

SUBSTITUTE FOR
HOUSE BILL NO. 5594

A bill to amend 1978 PA 90, entitled
"Youth employment standards act,"
by amending sections 2, 4, 5, 7, 8, 10, and 20 (MCL 409.102,
409.104, 409.105, 409.107, 409.108, 409.110, and 409.120), section
2 as amended by 1996 PA 438, section 4 as amended by 2011 PA 80,
and section 5 as amended by 2020 PA 323, and by adding sections 4a,
4b, 4c, and 4d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to provide for the legal employment and protection of
3 minors; to provide for the issuance and revocation of work permits;
4 to provide for the registration of employers and employed minors;
5 to provide for the regulation of hours and conditions of employment

1 of minors; to prescribe **the** powers and duties of ~~the departments of~~
 2 ~~labor and education; certain state governmental officers and~~
 3 **entities; to provide for the promulgation of rules;** to provide for
 4 the enforcement of this act; to prescribe penalties; and to repeal
 5 certain acts and parts of acts.

6 Sec. 2. As used in this act:

7 (a) **"Department" means the department of labor and economic**
 8 **opportunity.**

9 (b) **"Director" means the director of the department or the**
 10 **director's designee.**

11 (c) ~~(a)~~—"Employ" means engage, permit, or allow to work.

12 (d) ~~(b)~~—"Employer" means a person, firm, or corporation that
 13 employs a minor, and includes ~~the~~**this** state or a political
 14 subdivision of ~~the~~**this** state, an agency or instrumentality of ~~the~~
 15 **this** state, and an agent of an employer.

16 (e) ~~(c)~~—"Issuing officer" means the chief administrator of a
 17 school district, intermediate school district, public school
 18 academy, or nonpublic school, or a person authorized by that chief
 19 administrator in writing to act on ~~his or her~~**the chief**
 20 **administrator's** behalf.

21 (f) ~~(d)~~—"Minor" means a person under 18 years of age.

22 (g) **"Registration system" means the registration system**
 23 **created under section 4b.**

24 (h) ~~(e)~~—"Rule" means a rule promulgated ~~pursuant to~~**under** the
 25 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
 26 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
 27 ~~Compiled Laws.~~**1969 PA 306, MCL 24.201 to 24.328.**

28 Sec. 4. (1) Except as provided in subsection (3), **before the**
 29 **date that is 18 months after the effective date of the amendatory**

act that added section 4a, a minor ~~shall~~**must** not be employed in an occupation regulated by this act until the person proposing to employ the minor procures from the minor and keeps on file at the place of employment a copy of the work permit or a temporary permit. ~~The~~**Before the date that is 18 months after the effective date of the amendatory act that added section 4a, the** work permit ~~shall~~**must** be issued by the issuing officer of the school district, intermediate school district, public school academy, or nonpublic school at which the minor is enrolled, and a copy of the work permit ~~shall~~**must** be placed in the minor's permanent school file for as long as the minor is employed. A temporary permit is valid for 10 days from the date of issue. A work permit may be issued by the school district in which the minor's place of employment is located, or by the public school academy or nonpublic school nearest that place of employment. An issuing officer **or the director** may administer oaths in relation to work permits. **On or after the date that is 18 months after the effective date of the amendatory act that added section 4a, the work permit must be issued by the director.**

(2) Immediately after the termination of the minor's employment, the employer shall ~~return~~**do 1 of the following, as applicable:**

(a) If the termination occurs before the date that is 18 months after the effective date of the amendatory act that added section 4a, **return** the permit to the issuing officer.

(b) If the termination occurs on or after the date that is 18 months after the effective date of the amendatory act that added section 4a, **notify the department.**

(3) The work permit requirement of subsection (1) ~~does~~**and the**

1 **requirements of section 4a do** not apply to any of the following:

2 (a) A minor 13 years of age or older who is employed in
 3 farming operations involving detasseling, roguing, hoeing, or any
 4 similar act involved in the production of seed. This exception
 5 applies only when a minor is employed during school vacation
 6 periods or when the minor is not regularly enrolled in school. An
 7 employer shall keep on file at the place of employment evidence of
 8 the age of any minor employed under this work permit exception.
 9 Evidence of the age of the minor ~~shall~~**must** be established as
 10 provided in section 5(b).

11 (b) A minor who is performing work as an unpaid volunteer for
 12 an organization that is recognized as tax-exempt under, or whose
 13 purposes, structure, or activities are exclusively those that are
 14 described in, section 501(c)(3) of the internal revenue code, 26
 15 USC ~~501(e)(3)~~**.501**.

16 (c) A minor who is performing work as an unpaid volunteer for
 17 a fair or exhibition operated and managed under 1929 PA 11, MCL
 18 46.151 to 46.153, or held by an agricultural or horticultural
 19 society under 1855 PA 80, MCL 453.231 to 453.240.

20 (4) ~~A work permit~~**An** exception in subsection (3) does not
 21 provide an exemption from any other provision of this act.

