

SENATE BILL No. 483

June 22, 2017, Introduced by Senators HORN, STAMAS, SCHMIDT and ANANICH and referred to the Committee on Commerce.

A bill to amend 2014 PA 138, entitled
"Workforce opportunity wage act,"
by amending section 10 (MCL 408.420).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) This act does not apply to an employer that is
2 subject to the minimum wage provisions of the fair labor standards
3 act of 1938, 29 USC 201 to 219, unless those federal minimum wage
4 provisions would result in a lower minimum hourly wage than
5 provided in this act. Each of the following exceptions applies to
6 an employer who is subject to this act only by application of this
7 subsection:

8 (a) Section 4a does not apply.

9 (b) This act does not apply to an employee who is exempt from
10 the minimum wage requirements of the fair labor standards act of

1 1938, 29 USC 201 to 219.

2 (2) Notwithstanding subsection (1), an employee ~~shall~~**MUST** be
3 paid in accordance with the minimum wage and overtime compensation
4 requirements of sections 4 and 4a if the employee meets either of
5 the following conditions:

6 (a) He or she is employed in domestic service employment to
7 provide companionship services as defined in 29 CFR 552.6 for
8 individuals who, because of age or infirmity, are unable to care
9 for themselves and is not a live-in domestic service employee as
10 described in 29 CFR 552.102.

11 (b) He or she is employed to provide child care, but is not a
12 live-in domestic service employee as described in 29 CFR 552.102.
13 However, the requirements of sections 4 and 4a do not apply if the
14 employee meets all of the following conditions:

15 (i) He or she is under the age of 18.

16 (ii) He or she provides services on a casual basis as defined
17 in 29 CFR 552.5.

18 (iii) He or she provides services that do not regularly exceed
19 20 hours per week, in the aggregate.

20 (3) This act does not apply to persons employed in summer
21 camps for not more than 4 months or to employees who are covered
22 under section 14 of the fair labor standards act of 1938, 29 USC
23 214.

24 (4) This act does not apply to agricultural fruit growers,
25 pickle growers and tomato growers, or other agricultural employers
26 who traditionally contract for harvesting on a piecework basis, as
27 to those employees used for harvesting, until the board has

1 acquired sufficient data to determine an adequate basis to
2 establish a scale of piecework and determines a scale equivalent to
3 the prevailing minimum wage for that employment. The piece rate
4 scale ~~shall~~**MUST** be equivalent to the minimum hourly wage in that,
5 if the payment by unit of production is applied to a worker of
6 average ability and diligence in harvesting a particular commodity,
7 he or she receives an amount not less than the hourly minimum wage.

8 **(5) THIS ACT DOES NOT APPLY TO AN INDIVIDUAL WHO IS 16 YEARS**
9 **OF AGE OR OLDER BUT LESS THAN 21 YEARS OF AGE IN HIS OR HER**
10 **CAPACITY AS AN ICE HOCKEY PLAYER FOR A JUNIOR ICE HOCKEY TEAM THAT**
11 **IS A MEMBER OF A REGIONAL, NATIONAL, OR INTERNATIONAL JUNIOR ICE**
12 **HOCKEY LEAGUE.**

13 (6) ~~(5)~~Notwithstanding any other provision of this act,
14 subsection (1)(a) and (b) and subsection (2) do not deprive an
15 employee or any class of employees of any right that existed on
16 September 30, 2006 to receive overtime compensation or to be paid
17 the minimum wage.

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