Recreation	1	120	680	970	1,771
Construction	12	647	1,500	2,550	4,709
Educational Services	1	571	3,507	4,821	8,900
Finance and Insurance	1	106	509	998	1,614
Health Care and Social Assistance	3	1,149	6,499	11,910	19,561
Information	0	115	288	552	955
Management of Companies and Enterprises	0	8	45	85	138
Manufacturing	12	1,289	5,589	7,543	14,433
Mining	0	14	39	89	142
Employer Industry Unknown	5	20	38	527	590
Other Services (Except Public Administration)	2	231	895	1,169	2,297
Professional, Scientific and Technical Services	8	166	990	1,423	2,587
Public Administration	9	1,021	2,880	5,322	9,232
Real Estate and Rental and Leasing	2	98	341	670	1,111
Retail Trade	6	949	4,435	6,120	11,510
Transportation and Warehousing	10	1,077	1,494	2,684	5,265
Utilities	0	74	314	389	777
Wholesale Trade	5	509	1,189	2,066	3,769
<b>Total</b>	<b>85</b>	<b>9,059</b>	<b>34,961</b>	<b>56,110</b>	<b>100,215</b>

\*Workers' Compensation cases develop over time. The counts disclosed are based on information as of 10-7-2019 and are likely not reflective of the final counts and dollar amounts for the Fiscal Year, because the cases have not fully developed.

1 - Deaths reported as of October 2019. Death may later be determined not to be a compensable-work related injury.

2 - Cases where Temporary Total Disability (TTD) or Temporary Partial Disability (TPD) benefits were reported paid.

3 - Cases where no TTD or TPD benefits were reported but medical costs were reported.

4 - Cases where no payment information has been received. Includes incident only cases reported to the DWC as a precautionary measure.

## Cost by Industry and Type of Benefit\*

Industry	Temporary Benefits	Permanent Benefits	Death Benefits	Medical Benefits	Total Benefits
Accommodation and Food Services	\$668,696.18	\$1,007,248.85	\$0.00	\$7,061,236.31	\$8,737,181.34
Administrative and Support and Waste Management and Remediation Services	\$1,323,955.38	\$2,013,707.30	\$0.00	\$9,090,578.66	\$12,428,241.34
Agriculture, Forestry, Fishing and Hunting	\$150,806.94	\$232,069.06	\$0.00	\$1,691,294.84	\$2,074,170.84
Arts, Entertainment and Recreation	\$202,338.34	\$268,608.19	\$0.00	\$2,451,708.95	\$2,922,655.48
Construction	\$3,623,948.48	\$3,726,855.70	\$650,000.00	\$25,185,527.49	\$33,186,331.67
Educational Services	\$1,140,053.15	\$1,571,712.22	\$0.00	\$14,685,724.17	\$17,397,489.54
Finance and Insurance	\$393,268.22	\$441,775.33	\$0.00	\$2,992,475.37	\$3,827,518.92
Health Care and Social Assistance	\$2,185,598.89	\$2,922,436.83	\$0.00	\$21,669,276.86	\$26,777,312.58
Information	\$455,991.05	\$188,369.72	\$0.00	\$1,696,137.04	\$2,340,497.81
Management of Companies and Enterprises	\$22,568.41	\$6,221.37	\$0.00	\$190,103.72	\$218,893.50
Manufacturing	\$3,962,410.60	\$6,892,383.02	\$5,035.50	\$37,201,083.83	\$48,060,912.95
Mining	\$73,658.72	\$64,915.21	\$0.00	\$443,655.98	\$582,229.91
Employer Industry Unknown	\$142,974.22	\$766,307.31	\$0.00	\$665,889.81	\$1,575,171.34
Other Services (Except Public Administration)	\$585,378.24	\$731,171.11	\$0.00	\$6,914,291.01	\$8,230,840.36
Professional, Scientific and Technical Services	\$559,197.12	\$1,373,289.27	\$0.00	\$5,827,928.54	\$7,760,414.93
Public Administration	\$2,880,000.52	\$3,534,061.59	\$4,221.18	\$22,098,398.26	\$28,512,460.37
Real Estate and Rental and Leasing	\$306,369.14	\$410,125.67	\$0.00	\$2,558,333.15	\$3,274,827.96
Retail Trade	\$2,414,845.63	\$3,005,580.57	\$209,000.00	\$22,671,300.82	\$28,300,727.02
Transportation and Warehousing	\$4,775,186.94	\$3,232,432.09	\$0.00	\$16,127,237.00	\$24,134,856.03
Utilities	\$354,124.82	\$306,601.95	\$0.00	\$2,454,974.65	\$3,115,701.42
Wholesale Trade	\$1,822,932.92	\$1,549,842.60	\$0.00	\$11,696,484.98	\$15,069,260.50
<b>Total</b>	<b>\$28,044,303.91</b>	<b>\$34,245,714.96</b>	<b>\$964,035.50</b>	<b>\$215,373,641.44</b>	<b>\$278,527,695.81</b>

\* Workers' Compensation cases develop over time. The dollar amounts disclosed are based on information as of 10-7-2019 and are likely not reflective of the final dollar amounts for the Fiscal Year, because the cases have not fully developed.



