

Senate Bill 795 (Substitute S-1 as reported)
 Sponsor: Senator George A. McManus, Jr.
 Committee: Farming, Agribusiness and Food Systems

Date Completed: 11-18-99

RATIONALE

The Youth Employment Standards Act limits the number of hours per day and per week that minors may work. The standards depend, in part, on whether a minor is at least 16 years of age and whether the work is performed while the minor is in school. Also, separate standards apply to 16- and 17-year-olds who are employed in agricultural processing or farming operations involved in the production of seed. For these minors, the limits that typically apply may be exceeded (except when a minor is in school) under certain conditions. Among other things, the minor may work up to 62 hours a week for not more than six weeks in a calendar year; during the remainder of the year, the minor may work up to 48 hours a week.

Evidently, the six-week limit on 62-hour work weeks is problematic for the food processing industry. During particular times of the year, when a perishable crop such as cherries is being harvested, the demand for labor can be very intense. With the low unemployment rate in Michigan, apparently food processors are increasingly looking to minors to work on a seasonal basis. In order to permit minors to work more than 48 hours per week throughout the summer, as well as during school holidays, it has been suggested that the six-week cap on minors' 62-hour work weeks be lifted.

CONTENT

The bill would amend the Youth Employment Standards Act to revise provisions concerning the employment of a minor who is at least 16 years of age, by doing the following:

- **Increasing the number of hours per week a minor may work while in school.**
- **Allowing minors to work later at night.**
- **Removing the limit on the number of weeks a minor may work up to 62 hours per week in agricultural employment while not in school.**

The bill is described in more detail below. (The

following references to a "minor" apply to a minor who is at least 16.)

Nonagricultural Employment

Under the Act, except in regard to agricultural employment, a minor who is a student in school may not be employed for more than a combined school and work week of 48 hours during the period school is in session. Under the bill, a minor who was a student could not be employed for more than 24 hours per week while school was in session.

Currently, except in regard to agricultural employment, a minor may not be employed between 10:30 p.m. and 6 a.m. A minor who is a student, however, may be employed until 11:30 p.m. during school vacation periods or when he or she is not regularly enrolled in school. The bill provides, instead, that a minor could not be employed between 11:30 p.m. and 6 a.m., although a minor who was a student could be employed until 12:30 a.m. the following morning on any of the following days:

- Fridays and Saturdays.
- During school vacation periods.
- During periods when the minor was not regularly enrolled in school.

(In addition, the Act provides that a minor may not be employed more than six days in one week; more than 10 hours in one day; or for a period longer than a weekly average of eight hours per day or 48 hours in one week.)

Agricultural Employment

Currently, a minor may be employed in farming operations involved in the production of seed or in agricultural processing for a period greater than the periods described above, if specific conditions are met. (If the minor is a student in school, the period that exceeds the periods prescribed for nonagricultural employment must occur when school is not in session.) Under these provisions, the

minor's employment is limited to 62 hours in any week for up to six weeks, and 48 hours per week for the remaining weeks in a calendar year. Under the bill, the minor could be employed for up to 62 hours in any week when school was not in session.

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SFA



Supporting Argument

In light of Michigan's low unemployment rate, food processors apparently are having trouble finding enough workers for seasonal employment. Removing the six-week cap would allow 16- and 17-year-olds to work up to 62 hours a week throughout the summer, during the typical two-week winter break, and any other time they were not in school. Apparently, in order to ensure that enough workers are available during the harvest time, food processing employers must hire students at the beginning of summer. As a result, after six weeks are up, the students' hours must be cut back at the height of the season.

Response: A food processor can hire a student at the beginning of summer to work up to 48 hours a week, and then increase the hours to 62 only when the peak time arrives.

Supporting Argument

In addition to expanding the weekly hours that minors may work in agricultural employment, the bill would allow minors to work later at night, and to work additional hours during weeks that school was in session. Currently, when school is in session, minors are limited to a combined school and work week of 48 hours. Based on an average school day of six hours, or 30 hours a week, this means that a minor typically may work up to 18 hours a week. The bill would increase that limit to 24 hours. These changes could help nonagricultural employers who also may be having trouble finding workers, and would enable minors to spend more time productively earning an income.

Opposing Argument

It has been only a few years since the current agricultural employment standards were enacted in order to accommodate the interests of the food processing industry. Completely removing the six-week limit on 62-hour work weeks would be a very significant expansion, and could lead to abuse.

Response: Under the law, a minor may work up to 62 hours a work week only while school is not in session, if the minor is a student in school. This would continue to be the case under the bill. If school were in session, a minor would be limited to working 24 hours per week. Furthermore, it is in the employers' interests not to abuse the young workers on whom they rely.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

"Agricultural processing" means the cleaning, sorting, or packaging of fruits or vegetables. "Farming operations involved in the production of seed" means farming activities and research involved in the production of seed, including plant detasseling, hand-pollination, roguing (removing undesirable plants), or hoeing, or any other similar farming activity required for commercial seed production.)

MCL 409.111

BACKGROUND

Public Act 251 of 1995 amended the Youth Employment Standards Act to allow minors to work extended hours in agricultural processing, if certain conditions were met. For a number of years before Public Act 251 was passed, agricultural employers sought from the Department of Labor letters of deviation from the Act, in order to hire 16- and 17-year-olds to clean, sort, and package fruit and vegetables during the summer harvest. These exemptions allowed the minors to work up to 65 hours per week at food processing plants. Reportedly, the Department stopped granting the deviations in 1992; when the Department resumed doing so one year later, it limited the minors' agricultural employment to 54 hours per week. Public Act 251 of 1995 was enacted to allow minors to work in agricultural processing up to 62 hours per week for not more than four weeks (when school was not in session).

Public Act 499 of 1996 further amended the Youth Employment Standards Act to extend the agricultural processing exception to minors employed in farming operations involved in the production of seed. Public Act 499 also established the current six-week cap on the number of weeks a minor may work up to 62 hours in agricultural employment.

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.)

Fiscal Analyst: M. Tyszkiewicz

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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.