



# The 7 Most Common Questions Asked by Mississippi Employers Hiring Minors

Insights

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With the holiday season coming up, Mississippi employers may be considering hiring minors for seasonal work. However, you must take special care in employing minor workers, as both federal and state laws impose special rules on hiring employees under 18. Mississippi employers who hire minors must comply with both the federal Fair Labor Standards Act (FLSA) and the state's child labor laws, which place restrictions on the hiring and employment of minors, prohibit minors from working in certain occupations, restrict the hours minors may work, and impose additional duties on employers. This Insight provides employers with answers to the seven most commonly asked questions to guide you through the process.

## 1. Who Are Considered “Minors” in Mississippi?

Mississippi's child labor laws apply broadly to any individual under the age of 18. Generally, children under the age of 14 are prohibited from being employed in “any gainful occupation.” However, there are certain exceptions based on the type of work performed and the status of the minor. Mississippi enforces different rules for different age groups:

- 14 and 15 years of age; and
- 16 and 17 years of age.

It is important to note that both age groups are not allowed to work in an establishment which serves or sells alcohol for consumption.

## 2. What Types of Work Can Minors Perform?

Both the FLSA and Mississippi law prohibit minor employees from being employed in occupations that are considered dangerous and detrimental to their health, safety, and well-being. The FLSA strictly prohibits the employment of minors in non-agricultural work falling within any of the Department of Labor's list of hazardous occupations for minors under 16 and between 16 and 18 years old. Additionally, in Mississippi, minors cannot be employed in occupations involving any of the following:

- Mining, logging, sawmill work

- Forest fire prevention work
- Packing or processing meat and poultry
- Wrecking or demolition operations
- Any work with power-driven machinery
- Roofing or excavation operations
- Work with balers and compactors
- Driving and working as outside helpers on motor vehicles

### **3. How Are Work Hours Restricted?**

The maximum number of work hours is regulated for all minors and differs when school is in session and when it's not.

*When school is in session, all minors:*

- Cannot work during school hours;
- Cannot work more than 18 hours per week.

*When school is not in session:*

- Minors aged 14 and 15:
  - Cannot work more than 8 hours per day; and
  - Cannot work more than 40 hours per week if employed elsewhere.
- Minors aged 16 and 17 can work under the following conditions:
  - No more than 8 hours per day; and
  - No restrictions on maximum hours per week.

In Mississippi, minors aged 14 and 15 are only allowed to work between 7 a.m. and 7 p.m. For minors between 16 and 17, there are no restrictions on nightwork.

### **4. Are Work Permits Required?**

Only minors working in certain types of occupations are required to secure a work permit. For example, an employment certification is necessary for anyone under 16 years of age hoping to work in the following contexts:

- Mills
- Canneries
- Workshops

- Factories

A work permit is necessary for any of these occupational contexts no matter the time of year. During the school year, minors can secure a work permit from their public school.

Even if you are an employer that is not required to obtain a work permit, you must obtain, and retain, proper documentation of proof of age, such as a birth certificate, driver's license, state-issued ID, or passport of every minor you employ, even if the employment relationship is temporary or seasonal.

## **5. Can You Pay Minors a Lower Wage?**

Mississippi does not have any state laws dictating minor wages. As a result, you must abide by the FLSA's minimum wage requirements. Under the FLSA, generally, employees cannot be paid below the minimum wage of \$7.25 per hour.

However, the FLSA provides for exceptions to this rule for minors under certain circumstances. For example, under the FLSA's youth minimum wage exception, you are allowed to pay new employees who are under 20 years of age at a rate of \$4.25 per hour for the first 90 days of unemployment, subject to certain requirements. Although practically speaking, you may not be able to attract workers at that wage given current market conditions.

## **6. Are Minors Entitled to Additional Breaks?**

Employers in the state of Mississippi are not legally required to provide a meal or rest break to their employees. However, you can choose to offer both meal and rest breaks. In those cases, federal laws apply.

If you choose to offer either a meal or a rest break, the law states that:

- Meal breaks lasting up to 20 minutes must be paid;
- Meal breaks lasting over 30 minutes can be either paid or unpaid, according to the employer's preference; and
- Rest breaks lasting up to 20 minutes must be paid.

## **7. What Are the Penalties for Violations?**

Violations against Mississippi's child labor laws may be assessed civil and/or criminal penalties of varying degrees dependent on the violation. Potential penalties include warnings, monetary fines, and criminal charges. These penalties can compound quickly. Each day a violation continues after you have been notified of the violation by the U.S. Department of Labor constitutes a separate violation.

Penalties under the FLSA are much stricter, allowing for civil money penalties of up to \$10,000 per minor who was employed in violation. Willful violations of the FLSA may result in criminal prosecution and the violator fined up to \$10,000. A second conviction may result in imprisonment.

### **A Plan for Mississippi Employers**

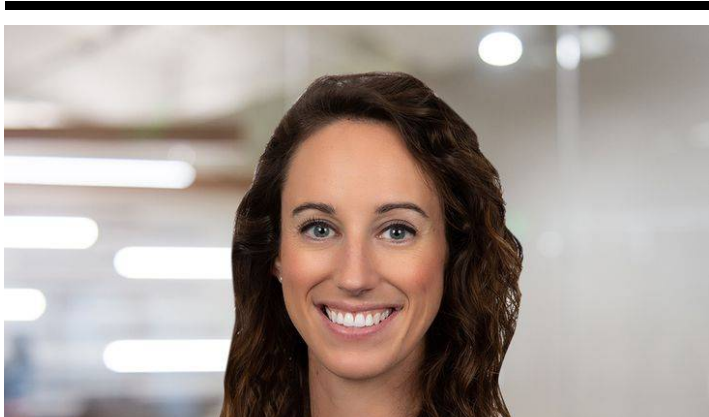
Reviewing this Insight and understanding the limits of employing minors in Mississippi is the first and most important step to complying with both state and federal law. You also should apply and follow internal policies, and closely monitor your pay practices to ensure you are complying with state and federal laws for all employees.

We will monitor developments and provide updates where warranted, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any Fisher Phillips attorney in [our Gulfport office](#), or the authors of this Insight.

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