



WORKER RIGHTS · MISSISSIPPI

Know Your Rights in Mississippi

What every hospitality worker should know, in plain language.
No legal jargon.

This guide is general information about Mississippi employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation.

General information only — not legal advice.

As of October 2026 · Prepared by JYNX Recruiting · jynxrecruiting.com

Working in Mississippi: The Basics

- Mississippi is an at-will state. Your employer can fire you for a good reason, a wrong reason, or no reason at all — unless the reason is illegal.
- Illegal reasons under federal law include discrimination based on race, color, religion, sex, national origin, age (40+), or disability, and retaliation for asserting your wage, safety, or union rights.
- One narrow Mississippi exception (court-made, called the McArn rule): you may sue if you were fired solely for refusing to participate in an illegal act, or for reporting your employer's illegal acts. The exception is narrow and the proof standard is strict — the illegal-act reason must be the only reason for the firing.
- Mississippi has no state anti-discrimination agency and no general state discrimination code for private workers. Discrimination claims run through the federal EEOC (Section 11 — and the deadline is shorter here than in most states).

Your Paycheck

- Mississippi has NO state minimum wage. The federal minimum wage of \$7.25 an hour is the floor for covered workers. Mississippi is one of only five states with no minimum wage law of its own.
- Overtime is federal only: 1.5× your regular rate after 40 hours in a workweek. There is no Mississippi overtime law.
- Payday schedule: Mississippi has exactly one pay-timing statute (§71-1-35), and it covers only manufacturers with 50 or more employees and public service corporations: they must pay in full at least every two weeks or twice a month, covering work performed up to 10 days before payday (15 days for public service corporations). It does not cover restaurants, hotels, retail, or most other employers — for everyone else, no state law sets your pay schedule.
- Final paycheck: Mississippi sets no deadline. There is no state final-pay law, and federal law does not require immediate payment of final wages either. If your final pay is wrongfully withheld, your routes are the U.S. Department of Labor (for minimum wage and overtime amounts) or court (Section 11). Practical advice: get your expected final-pay date in writing before your last day.
- Deductions: no general Mississippi deduction law. The federal limit applies: deductions for shortages, required uniforms, or tools of the trade are unlawful to the extent they would cut your wages below \$7.25 an hour or eat into overtime you are owed.

- Pay stubs: Mississippi does not require your employer to give you a pay stub or wage statement. Federal law requires the employer to keep payroll records, not to hand you a statement. (Keep your own records: hours, rates, tips.)

Tips

- Mississippi has no tip law at all. Federal rules govern everything in this section.
- A tipped employee (regularly more than \$30 a month in tips) may be paid a cash wage as low as \$2.13 an hour, with the employer claiming a tip credit of up to \$5.12 — only if the employer told you about the credit in advance, and only if your cash wage plus tips actually reaches \$7.25 for the week. If it doesn't, the employer must make up the difference.
- Your tips are your sole property. No arrangement may make any part of your tips the employer's property. Employers, managers, and supervisors may never keep any part of employees' tips (federal law, FLSA §3(m)(2)(B)).
- Pooling: a valid tip pool shares tips only among employees who customarily and regularly receive tips; the employer must tell you about any required pool contribution and may not retain pooled tips for any other purpose.

Sick Leave, Vacation, and Time Off

- Mississippi does not require any of it. No state law requires a private employer to provide sick leave, vacation, holidays, or PTO — paid or unpaid.
- Your city or county cannot help: state law (§17-1-51) expressly prohibits Mississippi cities and counties from setting a local minimum wage or mandating vacation or sick days for private employers.
- What leave you have comes from: the federal FMLA (unpaid, job-protected leave — only at covered employers, generally 50+ employees, and only if you meet its service rules), the ADA, and your employer's own policy or your contract. In Mississippi, your handbook and offer letter matter more than in most states — read them and keep copies.
- Payout at separation: no Mississippi law requires paying out unused vacation or PTO when you leave, and federal law doesn't either. Whether you are owed it depends entirely on your employer's policy or your contract.
- One protection that does exist: your employer may not prohibit you from expressing breast milk during any meal period or break period the employer provides (§71-1-55). Federal nursing-break rules also apply.

Breaks

- Mississippi has no meal-break or rest-break law — for adults or for minors.
- Federal law does not require breaks either. If your employer does give breaks, federal hours-worked rules decide whether the time must be paid (short rest breaks are paid time; a genuine meal period where you are fully relieved of duty may be unpaid).

