

SC100876

---

**IN THE SUPREME COURT OF MISSOURI**

---

**RAYMOND MCCARTY, *et al.*,**

*Contestants,*

and

**MISSOURI GROCERS ASSOCIATION, *et al.*,**

**Intervenors-Contestants,**

v.

**MISSOURI SECRETARY OF STATE, *et al.*,**

**Contestees,**

and

**MISSOURI JOBS WITH JUSTICE BALLOT FUND, *et al.*,**

**Intervenors-Contestees.**

---

**AMICUS CURIAE MISSOURI BUSINESS OWNERS' BRIEF  
SUPPORTING INTERVENORS-CONTESTEES**

---

ALEXANDRIA E. SCHAEFER, #75751MO  
HARTNETT REYES-JONES, LLC  
4399 Laclede Avenue  
St. Louis, Missouri 63108  
Telephone: 314-531-1054  
Facsimile: 314-531-1131  
aschaefer@hrjlaw.com

*Attorney for Amicus Curiae*

**TABLE OF CONTENTS**

Table of Contents.....2

Table of Authorities.....3

Identity of Amicus and Statement of Interest.....11

Position of All Parties to Filing this Brief.....13

Summary of Argument.....14

Argument.....15

Conclusion.....28

Certificate of Service and Compliance.....29

**TABLE OF AUTHORITIES**

<b><u>Cases</u></b>	<b><u>Page(s)</u></b>
<i>Ariz. Chamber of Com. &amp; Indus. v. Kiley</i> , 242 Ariz. 533, (Ariz. 2017).....	17
<i>State v. Thorne</i> , 129 Wash. 2d 736, 757 (Wash. 1996).....	17
<i>Tolentino v. Starwood Hotels &amp; Resorts Worldwide Inc.</i> , 437 S.W.3d 754, 761 (Mo. 2014).....	16
<i>United Gamefowl Breeders Ass’n of Mo. v. Nixon</i> , 19 S.W.3d 137 (Mo. 2000).....	15-16
<i>Wash. v. Associated Builders &amp; Contractors of S. Tex. Inc.</i> , 621 S.W.3d 305 (Tex. Ct. App. 2021).....	16
 <b><u>Statutes</u></b>	
ALASKA STAT. ANN. § 15.45.040.....	17
MO. REV. STAT. § 290.502.....	14
MO. REV. STAT. §§ 290.600-290.642.....	14
 <b><u>Constitutional Provisions</u></b>	
Ariz. Const. art. IV, Pt. 1, § 1.....	17
Mo. Const. art. III, § 50.....	15
Wash. Const. art. II, § 19.....	17
 <b><u>Other Authorities</u></b>	
Asfaw, Abay, Pana-Cryan, Regina, and Rosa, Roger <i>Paid Sick Leave and Nonfatal Occupational Injuries</i> , AM. J. OF PUB. HEALTH (Jun. 21, 2012), <a href="http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2011.300482">http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2011.300482</a> .....	21

*Application for Initiative or Referendum Petition,*  
<https://apps.azsos.gov/election/2016/general/ballotmeasuretext/I-24-2016.pdf>.....18

*Arizona Proposition 206—Increase Minimum Wage—Results: Approved,*  
 N.Y. TIMES (Aug. 1, 2017),  
<https://www.nytimes.com/elections/2016/results/arizona-ballot-measure-206-increase-minimum-wage>.....17

*As MO gears up for a vote, KC businesses say raising minimum wage would boost economy,* KAN. CITY STAR (Aug. 22, 2024),  
<https://www.kansascity.com/news/politics-government/article291190975.html>.....26

Associated Industries of Missouri, Missouri Chamber of Commerce and Industry, Missouri Grocers Association, the Missouri Restaurant Association, the Missouri Retailers Association, and The National Federation of Independent Business, *Coalition statement Prop A Nov 6 2024* (Nov. 7, 2024), <https://www.documentcloud.org/documents/25279788-coalition-statement-prop-a-nov-6-2024/>.....21

Bahn, Kate & Sanchez Cumming, Carmen, *Improving U.S. Labor Standards and the Quality of Jobs to Reduce the Costs of Employee Turnover to U.S. Companies*, WASH. CTR. FOR EQUITABLE GROWTH (Dec. 21, 2020) <https://equitablegrowth.org/improving-u-s-labor-standards-and-the-quality-of-jobs-to-reduce-the-costs-of-employee-turnover-to-u-s-companies/>.....19

*Ballot Measure No. 1*, [https://www.elections.alaska.gov/doc/oep/2024/Ballot%20Measure%201\\_Eng.pdf](https://www.elections.alaska.gov/doc/oep/2024/Ballot%20Measure%201_Eng.pdf).....17

Bivens, Josh, *Inflation, minimum wages, and profits: Protecting low-wage workers from inflation means raising the minimum wage*, ECON. POL’Y INST. (Sept. 22, 2022), <https://www.epi.org/blog/inflation-minimum-wages-and-profits-protecting-low-wage-workers-from-inflation-means-raising-the-minimum-wage/>.....23

BLACK’S LAW DICTIONARY (10th ed. 2014).....17

Chevalier, Joseph, *Opinion: Missouri’s Proposition A Is Good for Small Businesses*, COLUMBIA DAILY TRIB. (Oct. 26, 2024), <https://www.columbiatribune.com/story/opinion/2024/10/26/opinion-missouri-proposition-a-good-for-small-business/75815803007/>.....24

Cooper, Daniel, Luengo-Prado, Maria Jose, and Parker, Jonathan A., *The Local Aggregate Effects of Minimum Wage Increases*, NAT’L BUREAU OF ECON. RSCH., (Apr. 2019), [https://www.nber.org/system/files/working\\_papers/w25761/w25761.pdf](https://www.nber.org/system/files/working_papers/w25761/w25761.pdf).....23

*County Results: State of Missouri – General Election, November 05, 2024*, MO. SEC. OF STATE, <https://enr.sos.mo.gov/CountyResults.aspx> (last accessed Feb. 17, 2025).....25

Dereuck, Kelly, *Four initiative petitions submit signatures, await verification for 2024 ballot access*, SPRINGFIELD NEWS-LEADER, (May 8, 2024), <https://www.news-leader.com/story/news/politics/2024/05/08/mo-voters-could-decide-fate-of-four-initiative-petitions-in-2024/73606354007/>.....25