22 **Sec. 4a. (1) Except as otherwise provided in subsection (2),**
 23 **beginning on the date that is 18 months after the effective date of**
 24 **the amendatory act that added this section, a minor must not be**
 25 **employed in an occupation regulated by this act unless all of the**
 26 **following requirements are met:**

27 (a) **The minor is registered with the department under section**
 28 **4b.**

29 (b) **The person proposing to employ the minor is in compliance**

1 with this act.

2 (c) The person proposing to employ the minor receives
3 authorization from the department as described in subsection (3).

4 (2) If, on the date described in subsection (1), a minor is
5 employed by an employer in compliance with this act, the minor is
6 not required to register under section 4b and the employer is not
7 required to register under section 4d with respect to that minor
8 until 1 of the following occurs, as applicable:

9 (a) The minor begins employment with a different employer.

10 (b) The primary location at which the minor works changes.

11 (c) The minor turns 16 years of age.

12 (3) The director shall, not later than 5 days after a minor
13 registers under section 4b and the employer proposing to employ the
14 minor registers under section 4d, do both of the following:

15 (a) Determine whether the minor's employment would be in
16 compliance with this act.

17 (b) Provide notice of the determination to the employer,
18 minor, and parent or legal guardian of the minor. The notice must
19 state whether any deviations under this act have been requested or
20 authorized.

21 (4) If the director does not provide notice of its
22 determination during the time period described in subsection (3),
23 the employer may begin employing the minor on the date immediately
24 following the end of the time period.

25 (5) If, not later than 5 days after notice is provided under
26 subsection (3) (b), a parent or legal guardian of a minor notifies
27 the department that the parent or legal guardian does not consent
28 to a deviation or a portion of a deviation, the department shall
29 not authorize the deviation or the portion of the deviation.

1 Sec. 4b. (1) The director shall create and maintain a
2 registration system the does both of the following:

3 (a) Allows a minor to register for employment or a parent or
4 legal guardian of a minor to register the minor for employment.

5 (b) Allows an employer to register to employ minors under this
6 act as described in section 4d.

7 (2) The registration system must meet all of the following
8 requirements:

9 (a) Be accessible to the public via the internet at no cost to
10 the public.

11 (b) Require a minor or a parent or legal guardian of a minor
12 to submit information that is sufficient, as determined by the
13 department, to identify all of the following:

14 (i) The name and age of the minor.

15 (ii) The minor's home address and contact information.

16 (iii) The name of each of the parents or legal guardians of the
17 minor.

18 (iv) The home address and contact information of each of the
19 parents or legal guardians of the minor.

20 (c) Allow a minor or a parent or legal guardian of a minor to
21 describe a physical limitation of the minor.

22 (d) Allow a minor, parent or legal guardian of a minor, or an
23 employer to review an applicable determination described in section
24 4a(3) .

25 (e) Allow an employer to submit the information and items
26 described in section 4d.

27 (f) Provide automatic notification to an employer when a minor
28 registers for employment with the employer.

29 (g) Any other requirement that is relevant to the employment

1 of a minor under this act as determined by the director.

2 (3) The information in the registration system, other than the
3 information listed in section 4c(1), is exempt from disclosure
4 under section 13(1)(d) of the freedom of information act, 1976 PA
5 442, MCL 15.243. The department may disclose the information in the
6 registration system only if the disclosure is necessary to enforce
7 and implement this act.

8 Sec. 4c. (1) The director shall, based on the information in
9 the registration system, create and maintain a database of
10 employers that are authorized to employ minors under this act. The
11 database must meet all of the following requirements:

12 (a) Be accessible to the public via the internet at no cost to
13 the public.

14 (b) Display all of the following information for each employer
15 that is authorized to employ minors under this act if the employer
16 has requested for the information to be displayed publicly:

17 (i) Name.

18 (ii) Address.

19 (2) If the director determines that an employer listed in the
20 database is not authorized to employ minors under this act, the
21 director shall immediately remove the employer from the database.

22 Sec. 4d. If an employer proposing to hire a minor receives
23 notification via the registration system that the minor has
24 registered for employment with the employer, the employer shall
25 submit all of the following to the registration system before
26 hiring the minor:

27 (a) The name and contact information of the employer.

28 (b) The name and contact information of the minor.

29 (c) The address of each of the employer's work sites.

1 (d) The address of the proposed primary work site of the
2 minor.

3 (e) The name of each minor the employer is currently
4 employing.

5 (f) A signed statement made under the penalty of perjury that
6 the employer is or will employ minors in accordance with all
7 applicable laws.

8 (g) Any other information or items as determined by the
9 director.

10 Sec. 5. An issuing officer **or the director, as applicable,**
11 shall issue a work permit on an application by the minor desiring
12 employment and after the following papers have been examined,
13 approved, and filed:

14 (a) A statement of intention to employ the minor, signed by
15 the prospective employer or by a person authorized by the
16 prospective employer, setting forth the general nature of the
17 occupation in which the employer intends to employ the minor, the
18 hours during which the minor will be employed, the wages to be
19 paid, and other information **that** the department ~~of education, in~~
20 ~~cooperation with the department of labor and economic opportunity,~~
21 requires.

