



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 542 (as enrolled)
Sponsor: Senator George A. McManus, Jr.
Senate Committee: Agriculture and Forestry
House Committee: Agriculture and Forestry

PUBLIC ACT 251 of 1995

Date Completed: 4-11-96

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.

- If the minor is a student in school, the extended work period occurs when school is not in session.
- The minor is employed for not more than 11 hours in one day.
- The minor is employed for not more than 62 hours in one week for not more than four weeks.
- The minor is not employed between 2:00 a.m. and 5:30 a.m.
- The agricultural processing employer maintains on file a written acknowledgment of the minor's parent or guardian consenting to the period of employment authorized under the bill.

CONTENT

The bill amended the Youth Employment Standards Act to allow certain minors to work extended hours in "agricultural processing". (The bill defines "agricultural processing" as cleaning, sorting, or packaging of 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 may be employed in agricultural processing for a period of time greater than that otherwise permitted by the Act, if all of the following conditions are met:

In addition, under the Act, a minor who is a student in school may not be employed more than a combined school and work week of 48 hours during the period that school is in session. The Act also provided that a minor could 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 could be employed until 11:30 p.m. during school vacation periods or when the minor was not regularly enrolled in school. The bill retains these prohibitions but refers to a minor 16 years of age or older who is a student in school. The bill makes exceptions to these prohibitions for minors engaged in agricultural processing, as described above.

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 established 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 will 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 will enable processors to process quickly the fruit and vegetable harvest, which may result in additional outlets for Michigan farm products. In addition, these teenagers will be able to gain summer work experience as well as earn money that may be saved for future schooling or used to meet personal needs.

Opposing Argument

Even though the extended work period allowed by the bill may occur only when school is not in session, there is concern that minors might be exploited because employers may work them up to 11 hours in a day and for up to 62 hours per week. Although the bill prohibits a minor from working between 2:00 a.m. and 5:30 a.m., some people fear that an employer might require a youth to work a shift that ends at 2:00 a.m. Although 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. Furthermore, there is concern that minors might 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 youths may use at job sites still will apply, and that the Department will continue to conduct routine inspections of these processing plants under the Michigan Occupational Safety and Health Act. Furthermore, the bill does not compel minors to work until 2:00 a.m. In addition, a minor may 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 will preclude a minor from working more than one shift a day.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill will 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.