EEOC - KNOW YOUR RIGHTS: WORKPLACE DISCRIMINATION IS ILLEGAL



Unions

Know Your Rights: Workplace Discrimination is Illegal The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help.

Who is Protected? • Employees (current and former), including managers and temporary employees

 Job applicants Union members and applicants for membership in a union

What Organizations are Covered? Most private employers State and local governments (as employers) Educational institutions (as employers)

 Staffing agencies **What Types of Employment Discrimination** are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your

immigration status, on the bases of: Race Color

 Religion National origin · Sex (including pregnancy, childbirth, and related medical conditions, sexual orientation.

or gender identity) Age (40 and older) Disability

Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)

or proceeding • Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation **What Employment Practices can be**

• Retaliation for filing a charge, reasonably

opposing discrimination, or participating

in a discrimination lawsuit, investigation,

Challenged as Discriminatory? All aspects of employment, including: · Discharge, firing, or lay-off • Harassment (including unwelcome verbal or physical conduct) Hiring or promotion

 Assignment • Pay (unequal wages or compensation) • Failure to provide reasonable accommodation for a disability; pregnancy,

childbirth, or related medical condition; or a sincerely-held religious belief, observance or practice Benefits Job training Classification

 Referral · Obtaining or disclosing genetic information of employees Requesting or disclosing medical information of employees Conduct that might reasonably discourage available at www.eeoc.gov. someone from opposing discrimination,

filing a charge, or participating in an investigation or proceeding • Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone

else to exercise rights, regarding disability

discrimination (including accommodation) or

pregnancy accommodation What can You Do if You Believe **Discrimination has Occurred?** Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/

work). You can reach the EEOC in any of the following ways: **Submit** an inquiry through the EEOC's public

https://publicportal.eeoc.gov/Portal/Login.aspx

Call 1-800-669-4000 (toll free) 1-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone)

Visit an EEOC field office (information at www.eeoc.gov/field-office) E-Mail info@eeoc.gov Additional information about the EEOC, including

release from active duty), active duty wartime or campaign badge

Retaliation Retaliation is prohibited against a person who files a

nondiscrimination or affirmative action obligations under OFCCP's

If you are deaf, hard of hearing, or have a speech disability, please dial

7–1–1 to access telecommunications relay services. OFCCP may also be

The Office of Federal Contract Compliance Programs (OFCCP)

veterans, or Armed Forces service medal veterans.

authorities should contact immediately:

U.S. Department of Labor

Washington, D.C. 20210

1-800-397-6251 (toll-free)

200 Constitution Avenue, N.W.

information about filing a charge of discrimination, is

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS The Department of Labor's Office of Federal Contract Compliance Protected Veteran Status The Vietnam Era Veterans' Readjustment

Programs (OFCCP) enforces the nondiscrimination and affirmative Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits action commitments of companies doing business with the Federal employment discrimination against, and requires affirmative action Government. If you are applying for a job with, or are an employee of, to recruit, employ, and advance in employment, disabled veterans, a company with a Federal contract or subcontract, you are protected recently separated veterans (i.e., within three years of discharge or under Federal law from discrimination on the following bases: Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, complaint of discrimination, participates in an OFCCP proceeding, or

religion, sex, sexual orientation, gender identity, or national origin, otherwise opposes discrimination by Federal contractors under these and requires affirmative action to ensure equality of opportunity in all Federal laws. Any person who believes a contractor has violated its aspects of employment. Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees. Disability Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an contacted by submitting a question online to OFCCP's Help Desk at otherwise qualified individual with a disability who is an applicant or https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional employee, barring undue hardship to the employer. Section 503 also or district office, listed in most telephone directories under U.S. requires that Federal contractors take affirmative action to employ and Government, Department of Labor and on OFCCP's "Contact Us"

advance in employment qualified individuals with disabilities at all webpage at https://www.dol.gov/agencies/ofccp/contact.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

levels of employment, including the executive level.