*Election Results 2024: Alaska Measure 1*, WASH. POST (last updated Dec. 2, 2024), <https://www.washingtonpost.com/elections/results/2024/11/05/alaska-measure-1/>.....18

*Election Results 2024: Missouri Proposition A*, WASH. POST (Dec. 12, 2024), <https://www.washingtonpost.com/elections/results/2024/11/05/missouri-proposition-a/>.....25

*Estimated Impact of Increased Minimum Wage & Access to Earned Sick Leave on Missouri Workers, Families, & Economy*, MO. BUDGET PROJECT (Dec. 2023), <https://mobudget.org/wp-content/uploads/2023/12/MinWage-Earned-Sick-Leave-Analysis.pdf>....15, 20, 23

Falcon, Hannah, *While some business owners support Missouri efforts to raise minimum wage, others worry about negative effects*, FIRST ALERT 4, (Oct. 28, 2024) <https://www.firstalert4.com/2024/10/28/while-some-business-owners-support-missouri-efforts-raise-minimum-wage-others-worry-about-negative-effects/>.....26

Hill, Heather D., *Paid Sick Leave and Job Stability*, Work Occup. 9 (Nov. 12,2013) (manuscript)(on file with National Institute of Health), <https://pmc.ncbi.nlm.nih.gov/articles/PMC3825168/pdf/nihms467028.pdf>.....20

*Initiative Measure No. 133*, [https://www2.sos.wa.gov/\\_assets/elections/initiatives/finaltext\\_954.pdf](https://www2.sos.wa.gov/_assets/elections/initiatives/finaltext_954.pdf).....18

Ketz, Jonathan, *Groups on Either Side of Missouri Proposition A Make Case*, FOX 4 (Oct. 21, 2024), <https://fox4kc.com/politics/your-local-election-headquarters/groups-on-either-side-of-missouri-proposition-a-make-case/>.....26

*Missouri Business Owners Praise Proposition A Win to Raise Minimum Wage and Enact Paid Sick Leave*, BUS. FOR A FAIR MINIMUM WAGE (Nov. 5, 2024), <https://www.businessforafairminimumwage.org/press-release/missouri-business-owners-praise-proposition-win-raise-minimum-wage-and-enact-paid-sick-leave>.....14, 25

*Missouri Business for a Healthy Economy Sign On Statement*, BUS. FOR A FAIR MINIMUM WAGE, <https://www.businessforafairminimumwage.org/statement/Missouri2024> (last accessed Feb. 21 2025).....14, 19, 25

*Missouri business group files legal challenge to overturn Proposition A*, KMIZ, COLUMBIA (Dec. 9, 2024) <https://abc17news.com/news/missouri/2024/12/09/missouri-business-group-files-legal-challenge-to-overturn-proposition-a/>.....28

*Missouri Business Owners Support Ballot Initiative Regarding Minimum Wage and Paid Sick Leave as Missourians for Healthy Families and Fair Wages Submits Signatures*, BUS. FOR A FAIR MINIMUM WAGE (May 1, 2024), <https://www.businessforafairminimumwage.org/press-release/missouri-business-owners-support-ballot-initiative-regarding-minimum-wage-and-paid-sick-leave>.....14, 25

*Missouri Chamber Opposes Ballot Measure Placing New Mandates on Businesses, MO.*

CHAMBER OF COM. & INDUS. (Sept. 18, 2024), <https://mochamber.com/news-archive/missouri-chamber-opposes-ballot-measure-placing-new-mandates-on-businesses/>.....27

*Missouri Jobs with Justice Leaders Gather More than 100,000 Petition Signatures to*

*Qualify Missourians for Healthy Families and Fair Wages Initiative for the Ballot,*  
MO. JOBS WITH JUST. (May 1, 2024), <https://mojwj.org/press-release/missouri-jobs-with-justice-leaders-gather-more-than-100000-petition-signatures-to-qualify-missourians-for-healthy-families-and-fair-wages-initiative-for-the-ballot/>.....26

*Montemayor, Cameron Missourians set to weigh in on minimum wage,*

*paid sick leave measure on Nov. 5,* NEWS-PRESS NOW (Nov. 5, 2024)  
[https://www.newspressnow.com/yourvote/local/missourians-set-to-weigh-in-on-minimum-wage-paid-sick-leave-measure-on-nov-5/article\\_964d2818-7abb-11ef-9c58-03c6de86da61.html](https://www.newspressnow.com/yourvote/local/missourians-set-to-weigh-in-on-minimum-wage-paid-sick-leave-measure-on-nov-5/article_964d2818-7abb-11ef-9c58-03c6de86da61.html).....26

*Mueller, Annie, The Cost of Hiring a New Employee: It's More Than Just Salary,*

INVESTOPEDIA, (Apr. 30, 2024),  
<https://www.investopedia.com/financial-edge/0711/the-cost-of-hiring-a-new-employee.aspx>.....19

*Paid Sick Days Improve Public Health by Reducing the Spread of Disease*

(Nov. 2022), NAT'L P'SHIP FOR WOMEN & FAMILIES,  
<https://nationalpartnership.org/wp-content/uploads/2023/02/paid-sick-days-improve-our-public-health.pdf>.....21



Povich, Elaine S., *Voters Will Decide Minimum Wage Ballot Measures in Several States*, STATELINE (Aug. 27, 2024), <https://stateline.org/2024/08/27/voters-will-decide-minimum-wage-ballot-measures-in-several-states/>.....27

*Proposition A Will Continue to Raise Prices on Missourians*, MO. CHAMBER OF COM. & INDUS. (Oct. 21, 2024), <https://mochamber.com/news-archive/proposition-a-will-continue-to-raise-prices-on-missourians/>.....27

*Raising Missouri’s Minimum Wage is Good for Workers and the Economy*, MO. BUDGET PROJECT, (Feb. 2024), <https://mobudget.org/wp-content/uploads/2024/02/Minimum-Wage-Economy.pdf>.....20

*Sample Ballot General Election November 5, 2024*, KAN. CITY BD. OF ELECTION COMM’RS, [https://www.kceb.org/useruploads/Sample\\_Ballot-FINAL\\_11-24.pdf](https://www.kceb.org/useruploads/Sample_Ballot-FINAL_11-24.pdf).....26

