

**SUBSTITUTE FOR  
HOUSE BILL NO. 4932**

A bill to amend 1978 PA 90, entitled  
"Youth employment standards act,"  
by amending sections 2, 3, 20, 21, and 22 (MCL 409.102, 409.103,  
409.120, 409.121, and 409.122), section 2 as amended by 1996 PA  
438, section 3 as amended by 1997 PA 132, and section 22 as amended  
by 1980 PA 436.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 2. As used in this act:
- 2           (a) "Department" means the department of labor and economic  
3 opportunity.
- 4           (b) "Director" means the director of the department or the  
5 director's designee.
- 6           (c) ~~(a)~~—"Employ" means engage, permit, or allow to work.



1           (d) ~~(b)~~ "Employer" means a person, firm, **partnership, limited**  
 2 **liability company**, or corporation that employs a minor, and  
 3 includes ~~the~~**this** state or a political subdivision of ~~the~~**this**  
 4 state, an agency or instrumentality of ~~the~~**this** state, and an agent  
 5 of an employer.

6           (e) ~~(e)~~ "Issuing officer" means the chief administrator of a  
 7 school district, intermediate school district, public school  
 8 academy, or nonpublic school, or a person authorized by that chief  
 9 administrator in writing to act on ~~his or her~~ **the chief**  
 10 **administrator's** behalf.

11           (f) ~~(d)~~ "Minor" means a person under 18 years of age.

12           (g) ~~(e)~~ "Rule" means a rule promulgated ~~pursuant to~~ **under** the  
 13 administrative procedures act of 1969, ~~Act No. 306 of the Public~~  
 14 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~  
 15 ~~Compiled Laws.~~ **1969 PA 306, MCL 24.201 to 24.328.**

16           Sec. 3. (1) A minor ~~shall~~ **must** not be employed in, about, or  
 17 in connection with an occupation that is ~~hazardous~~ **either of the**  
 18 **following:**

19           (a) **Hazardous** or injurious to the minor's health or personal  
 20 well-being. ~~or that is contrary~~

21           (b) **Contrary** to standards established under this act, unless a  
 22 deviation is granted under section 20.

23           (2) The minimum age for employment of minors is 14 years,  
 24 subject to the following exceptions and limitations:

25           (a) A minor at least 11 years of age and less than 14 years of  
 26 age may be employed as a youth athletic program referee or umpire  
 27 for an age bracket younger than ~~his or her~~ **the minor's** own age if  
 28 an adult representing the athletic program is on the premises at  
 29 which the athletic program event is occurring and a person



1 responsible for the athletic program possesses a written  
 2 acknowledgment of the minor's parent or guardian consenting to the  
 3 minor's employment as a referee or umpire.

4 (b) A minor 11 years of age or older may be employed as a golf  
 5 caddy.

6 (c) A minor 13 years of age or older may be employed in  
 7 farming operations as described in section 4(3).

8 (d) A minor 11 years of age or older may be employed as a  
 9 bridge caddy at any event sanctioned by the American contract  
 10 bridge league or other national bridge league association.

11 (e) A minor 13 years of age or older may be employed to  
 12 perform services ~~which~~**that** entail setting traps for formal or  
 13 informal trap, skeet, and sporting clays shooting events.

14 Sec. 20. (1) The ~~department of labor~~**director** shall promulgate  
 15 rules ~~prescribing~~**that do both of the following:**

16 (a) **Prescribe** standards **that are** not inconsistent with this  
 17 act ~~as to~~**regarding** the working conditions, safety, health, and  
 18 personal well-being of minors in various types of employment.

19 (b) **Implement this act.**

20 (2) ~~Deviations~~**Subject to subsection (3), the director shall**  
 21 **grant deviations** from established standards or from hours by  
 22 employment ~~shall be granted by the director of labor when~~**if the**  
 23 **director determines that** it is ~~determined to be~~ in the best  
 24 interests of the minor and the community. The **director shall**  
 25 **prescribe** procedures for applying and issuing **the** deviations. ~~Shall~~  
 26 ~~be prescribed by the department of labor.~~

27 (3) **The director shall not grant a deviation under subsection**

28 (2) **if the deviation allows any of the following:**

29 (a) **A minor to be employed between 12 a.m. and 5 a.m.**



1 (b) A minor to be employed in, about, or in connection with an  
 2 occupation that is hazardous or injurious to the minor's health or  
 3 personal well-being.

4 Sec. 21. (1) The ~~department of labor~~ **director** shall enforce  
 5 this act and assist in the prosecution of this act. The ~~department~~  
 6 ~~shall have the authority to~~ **director may** enter and inspect any  
 7 place where a minor may be employed and ~~to have access to work~~  
 8 permits, age certificates, or other proof of age and time records  
 9 of the employer, and other records ~~which~~ **that** may aid in the  
 10 enforcement of this act.