## Cost by Type of Disability of All Incidences\*

Type	Fiscal Year	Number of Incidences <sup>1</sup>	Non Medical Compensation <sup>2</sup>	Medical Compensation	Total
<b>Accidental<sup>3</sup></b>					
Temporary <sup>4</sup>	2016	46,873	\$15,891,625.68	\$121,814,949.74	\$137,706,575.42
	2017	47,702	\$19,239,529.09	\$149,323,857.55	\$168,563,386.64
	2018	48,305	\$25,141,987.63	\$181,719,583.66	\$206,861,571.29
	2019	39,876	\$20,874,681.86	\$166,567,672.91	\$187,442,354.77
Permanent <sup>5</sup>	2016	16,001	\$294,434,922.12	\$325,737,246.83	\$620,172,168.95
	2017	14,166	\$246,392,057.17	\$279,628,382.03	\$526,020,439.20
	2018	11,069	\$168,311,609.24	\$199,279,984.85	\$367,591,594.09
	2019	3,492	\$38,575,631.75	\$45,608,162.04	\$84,183,793.79
Death <sup>6</sup>	2016	93	\$5,023,970.89	\$2,364,886.30	\$7,388,857.19
	2017	104	\$2,239,320.85	\$1,065,693.43	\$3,305,014.28
	2018	85	\$434,867.94	\$889,643.46	\$1,324,511.40
	2019	72	\$1,359,000.00	\$31,456.06	\$1,390,456.06
<b>Total</b>	<b>2016</b>	<b>62,967</b>	<b>\$315,350,518.69</b>	<b>\$449,917,082.87</b>	<b>\$765,267,601.56</b>
	<b>2017</b>	<b>61,472</b>	<b>\$267,870,907.11</b>	<b>\$430,017,933.01</b>	<b>\$697,888,840.12</b>
	<b>2018</b>	<b>59,459</b>	<b>\$193,888,464.81</b>	<b>\$381,889,211.97</b>	<b>\$575,777,676.78</b>
	<b>2019</b>	<b>43,440</b>	<b>\$60,809,313.61</b>	<b>\$212,207,291.01</b>	<b>\$273,016,604.62</b>
<b>Occupational</b>					
Temporary	2016	1,496	\$394,052.31	\$2,480,015.77	\$2,874,068.08
	2017	1,667	\$506,050.77	\$1,846,920.90	\$2,352,971.67
	2018	1,578	\$281,246.07	\$1,999,106.19	\$2,280,352.26
	2019	993	\$337,575.53	\$2,175,955.16	\$2,513,530.69
Permanent	2016	789	\$15,705,733.58	\$6,633,074.85	\$22,338,808.43
	2017	556	\$11,835,328.77	\$5,207,958.00	\$17,043,286.77
	2018	306	\$5,239,308.19	\$3,304,468.39	\$8,543,776.58
	2019	98	\$2,002,129.73	\$912,036.41	\$2,914,166.14

(Continued on next page)

Occupational (continued)					
Type	Fiscal Year	Number of Incidences	Non Medical Compensation <sup>2</sup>	Medical Compensation	Total
Death	2016	22	\$3,484,168.52	\$0	\$3,484,168.52
	2017	26	\$600,000.00	\$0	\$600,000.00
	2018	17	\$1,043,303.34	\$0	\$1,043,303.34
	2019	13	\$5,035.50	\$2,680.90	\$7,716.40
<b>Total</b>	<b>2016</b>	<b>2,307</b>	<b>\$19,583,954.41</b>	<b>\$9,113,090.62</b>	<b>\$28,697,045.03</b>
	<b>2017</b>	<b>2,249</b>	<b>\$12,941,379.54</b>	<b>\$7,054,878.90</b>	<b>\$19,996,258.44</b>
	<b>2018</b>	<b>1,901</b>	<b>\$6,563,857.60</b>	<b>\$5,303,574.58</b>	<b>\$11,867,432.18</b>
	<b>2019</b>	<b>1,044</b>	<b>\$2,344,740.76</b>	<b>\$3,090,672.47</b>	<b>\$5,435,413.23</b>
<b>Disability type not determined due to lack of reported compensation</b>	2016	38,886	\$0	\$0	\$0
	2017	39,566	\$0	\$0	\$0
	2018	41,673	\$0	\$0	\$0
	2019	55,731	\$0	\$75,677.96	\$75,677.96
<b>Total</b>	<b>2016</b>	<b>104,160</b>	<b>\$334,934,473.10</b>	<b>\$459,030,173.49</b>	<b>\$793,964,646.59</b>
	<b>2017</b>	<b>103,287</b>	<b>\$280,812,286.65</b>	<b>\$437,072,811.91</b>	<b>\$717,885,098.56</b>
	<b>2018</b>	<b>103,033</b>	<b>\$200,452,322.41</b>	<b>\$387,192,786.55</b>	<b>\$587,645,108.96</b>
	<b>2019</b>	<b>100,215</b>	<b>\$63,154,054.37</b>	<b>\$215,373,641.44</b>	<b>\$278,527,695.81</b>