Schweitzer, Justin & Ross, Kyle, *Higher Minimum Wages Support Job Growth as the Economy Recovers From COVID-19*, CTR. FOR AM. PROGRESS (Nov. 3, 2021), <https://www.americanprogress.org/wpcontent/uploads/sites/2/2021/11/Higher-Min-Wages-Support-Job-Growth.pdf>.....22

Smith, Tom W. & Kim, Jibum, *Paid Sick Days: Attitudes and Experiences*, PUB. WELFARE FOUND., at Table 1A (June 2010), <https://nationalpartnership.org/wp-content/uploads/2023/02/paid-sick-days-attitudes-and-experiences.pdf>.....27

*State of Missouri – General Election, November 05, 2024*, DENNY HOSKINS,  
 CPA MO. SECRETARY OF STATE, (Dec. 05, 2024), <https://enr.sos.mo.gov/>.....14

Vela, Jessica, *Higher State-Level Minimum Wages Aid in Faster  
 Jobs Recovery*, CTR. FOR AM. PROGRESS (July 24, 2023),  
[https://www.americanprogress.org/article/higher-state-level-  
 minimum-wages-aid-in-faster-jobs-recovery/](https://www.americanprogress.org/article/higher-state-level-minimum-wages-aid-in-faster-jobs-recovery/)..... 22

Wallington, Natalie, *27 Counties and 2 Cities Supported Proposition A in Missouri.  
 Was Yours One of Them?*, THE KAN. CITY STAR (Nov. 9, 2024),  
[https://www.kansascity.com/news/politics-  
 government/election/article295267969.html](https://www.kansascity.com/news/politics-government/election/article295267969.html).....14

Warren, Ken, *SLU/YouGov Analysis: SLU/You Gov Poll Shows that Missouri Voters Will  
 Approve Major Missouri Ballot Propositions on Nov. 5, Involving Reproductive  
 Health Rights, Sports Betting, and Raising the Minimum Wage*, ST. LOUIS UNIV.  
 (Aug. 29, 2024), [https://www.slu.edu/research/research-institute/big-ideas/slu-  
 poll/data-archive/august-2024-poll/write-ups/slu-yougov-analysis-ballot-  
 initiatives.php](https://www.slu.edu/research/research-institute/big-ideas/slu-poll/data-archive/august-2024-poll/write-ups/slu-yougov-analysis-ballot-initiatives.php).....27

*Washington Initiative 1433—Increase Minimum Wage—Results: Approved*,  
 N.Y. TIMES (Aug. 1, 2017),  
[https://www.nytimes.com/elections/2016/results/washington-ballot-  
 measure-1433-increase-minimum-wage](https://www.nytimes.com/elections/2016/results/washington-ballot-measure-1433-increase-minimum-wage).....18

Zipperer, Ben, *Turnover, Prices, and Reallocation: Why Minimum Wages Raise the Incomes of Low-Wage Workers*, 3 J. OF L. & POL. ECON. 160, 164-65 (2022), <https://escholarship.org/content/qt9nz5z03m/qt9nz5z03m.pdf>.....20

**IDENTIFY OF AMICI AND STATEMENT OF INTEREST**

Without objection from any party, Amici file this amicus curiae brief in Intervenors-Contestees' support.

Amici Missouri business owners supporting Proposition A's passage and implementation are Joseph Chevalier, Laurie Knowlton, Erik Milan, Michael Schroeder, and Mike Draper.

Operating since 2013, Yellow Dog Bookshop is a downtown Columbia, Missouri independent bookstore. Its owner, Joseph Chevalier credits Yellow Dog Bookshop's ability to stay competitive to providing a better customer experience through low employee turnover. Through low employee turnover, Yellow Dog Bookshop saves time and money on hiring and training.

Like other small businesses that depend on a local customer base, Proposition A's minimum wage increases are important to Yellow Dog. Previously, Yellow Dog realized an increase in consumer spending as minimum wage increases rippled through businesses, communities, and the economy. Mr. Chevalier further sees Proposition A's paid sick leave provisions putting businesses on a more level playing field.

Laurie Knowlton owns Pickwick Underground Framing. Pickwick Underground Framing is an art, design, and custom frame shop in Springfield, Missouri, operating since 2000. Like Mr. Chevalier, Ms. Knowlton knows that taking care of employees means they stay longer and take good care of customers. Ms. Knowlton believes Proposition A's minimum wage and sick leave provisions provide clarity to plan labor costs. This legal challenge is muddying the waters, leaving her and other business owners uncertain about Proposition A's implementation despite strong approval by Missouri voters.

Erik Milan owns Stick It In Your Ear, a music retail store and entertainment venue in Springfield, Missouri, founded in 1993. Through prioritizing employee compensation and well-being, Stick It In Your Ear has lost only one employee in the past five years. Personalized customer service is crucial to his ability to compete with online retailers. Since Proposition A's passage the store shifted from an informal to formal paid sick leave program. Implementing Proposition A will relieve Missouri workers from financial pressure to work while sick and risk spreading illness to staff and customers. Moreover, Mr. Milan knows businesses depend on consumer spending to survive, grow, and hire. When Proposition A provides workers more pay, they can spend more at local businesses.

Michael Schroeder is the co-owner and general manager of Oddly Correct Coffee in Kansas City, Missouri. In 2018, Oddly Correct proactively invested in employees with living wages and benefits like paid sick leave. This investment realized a positive impact on Oddly Correct's bottom line, creating an environment for high quality services and improved customer experience. Not coincidentally, Oddly Correct also realized a 20% increase in retail revenue. Mr. Schroeder knows first-hand a business model with fair pay

and paid sick leave is a better business model than the low-wage, high-turnover model typical in many restaurants and food establishments.

Mike Draper founded RAYGUN, a clothing, home goods, and design company with a location in Kansas City, MO in 2014. Mr. Draper currently starts employees at his Kansas City store at \$15.50 per hour, with plans to start at \$16 later this year. He does this because he knows the value of paying good wages and benefits. For Mr. Draper it means low employee turnover, and employees who are productive and engaged to provide the locally responsive products and excellent customer service for which RAYGUN is known. Mr. Draper sees Proposition A creating a more level business playing field. He looks forward to the increased consumer spending Proposition A will facilitate for RAYGUN and other businesses. Changes in Proposition A's implementation will make it harder for Mr. Draper to project revenues and plan ahead for workforce costs at his current and future Missouri stores.

