



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 542 (Substitute S-1 as reported)  
 Sponsor: Senator George A. McManus, Jr.  
 Committee: Agriculture and Forestry

Date Completed: 10-18-95

### **RATIONALE**

For a number of years, agricultural employers in the State have sought from the Department of Labor letters of deviation from the employment restrictions in the Youth Employment Standards Act in order to hire 16- and 17-year-old minors to clean, sort, and package fruit and vegetables during the summer harvest. With these exemptions, until 1992, 16- and 17-year-olds were able to work up to 65 hours per week at food processing plants. In 1992, however, the Department reportedly declined granting the deviations. One year later, the Department resumed issuing letters of deviation, but limited youth employment with agricultural employers to 54 hours per week. Some people believe that the employment of youths during the summer months helps fill the labor gap that processors often encounter during the peak harvest season.

### **CONTENT**

**The bill would amend the Youth Employment Standards Act to allow certain minors to work extended hours in "agricultural processing". The bill also would limit certain restrictions on student employment to students who were not receiving their education at home.** ("Agricultural processing" would mean cleaning, sorting, or packaging fruits or vegetables.)

The Act generally prohibits the employment of a minor 16 years of age or older for more than six days in one week; a period longer than a weekly average of eight hours per day, or 48 hours in one week; or 10 hours in one day. Under the bill, however, a minor 16 years of age or older could be employed in agricultural processing for a period of time greater than that currently permitted by the Act, if all of the following conditions were met:

- If the minor were a student in school and not receiving his or her education at home, the extended work period occurred when school was not in session.
- The minor was employed for not more than 11 hours in one day.
- The minor was employed for not more than 62 hours in one week.
- The minor was not employed between 2:00 a.m. and 5:30 a.m.

In addition, under the Act, a minor who is a student in school cannot be employed more than a combined school and work week of 48 hours during the period that school is in session, and a minor may not be employed between the hours of 10:30 p.m. and 6:00 a.m., except that a minor 16 years of age or older may be employed until 11:30 p.m. during school vacation periods or when the minor is not regularly enrolled in school. Under the bill, these prohibitions would apply to a minor 16 years of age or older who was a student *and* not receiving his or her education at home.

MCL 409.111

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Agricultural processors have experienced a shortage of labor in the summer at processing plants where fruits and vegetables are cleaned, sorted, and packed for shipment. Although a shortage of labor to process these products can affect most agricultural commodities grown in the State, processors of cherries, blueberries,

cucumbers, and snap beans reportedly have been most affected. The Department of Labor previously has issued letters permitting agricultural employers to deviate from the Act's youth hiring restrictions, even for work periods that were longer in duration than those proposed under the bill. The Department reportedly believes that the standards for longer hours should be in statute and not subject to interpretation by the Department. With the passage of the bill, agricultural employers and the Department would be relieved of the yearly need to process requests for deviations and to maintain related records. Furthermore, permitting these youths to work more hours in agricultural processing jobs would enable processors to process quickly the fruit and vegetable harvest, which could result in additional outlets for Michigan farm products. In addition, these teenagers would be able to gain summer work experience as well as earn money that could be saved for future schooling or used to meet personal needs.

### **Opposing Argument**

Even though the extended work period proposed under the bill could occur only when school was not in session, there is concern that minors could be exploited because employers could work them up to 11 hours in a day and for up to 62 hours per week. Although the bill would prohibit a minor from working between 2:00 a.m. and 5:30 a.m., some people fear that an employer could require a youth to work a shift that ended at 2:00 a.m. Currently, a minor may be employed until 11:30 p.m. during school vacation periods, minors should not be working at jobs that run into the early morning hours, however. Furthermore, there is concern that minors could be required to use dangerous equipment and to work back-to-back shifts.

**Response:** The Department of Labor pointed out that current restrictions on the type of machinery youth may use at job sites still would apply, and that the Department would continue to conduct routine inspections of these processing plants under the Michigan Occupational Safety and Health Act. Furthermore, the bill would not compel minors to work until 2:00 a.m. In addition, a minor could not be employed for more than 11 hours in one day. Thus, a processing plant could run on two 10-hour shifts during the peak season, but the bill's restrictions on a minor's work hours per day would preclude a minor from working more than one shift a day.

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

The bill would not affect the regulatory workload or have a fiscal impact on the State or local governmental units.

Fiscal Analyst: K. Lindquist

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.