\* Workers' Compensation cases develop over time. The counts and amounts are based on information as of 10-7-2019. The more recent the year, the less reflective the counts and amounts are of what the final counts and dollar amounts will be once the cases have fully developed.

1 - Based on date of injury.

2 - Includes any compensation paid other than medical (TTD, TPD, TT Salary, PPD, PTB, Death, Burial)

3 - Defined as any injury reported with a nature code other than those classified as "Occupational Disease or Cumulative Injury" by WCIO standards.

4 - Defined as any nonfatal injury with reported TTD, TPD, TT Salary, or medical compensation.

5 - Defined as any nonfatal injury with reported PPD or PTB compensation.

6 - Deaths reported. Death may later be determined not to be a compensable work-related injury.



# DIVISION OF LABOR STANDARDS

TAYLOR BURKS,  
DIVISION DIRECTOR

The Division of Labor Standards (DLS) and its sections help employers comply with Missouri labor laws and handle complaints from workers to ensure all Missourians are safe on the job and paid wages required by law.

The DLS consists of five sections: Wage and Hour, On-Site Safety and Health Consultation Program, Mine and Cave Safety, Workers' Safety Program and Research and Analysis. The DLS determines and enforces Missouri's Child Labor Law and Minimum Wage Law. The DLS offers a free consultation service to employers to reduce workplace fatalities and help businesses comply with federal Occupational Safety and Health Administration (OSHA) regulations. Mine and cave inspections are also provided along with training to miners on safe work practices.

## Wage and Hour Section

The Wage and Hour section administers the Child Labor, Minimum Wage, and Prevailing Wage Laws for the state of Missouri. Its primary responsibility is assuring child safety, resolving pay disputes, and providing information to the public. The DLS continues to provide outreach programs to help Missouri businesses comply with wage and hour laws.

### Youth Employment

The Missouri Child Labor Law ensures no child under 16 years of age is employed in an occupation or in a manner that is hazardous or detrimental to the child's safety, health, morals, educational processes, or general well-being.

**1,374**  
Entertainment  
permits  
issued

**5,781**  
Work  
certificates  
reviewed

**3,813**  
Public and  
private  
contacts

**18**  
Complaints  
reviewed

## Minimum Wage

The Minimum Wage Program responds to inquiries from employers and workers about their responsibilities and rights under Missouri wage and hour laws. It also provides educational outreach to businesses and mediates pay disagreements under the Minimum Wage Law.

## Prevailing Wage

The Prevailing Wage Program is responsible for setting the wage rate on public works construction projects with wage surveys collected from contractors.

## Mine and Cave Safety

The Mine and Cave Safety Program improves the safety of Missouri mines and caves by offering training to miners, mine owners, mine operators, and contractors. Chapter 293 of the Missouri Revised Statutes requires each mine and public cave in Missouri to be inspected on an annual or bi-annual basis for hazards and unsafe or unhealthy work practices. Missouri has received federal funding to provide required training to miners since 1979.

### Inspections Required Per Year



Zero mining fatalities occurred in Missouri mines since 2015.

On average, two fatalities occur per year in Missouri's mining industry.

The last recorded fatality from an operator that received training from this program was in 2015.