**POSITION OF ALL PARTIES TO FILING OF THIS BRIEF**

All parties consent or do not object to the filing of this brief.

## SUMMARY OF ARGUMENT

In November 2024, Missouri voters approved Proposition A by 57.6 percent; evidencing approval across party lines and amongst all demographics.<sup>1</sup> Ahead of the November 2024 election, many business owners vocally supported Proposition A.<sup>2</sup>

Proposition A amends MO. REV. STAT. § 290.502, a provision of the Minimum Wage Law, and enacts MO. REV. STAT. §§ 290.600–290.642 regarding paid sick leave, also called paid sick time. Proposition A’s clear and singular purpose is establishing an employee compensation baseline throughout Missouri. Business owners and workers alike recognized this purpose in overwhelmingly approving Proposition A. Furthermore, many jurisdictions prior to Missouri’s Proposition A enacted minimum wage and paid sick leave measures jointly.

---

<sup>1</sup> *State of Missouri – General Election, November 05, 2024*, DENNY HOSKINS, CPA MO. SECRETARY OF STATE, (Dec. 05, 2024), <https://enr.sos.mo.gov/>; Natalie Wallington, *27 Counties and 2 Cities Supported Proposition A in Missouri. Was Yours One of Them?*, THE KAN. CITY STAR (Nov. 9, 2024), <https://www.kansascity.com/news/politics-government/election/article295267969.html>.

<sup>2</sup> *Missouri Business for a Healthy Economy Sign On Statement*, BUS. FOR A FAIR MINIMUM WAGE, <https://www.businessforafairminimumwage.org/statement/Missouri2024> (last accessed Feb. 21 2025) (showing that over 500 Missouri businesses strongly support Proposition A); *Missouri Business Owners Support Ballot Initiative Regarding Minimum Wage and Paid Sick Leave as Missourians for Healthy Families and Fair Wages Submits Signatures*, BUS. FOR A FAIR MINIMUM WAGE (May 1, 2024), <https://www.businessforafairminimumwage.org/press-release/missouri-business-owners-support-ballot-initiative-regarding-minimum-wage-and-paid>; *Missouri Bus. Owners Praise Proposition A Win to Raise Minimum Wage and Enact Paid Sick Leave*, BUS. FOR A FAIR MINIMUM WAGE (Nov. 5, 2024), <https://www.businessforafairminimumwage.org/press-release/missouri-business-owners-praise-proposition-win-raise-minimum-wage-and-enact-paid>.

Proposition A’s positive impacts will touch many Missouri businesses and workers. According to the Missouri Budget Project, the increase in the minimum wage raises earnings for 562,000 Missourians (nearly one in four Missouri workers) by \$1,083 per year.<sup>3</sup> Aside from assisting workers, these increased wages will also boost consumer spending at Missouri’s businesses. Additionally, after implementing Proposition A’s paid sick leave provisions, 938,000 Missourians will gain access to this fundamental workplace protection.<sup>4</sup>

### ARGUMENT

#### **I. MINIMUM WAGE AND PAID SICK LEAVE ARE BOTH FIRMLY RELATED TO THE SUBJECT OF EMPLOYEE COMPENSATION.**

##### **A. Business owners and employees alike understand that minimum wage and paid sick leave are fundamental components of employees’ compensation packages.**

*Amici* business owners and Missouri law view Proposition A’s minimum wage and paid sick leave measures as squarely a singular subject - employee compensation. Missouri Constitution Article III, Section 50 initiative petitions requires the petition “...contain not more than one subject which shall be expressed clearly in the title.” Mo. Const. art. III, § 50. To assess whether such an initiative petition violates the Constitution’s single subject requirement, this Court holds “[a]n initiative has one subject if all of its provisions are properly connected with a central purpose.” *United Gamefowl Breeders Ass’n of Mo. v.*

---

<sup>3</sup> *Estimated Impact of Increased Minimum Wage & Access to Earned Sick Leave on Missouri Workers, Families, & Economy*, MO. BUDGET PROJECT (Dec. 2023), <https://mobudget.org/wp-content/uploads/2023/12/MinWage-Earned-Sick-Leave-Analysis.pdf>.

<sup>4</sup> *Id.*

*Nixon*, 19 S.W.3d 137, 140 (Mo. 2000) (explaining a measure complies with the one-subject requirement though effecting “several changes and incidents” so long as all are germane to one controlling purpose). Proposition A’s purpose is clear: to ensure Missouri employees minimum compensation standards.

Minimum wage and paid sick leave are both key pieces to an employees’ compensation package. Missouri’s minimum wage law protects employees by establishing a higher baseline rate of pay. *See Tolentino v. Starwood Hotels & Resorts Worldwide Inc.*, 437 S.W.3d 754, 761 (Mo. 2014) (noting minimum wage laws’ central purposes are to ensure employers pay employees a minimum wage). Paid sick leave protections serve the same purpose and are compensation. The sick leave law’s implementation on May 1, 2025, will ensure employees receive compensation during time off to care for themselves or their family members. Both minimum wage and paid sick leave provide employees standard compensation for working hours, including hours that the employee would have worked if not for having taken sick leave. *See, e.g., Wash. v. Associated Builders & Contractors of S. Tex. Inc.*, 621 S.W.3d 305, 317 (Tex. Ct. App. 2021) (holding that paid sick and safe leave pursuant to a local ordinance established a minimum wage standard).

Further, businesses realize minimum wage and paid sick leave are synonymous because they are both labor costs. Missouri businesses understand complying with minimum wage is a cost of doing business. Similarly, employees need time off when they or their family members are sick—giving them the ability to take the time off that they need without endangering their paychecks is another business cost. Aside from a business cost, minimum wage and paid sick leave are a way to create a level field for *amici* to take



care of the employees who keep their businesses operating—compensating them fairly and in turn, employees are ready to work and offer good services. *See* BLACK'S LAW DICTIONARY 342-343 (10th ed. 2014) (defining “compensation” as “[r]emuneration and other benefits received in return for services rendered; esp., salary or wages. . . . [Compensation] includes wages, . . . sick pay. . .”).

