

HOUSE BILL No. 4878

August 16, 2017, Introduced by Reps. Hammoud, Gay-Dagnogo, Wittenberg, Yanez and Rabhi and referred to the Committee on Commerce and Trade.

A bill to amend 2014 PA 138, entitled
"Workforce opportunity wage act,"
by amending section 2 (MCL 408.412), as amended by 2016 PA 19.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Commissioner" means the director of the department of
3 licensing and regulatory affairs.

4 (b) "Employ" means to engage, suffer, or permit to work.

5 (c) "Employee" means an individual not less than 16 years of
6 age employed by an employer on the premises of the employer or at a
7 fixed site designated by the employer, and includes a minor
8 employed subject to section 15(1) of the youth employment standards
9 act, 1978 PA 90, MCL 409.115. **EMPLOYEE DOES NOT INCLUDE AN**
10 **INDIVIDUAL WHO SERVES IN AN INTERNSHIP WITH AN EMPLOYER IN THE**

1 PRIVATE SECTOR IF THE INTERNSHIP MEETS ALL OF THE FOLLOWING
2 CONDITIONS:

3 (i) EVEN THOUGH IT MIGHT INCLUDE ACTUAL OPERATION OF THE
4 FACILITIES OF THE EMPLOYER, IT IS SIMILAR TO TRAINING THAT WOULD BE
5 GIVEN IN AN EDUCATIONAL ENVIRONMENT.

6 (ii) IT IS FOR THE BENEFIT OF THE INTERN.

7 (iii) THE INTERN DOES NOT DISPLACE REGULAR EMPLOYEES, BUT
8 WORKS UNDER CLOSE SUPERVISION OF EXISTING STAFF.

9 (iv) THE EMPLOYER THAT PROVIDES THE TRAINING DERIVES NO
10 IMMEDIATE ADVANTAGE FROM THE ACTIVITIES OF THE INTERN.

11 (v) THE INTERN IS NOT NECESSARILY ENTITLED TO A JOB AT THE
12 CONCLUSION OF THE INTERNSHIP.

13 (vi) THE EMPLOYER AND THE INTERN UNDERSTAND THAT THE INTERN IS
14 NOT ENTITLED TO WAGES FOR THE TIME SPENT IN THE INTERNSHIP.

15 (vii) THE INTERN WORKS FOR THE EMPLOYER 30 OR FEWER HOURS EACH
16 WEEK.

17 (d) "Employer" means a person, firm, or corporation, including
18 this state and its political subdivisions, agencies, and
19 instrumentalities, and a person acting in the interest of the
20 employer, who employs 2 or more employees at any 1 time within a
21 calendar year. An employer is subject to this act during the
22 remainder of that calendar year. Except as specifically provided in
23 the franchise agreement, as between a franchisee and franchisor,
24 the franchisee is considered the sole employer of workers for whom
25 the franchisee provides a benefit plan or pays wages.

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.