## Mo Safe@Work

In 2018 the DLS launched a new tool to help give Missouri businesses faster access to resources that help them develop safer and healthier workplaces while saving money on lost time and workers' compensation insurance costs. The new program joins together the DLS' three main safety programs, the On-Site Safety and Health Consultation Program, the Missouri Workers' Safety Program, and the Missouri Mine and Cave Safety Program, and provides businesses with one portal to access resources for improving workplace safety and health at [labor.mo.gov/safe-at-work](http://labor.mo.gov/safe-at-work)

## Research & Analysis

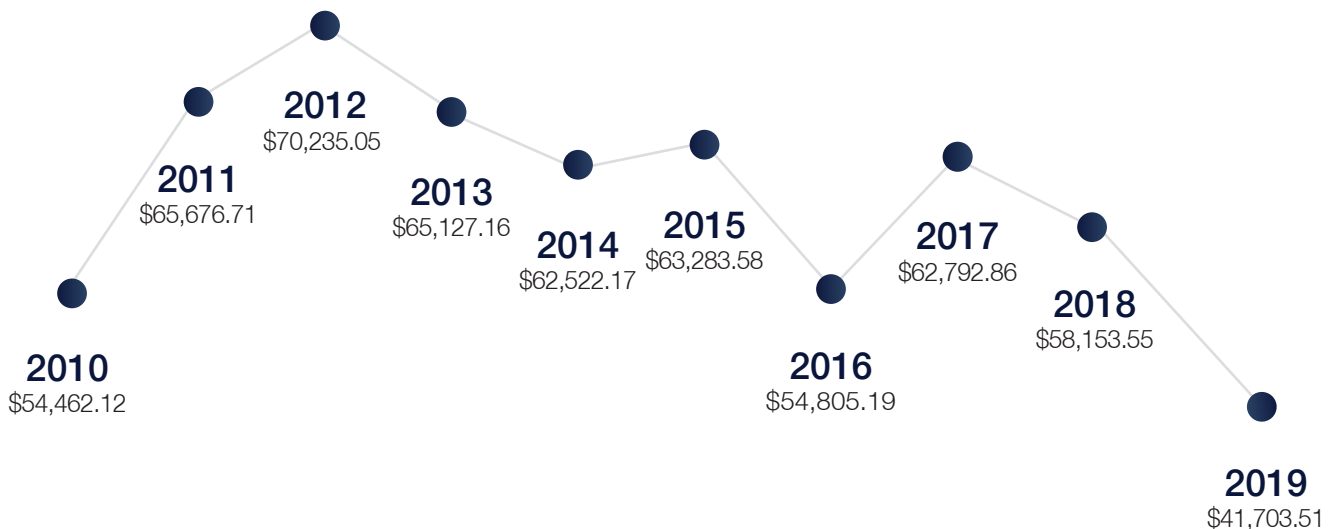
The DLS' Research and Analysis section collects and reports Missouri employment statistics, workplace injuries, and fatalities to the United State Bureau of Labor Statistics (BLS). Jointly funded by BLS and the state of Missouri, the section collects statistical data on Missouri nonfatal occupational injuries and illnesses from the annual Survey of Occupational Injuries and Illnesses, solicited from a random sample of Missouri employers each year.

The program experienced a 4.3 percent increase in training to contractors over the past three years. The program continues to focus on small operators that are unable to take advantage of the resources larger operators receive, as well as providing training resources for contractors and other stakeholders. Currently, two full-time mine training specialists provide the required Mine Safety and Health training. According to the Missouri Department of Natural Resources, mining is an approximately \$3 billion industry in the State of Missouri.

**2,633** Miners trained  
**246** Total inspections  
**450** Hazards found and eliminated  
**11,152** Miners and contractors affected  
**\$816,480** Federal fines avoided by Missouri mine operators

10 Year Production in Tons									
Year	Clay	Coal	Copper	Iron	Lead	Zinc	Granite	Shale	Silica
2010	1,386,241.19	458,401.48	16,710	4,085.66	241,185	55,329	784,836.99	260,425	1,097,696.35
2011	1,736,957.68	455,713.73	17,695	25	250,911	57,250	1,108,165.49	264,190.07	1,419,175.41
2012	1,912,067.44	460,918.67	28,240	18,926.95	260,150	53,187	1,162,022.20	301,162.06	1,861,986.66
2013	1,728,676.48	402,486.45	27,902	15,614	262,028	53,717	1,025,649.45	301,162.06	1,538,325.69
2014	1,743,699.71	383,705.75	22,693	13,348.91	264,214	61,294	1,027,504.43	305,264.82	1,159,259.30
2015	1,709,539.51	269,701.78	29,759	7,533	262,115	54,236	1,027,342.48	313,214.88	1,200,739.94
2016	1,735,977.45	99,232.85	21,605	0	172,748	34,294	1,053,681.69	252,048.19	718,810.22
2017	1,810,909.24	245,713.53	27,765	0	185,171	33,498	1,198,199.09	194,104.67	2,068,906.61
2018	1,674,304.18	251,938.73	25,936	0	168,039	35,548	934,778.43	434,509.25	3,630,402.29
2019	1,609,550.26	170,105.00	17,486	0	180,018	35,467	990,169.39	113,907.38	2,917,614.00

### 10 Year Tonnage Fee Collection<sup>1</sup>



<sup>1</sup> - Tonnage fees from 2017-2019 have dropped in part due to a shift away from the use of granite to rhyolite which is not taxed.

