

Missouri Leave Laws

This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.

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Paid Time Off (PTO) in Missouri

Vacation Leave Quota

Missouri law demands 0 vacation days.

There is no federal or state law that requires employers in Missouri to provide paid or unpaid vacation time for their employees. The absence of any vacation leave-related laws in Missouri suggests that companies are free to implement whichever vacation leave policy they see fit.

However, employers often choose to provide vacation benefits as it is one of the most desired perks for employees. So, if an employer chooses to offer vacation leave to their employees, paid or unpaid, it must comply with applicable state law, established policy, or an employment contract.

Accrual

The accrual system is not mandatory in Missouri, but it is widely used by companies.

The accrual system is usually based on the pay period. Companies in Missouri must pay wages and salaries at least on a semimonthly basis (twice a month), and only semimonthly payday is permitted. Certain types of employees such as salespeople, executives, professionals, or administrative employees may be paid monthly.

Employers may place a cap (limit) on the number of vacation hours employees can accrue.

Roll Over (Carry Over, Brought Forward)

A Use-It-or-Lose-It policy is allowed.

For more information, please visit vacationtracker.io

Although employers can't force workers to forfeit their earned PTO, they can impose "use-it-or-lose-it" policy. A "use-it-or-lose-it" employee vacation policy requires an employee to lose any unused vacation time after a specific date, such as the end of the year. This policy in Missouri is not addressed by state statute, which means that employers may implement it. Thus, employers are permitted to establish an expiration date for accrued PTO as long as the deadline is reasonable.

Statutory Provisions Addressing Vacation Pay

None, this is not defined.

The state of Missouri has no statute governing this policy.

Payment of Accrued, Unused Vacation on Termination

Final wages due on termination don't include vacation pay.

An employer has the right to create a policy or sign a contract that prohibits employees from receiving payment for accrued vacation leave at the end of the employment relationship. Additionally, an employer may legitimately create a policy or sign a contract that forbids employees from receiving accrued vacation pay upon termination if they don't adhere to certain conditions, such as providing 2 weeks' notice or being employed as of a specific date of the year. Also, an employer isn't required to pay accrued but unused vacation upon separation from employment if the employer's established policy or employment contract is silent on the subject.

Only if a policy or contract stipulates it, an employer must reimburse an employee for accrued vacation time upon separation from employment.

Payout

For more information, please visit vacationtracker.io



Missouri law doesn't obligate employers to pay accrued PTO to employees when they leave their jobs.

A screenshot of the Vacation Tracker app interface. The main heading reads 'Manage All Employee Time Off In Minutes, Not Days'. Below this, there are four bullet points: 'Slack, Teams, and Calendar integrations', 'Custom leave rules, accruals, and public holidays', 'Compliant with Leave Laws in every location', and 'Rollout in 15 minutes, with live setup call'. A 'Start your free trial' button is at the bottom left. On the right, there are three overlapping panels: a notification from 'Maren Schleifer' about a leave request, a 'Pending requests' list with items like 'Work from home', 'Vacation', and 'Sick Day', and an 'Approvers' section showing 'First level' and 'Second level' approvers with their avatars.

Sick Leave in Missouri

Federal Laws – Leave Quota

Federal law requires 12 weeks of unpaid sick leave.

The federal Family and Medical Leave Act (FMLA) applies to all the states in the U.S.A.
The leave is job-protected.

Employees qualify for FMLA benefits only if:

- they have been working for their employer for at least 12 months (at least 25 hours per week) or 1,250 hours in the previous year
- they work in a location where at least 50 people are employed by the company (in a 75-mile radius)

For more information, please visit vacationtracker.io

The FMLA entitles qualified employees to take up to 12 weeks off for:

- personal medical reasons – illness or injury
- to care for a close family member (child, spouse, or parent) suffering from a severe illness
- for maternity or paternity leave.

Employers are free to propose additional sick leave benefits that are better than the minimum federal requirement.

Check out our article on [FMLA](#) to learn more.

Missouri doesn't have its own family medical leave law, although some other states provide this benefit.

Missouri State Laws

There are no additional state sick leave laws.

Some states mandate businesses to provide employees with a specific number of paid sick days, but neither federal law nor Missouri labor rules oblige employers to provide paid leave. Actually, state law doesn't require private employers to provide employees with either paid or unpaid sick leave. Still, eligible employers in Missouri must comply with the FMLA.

Nonetheless, it is necessary to remember that if an employer chooses to provide sick leave benefits, it must comply with the employment contract or employee handbook. This way, an employer may create a legal obligation to grant it.

Maternity, Paternity, FMLA in Missouri

Federal Law

12 weeks of unpaid maternity/paternity leave is provided by FMLA.