11 (2) An employer shall not discharge, discipline, retaliate  
 12 against, or otherwise discriminate against an employee or minor who  
 13 exercises a right granted under this act on behalf of the employee  
 14 or minor or another employee or minor.

15 (3) If a person violates this act or a rule promulgated under  
 16 this act, the director may, after providing notice of and an  
 17 opportunity for a hearing conducted in the same manner as a  
 18 contested case under the administrative procedures act of 1969,  
 19 1969 PA 306, MCL 24.201 to 24.328, impose an administrative fine of  
 20 not more than \$5,000.00 for each violation. The director shall  
 21 notify the attorney general if a person does not pay an  
 22 administrative fine under this section. The attorney general shall  
 23 bring a civil action to recover the administrative fine and costs  
 24 and fees. An administrative fine collected or recovered under this  
 25 subsection must be deposited in the general fund.

26 (4) In addition to any other action authorized under this act,  
 27 the director may bring an action to do 1 or both of the following:

28 (a) Obtain a declaratory judgment that a method, act, or  
 29 practice is in violation of this act.



1 (b) Obtain an injunction against an employer who is engaging  
2 in, or about to engage in, a method, act, or practice that violates  
3 this act.

4 (c) Obtain a judgment that requires an employer that violated  
5 this act to pay to each minor who was employed in violation of this  
6 act an award. If the violation resulted in the minor being unable  
7 to continue employment with the employer, the award must be an  
8 amount greater than or equal to the minor's hourly wage rate at the  
9 time of the violation multiplied by the average number of hours the  
10 minor worked during the 4-week period immediately preceding the  
11 violation multiplied by 4.

12 (5) A minor aggrieved by an employer's violation of this act  
13 may bring an action in the circuit court of the county in which the  
14 violation occurred or the county in which the employer's principal  
15 place of business is located. A minor is not required to notify the  
16 department of a violation or alleged violation of this act before  
17 bringing an action under this subsection. A court may award a  
18 plaintiff who prevails in an action brought under this subsection 1  
19 or more of the following:

20 (a) Actual damages.

21 (b) Punitive damages.

22 (c) Costs, including, but not limited to, reasonable attorney  
23 fees.

24 Sec. 22. (1) Except as provided in subsection (2) or (3), a  
25 ~~person~~ **an employer or an agent of an employer** who employs a minor  
26 in violation of this act, violates this act or a rule promulgated  
27 under this act, or obstructs the ~~department of labor~~ **director** in  
28 the enforcement of this act is guilty of a **crime punishable as**  
29 **follows:**



1           **(a) For a first offense, a** misdemeanor punishable by  
 2 imprisonment for not more than 1 year, ~~or~~ a fine of not more than  
 3 ~~\$500.00, \$5,000.00~~, or both.

4           ~~(2) A person who employs, permits, or suffers a minor in~~  
 5 ~~violation of section 12a is guilty of a misdemeanor punishable by~~  
 6 ~~imprisonment for not more than 1 year, or a fine of not more than~~  
 7 ~~\$2,000.00, or both. A person who commits~~

8           **(b) For** a second offense, ~~under section 12a is guilty of a~~  
 9 ~~misdemeanor,~~ **a felony** punishable by imprisonment for not more than  
 10 2 years, ~~or~~ a fine of not more than ~~\$5,000.00, \$25,000.00~~, or both.  
 11 ~~A person who commits~~

12           **(c) For** a third or subsequent ~~violation of section 12a is~~  
 13 ~~guilty of offense,~~ a felony  ~~punishable by imprisonment for not~~  
 14 more than ~~10~~ 5 years, ~~or~~ a fine of not more than ~~\$10,000.00,~~  
 15 **\$50,000.00**, or both.

16           **(2)** ~~(3)~~ A person who employs, permits, or suffers a minor to  
 17 be employed or to work in violation of section 14a is guilty of a  
 18 felony  ~~punishable by imprisonment for not more than 20 years, or~~  
 19 a fine of not more than \$20,000.00, or both.

20           **(3) If a minor who is the subject of an offense described in**  
 21 **subsection (1) is killed or suffers great bodily harm while**  
 22 **performing work for the minor's employer, the employer or**  
 23 **employer's agent is guilty of a felony punishable as follows:**

24           **(a) For a first offense, the court may sentence the employer**  
 25 **or employer's agent to imprisonment for not more than 5 years and**  
 26 **shall impose a fine of not less than \$50,000.00 or more than**  
 27 **\$500,000.00.**

28           **(b) For a second offense, the court may sentence the employer**  
 29 **or employer's agent to imprisonment for not more than 10 years and**



1 shall impose a fine of not less than \$50,000.00 or more than  
2 \$500,000.00.

3 (c) For a third or subsequent offense, the court may sentence  
4 the employer or employer's agent to imprisonment for not more than  
5 20 years and shall impose a fine of not less than \$50,000.00 or  
6 more than \$500,000.00.

7 (4) The imposition of a fine, penalty, or other sanction under  
8 this act does not affect any other right or remedy provided for by  
9 law.