## Workers' Safety Program

The Missouri Workers' Safety Program helps employers improve workplace safety and reduce workers' compensation insurance costs. The program helps to regulate safety services provided by insurance carriers, maintains a list of certified safety consultants and engineers that offer independent services, and offers free safety and health consultants.

**92**

Physical rehabilitation facilities where injured workers can rehabilitate at and receive SIF Rehab benefits were certified

**259**

Individuals certified as safety consultants/safety engineers

**85**

Workers' compensation insurance carrier groups' safety programs certified

## On-Site Safety and Health Consultation Program

The On-Site Safety and Health Consultation Program strives to reduce work-related injuries, illnesses and fatalities by educating and training employers and employees in workplace safety and health issues. The program provides consultations at no cost to Missouri businesses. At the request of the employer, the consultants identify safety and health hazards and offer recommendations for correction with no penalties or fines.



**649**

On-Site consultations conducted, a 38% increase from 2018



**3,804**

Hazards identified, a 13% increase from 2018



**43%**

of hazards were corrected on location, a 4% increase from 2018



**\$13.1 M**

Potential OSHA penalties avoided, a 17% increase from 2018

## Safety and Health Achievement Recognition Program (SHARP)

The Missouri On-Site Safety and Health Consultation Program, in conjunction with OSHA, administers the SHARP program. It rewards small businesses that operate exceptional health and safety programs. Participation is offered to businesses that worked with the On-Site consultants, implemented safety programs, and significantly reduced workplace injury and illness rates.

**Ozark Stave Company achieved SHARP status in 2019.**

**Thirty companies are currently participating in SHARP.**



# MISSOURI COMMISSION ON HUMAN RIGHTS

**DR. ALISA WARREN,  
EXECUTIVE DIRECTOR**

The mission of the Missouri Commission on Human Rights (MCHR) is to prevent and eliminate discrimination and to provide equitable and timely resolutions to discrimination complaints. The MCHR also provides training and education about rights and responsibilities under the Missouri Human Rights Act.

The Missouri Human Rights Act authorizes the MCHR to receive and investigate complaints of discrimination and, where probable cause is found, to litigate those cases at public hearings. The statute empowers the MCHR to certify local commissions and grant them enforcement power, enter into work sharing agreements with federal and local human rights agencies, and develop ways to prevent discrimination.



**1,607  
Complaints  
filed**



**1,276  
Complaints  
resolved by  
MCHR staff**



**\$1,408,865  
Negotiated  
in  
settlements**



**14 Local  
human rights  
agencies in  
Missouri**



**Nearly 5,700  
people attended  
education,  
training, and  
outreach events**

During the MCHR's 62 years of working toward eradicating discrimination, the agency has provided numerous services. The MCHR has five offices which provide access to and delivery of its services.

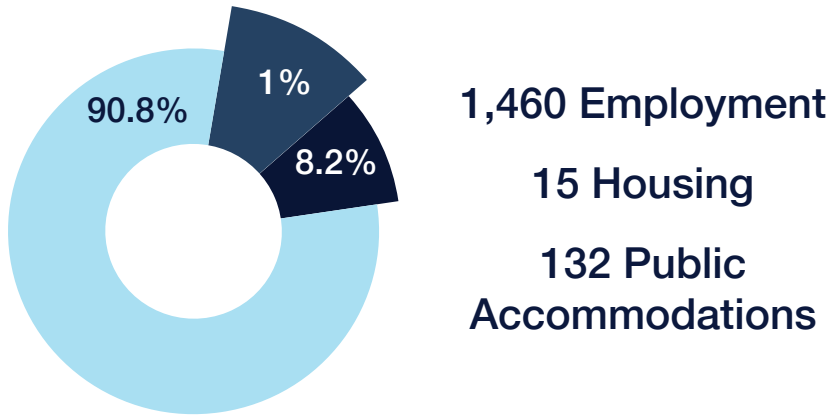


- a. Jefferson City (Central Office)
- b. Kansas City
- c. St. Louis
- d. Sikeston
- e. Springfield

The MCHR has jurisdiction over complaints of discrimination in housing, employment, and places of public accommodations based on race, color, religion, national origin, ancestry, sex, disability, age (in employment only), and familial status (in housing only).