Race, Color, National Origin, Sex In addition to the protections of Individuals with Disabilities Section 504 of the Rehabilitation Act of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil 1973, as amended, prohibits employment discrimination on the basis Rights Act of 1964, as amended, prohibits discrimination on the basis of disability in any program or activity which receives Federal financial

Unemployment Insurance (UI) benefits are available to workers who are

unemployed and who meet the requirements of UI eligibility laws for the state

You may file a UI claim with the Mississippi Department of Employment Security

(MDES) in the first week that employment stops or work hours are reduced.

THE FOLLOWING INFORMATION WILL BE NEEDED TO COMPLETE

• Call MDES at 601-493-9427, Monday through Friday from 8 a.m. to

• Driver's License Number or State Issued Identification number;

• Alien Registration Number or Visa Number if you are not a U.S. citizen;

• The dates you worked and the reason you are no longer working for

• Names and addresses of employers you worked for in the last eighteen

If you experience issues or need more information about filing a UI claim,

you can quickly find the answers to most questions on our website under

5 p.m. Call wait time may be longer during peak hours and seasons.

of race, color or national origin in programs or activities receiving assistance. Discrimination is prohibited in all aspects of employment Federal financial assistance. Employment discrimination is covered by against persons with disabilities who, with or without reasonable Title VI if the primary objective of the financial assistance is provision accommodation, can perform the essential functions of the job. If of employment, or where employment discrimination causes or may you believe you have been discriminated against in a program of any cause discrimination in providing services under such programs. institution which receives Federal financial assistance, you should Title IX of the Education Amendments of 1972 prohibits employment immediately contact the Federal agency providing such assistance. (Revised 6/27/2023)

Availability of Unemployment Compensation

TO FILE AN UNEMPLOYMENT CLAIM:

• Email questions to contact-center@mdes.ms.gov

Visit our website at MDES.MS.GOV

YOUR CLAIM BY PHONE:

FREQUENTLY ASKED QUESTIONS.

Social Security Number:

• Full legal name;

(18) months

MDES Communications 04092024

UNEMPLOYMENT COMPENSATION

Unemployment Insurance for Employees NOTICE TO EMPLOYEES

IMPORTANT

This employer is registered with the Mississippi Department of Employment Security, and the employees are covered by Unemployment Insurance. This insurance is carried to protect you in case you become unemployed through no fault of your own.

Nothing is deducted from your pay to cover its cost.



MISSISSIPPI DEPARTMENT of EMPLOYMENT SECURITY

An equal opportunity employer and program, MDES has auxiliary aids and services available upon request to those with disabilities. Those needing TTY assistance may call 800-582-2233.

Funded by the U.S. Department of Labor through the Mississippi Department of Employment Security.

Employer: Please Post in a Conspicuous Place Extra Copies on Request

To file a UI claim online visit: MDES.MS.GOV To file a UI claim by phone call: 601-493-9427

FMLA - FAMILY AND MEDICAL LEAVE ACT **Your Employee Rights Under the Family and Medical Leave Act**

Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take **up to 12 workweeks** of FMLA leave in a

12-month period for: • The birth, adoption or foster placement of a child with you, Your serious mental or physical health condition that makes you

• To care for your spouse, child or parent with a serious mental or physical health condition, and

• Certain qualifying reasons related to the foreign deployment of your rights. spouse, child or parent who is a military servicemember.

to 26 workweeks of FMLA leave in a single 12-month period to care You have the right to use FMLA leave in **one block of time.** When it is

medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need

Am I eligible to take FMLA leave? You are an eligible employee if all of the following apply: · You work for a covered employer,

 You have worked for your employer at least 12 months, • You have at least 1,250 hours of service for your employer during the 12 months before your leave, and

Your employer has at least 50 employees within 75 miles of your

Airline flight crew employees have different "hours of service" You work for a **covered employer** if **one** of the following applies:

You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year, You work for an elementary or public or private secondary school, or You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

you must: Follow your employer's normal policies for requesting leave, Give notice at least 30 days before your need for FMLA leave, or If advance notice is not possible, give notice as soon as possible.

