

Legislative Analysis



CHARITABLE HOUSING: YOUTH VOLUNTEERS

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House Bill 4786 as enrolled

Public Act 288 of 2003

Sponsor: Rep. Jerry O. Kooiman

House Committee: Employment Relations, Training and Safety

Senate Committee: Economic Development, Small Business and Regulatory Reform

Second Analysis (12-16-04)

BRIEF SUMMARY: The bill would allow minors to engage in nonhazardous construction work as unpaid volunteers for charitable housing organizations under adult supervision.

FISCAL IMPACT: The bill would have no fiscal impact on state or local government.

THE APPARENT PROBLEM:

Representatives of Habitat for Humanity of Michigan, the state chapter of the well-known nonprofit, ecumenical Christian housing ministry, say that the state's Youth Employment Standards Act frustrates their efforts to involve young people in the building of homes by their affiliate groups. Church youth groups, for example, must be turned away from the organization's construction sites, say Habitat officials, for fear of violating state labor law. They say that only young people 18 and over can legally participate in construction-related activities. Even young members of the family for whom a home is being built cannot assist. Habitat officials believe that young people can derive great benefit (as well as contributing to the community) from participating in their building projects, either alongside family members or as part of church groups or other service organizations.

THE CONTENT OF THE BILL:

The bill would amend the Youth Employment Standards Act so that the act would not apply to or prohibit a minor from engaging in nonhazardous construction work or operations performed as an unpaid volunteer, if the construction work or operations are performed under adult supervision for a charitable housing organization.

The bill would define nonhazardous construction work or operations" to mean work performed at a construction site of a new or renovated single family home that does not involve the use of power tools, woodworking machinery, or hazardous substances or that does not involve other activities constituting a great risk of serious injury. Those other activities would include excavation; highway, bridge, or street construction; wrecking; demolition; and new commercial or new multiple residential construction.

Under the bill, a "charitable housing organization" would refer to a nonprofit charitable organization whose primary purpose is the construction or renovation of residential

housing for a “low-income individuals,” which the bill in turn would define as a person with a family income of not more than 60 percent of the statewide median gross income.

[The bill would refer to the Michigan State Housing Development Act for the definitions of the terms “family income” and “statewide median gross income”.]

MCL 409.119

BACKGROUND INFORMATION:

A pamphlet from the then-Department of Consumer and Industry Services (now the Department of Labor and Economic Growth) indicates that minors covered by the Youth Employment Standards Act may not work in any occupation determined to be hazardous, and includes among its examples “work on construction sites”. The pamphlet also cites occupations involving power driven equipment, tools, saws, or machinery. The department’s rules contain more detailed prohibitions, but also say “the rules shall not apply to, or prohibit a minor from engaging in . . . services performed as members of recognized youth-oriented organizations that are engaged in citizenship training and character building, if the services are not intended to replace employees in occupations for which workers are ordinarily paid”.

The Youth Employment Standards Act lists activities to which it does not apply or which it does not 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 [department'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. The bill adds to that list.

ARGUMENTS:

For:

The bill would make it clear that the Youth Employment Standards Act could not prevent young people from volunteering their services to charitable homebuilding activities, such as those engaged in by Habitat for Humanity. (It applies to other organizations as well, of course.) Proponents say that these activities are beneficial to young people in many ways. They allow youngsters to work alongside older family members and fellow youth group members in a way that builds relationships, exposing them to exemplary role models, as well as promoting the habit of helping others. Currently, Habitat officials say, young people must be turned away or their activities restricted because of fears of violating state labor laws. Many teens 14 years of age and older would benefit from the bill, and Habitat (and similar groups) would enjoy a significantly larger pool of volunteers.

Response:

Section 20 of the Youth Employment Standards Act allows “deviations” from established standards (or hours) of employment to be granted by the department director “when it is determined to be in the best interests of the minor and the community”. It might be preferable for Habitat and similar organizations to pursue this administrative route rather than changing the state law in ways that could weaken protections for children. Furthermore, as written, the bill does not address how charitable housing organizations will assure the safety of the children working on their sites.

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