

CORPORATIONS: EMPLOYEES'  
COMPENSATION: PAYMENT PERIOD:

No Missouri statutes require any corporation doing business in state to pay compensation to employees as often as once each week.



March 5, 1953

Honorable L. L. Duncan  
Director  
Division of Industrial Inspection  
Department of Labor and Industrial  
Relations  
Jefferson City, Missouri

Dear Sir:

This is to acknowledge receipt of your recent request for a legal opinion of this department which request reads as follows:

"In regard to your request for clarification of the question for which we recently asked you to write an opinion, please be advised that the specific inquiry is as follows:

"Is there any statute or statutes of the State of Missouri which requires that employees of a corporation doing business in this State shall be paid weekly."

Section 290.090, RSMo 1949, provides that the employees of all manufactories operated within this state shall be paid in full for all wages due them at least once in every fifteen days. Said section reads as follows:

"The employees of the operators of all manufactories, including plate glass manufactories, operated within this state shall be regularly paid in full of all wages due them at least once in every fifteen days, in lawful money, and at no pay day shall there be withheld from the earnings of any employees

Honorable L. L. Duncan

any sum to exceed the amount due him for his labor for five days next preceding any such pay day. Any such operator who fails and refuses to pay his employees, their agents, assigns or anyone duly authorized to collect such wages, as in this section provided, shall become immediately liable to any such employee, his agents or assigns for an amount double the sum due such employee at the time of such failure to pay the wages due, to be recovered by civil action in any court of competent jurisdiction within this state, and no employee, within the meaning of this section, shall be deemed to have waived any right accruing to him under this section by any contract he may make contrary to the provisions hereof."

Section 444.270, RSMo 1949, provides that all persons or corporations engaged in any mining business within this state shall pay their employees' wages once in every fifteen days. Said section reads as follows:

"1. All persons or corporations engaged in operating any mines, stone or granite quarries in this state shall pay their employees once in every fifteen days in lawful money of the United States, and at no pay day shall there be withheld any of the earnings due any such employee; provided, persons or corporations operating coal mines may withhold not to exceed five days of the earnings of employees.

"2. Any such operator or employer failing or refusing to pay his employees, their agents or assigns or anyone duly authorized to collect such wages as in this section provided, shall become immediately liable to such employees, his agent, assigns or anyone authorized to collect such wages for an amount double the sum due such employees at the time of such failure or refusal to pay the amount due, to be recovered by civil action in any court of competent jurisdiction within this state."

Section 290.080, RSMo 1949, provides that all corporations doing business in this state shall pay their mechanics, laborers, or other servants as often as semi-monthly, and reads as follows:

Honorable L. L. Duncan

"All corporations doing business in this state, and all persons operating railroads or railroad shops in this state, which shall employ any mechanics, laborers or other servants, shall pay the wages of such employees as often as semi-monthly. Such corporations and persons shall either, as a part of the check, draft or voucher paying the wages, or separately, furnish the employee at least once a month a statement showing the total amount of deductions for the period. Any corporation or person violating this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than fifty dollars, nor more than five hundred dollars, for each offense."

From the provisions of the above quoted statutes it is apparent that only three types of employers and employees have been referred to; namely, manufacturing, as provided by Section 290.090, supra; mining, as provided by Section 44.270, supra; and all other corporations not included in the two former classes, and which are referred to in Section 290.080, supra.

The employees covered by above quoted statutes are required to be paid at least once semi-monthly, or once in every fifteen days, depending upon the statutory provisions applicable to each business, as previously noted.

It is therefore our thought that no Missouri statutes require any corporation doing business within the state to pay its employees as often as once each week.

#### CONCLUSION

It is therefore, the opinion of this department that no Missouri statutes require any corporation doing business within the state to pay wages or other compensation to its employees as often as once each week.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Paul N. Chitwood.

Very truly yours,

JOHN M. DALTON  
Attorney General