How do I request FMLA leave? Generally, to request FMLA leave

What is FMLA leave? The Family and Medical Leave Act (FMLA) is a You do not have to share a medical diagnosis but must provide federal law that provides eligible employees with **job-protected leave** enough information to your employer so they can determine whether for qualifying family and medical reasons. The U.S. Department of Labor's the leave qualifies for FMLA protection. You must also inform your **employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

> Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying

> The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave State employees may be subject to certain limitations in pursuit of

An eligible employee who is the spouse, child, parent or next of kin of 🔠 direct lawsuits regarding leave for their own serious health conditions a covered servicemember with a serious injury or illness **may take up** Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do? If you are eligible for FMLA leave, your employer must: • Allow you to take job-protected time off work for a qualifying reason. • Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and

• Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave. Your employer cannot interfere with your FMLA rights or threaten

or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation. After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you**

are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing:** · About your FMLA rights and responsibilities, and • How much of your requested leave, if any, will be FMLA-protected

Where can I find more information? Call 1-866-487-9243 or visit dol.gov/fmla

to learn more. If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our

WHD complaint WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR WH1420 REV 04/23

SCAN ME

ANTI-DISCRIMINATION NOTICE

process.

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

For information, please contact

The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees overtime pay provisions of the law. Civil money penalties may also be

can readily see it. **OVERTIME PAY** At least 1 ½ times your regular rate of pay for all hours

worked over 40 in a workweek

non-farm jobs and at least 18 to work in non-farm jobs declared who file a complaint or participate in any proceeding under the FLSA. hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an • Some state laws provide greater employee protections; employers must employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that • Certain full-time students, student learners, apprentices, and workers s shielded from view and free from intrusion from coworkers and the

public, which may be used by the employee to express breast milk. **ENFORCEMENT** The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or

assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or CHILD LABOR An employee must be at least 16 years old to work in most repeated. The law also prohibits retaliating against or discharging workers

• Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements. TIP CREDIT Employers of "tipped employees" who meet certain conditions . Special provisions apply to workers in American Samoa, the

Commonwealth of the Northern Mariana Islands, and the Commonwealth comply with both.

Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not. with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.





Rights Center:

WORKERS' COMPENSATION

MISSISSIPPI & FEDERAL LABOR LAW POSTER

MISSISSIPPI WORKERS' COMPENSATION **NOTICE OF COVERAGE**

I. Please take notice that your Employer is in compliance with the requirements of the Mississippi Workers' Compensation Law, and (select one) (has been approved by the Mississippi Workers' Compensation Commission to act as a self-insurer), or (maintains workers' compensation insurance coverage with the following:)

(Name of insurance carrier or self-insurance group)

(address & telephone number)

II. Individual workers' compensation claims will be submitted to and processed by:

(Name of third party claims administrator or claims office)

(address & phone number)

III. This workers' compensation coverage is effective for the following period:

IV. All job related injuries or illnesses should be reported as soon as possible to your immediate supervisor, or to the person listed below:

(Name of employer contact person)

(Title & Department/Division)

V. Please be advised that any person who willfully makes any false or misleading statement or representation for the purpose of obtaining or wrongfully withholding any benefit or payment under the Mississippi Workers' Compensation Law may be charged with violation of Miss. Code Ann. §71-3-69 (Rev. 2000) and upon conviction be subjected to the penalties therein provided. 2001 M.W.C.C. Notice of Coverage Form

PAYDAY NOTICE

Regular Paydays for Employees of

(Company Name) Shall be as follows:

Bi-Weekly

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING

IRS at 1-800-829-3676.

Since you last filed form W-4 with your employer did you... Marry or divorce? • Gain or lose a dependent?

Change your name? Were there major changes to... • Your nonwage income (interest, dividends, capital gains, etc.)?

• Your family wage income (you or your spouse started or ended a job)? Your itemized deductions? Your tax credits?

filed your last return, you may need to file a new form W-4.

If you can answer "YES"...

course of employment.