The MCHR has established work-sharing agreements with the Equal Employment Opportunity Commission (EEOC) and local human rights agencies, increasing efficiency and eliminating duplication.

## Complaints Filed by Type



Complaints Received in Each Protected Category	
Age	283
Ancestry/National Origin	61
Disability	488
Race	496
Religion	54
Family Status	6
Retaliation	793
Sex	607
Sexual Harassment	251
Unknown/Other	93
<b>Total</b>	<b>1,607</b>

Totals do not match total number of cases received because many cases allege multiple allegations and categories.

## Commissioners

Commissioners are appointed by the Governor with the advice and consent of the Senate. The Governor appoints one member from each of Missouri’s eight Congressional Districts, two members at large, and one member as chairperson. The Commissioners serve for six years without compensation. The Commission meets quarterly, and its meetings are open to the public.

- Anna E. Crosslin**  
Commissioner, 1st District  
Vacant
- Commissioner, 2nd District**  
**Jonathan Hayashi**  
Commissioner, 3rd District
- Donna L. Birks**  
Commissioner, 5th District
- Dr. Melody A. Smith**  
Commissioner, 6th District
- Jenifer Plazcek**  
Commissioner, 7th District  
Vacant
- Commissioner, 8th District**  
**Jade Jump**  
Commissioner, At-Large  
Vacant
- Commissioner, At-Large**  
**Martha Staggs**  
Commission Chair, At-Large

## Martin Luther King, Jr. State Celebration Commission

The Dr. Martin Luther King, Jr. Celebration Commission considers and recommends to individuals and organizations appropriate activities for the recognition and celebration of Martin Luther King, Jr. Day in Missouri.



# Hearings, Appeals, and Significant Decisions Regarding the Missouri Human Rights Act

One case was set for hearing but elected to be heard in circuit court and is still pending. Several significant decisions were made and appealed in court and are summarized below.

## State of Missouri ex rel. Kuske v. Sutton Associates, et al.

Andrew Kuske’s daughter needs an assistance animal because of her disability. When he inquired about a residence, the prospective landlord required a pet deposit and monthly charge. This failure to rent/disability case was set for hearing before the Administrative Hearing Commission but elected into circuit court. The matter was then resolved with a settlement agreement requiring the Respondent to take fair housing training.

## Lampley v. MCHR

Harold Lampley filed a complaint alleging that he had been discriminated against because of his sex by his employer. He indicated that he was gay and did not conform to gender stereotypes of how males should dress and behave. The MCHR

closed his case finding MCHR lacked jurisdiction because sexual orientation is not protected from discrimination by the Missouri Human Rights Act. The Missouri Supreme Court determined that non-conformance with gender stereotypes can constitute sex discrimination and the case was remanded.

## Bram v. AT&T

Dawn Bram alleged she was subjected to a hostile work environment because of her race and was retaliated against. The trial court granted AT&T’s motion for summary judgment on all counts. The Missouri Court of Appeals Western District ruled that the new provisions added to the Missouri Human Rights Act in August 2017 were not retroactive and that the trial court had erred in applying them in this case because the allegations occurred prior to the changes in the statute.

