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LET YOUTH VOLUNTEER IN CHARITABLE HOUSE BUILDING

House Bill 4460 as introduced
First Analysis (10-31-01)

Sponsor: Rep. Paul DeWeese
Committee: Employment Relations,
Training and Safety

THE APPARENT PROBLEM:

A spokesperson for the Michigan chapter of Habitat for Humanity reports that he has been advised by the chapter's national organization that in some states it may be the case that children who volunteer with their parents at volunteer housing construction sites could be found in violation of the state child labor laws. The organization hopes to encourage family volunteer activity among its affiliates in local communities, and in order to ensure the safety of younger volunteers, all workers 14 years of age and older are insured under the state chapter's general insurance policy which extends to its affiliate members.

Although there are no reports that young volunteers at Michigan Habitat building sites are violating the Youth Employment Standards Act, legislation has been proposed to preempt that possibility, both at Habitat construction sites, and also at similar construction sites where volunteers help nonprofit corporations provide shelter for low income people.

THE CONTENT OF THE BILL:

The Youth Employment Standards Act lists activities to which it does not apply or prohibit a minor from engaging in. The list includes domestic work or chores in connection with private residences; soliciting, distributing, selling, or offering for sale newspapers, magazines, periodicals, or political or advertising matter; shoe shining; services performed as members of recognized youth oriented organizations engaged in citizenship training and character building; employment in a parent's or guardian's business; farm work that doesn't violate the (former) Department of Labor's standards; and employment by a school, academy, or college in which the minor is enrolled as a student and is at least 14 years old. (Note: The youth employment standards duties of the former Department of Labor have been transferred to the Department of Consumer Industry Services, Wage and Hour Division.)

The bill would amend the act to add to this list construction work or operations performed as an unpaid volunteer, if the construction work or operations were performed under adult supervision for a charitable housing organization. The bill would define "charitable housing organization" to mean a nonprofit charitable organization whose primary purpose was the construction or renovation of residential housing for conveyance to a "low-income person," which the bill would define as a person with a family income of not more than 60 percent of the statewide median gross income. ("Family income" and "statewide median gross income" are defined in the State Housing Development Authority Act of 1966 in reference to how they are determined under the federal Internal Revenue Code.) Finally, the bill would define "construction work or operations" to mean those activities included in the North American Industry Classification System as published by the federal Office of Management and Budget, and would include the repair or cleanup of a construction site.

MCL 409.119

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that the bill would have no fiscal impact on state or local government. (10-30-01)

ARGUMENTS:

For:

Habitat for Humanity volunteers report that their children sometimes accompany them to the housing construction sites where they offer their services, and join them in their volunteer work. Their family-oriented community service activity is satisfying, as young and old learn from and with each other while building shelter for the poor in the community. However, the families' commitment to this form of

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community service is clouded by the possibility they are in violation of the Youth Employment Standards Act. This legislation would preempt that possibility for Habitat volunteers and others, to provide an exemption for construction work or operations performed as an unpaid volunteer, if the construction work is performed under adult supervision for a charitable housing organization.

POSITIONS:

Michigan Habitat for Humanity supports the bill.
(10-30-01)

Analyst: J. Hunault

■ 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.