To any of these questions or you owed extra tax when you

Publication 213 (Rev. 8-2009) Cat. No. 11047P Internal Revenue Service www.irs.gov

See your employer for a copy of Form W-4 or call the

For more details, get Publication 919, How Do I Adjust

at www.irs.gov/individuals on the IRS web site.

Poster so that your employees will see it. Please

Employer: Please post or publish this Bulletin Board

indicate where they can get forms and information on

My Tax Withholding?, or use the Withholding Calculator

Now is the time to check your withholding.

EMPLOYEE POLYGRAPH PROTECTION ACT

this subject.

EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT The Employee Polygraph Protection Act prohibits resulted in economic loss to the employer. The law does most private employers from using lie detector tests on to preempt any provision of any State or local law or

PROHIBITIONS Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, employee for refusing to take a test or for exercising

other rights under the Act. **EXEMPTIONS** Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a

workplace incident (theft, embezzlement, etc.) that

either for pre-employment screening or during the any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a or discriminating against an employee or prospective number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

> **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions. THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS

POSTER WHERE EMPLOYEES AND JOB APPLICANTS **CAN READILY SEE IT.**

DEPARTMENT OF LABOR 1-866-487-9243 www.dol.gov/agencies/whd

DISCRIMINATION

EQUAL OPPORTUNITY IS THE LAW It is against the law for this recipient of Federal financial assistance to discriminate on the

following basis: Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I-financially assisted programs or activity.

The recipient must not discriminate in any of the following areas: Deciding who will be admitted, or have access, to any WIA Title I-financially assisted program

or activity. Providing opportunities in, or treating any person with regard to, such a program or activity; or

Making employment decisions in the administration of, or in connection with, such a program or activity.

What to Do If You Believe You Have Experienced Discrimination

If you think you have been subjected to discrimination under a WIA Title I-financially assisted program or Activity, you may file a complaint within 180 days from the date of the alleged violation with either:

State - Workforce Investment Act Equal Opportunity Officer Dovie Reed Phone: 601-321-6024

Email: dreed@mdes.ms.gov

Assistant Equal Opportunity Officer Randy Langley Phone: 601-321-6504 Email: rlangley@mdes.ms.gov

Jackson, MS 39215-1699 Fax: 601-321-6037 TDD: 800-582-2233

If you file your complaint with the recipient, you must wait either until the recipient issues a written

Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil

Mississippi Department of Employment Security

P.O. Box 1699

The Director Civil Rights Center (CRC) U.S. Department of Labor 200 Constitution Avenue, NW, Room N-4123 Washington, D.C. 20210

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied

with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint

within 30 days of the date on which you received the Notice of Final Action.

Voice: 202-693-6502 - TTY: 202-693-6516

WN Job Center Helping Mississippians Get Jobs MISSISSIPPI DEPARTMENT of EMPLOYMENT SECURITY **Equal Opportunity Employer Program**

Auxiliary aids and services available upon request to individuals with disabilities.

The following is a summary of the changes made to the Workers' Compensation Law by Senate Bill 2576. The changes themselves are underlined for easy reference.

-Section 71-3-1 is amended as follows in relevant part: (1)...[T]his chapter shall be fairly and impartially construed and <u>applied</u> according to the law and the evidence <u>in the record</u>, and, notwithstanding any common law or case law to the contrary, this chapter shall not be presumed to favor one party over another and shall not be liberally construed in order to fulfill any

beneficent purposes. (3) The primary purposes of the Workers' Compensation Law are to pay timely temporary and permanent disability benefits to every worker who legitimately suffers a work-related injury or

occupational disease arising out of and in the course of his employment, to pay reasonable and necessary medical expenses

to encourage the return to work of the worker. -Section 71-3-7 is amended as follows in relevant part: (1)... In all claims in which no benefits, including disability, death and medical benefits, have been paid, the claimant shall file medical records in support of his claim for benefits when filing a petition to controvert. If the claimant is unable to file the medical records in support of his claim for benefits at the time of filing the petition to controvert because of a limitation of time established by Section 71-3-35 or Section 71-3-53, the claimant shall file medical records in support of his claim within sixty (60) days after

(2) Where a preexisting physical handicap, disease, or lesion is

filing the petition to controvert.

shown by medical findings to be a material contributing factor in the results following injury, the compensation which, but for this subsection, would be payable shall be reduced by that proportion which such preexisting physical handicap, disease, or lesion contributed to the production of the results following the injury. The preexisting condition does not have to be occupationally disabling for this apportionment to apply.