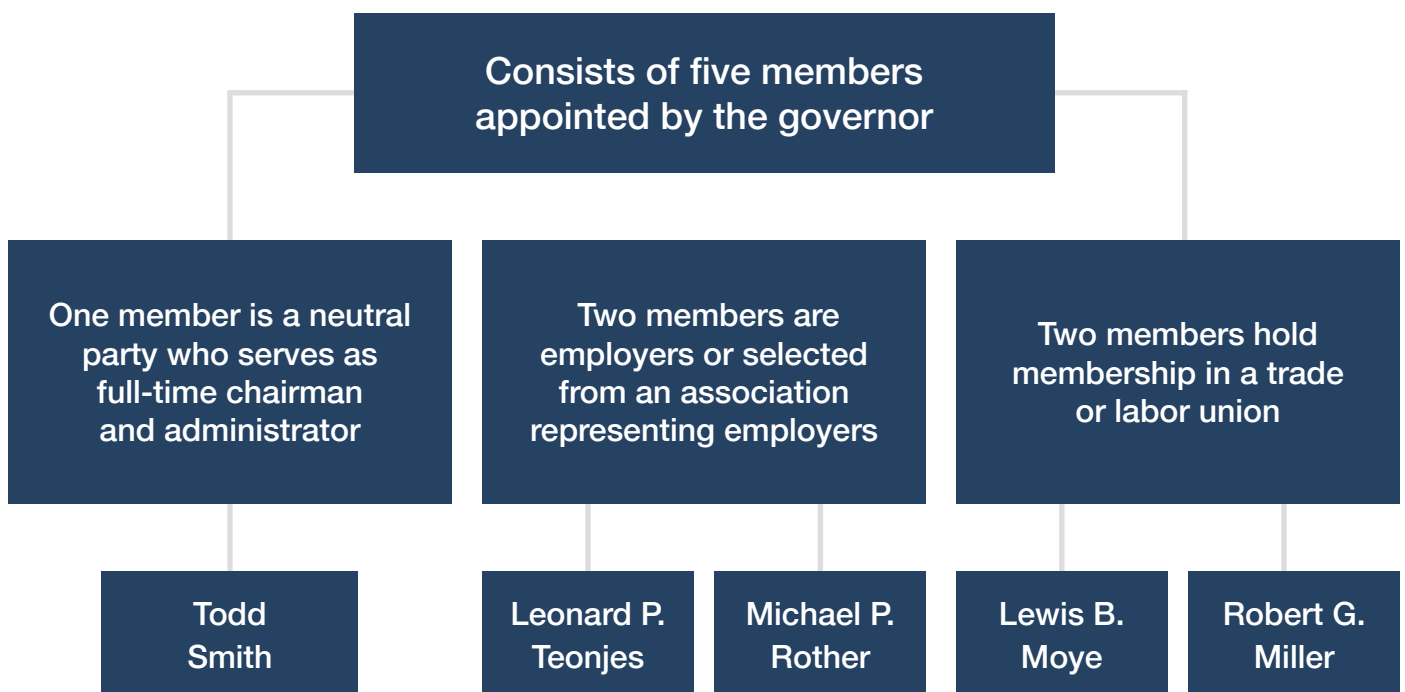
Case Dispositions				
Investigations	Employment	Public Accommodations	Housing	Total
Administrative Closure	19	4	0	23
Failure to Cooperate	17	7	0	24
Negotiated Settlement	7	1	0	8
No Jurisdiction	95	7	0	102
No Violation	308	36	0	344
Probable Cause	1	1	1	3
Right to Sue	528	78	2	608
Unable to Locate	4	0	0	4
Withdrawal	70	10	0	80
Withdrawal/Settled	75	6	1	82
<b>Total</b>	<b>1,124</b>	<b>150</b>	<b>4</b>	<b>1,278</b>



# STATE BOARD OF MEDIATION

TODD SMITH,  
CHAIR

The State Board of Mediation's (SBM) duties include defining appropriate bargaining units of public employees, certification and recertification of bargaining units, determination of majority representation status by secret ballot elections, and oversight of annual financial reporting by public employee unions and officials. A temporary injunction went into effect March 7, 2019, blocking the SBM from implementing any of the changes from HB 1413 (2018).