**B. Numerous states have enacted joint minimum wage and paid sick leave measures to raise employee compensation standards.**

Recognizing the shared purpose between minimum wage and paid sick leave, three other states, Alaska, Washington, and Arizona, increased their respective minimum wage rates and adopted paid sick leave through unified voter-approved ballot initiatives.<sup>5</sup> Like in Missouri, in the November 2024 election, voters in Alaska approved a ballot measure—Ballot Measure Number 1<sup>6</sup>—to increase their state’s minimum wage and to enact paid sick

---

<sup>5</sup> Note that while Alaska (ALASKA STAT. ANN. § 15.45.040), Washington State (Wash. Const. art. II, § 19), and Arizona (Ariz. Const. art. IV, Pt. 1, § 1) all currently have single subject requirements that are applicable to ballot initiatives, Arizona’s single subject requirement did not apply to Proposition 206, the minimum wage and paid sick leave ballot measure approved by voters in 2016. *Ariz. Chamber of Com. & Indus. v. Kiley*, 242 Ariz. 533, 541-42 (Ariz. 2017) (holding that the applicable single subject rule in Arizona’s Constitution only applied to acts by the legislature, not ballot initiatives); *but see State v. Thorne*, 129 Wash. 2d 736, 757 (Wash. 1996) (holding that Washington State’s constitutional single subject requirement “applies to initiative measures”). In 2022, Arizona amended its state constitution to enact a single subject requirement for ballot initiatives.

<sup>6</sup> *See Ballot Measure No. 1*, [https://www.elections.alaska.gov/doc/oep/2024/Ballot%20Measure%201\\_Eng.pdf](https://www.elections.alaska.gov/doc/oep/2024/Ballot%20Measure%201_Eng.pdf) (providing the text of Alaska’s Ballot Measure Number 1 (2024)).

leave protections.<sup>7</sup> Similarly, in 2016, voters in both Washington<sup>8</sup> and Arizona<sup>9</sup> approved ballot initiatives that increased each state’s minimum wage while also enacting paid sick leave requirements.<sup>10</sup> Missouri is not alone in coupling minimum wage and paid sick leave in the same ballot measure. As two parts of employee compensation, multiple jurisdictions jointly enacted minimum wage and paid sick leave standards.

## **II. HIGHER MINIMUM WAGE AND PAID SICK LEAVE STANDARDS ARE GOOD FOR BUSINESS, WHICH IS WHY *AMICI* SUPPORTED THE PASSAGE OF PROPOSITION A.**

### **A. Minimum wage and paid sick leave are good for businesses.**

Collectively implementing minimum wage and paid sick leave standards across the state through Proposition A means employers will compete on a stronger and more level playing field. The Missouri Business for a Healthy Economy Statement, which more than

---

<sup>7</sup> *Election Results 2024: Alaska Measure 1*, WASH. POST (last updated Dec. 2, 2024), <https://www.washingtonpost.com/elections/results/2024/11/05/alaska-measure-1/> (showing that Alaska’s Ballot Measure Number 1 passed with 58 percent of voter approval).

<sup>8</sup> *See Initiative Measure No. 133*, [https://www2.sos.wa.gov/\\_assets/elections/initiatives/finaltext\\_954.pdf](https://www2.sos.wa.gov/_assets/elections/initiatives/finaltext_954.pdf) (providing the text of Washington State’s Initiative Measure Number 1433 (2016)).

<sup>9</sup> *See Application for Initiative or Referendum Petition*, <https://apps.azsos.gov/election/2016/general/ballotmeasuretext/I-24-2016.pdf> (providing the text of Arizona’s Proposition 206 (2016)).

<sup>10</sup> *Washington Initiative 1433—Increase Minimum Wage—Results: Approved*, N.Y. TIMES (Aug. 1, 2017), <https://www.nytimes.com/elections/2016/results/washington-ballot-measure-1433-increase-minimum-wage> (showing that nearly 58 percent of voters approved Washington’s Initiative Measure Number 1433); *Arizona Proposition 206—Increase Minimum Wage—Results: Approved*, N.Y. TIMES (Aug. 1, 2017), <https://www.nytimes.com/elections/2016/results/arizona-ballot-measure-206-increase-minimum-wage> (showing that 58.3 percent of voters approved Arizona’s Proposition 206).

500 Missouri businesses signed in the months leading to the November 5 election (including *amici*) summarizes how Proposition A strengthens Missouri businesses and the economy:

- Workers are also customers. Minimum wage increases go right back into the economy as spending at local businesses.
- Raising the minimum wage and paid sick days are good for business. Low-wage businesses have more trouble hiring and retaining employees, as workers look elsewhere to make ends meet. Without paid sick days, workers lose needed pay unless they go to work sick, where they are less productive, more prone to errors and injury, and can spread illnesses to co-workers and customers.
- With better wages and earned paid sick time, businesses benefit from lower employee turnover, lower hiring and training costs, increased productivity, better morale, [improved] health and safety, and better customer service, which keeps customers coming back.<sup>11</sup>

A wealth of economic research demonstrates that employers experience tangible benefits when minimum wage increases and paid sick leave laws are implemented. As employee compensation tools, minimum wage and paid sick leave measures increase employee retention rates resulting in a decrease of employer costs associated with employee turnover. Between costs from lost productivity when employees leave their position; hiring and training costs to a replace employees; and costs affiliated with errors, such as unreliable customer service and lower productivity while the replacement employee becomes acclimated to their new role, employee turnover costs are very high.<sup>12</sup>

---

<sup>11</sup> *Missouri Business for a Healthy Economy Sign On Statement*, *supra* note 2.

<sup>12</sup> See Annie Mueller, *The Cost of Hiring a New Employee: It's More Than Just Salary*, INVESTOPEDIA, (Apr. 30, 2024), <https://www.investopedia.com/financial-edge/0711/the-cost-of-hiring-a-new-employee.aspx>; Kate Bahn & Carmen Sanchez Cumming, *Improving U.S. Labor Standards and the Quality of Jobs to Reduce the Costs of Employee Turnover to U.S. Companies*, WASH. CTR. FOR EQUITABLE GROWTH (Dec. 21,

In high turnover industries, studies show that after a minimum wage increase, employees are significantly less likely to leave their jobs.<sup>13</sup> Similarly, paid sick leave tangibly decreases the probability a worker will separate from employment by at least 25 percent.<sup>14</sup> Furthermore, both minimum wage and paid sick leave reduce employee absenteeism and increase productivity, directly benefiting businesses' bottom line. Therefore, implementing sick leave policies and raising minimum wage benefits both workers and businesses.