(4) No compensation shall be payable if the use of drugs illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or intoxication due to the use of alcohol of the employee was the proximate cause of the injury, or if it was the willful intention of the employee to injure or kill himself or another.

(1) ... A physician to whom the employee is referred by his employer shall not constitute the employee's selection, unless the employee, in writing, accepts the employer's referral as his own selection. However, if the employee is treated for his alleged work-related injury or occupational disease by a physician for six (6) months or longer, or if the employee has surgery for the alleged work-related injury or occupational disease performed by a physician, then that physician shall be deemed the

-Section 71-3-15 is amended as follows in relevant part:

employee's selection. Section 71-3-17 is amended as follows in relevant part: (c)(24) Disfigurement: The commission, in its discretion, is authorized to award proper and equitable compensation for serious facial or head disfigurements not to exceed Five Thousand Dollars (\$5,000.00). No such award shall be made until a lapse of one (1) year from the date of the injury resulting

-Section 71-3-19 is amended as follows: An employee who as a result of injury is or may be expected to be

in such disfigurement.

totally or partially incapacitated for a remunerative occupation and who, under the direction of the commission is being rendered fit to engage in a remunerative occupation may, in the discretion of the commission under regulations adopted by it, receive additional compensation necessary for his maintenance, but such additional compensation shall not exceed Twenty-five Dollars (\$25.00) a week for not more than fifty-two (52) weeks.

-Section 71-3-25 is amended as follows in relevant part:

If the injury causes death, the compensation shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the following persons: (a) An immediate lump-sum payment of One Thousand Dollars (\$1,000.00) to the surviving spouse, in addition to other compensation benefits.

WORKERS' COMPENSATION SENATE BILL 2576

(b) Reasonable funeral expenses not exceeding Five Thousand <u>Dollars (\$5,000.00)</u> exclusive of other burial insurance or benefits. -Section 71-3-63 is amended as follows in relevant part: (3)... Attorneys may not recover attorney's fees based upon

benefits voluntarily paid to an injured employee for temporary or shall not be considered a voluntary payment.

permanent disability. Any settlement negotiated by an attorney -Section 71-3-121 is amended as follows: (1) In the event that an employee sustains an injury at work or <u>asserts a work-related injury, the employer shall have the right to</u> administer drug and alcohol testing or require that the employee submit himself to drug and alcohol testing. If the employee has a positive test indicating the presence, at the time of injury, of any <u>drug illegally used or the use of a valid prescription medication(s)</u>

presumed that the proximate cause of the injury was the use of a drug illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or the intoxication due to the use of alcohol by the employee. If the employee refuses to submit himself to drug and alcohol testing immediately after the alleged work-related injury, then it shall be presumed that the employee was using a drug <u>illegally, or was using a valid prescription medication(s) contrary to </u> the prescriber's instructions and/or contrary to label warnings, or was intoxicated due to the use of alcohol at the time of the accident and that the proximate cause of the injury was the use of a drug illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to abel warnings, or the intoxication due to the use of alcohol of the

instructions and/or contrary to label warnings, or intoxication due to the use of alcohol was not a contributing cause of the accident in order to defeat the defense of the employer provided under Section 71-3-7. (2) The results of the <u>drug and alcohol tests</u>, employeradministered or otherwise, shall be considered admissible

evidence solely on the issue of causation in the determination of the use of drugs illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's instructions and/or contrary to label warnings, or the intoxication due to the use of <u>alcohol</u> of an employee at the time of injury for workers'

