

## **LET TEENS WORK 62-HOUR WEEKS, LATE HOURS FOR ANY EMPLOYER**

**Senate Bill 795 as passed by the Senate  
First Analysis (12-5-00)**

**Sponsor: Sen. George A. McManus**  
**House Committee: Agriculture and**  
**Resource Management**  
**Senate Committee: Farming, Agribusiness**  
**and Food Systems**

### ***THE APPARENT PROBLEM:***

The Youth Employment Standards Act (Public Act 90 of 1978), which replaced a 1947 “juvenile employment act,” protects minors by, among other things, limiting the number of hours a minor may work in a day or in a week. Generally, minors under 16 years cannot work for more than 6 days in one week, nor more than 10 hours in one day, and cannot be employed between 9:00 p.m. and 7:00 a.m. Except for farming operations involving seed production or agricultural processing, a minor who is at least 16 years old also generally cannot work for (a) more than six days in one week, (b) a period longer than a weekly average of 8 hours a day or 48 hours in a week, or (c) 10 hours a day, nor between 10:30 p.m. and 6:00 a.m.. Older minors who work in seed production or agricultural processing when school is not in session and with their parent’s written consent can work more than six days in one week, up to 11 hours in one day, and up to 62 hours in a week for up to six weeks, and as late as 2:00 a.m. and as early as 5:30 a.m. The longer hours for older minors working in agricultural processing and seed production were added by amendments to the act in 1995 (Public Act 251) and in 1996 (Public Act 499), respectively. (The act does not apply to farm work if the employment does not violate Department of Labor standards, nor does it apply to certain other kinds of work, such as domestic work in connection with private residences, shoe shining, selling newspapers or magazines, or to minors working in businesses owned and operated by their parents or guardians.)

Reportedly, even the extended 62-hour-work week (for up to six weeks) allowed for older minors working in seed production or agricultural processing is not long enough for certain food processors, especially those that process perishable crops such as cherries. Apparently at the request of the food processing industry and other types of businesses, legislation has been introduced to allow older minors to work an

unlimited number of 62-hour work weeks when school is not in session and to expand the types of businesses to which the extended hours apply.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Youth Employment Standards Act to remove the current limitations on the number of 62-hour work weeks that 16- and 17-year-old minors could work, as well as removing the current limitation on the kind of employment to which the 2:00 a.m. to 5:30 a.m. hours that these older minors are prohibited from working applies.

Currently, older minors (those at least 16-years-old) can work up to 62 hours a week for up to six weeks out of the calendar year – and can work to as late as 2:00 a.m. and as early as 5:30 a.m. – if they have their parents’ written permission and if they are working in the food processing industry or in seed production. Otherwise, these older minors cannot work for more than 48 hours in a week, and cannot work after 11:30 at night or before 6:00 in the morning. The bill would strike the current references to agricultural (i.e. food) processing and seed production, as well as to the six-week limit on 62-hour work weeks, so that these older minors could work 62-hour work weeks for an unlimited number of weeks each calendar year during school vacations, and could work until 2:00 a.m. (and begin work at 5:30 a.m.) for any employer. Finally, the bill would allow these extended work hours not just during school vacations (or when an older minor weren’t regularly enrolled in school), but on Fridays and Saturdays during the school year as well.

MCL 409.111

**FISCAL IMPLICATIONS:**

According to the House Fiscal Agency, the bill would have no state or local fiscal implications. (11-30-00)

**ARGUMENTS:****For:**

With the current tight labor market and labor shortage, food processors reportedly are hiring more minors to work in the industry. But current law restricts the number of weeks that 16- and 17-year-old minors can work up to 62 hours a week to a six-week period during summers and school holidays. After that, these older minors cannot work more than 48 hours a week. Reportedly, in order to ensure that enough workers will be available during harvest times, food processors hire students at the beginning of the summer, which often means that these young workers' hours must be cut back at the end of the season during harvest time.

**Response:**

The food processors' problems with student work hours could easily be solved by not requiring these young workers to work their allowed six weeks of 62-hours a week until the end of the season. Surely harvest times generally would not run longer than six weeks, and current law allows 16- and 17-year-old workers to work up to 62 hours a week for up to six weeks. Even with this six-week restriction on the 62-hour work week, employers of these older minors can employ them for up to 48 hours in one week, which is 8 hours above the standard 40-hour work week. Why is the bill needed?

**Against:**

In the past, exemptions to the daily and weekly limits on the number of hours that minors could be employed -- as well as the provision allowing employment until 2:00 a.m. and beginning at 5:30 a.m. -- were restricted to agriculturally-related work, specifically, food processors and seed production. The bill would completely remove the six-week limit on a 62-hour work week -- as well as the 10:30 p.m to 6:00 a.m. work-day restriction -- for older minors in all types of employment, not just those in food processing and seed production. The Youth Employment Standards Act is intended to protect young workers from working during hours (such as night hours) and for lengths of time that could be detrimental to their health and development. By opening up these late hours and extended work weeks to older youth in any type of employment, rather than restricting them to the food processing and seed production industries only, the bill could result in work hours that were detrimental to 16- and 17-year-old

workers. This would subvert the fundamental intent of the act. At the very least, the bill should re-instate the provisions that restrict these extended work hours to food processing and seed production only.

**Response:**

Food processors are not the only employers who are having a hard time finding workers in a tight labor market. The bill would allow all businesses to take advantage of the young labor market when school was not in session. The bill already has been modified to eliminate earlier provisions that would have extended the amount of time (to 24 hours instead of the current average of 18 hours a week) that minors can work when school is in session. The extended hours, and later night hours, proposed in the bill would apply only when school was out of session, and would help both young workers and employers by allowing young workers to earn more money by working longer hours and would provide employers with a pool of young workers that currently are restricted as to when they can work.

**Reply:**

If nonagricultural businesses, such as the so-called "fast food" industry, are having trouble finding workers in a tight labor market, it may be because they are not offering enough wages and benefits to attract the workers they need. Instead of exploiting young people -- who typically can afford to work for lower wages because they are being financially supported by their parents (and so often don't have to pay for rent, utilities, and other normal costs of independent living) -- employers could attract the workers they need by increasing the amount of wages and benefits they offer, including overtime pay. At the very least, if, as the bill proposes, older minors are going to be employed for unlimited overtime work during school vacations, provisions should be added that require that these young workers are paid overtime for the number of hours they work over the standard 40-hour week.

**POSITIONS:**

A representative of the Michigan Farm Bureau testified in support of the bill. (11-30-00)

The Michigan Food Processors Association indicated support for the bill. (11-30-00)

The Michigan Grocers Association indicated support for the bill. (11-30-00)

The Michigan Restaurant Association indicated support for the bill. (11-30-00)

A representative of the Michigan AFL-CIO testified in opposition to the bill. (11-30-00)

The International United Auto Workers indicated opposition to the bill. (11-30-00)

Analyst: S. Ekstrom

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#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.