**B. Minimum wage and paid sick leave are good for the workforce.**

Proposition A will have markedly positive impacts on Missouri workers and families. Higher minimum wages ensure workers have a stronger wage floor, allowing them to make ends meet and afford more goods and services from Missouri businesses. The minimum wage increase to \$15 will increase wages for nearly one in four Missouri workers (562,000 Missourians).<sup>15</sup> That equates to circulating approximately \$609 million into the state's economy.<sup>16</sup>

---

2020) (analysis of case studies published between 2000 and 2020 found that the median cost of turnover represented 23.5 percent of an employee's annual wage), <https://equitablegrowth.org/improving-u-s-labor-standards-and-the-quality-of-jobs-to-reduce-the-costs-of-employee-turnover-to-u-s-companies/>.

<sup>13</sup> Ben Zipperer, *Turnover, Prices, and Reallocation: Why Minimum Wages Raise the Incomes of Low-Wage Workers*, 3 J. OF L. & POL. ECON. 160, 164-65 (2022), <https://escholarship.org/content/qt9nz5z03m/qt9nz5z03m.pdf>.

<sup>14</sup> Heather D. Hill, Paid Sick Leave and Job Stability, *Work Occup.* 9 (Nov. 12, 2013)(manuscript)(on file with National Institute of Health), <https://pmc.ncbi.nlm.nih.gov/articles/PMC3825168/pdf/nihms467028.pdf>.

<sup>15</sup> *Raising Missouri's Minimum Wage is Good for Workers and the Economy*, MO. BUDGET PROJECT, (Feb. 2024), <https://mobudget.org/wp-content/uploads/2024/02/Minimum-Wage-Economy.pdf>.

<sup>16</sup> *Id.*; *Estimated Impact of Increased Minimum Wage & Access to Earned Sick Leave on Missouri Workers, Families, & Economy*, *supra* note 3.

Paid sick leave also improves employees' overall well-being in terms of physical and financial health. Working while sick prevents workers from taking the time they need to rest and recuperate from illness, drawing out recovery times longer than they would be with access to paid sick leave.<sup>17</sup> Paid sick leave makes the workplace safer by preventing accidents, with benefits to both workers and businesses. Workers with access to paid sick leave are 28 percent less likely to be injured at work.<sup>18</sup> Meanwhile, those working while sick are more likely to experience fatigue, impairing decision making and concentration. The association between paid sick leave and lower injury rates on the job are stronger in higher-risk occupations.<sup>19</sup>

**C. Minimum wage and paid sick leave are good for our communities and our local economies, which benefits *amici*.**

In addition to benefits for businesses and employees, minimum wage and paid sick leave also benefit Missouri communities. While petitioners and Proposition A's other vocal opponents surmise that minimum wage and paid sick leave will hurt businesses and consumers<sup>20</sup> history and data show the opposite. For example, higher minimum wages

---

<sup>17</sup> See, *Paid Sick Days Improve Public Health by Reducing the Spread of Disease* (Nov. 2022), NAT'L P'SHIP FOR WOMEN & FAMILIES, <https://nationalpartnership.org/wp-content/uploads/2023/02/paid-sick-days-improve-our-public-health.pdf>; Abay Asfaw, Regina Pana-Cryan, and Roger Rosa, *Paid Sick Leave and Nonfatal Occupational Injuries*, AM. J. OF PUB. HEALTH (Jun. 21, 2012), <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2011.300482>.

<sup>18</sup> Asfaw et al., *supra* note 20.

<sup>19</sup> *Id.*

<sup>20</sup> See Associated Industries of Missouri, Missouri Chamber of Commerce and Industry, Missouri Grocers Association, the Missouri Restaurant Association, the Missouri Retailers Association, and The National Federation of Independent Business, *Coalition statement Prop A Nov 6 2024* (Nov. 7, 2024),

associate with quicker economic recovery. Following the 2020 recession, leisure and hospitality industries in states with minimum wages above the federal minimum wage recovered faster than those without.<sup>21</sup>

As modes of employee compensation, minimum wage and paid sick leave help workers earn more money, thereby boosting the economy through increased consumer spending—increased consumer spending that benefits local businesses like ours. In the same vein, paid sick leave ensures that workers are able to care for themselves and their families as they recover from illness or seek preventive care without forgoing their paycheck or eroding workers’ disposable income. Businesses typically have many more customers than employees and local businesses, like *amici*, depend on local customers with money to afford goods and services. While minimum wage opponents often state concerns that prices will rise in response to increases, multi-year data from varied jurisdictions shows benefits far outweigh the minor rises in price attributable to a minimum wage increase. A National Bureau of Economic Research study found a 10 percent increase in

---

<https://www.documentcloud.org/documents/25279788-coalition-statement-prop-a-nov-6-2024/>.

<sup>21</sup> Jessica Vela, *Higher State-Level Minimum Wages Aid in Faster Jobs Recovery*, CTR. FOR AM. PROGRESS (July 24, 2023), <https://www.americanprogress.org/article/higher-state-level-minimum-wages-aid-in-faster-jobs-recovery/> (“[F]rom January 2021 to May 2023, states with minimum wages higher than \$7.25 per hour experienced 38 percent industry wide growth—almost double that of states using the federal minimum wage, which was only 19 percent.”); *see also* Justin Schweitzer & Kyle Ross, *Higher Minimum Wages Support Job Growth as the Economy Recovers From COVID-19*, CTR. FOR AM. PROGRESS (Nov. 3, 2021), <https://www.americanprogress.org/wp-content/uploads/sites/2/2021/11/Higher-Min-Wages-Support-Job-Growth.pdf> (“Employment in the predominantly low-wage leisure and hospitality industry has recovered faster in states that guarantee better pay for low-wage workers”).

the local minimum wage leads to only a cumulative 0.24 percent increase in prices.<sup>22</sup> Additionally, increasing the minimum wage is especially important to ensure workers' purchasing power keeps pace with the cost of living.<sup>23</sup> Proposition A's minimum wage increase effective January 1, 2025, is projected to introduce \$609 million in additional wages to Missouri's economy.<sup>24</sup>

**D. *Amici's* real-world experiences confirm these studies' findings.**

*Amici* Michael Schroeder, Oddly Correct Coffee's co-owner, explained when he invested in employees through higher wages and benefits like paid sick leave, he saw a positive impact on the bottom line. Employees became more invested in their work and customer experience improved, resulting in a 20 percent increase in retail revenue. Productivity increased and turnover decreased, leading to reduced hiring and training costs. Morale improved for employees and management alike. Similarly, *Amici* Erik Milan, Stick It In Your Ear music store's owner, found prioritizing employee compensation and well-being responsible for losing only one employee in the past five years.

