



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 320 (Substitute S-3 as passed by the Senate)

Sponsor: Senator Tony Stamas

Committee: Economic Development, Small Business and Regulatory Reform

Date Completed: 5-5-04

RATIONALE

The Youth Employment Standards Act permits 16- and 17-year-olds a combined school and work week of 48 hours when school is in session. This means that Michigan businesses employing the students must keep track of both the hours worked and the number of hours their employees are in school to avoid violating the Act. It has been pointed out that employers that hire 16- and 17-year-olds from more than one school district face the added task of determining the school where their workers attend classes and how many hours each of those districts is in session in any given week.

Some people believe that it would be easier for 16- and 17-year old students and their employers to determine how many hours the students may work each week if the Act prescribed a flat number of hours they would be permitted to work during the school year.

CONTENT

The bill would amend the Youth Employment Standards Act to permit a 16- or 17-year-old to work up to 22 hours a week when school was in session.

Currently, a minor who is 16 or older may not work more than six days in one week; 10 hours in one day; or a period longer than a weekly average of eight hours per day or 48 hours in one week. When school is in session, a student who is 16 or older may not work a combined school and work week of more than 48 hours. Under the bill, when school was in session, a 16- or 17-year old

student could not work more than a total 22 hours in one week.

The Act also provides that a minor 16 or older may not be employed between 10:30 p.m. and 6:00 a.m., although the minor may work until 11:30 on Fridays and Saturdays, during school vacation periods, and during periods when the minor is not regularly enrolled in school.

These limits do not apply, however, to a 16- or 17-year-old who is employed in farming operations involved in seed production, or in agricultural processing, if all of the following conditions are met:

- If the minor is a student, the employment occurs when school is not in session.
- The minor does not work more than 11 hours in one day.
- The minor is employed for not more than 62 hours in any week, although his or her employer may not require the minor to work more than 48 hours in any week without his or her consent.
- The minor is not employed between 2:00 a.m. and 5:30 a.m.
- The employer maintains on file a written acknowledgment of the minor's parent or guardian consenting to the employment.

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

The proposed 22-hour work week for 16- and 17-year-old students employed while school is in session would provide certainty for employers that they would not inadvertently violate the Act by having the students work too many hours due to miscalculating how many hours a student is in school during a particular week. The bill would be especially beneficial to employers like fast-food chains that employ large numbers of 16- and 17-year-old students from different school districts and currently must track where their employees attend school and how many hours they are in class in any week. The bill would establish a clear limit that could easily be followed by both employers and their employees.

Opposing Argument

Allowing a 16- or 17-year-old student to work 22 hours a week in addition to his or her school work and extracurricular activities could leave students with too little time to study. The current version of the Act, which caps the number of hours 16- and 17-year olds may work and attend school at 48 hours a week, helps ensure that students do not overextend themselves.

Response: If a parent believes his or her 16- or 17-year-old is working too many hours a week to concentrate on schoolwork, then the parent has the right to limit the number of hours the child works. The bill would not change this.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

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

Fiscal Analyst: Maria 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.