Mississippi Employment Law Information

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Employment laws provide a legal framework for the relationship between employers and employees. They protect employees at all stages of the employment process from hiring to post-termination. Here are some important things employees in Mississippi should know about employment law in this state.

Hiring Process

Employers are prohibited by federal law from discriminating against potential employees based on gender, race, color, religion, national origin, age, disability, or status as a protected veteran. An employer can't ask prospective employees about marital status, religion, gender, race, color, national origin, age, or disability in the course of employment interviews. Some examples of prohibited questions are:

• Are you married?
• What does your husband do for a living?
• How old are your children?
• Where do you go to church?

Employers who base hiring decisions on any of these improper, discriminatory factors risk subjecting themselves to potential liability for employment discrimination.

Minimum Wage and Overtime

The federal minimum wage of $7.25 an hour applies to all covered, nonexempt employees. Businesses with more than $500,000 in annual gross sales, as well as employees of smaller businesses that engage in interstate commerce, are covered by the federal minimum wage. However, some employees are exempt from this protection. The most common exemptions apply to executives, administrative personnel, professional employees, and outside sales employees. Additionally, the federal minimum wage does not apply to workers who receive tips, provided that their combined wages and tips are at least equal to the federal minimum wage.

Federal law also requires employers to compensate all covered, nonexempt employees for overtime work in excess of 40 hours a week at the rate of 1.5 times the employee's usual rate of pay. Exemptions to this overtime rule include executives, administrative personnel, professional employees, outside sales employees, and commissioned sales employees.

In addition to the federal minimum wage and overtime laws, some states enact their own minimum wage laws. These can sometimes provide employees with greater benefits. Mississippi does not have its own minimum wage; it's the same here as the federal minimum wage level.
Workplace Safety

Employers are required to provide safe work environments under the federal Occupational Safety and Health Act. OSHA covers almost all persons in the workplace, with the exception of independent contractors. Workers with a safety complaint can file complaints with the Occupational Safety and Health Administration, and employers cannot discriminate against them in any way for doing so.

Workers' Compensation

Workers' compensation is a required no-fault insurance program that provides insurance benefits for workers who are injured on the job. Workers' compensation benefits pay the worker's medical bills and compensate him for a portion of his lost wages. All employers with five or more employees are required to provide workers' compensation coverage. Employers with fewer than five employees may elect to provide workers' compensation coverage on a voluntary basis. Independent contractors are specifically excluded from workers' compensation coverage.

Time Off

The federal Family and Medical Leave Act require employers to give covered employees up to 12 weeks of unpaid leave for covered events. FMLA applies to all government employers and to all private employers with 50 or more workers.

Mississippi does not have a specific law giving workers time off to vote. However, state law does prohibit employers from penalizing employees for exercising their right to vote.

Harassment in Mississippi

Federal law prohibits all employee harassment. Harassment is any unwelcome conduct based on gender, age, race or color, religion, national origin, or disability. The unwelcome conduct must be either a condition of continued employment or so severe and continuous that a reasonable person would find it abusive or intimidating. The victim does not have to be the target of the offensive behavior. It's harassment if the victim is simply offended by it. Harassment victims can file complaints against employers and, under some circumstances, can sue for monetary damages.

Termination of Employment

Mississippi is an at-will employment state. An employer can usually terminate an employee for any reason at any time. An exception exists when an employment contract limits the employer's ability to terminate the employment relationship at will. Additionally, employers cannot fire employees for illegal reasons. Examples include terminating an employee for discriminatory reasons such as based on age, race, or gender discrimination, as well as in retaliation for the employee filing an employment-related
complaint against the employer for workers' compensation, unsafe work conditions, or employment discrimination.

Mississippi does not have a specific law regarding delivery of a terminated employee's final paycheck.

Post-Employment Benefits

If an employee's position is terminated by the employer, the employee may be eligible to receive unemployment compensation benefits. To be eligible for unemployment benefits, the employee must be fired or let go through no fault of his own, must be able and willing to work, must seek full time employment, and must file a claim for benefits. Additionally, former employees may be entitled to continuation of their health insurance benefits at the employee's expense under COBRA. COBRA applies only to employers with 20 or more employees.