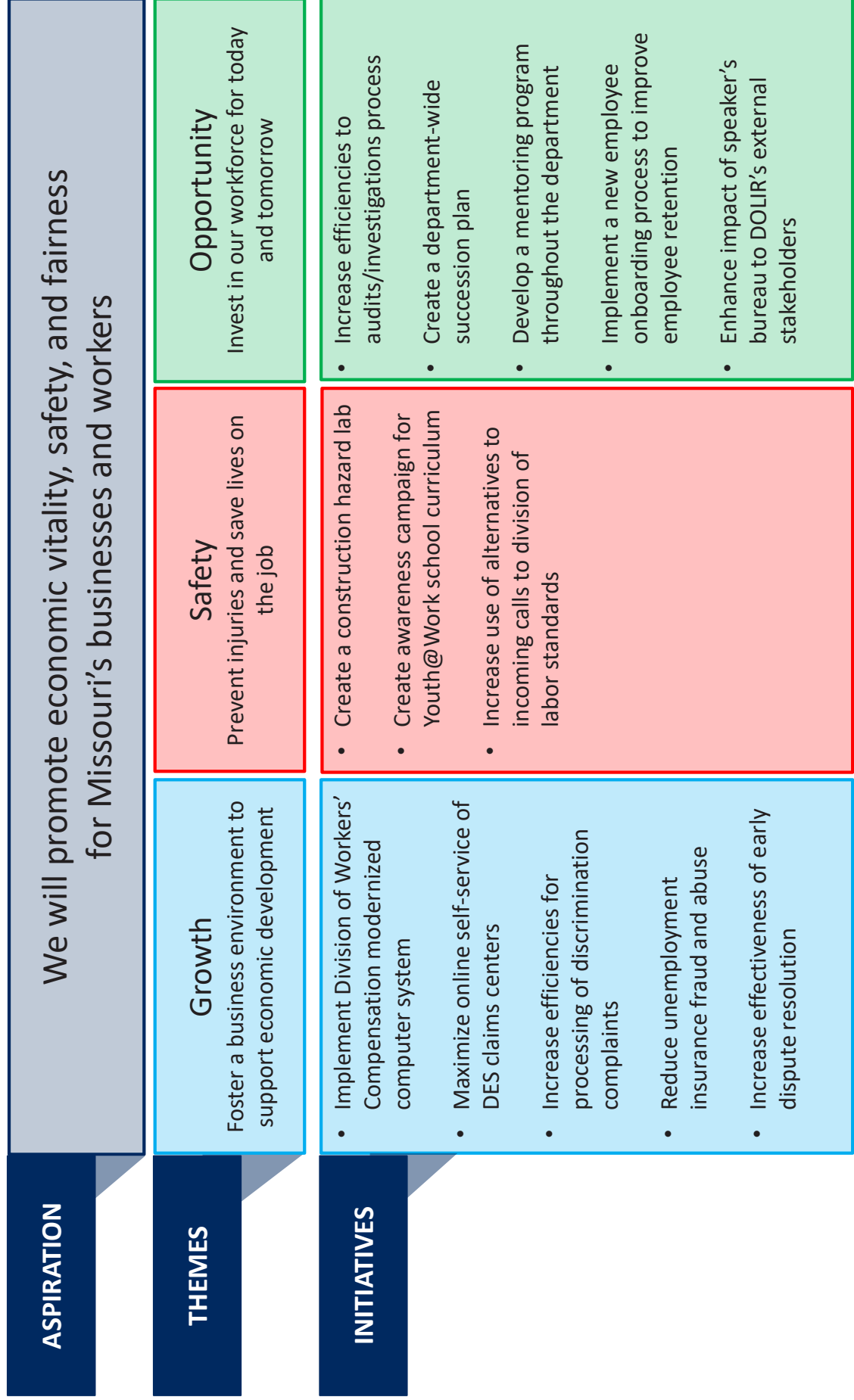
If a public employer and a petitioning labor organization cannot agree on which employees should be included in an appropriate bargaining unit, or on the manner of conducting the election, the SBM will hold a formal hearing at which the parties may present evidence and legal arguments in support of their positions on the disputed questions. After considering the evidence and legal arguments, the board issues a written decision resolving the disputes.

If a majority of the members of a bargaining unit vote for the labor organization in a board-conducted election, the SBM certifies it as the exclusive bargaining representative for all the unit members for the purposes of collective bargaining. The labor organization will then negotiate with the public employer of the unit members over salaries and other conditions of employment with the goal of reaching a written agreement governing these matters. The labor organization will also represent all unit members with regard to individual employment issues that may arise, such as disciplinary charges.

The SBM's jurisdiction under the Public Sector Labor Law, RSMo 105.500 - 105.598, to determine appropriate bargaining units and to certify exclusive bargaining representatives, extends to almost all public employees, including those employed by the state and its agencies, counties, cities, and school districts. Significant new duties were assigned to the SBM in 2018 (HB 1413). New responsibilities include collection and publication of labor organizations' annual financial reports, labor officials personal financial disclosures, and recertification of all bargaining units every three years. For more information about the SBM's implementation of HB 1413 visit [labor.mo.gov/sbm/2018-certification-changes-hb-1413](http://labor.mo.gov/sbm/2018-certification-changes-hb-1413). These changes are still under judicial review at time of publication. In an effort to make the SBM more responsive and accessible to citizens, during this past year the SBM began accepting petitions of Certification for Representation, Decertification and amended petitions online. Applicants can now answer a few simple questions and submit the required forms directly to the SBM along with an electronic signature. Once the petitions are submitted online, applicants receive an automatic notification with a case number and copy of the completed petition, saving time for both the applicant and staff.

## FY 2019

<b>Petitions Filed</b>	<b>102</b>
<b>Elections</b>	<b>33</b>
In-Person	5
Electronic Balloting	19
Mail-In Ballot	9
<b>Representation Elections Conducted</b>	<b>25</b>
<b>Recertification Elections Conducted</b>	<b>8</b>
<b>Decertifications</b>	<b>2</b>
<b>Election Appeals</b>	<b>3</b>
<b>Hearings on Disputed Issues</b>	<b>0</b>
<b>Public Employees Affected</b>	<b>20,741</b>
<b>Unit Clarifications</b>	<b>11</b>
<b>Amendment of Certifications</b>	<b>14</b>
<b>Cases Dismissed/Withdrawn</b>	<b>8</b>
<b>Cases on Hold Due to Injunction</b>	<b>31</b>
<b>Election Fees Collected (8-28-18 to 3-8-19)</b>	<b>\$28,700</b>





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