---

<sup>22</sup> Daniel Cooper, Maria Jose Luengo-Prado, and Jonathan A. Parker, *The Local Aggregate Effects of Minimum Wage Increases*, NAT'L BUREAU OF ECON. RSCH., (Apr. 2019), [https://www.nber.org/system/files/working\\_papers/w25761/w25761.pdf](https://www.nber.org/system/files/working_papers/w25761/w25761.pdf).

<sup>23</sup> See Josh Bivens, *Inflation, minimum wages, and profits: Protecting low-wage workers from inflation means raising the minimum wage*, ECON. POL'Y INST. (Sept. 22, 2022), <https://www.epi.org/blog/inflation-minimum-wages-and-profits-protecting-low-wage-workers-from-inflation-means-raising-the-minimum-wage/>.

<sup>24</sup> *Estimated Impact of Increased Minimum Wage & Access to Earned Sick Leave on Missouri Workers, Families, & Economy*, *supra* note 3.

*Amici* Joseph Chevalier, Yellow Dog Bookshop’s owner voiced his support for Proposition A before the election. Mr. Chevalier said, “minimum wage increases are important for small businesses like Yellow Dog Bookshop that depend on local customers with money to spend. When the minimum wage goes up, consumer spending goes up. The ripple effects benefit our businesses, communities and economy.”<sup>25</sup> Moreover, as a Mom and Pop business, Yellow Dog Bookshop stays competitive with larger businesses by treating employees well and providing better customer service. “Better customer experience is built on employees who care. And that starts with employers who show they care by how they pay and treat their staff.”<sup>26</sup> Mr. Chevalier also appreciates the paid sick leave provisions in Proposition A. Sick workers are less productive, take longer to recover, and can spread illnesses to other staff, customers and families. He says Proposition A will put businesses on a more level playing field. Mr. Chevalier emphasizes that if a small bookstore like Yellow Dog can plan ahead for the wage increases and paid sick time with Proposition A, so can other businesses.<sup>27</sup>

**E. For all of the aforementioned reasons, small businesses throughout the state support Proposition A.**

Understanding the benefits for businesses, workers, our communities, and the economy, Missouri small business owners support raising the minimum wage and

---

<sup>25</sup> See Joseph Chevalier, Opinion: Missouri's Proposition A Is Good for Small Businesses, COLUMBIA DAILY TRIB. (Oct. 26, 2024), <https://www.columbiatribune.com/story/opinion/2024/10/26/opinion-missouri-proposition-a-good-for-small-business/75815803007/>.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*



implementing a statewide paid sick leave law. More than 500 business owners joined the Missouri Business for a Healthy Economy Coalition, building support throughout the state and educating others about the significance of the measure.<sup>28</sup> The Springfield-News Leader quoted *amici* Laurie Knowlton in May 2024, saying,

“[w]hen you take care of your employees, they stay longer and take good care of your customers. That’s the key to sustaining a successful small business like we have for more than 20 years. When businesses don’t pay enough to retain employees, they waste time and money on hiring and training new employees.”<sup>29</sup>

Thus, Missouri business owners recognize the benefits of Proposition A.

**F. Missourians across demographics understand what we voted for: basic workplace protections.**

In November, with Missouri’s future in mind, Missourians decisively voted for Proposition A. Nearly 1.7 million Missouri voters, roughly 58 percent, voted “yes.”<sup>30</sup> Proposition A’s popularity resonated with voters in counties across the state, rural and urban, and across party lines. From Taney County, where voters voted overwhelmingly in favor of Trump/Vance, to St. Louis County, where voters strongly favored Harris/Walz, Proposition A won a majority.<sup>31</sup> The ballots expressed Proposition A’s purpose and contents: to gradually increase the minimum wage beginning January 1, 2025, and to

---

<sup>28</sup> *Supra* note 2.

<sup>29</sup> Kelly Dereuck, *Four initiative petitions submit signatures, await verification for 2024 ballot access*, SPRINGFIELD NEWS-LEADER, (May 8, 2024), <https://www.news-leader.com/story/news/politics/2024/05/08/mo-voters-could-decide-fate-of-four-initiative-petitions-in-2024/73606354007/>.

<sup>30</sup> *Election Results 2024: Missouri Proposition A*, WASH. POST (Dec. 12, 2024), <https://www.washingtonpost.com/elections/results/2024/11/05/missouri-proposition-a/>.

<sup>31</sup> *County Results: State of Missouri – General Election, November 05, 2024*, MO. SEC. OF STATE, <https://enr.sos.mo.gov/CountyResults.aspx> (last accessed Feb. 17, 2025).

“require all employers to provide one hour of paid sick leave for every thirty hours worked.”<sup>32</sup>

Well before the November election, Missourians received information about Proposition A through an extensive outreach and education campaign through the initiative’s supporters.<sup>33</sup> *Amici* educated themselves about Proposition A and weighed the policy prior November’s voting.<sup>34</sup> Indeed, Proposition A’s opponents launched an advocacy campaign to urge voters to reject the measure. Intervenor-Contestants Associated Industries of Missouri, the Missouri Chamber of Commerce and Industry, the Missouri Grocers Association, the Missouri Restaurant Association, and the National Federation of Independent Business all collectively published public statements discussing Proposition

---

<sup>32</sup> See *Sample Ballot General Election November 5, 2024*, KAN. CITY BD. OF ELECTION COMM’RS, [https://www.kceb.org/useruploads/Sample\\_Ballot-FINAL\\_11-24.pdf](https://www.kceb.org/useruploads/Sample_Ballot-FINAL_11-24.pdf).