Workers Under 18

- Mississippi's own child-labor law covers only mills, canneries, workshops, factories, and manufacturing. In those settings: no work under 14; ages 14–15 need school-attendance compliance, a parent/guardian affidavit, and a school certificate on file; hours are capped at 8 a day / 44 a week, with no work between 7:00 PM and 6:00 AM.
- Restaurants, hotels, and retail have no Mississippi child-labor layer — federal rules govern: minimum age 14 for most non-farm work; ages 14–15 work only outside school hours, max 3 hours on a school day, 18 in a school week, 8 on a non-school day, 40 in a non-school week, and only between 7:00 AM and 7:00 PM (9:00 PM June 1 to Labor Day); ages 16–17 may work unlimited hours in non-hazardous jobs; hazardous occupations are barred under 18.
- Alcohol (Mississippi ABC rules — the answer depends on the license):
- Beer-only premises: anyone who is legally employed may sell or handle beer, regardless of age (but may not consume, purchase, or possess it).

- Liquor/wine (ABC) premises: under-21 employment is generally prohibited — but a worker 18 or older may wait tables, take orders, and deliver drinks to the table. Under 21 you may not bartend or manage the premises. Under-21 workers may also unload sealed cartons and work as entertainers.
- The drinking age is 21.

Non-Competes

- Mississippi has no non-compete statute. Whether a non-compete is enforceable is decided by the courts under case law, agreement by agreement.
- Do not assume a non-compete is enforceable, and do not assume it is void. If you are asked to sign one — or are being held to one — get legal advice on your specific agreement before you act.

Equal Pay (A Mississippi Law That Does Exist)

- The Mississippi Equal Pay for Equal Work Act (2022) bars an employer from paying an employee less than an employee of the opposite sex in the same establishment for equal work — work requiring equal skill, education, effort, and responsibility under similar working conditions.
- Legal exceptions: pay differences based on seniority, merit, quantity or quality of production, or any other factor other than sex — and Mississippi's law expressly says that factor can include salary history, continuity of employment, competing offers, and your own wage negotiation. (Unlike many states, Mississippi does not ban employers from using salary history.)

- There is no agency to complain to: the Act is enforced by private lawsuit in circuit court. A worker who wins recovers back pay, attorney fees, prejudgment interest, and costs. An employer also may not fix a violation by cutting the other employee's pay.

Unions: Mississippi Is Right-to-Work

- Mississippi's constitution (Art. 7, §198-A) and statute (§71-1-47) both guarantee the right to work without joining or paying a union: no one may be required to join or remain in a union, or to pay union dues or fees, as a condition of getting or keeping a job, and agreements requiring it are illegal.
- If you are denied a job or fired in violation of this right, you may sue the employer (and anyone acting with it) for actual damages in state court.

What Mississippi Does NOT Require (Read This Section Twice)

Mississippi law does not require a private employer to:

- Pay any state minimum wage — none exists; the federal \$7.25 applies
- Follow any state overtime, tip, or tip-pooling rules — federal only
- Pay your final wages by any deadline
- Pay you on any schedule — unless you're covered by the narrow factory/public-service statute in Section 2
- Limit deductions beyond the federal minimum-wage floor, or give you a pay stub

- Provide sick leave, vacation, holidays, or PTO, or pay out unused time when you leave — and your city and county are forbidden from requiring any of it
- Give meal or rest breaks to anyone, at any age
- Give a reason for firing you, or advance notice (beyond the narrow McArn exception and federal discrimination law)
- Follow a state discrimination code or answer to a state civil-rights agency — there isn't one for private employment

If Your Rights Were Violated

- Wages, overtime, tips, child labor → U.S. Department of Labor, Wage and Hour Division. There is no Mississippi wage-claim agency — do not waste time looking for one. Complaints to WHD are confidential; call 1-866-487-9243 (1-866-4-USWAGE). Retaliation for filing is illegal.
- Deadline: generally 2 years to recover back wages — 3 years if the violation was willful. Remedies can include back wages plus an equal amount in liquidated damages.
- Discrimination → EEOC within 180 days. Mississippi is a non-deferral state: the deadline is 180 days, not 300. Miss it and the claim is gone — file early. (Jackson Area Office.)
- Sex-based pay discrimination → you also have the state route: a private suit under the Equal Pay for Equal Work Act (Section 8).

- Safety → federal OSHA. Mississippi has no state safety plan, so private-sector safety complaints go to federal OSHA. (State and local government workers in Mississippi have no OSHA coverage at all — stated honestly because it surprises people.)
- Right-to-work violations → private suit for actual damages (§71-1-47).
- Fired for refusing or reporting an illegal act → the McArn claim is a court case; you will need a Mississippi employment lawyer, and the standard is strict (Section 1).

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