The Family and Medical Leave Act (FMLA) is a federal law that mandates employers to provide at least 12 weeks of unpaid family leave following the birth or adoption of a child (maternity or paternity leave). Unless otherwise authorized by the employer, an employee must take this leave continuously. Look above under the section *Sick Leave in Missouri: Federal Laws – Leave Quota* for more information about eligibility for FMLA benefits.

The Pregnancy Discrimination Act (PDA) is one more federal law that protects pregnant women. According to the PDA, discrimination against pregnant people is prohibited in all areas of employment: hiring, firing, pay, job assignments, promotions, fringe benefits, training, leave, and health insurance.

Additional State Laws in Missouri

Missouri's Human Rights Act

In addition to the Family and Medical Leave Act (FMLA) and the Pregnancy Discrimination Act, Missouri has the following law regarding maternity and paternity leave:

Missouri's Human Rights Act prohibits employment practices that discriminate based on sex. According to the Act, pregnancy-related conditions must be treated the same way as other types of temporary disabilities. This requirement applies to employers with six or more employees.

Payout

Maternity leave in Missouri is unpaid.

Bereavement Leave in Missouri (Funeral Leave)

An employer in Missouri is not required to give bereavement leave.

An employer is not legally required to provide any paid or unpaid bereavement leave, or any time off to attend an immediate family member's funeral. However, most employers do provide at least 2 days, so employers who decide to provide bereavement leave must follow the bereavement policy or practice they have in place.

Payout

Bereavement leave in Missouri is unpaid.

Jury Duty Leave in Missouri

Employers must provide employees unpaid time off for jury duty, as a witness in a case, responding to a subpoena, or acting as a plaintiff or defendant in the courts.

Employers are required to provide employees with unpaid, job-protected leave to report to jury selection or jury duty. Notice requirements do apply, so employees may have to

show their employer their jury summons (within a reasonable period of time after receiving it) to be given the necessary leave.

An employer is not allowed to force its employees to use accrued paid leave for serving on a jury, so employees can't lose their vacation time for their jury duties.

An employer may not fire, threaten to fire, penalize, or punish the employee in any way due to their jury service.

Payout

The court pays:

Employees who serve as jurors in Missouri are paid \$6.00 a day and receive mileage reimbursement for travel (though juror pay is only a token amount).

The employer pays:

Employers in Missouri are not required to pay employees for jury duty leave. An employer may choose to pay an employee for time spent on a jury even if they're not required to, although many may demand that an employee sign over their jury duty paycheck.

Witness Leave and Crime Victim Leave

Upon written request, an employer is required to provide leave for:

- An employee to prepare for and attend a criminal proceeding (witness leave)

- An employee who is the victim of a crime to prepare for and attend a criminal proceeding (crime victim leave). A victim's immediate family must be given the same leave privileges.

An employer may not fire or reprimand a witness, victim, or member of a victim's immediate family who exercises these rights. Employers are not permitted to demand that workers utilize their accrued paid time off to make up for time lost for these reasons.

Military Leave in Missouri

All employers in the U.S. must comply with USERRA.

Federal Regulations

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law that applies to all employers in the U.S. USERRA protects Army and Air National Guard members, and provides reinstatement rights, protection from discrimination, and unlimited unpaid leave for active duty.

Missouri State Law

Members of the Missouri military forces, the Missouri National Guard, any other state's national guard, or a reserve component of the United States armed forces who are summoned to active service have the same leave and reinstatement rights as those provided by USERRA. Furthermore, Missouri law states that employers can't fire employees (or otherwise discriminate) for joining the state militia or the US armed forces.

An employer may not fire an employee for military service, interfere with the employee's military service, or threaten an employee's job to discourage them from enlisting.

Missouri employers with 50 or more employees at one location must grant up to 15 days of unpaid leave to serve as members of the Civil Air Patrol.

Military Family Leave (Military Caregiver Leave)

Under the FMLA, eligible employees are allowed to take up to 26 working weeks of leave during a single one-year period to care for a family member (spouse, son, daughter, parent, or next of kin) with a serious injury or illness suffered while on military duty.

Payout

Military leave is unpaid.

Voting Leave in Missouri

Employers are required to provide 3 hours of paid time off for employees to vote.

Employers must give all registered voters up to 3 hours of paid time off to vote. An employer may decide when hours are taken. However, if an employee has 3 continuous hours of off-duty time while the polls are open, the employer is not required to provide voting leave.

Advance notice is required; an employee must request leave before the day of the election.



An employer isn't allowed to penalize or discriminate against an employee who wishes to vote.

Leave is paid, but employees must actually vote to be paid.

Payout

An employer pays an employee's usual salary or wages for voting leave.