<sup>33</sup> See *Missouri Jobs with Justice Leaders Gather More than 100,000 Petition Signatures to Qualify Missourians for Healthy Families and Fair Wages Initiative for the Ballot*, MO. JOBS WITH JUST. (May 1, 2024), <https://mojwj.org/press-release/missouri-jobs-with-justice-leaders-gather-more-than-100000-petition-signatures-to-qualify-missourians-for-healthy-families-and-fair-wages-initiative-for-the-ballot/> (explaining that a grassroots signature gathering campaign began in April 2023).

<sup>34</sup> See, e.g., *As MO gears up for a vote, KC businesses say raising minimum wage would boost economy*, KAN. CITY STAR (Aug. 22, 2024),

<https://www.kansascity.com/news/politics-government/article291190975.html>; Hannah Falcon, *While some business owners support Missouri efforts to raise minimum wage, others worry about negative effects*, FIRST ALERT 4, (Oct. 28, 2024)

<https://www.firstalert4.com/2024/10/28/while-some-business-owners-support-missouri-efforts-raise-minimum-wage-others-worry-about-negative-effects/>; Cameron Montemayor, *Missourians set to weigh in on minimum wage, paid sick leave measure on Nov. 5*, NEWS-PRESS NOW (Nov. 4, 2024)

[https://www.newspressnow.com/yourvote/local/missourians-set-to-weigh-in-on-minimum-wage-paid-sick-leave-measure-on-nov-5/article\\_964d2818-7abb-11ef-9c58-03c6de86da61.html](https://www.newspressnow.com/yourvote/local/missourians-set-to-weigh-in-on-minimum-wage-paid-sick-leave-measure-on-nov-5/article_964d2818-7abb-11ef-9c58-03c6de86da61.html); Jonathan Ketz, *Groups on Either Side of Missouri Proposition A Make Case*, FOX 4 (Oct. 21, 2024), <https://fox4kc.com/politics/your-local-election-headquarters/groups-on-either-side-of-missouri-proposition-a-make-case/>.

A’s contents and advising them to vote “no.”<sup>35</sup> Voters heard their arguments before the election. The majority were not swayed. A strong Missouri majority voted “Yes.”

Proposition A’s passage is no surprise. Voters throughout the state and country consistently support these policies. Polling Missouri voters prior to November 2024 projected voter approval.<sup>36</sup> In general, voters favor policies that respect themselves and their families, such as increases in the minimum wage and the right to earned paid sick leave.<sup>37</sup> Surveying nearly 1,500 adults throughout the U.S. reflected a significant majority think minimum wage (70 percent) and paid sick leave (69 percent) are very important for workers.<sup>38</sup>

---

<sup>35</sup> *Proposition A Will Continue to Raise Prices on Missourians*, MO. CHAMBER OF COM. & INDUS. (Oct. 21, 2024), <https://mochamber.com/news-archive/proposition-a-will-continue-to-raise-prices-on-missourians/>; *see also Missouri Chamber Opposes Ballot Measure Placing New Mandates on Businesses*, MO. CHAMBER OF COM. & INDUS. (Sept. 18, 2024), <https://mochamber.com/news-archive/missouri-chamber-opposes-ballot-measure-placing-new-mandates-on-businesses/> (explaining that Proposition A would increase the minimum wage and enact a paid sick leave law).

<sup>36</sup> *See* Ken Warren, *SLU/YouGov Analysis: SLU/You Gov Poll Shows that Missouri Voters Will Approve Major Missouri Ballot Propositions on Nov. 5, Involving Reproductive Health Rights, Sports Betting, and Raising the Minimum Wage*, ST. LOUIS UNIV. (Aug. 29, 2024), <https://www.slu.edu/research/research-institute/big-ideas/slu-poll/data-archive/august-2024-poll/write-ups/slu-yougov-analysis-ballot-initiatives.php> (analyzing survey results of 900 likely Missouri voters to project that 57 percent of voters would approve Proposition A).

<sup>37</sup> *See* Elaine S. Povich, *Voters Will Decide Minimum Wage Ballot Measures in Several States*, STATELINE (Aug. 27, 2024), <https://stateline.org/2024/08/27/voters-will-decide-minimum-wage-ballot-measures-in-several-states/> (explaining that “[g]enerally, ballot initiatives to raise the minimum wage are likely to succeed”).

<sup>38</sup> Tom W. Smith & Jibum Kim, *Paid Sick Days: Attitudes and Experiences*, PUB. WELFARE FOUND., at Table 1A (June 2010), <https://nationalpartnership.org/wp-content/uploads/2023/02/paid-sick-days-attitudes-and-experiences.pdf>.

Proposition A’s popularity reflects Missourians’ desire to protect the workers’ and businesses’ wellbeing. The public outreach and education efforts to explain Proposition A, the ballot measure’s clear and concise plain language, and the decisive approval margin demonstrate Missourians adopted Proposition A willfully and knowingly. Overturning Proposition A would be an affront to Missouri voters and the democratic process. As *amici* Joseph Chevalier said after the plaintiffs filed their legal challenge, “[w]e just voted for it. So it seems pretty clear about [what] the will of the people is in Missouri on this topic.”<sup>39</sup>

### CONCLUSION

For the foregoing reasons, *amici curiae* respectfully request that this Court uphold Proposition A as sound public policy and for the legal reasons Defendants-Contestees Missouri Secretary of State and Missouri State Auditor and Intervenors-Contestees Missouri Jobs with Justice Ballot Fund and Richard von Glahn articulate.

Respectfully submitted,

/s/ Alexandria E. Schaefer \_\_\_\_\_  
ALEXANDRIA E. SCHAEFER, #75751MO  
HARTNETT REYES-JONES, LLC  
4399 Laclede Avenue  
St. Louis, Missouri 63108  
Telephone: 314-531-1054  
Facsimile: 314-531-1131  
aschaefer@hrjlaw.com

*Attorney for Amicus Curiae*

---

<sup>39</sup> *Missouri business group files legal challenge to overturn Proposition A*, KMIZ, COLUMBIA (Dec. 9, 2024) <https://abc17news.com/news/missouri/2024/12/09/missouri-business-group-files-legal-challenge-to-overturn-proposition-a/>.