-Section 71-7-5 is amended as follows in relevant part: (d) An employer may administer drug and alcohol testing or require that the employee submit himself to drug and alcohol testing as provided under Section 71-3-121 in the event that the employee sustains an injury at work or asserts a work-related injury. -A new section is created which states the following: -The Workers' Compensation Commission shall promulgate a

receipt of this written statement from the Commission, every employer shall post the Commission's statement in a conspicuous place or places in and about his place or places of business and adjacent to the Notice of Coverage as required by Section 71-3-81. -This act shall take effect and be in force from and after

June 14, 2012 Mississippi Workers' Compensation Commission 1428 Lakeland Drive / Post Office Box 5300

Jackson, Mississippi 39296-5300 (601) 987-4200 http://www.mwcc.state.ms.us

Ray C. Minor, Executive Director

Liles Williams, Chairman John R. Junkin, Commissioner Debra H. Gibbs, Commissioner

USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or

YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

REEMPLOYMENT RIGHTS You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

notice of your service; you have five years or less of cumulative service in the uniformed services while with that particular employer; you return to work or apply for reemployment in a timely manner after conclusion of service; and

you have not been separated from service with a disqualifying

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you: • are a past or present member of the uniformed service; • have

discharge or under other than honorable conditions.

applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may not deny you: • initial employment; • reemployment; • retention in employment; • promotion; or • any benefit of employment, because of this status. In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a

statement in connection with a proceeding under USERRA, even if that

HEALTH INSURANCE PROTECTION

elect to continue your existing employer-based health plan coverage you ensure that your employer receives advance written or verbal for you and your dependents for up to 24 months while in the military. • Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

notices for employees. Office of Special Counsel



Job Safety and Health

- A safe workplace. Raise a safety or health concern with your employer or OSHA, or report a work-
- Receive information and training on job hazards, including all hazardous
- substances in your workplace. Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- employer. Request copies of your medical records, tests that measure hazards in the

Contact OSHA. We can help.

certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

• If you leave your job to perform military service, you have the right to

Service (VETS) is authorized to investigate and resolve complaints of • For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/elaws/vets/userra • If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the

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person has no service connection.

IT'S THE LAW!

All workers have the right to: **Employers must:**

- related injury or illness, without being retaliated against.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you
- See any OSHA citations issued to your
- workplace, and the workplace injury and illness log.

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• The U.S. Department of Labor, Veterans Employment and Training

Office of Special Counsel, as applicable, for representation. • You may also bypass the VETS process and bring a civil action against

standards.

understand.

 Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.

Comply with all applicable OSHA

- amputation, or loss of an eye. Provide required training to all workers in a language and vocabulary they can
- Prominently display this poster in the workplace.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty, through OSHAsupported consultation programs in every



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

MS-0724-F04

Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization,

 Post OSHA citations at or near the place of the alleged violations.

state.



taken contrary to the prescriber's instructions and/or contrary to resulting from the work-related injury or occupational disease, and label warnings, or eight one-hundredths percent (.08%) or more by <u>weight volume of alcohol in the person's blood, it shall be</u>

<u>employee. The burden of proof will then be placed upon the</u>

employee to prove that the use of drugs illegally, or the use of a valid prescription medication(s) taken contrary to the prescriber's

compensation purposes under Section 71-3-7.

written statement specifying the changes made to the Workers' Compensation Law by this act to every employer in this state subject to the Workers' Compensation Law. Within ten (10) days of

July 1, 2012, and shall apply to injuries occurring on or after July 1, 2012. MWCC

an employer for violations of USERRA. The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed

OSHA - THE OCCUPATIONAL SAFETY AND HEALTH ACT

on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster. Federal law requires employers to notify employees

of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place

- OSHA on your behalf.
- have been retaliated against for using your
- This poster is available free from OSHA.

(3) No cause of action for defamation of character, libel, slander or damage to reputation arises in favor of any person against an employer under the provisions of this section.