22 (b) Evidence showing that the minor is of the age required by
23 this act. Proof of age must be established by 1 of the following:

24 (i) A certified copy of the birth record or any other proof of
25 age showing the place and date of birth.

26 (ii) A certified copy of valid operator's license issued by
27 this state clearly showing date of birth.

28 (iii) The school record or the school census record.

29 (iv) The sworn statement of the minor's parent or guardian,

1 together with a corroborating statement of a physician.

2 (v) If documentary proof as described in subparagraphs (i) to
3 (iv) is not obtainable, the issuing officer **or the director, as**
4 **applicable**, may accept other documentation as established by
5 ~~department of education~~ **the rules promulgated under this act.**

6 Sec. 7. (1) The issuing officer **or the director, as**
7 **applicable**, may revoke a permit based solely on the following
8 factors:

9 (a) Poor school attendance, characterized by repeated erratic
10 or unexcused absences, which results in consistent performance of
11 school work at a level lower than that which preceded the minor's
12 employment. The work permit ~~shall~~ **may** be revoked only after the
13 permit has been suspended. The suspension ~~shall~~ **must** take place
14 upon notice to the minor and the employer, and an opportunity to
15 correct the deficiency is afforded. The suspension ~~shall~~ **must** not
16 exceed 30 days after date of notification.

17 (b) The minor's employment is in violation of federal or state
18 law or of a regulation or rule promulgated under federal or state
19 law, and the issuing officer **or the director, as applicable**, is
20 informed of the violation. ~~by the department of labor.~~

21 (2) The issuing officer **or the director, as applicable**, shall
22 keep a record of each refusal, suspension, or revocation and the
23 reasons for the action. Upon revocation, the minor ~~shall~~ **must** be
24 informed of the appeal process and ~~shall~~ be given instructions as
25 to the initiation of an appeal.

26 Sec. 8. The failure or refusal of the issuing officer **or the**
27 **director, as applicable**, to issue a work permit may be appealed in
28 accordance with ~~Act No. 306 of the Public Acts of 1969, as amended,~~
29 **the administrative procedures act of 1969, 1969 PA 306, MCL 24.201**

1 to 24.328, by the minor **who applied for the permit**, ~~or by the~~
 2 parent or guardian of the minor, ~~applying therefor, or by the~~
 3 person or agency to whom custody of the minor has been awarded. An
 4 appeal may be taken in the same manner from the revocation of a
 5 permit.

6 Sec. 10. **(1)** A minor under 16 years ~~shall not be employed in~~
 7 ~~an occupation of age whose employment is~~ subject to this act ~~for~~
 8 **may be employed only as follows:**

9 **(a) During a time that is outside school hours.**

10 **(b) For not** more than ~~6 days in 1 week, nor for a period~~
 11 ~~longer than a weekly average of 8 hours per day or 48 hours in 1~~
 12 ~~week, nor more than 10-3 hours in 1~~ **per day during a week when**
 13 **school is in session.** ~~The minor shall not be employed between~~

14 **(c) Between** the hours of ~~9 p.m. and 7 a.m. A minor who is a~~
 15 ~~student in school shall not be employed more than a combined school~~
 16 ~~and work week of 48 hours and 9 p.m. during the period that begins~~
 17 **on June 1 and ends on Labor Day.**

18 **(d) Between** the hours of ~~7 a.m. and 7 p.m. during the period~~
 19 **that begins on the date immediately following Labor Day and ends on**
 20 **May 31.**

21 **(e) For not more than 18 hours during a week** when school is in
 22 session.

23 **(f) For not more than 40 hours during a week that is not a**
 24 **week when school is in session.**

25 **(2) As used in this section:**

26 **(a) "Outside school hours"** means that term as defined in 29
 27 CFR 570.35.

28 **(b) "School hours"** means that term as defined in 29 CFR
 29 570.35.

1 (c) "Week" means that term as defined in 29 CFR 570.35.

2 (d) "Week when school is in session" means that term as
3 defined in 29 CFR 570.35.

4 Sec. 20. (1) ~~The department of labor shall~~ **director shall**
5 promulgate rules ~~prescribing that do all of the following:~~

6 (a) **Prescribe** standards ~~that are~~ not inconsistent with this
7 act ~~as to~~ **regarding** the working conditions, safety, health, and
8 personal well-being of minors in various types of employment.

9 (b) **Implement** this act.

10 (2) ~~Deviations~~ **Subject to subsection (3) and section 4a(5),**
11 **the director shall grant deviations** from established standards or
12 from hours by employment ~~shall be granted by if~~ the director ~~of~~
13 ~~labor when~~ **determines that** it is ~~determined to be~~ in the best
14 interests of the minor and the community. The **director shall**
15 **prescribe** procedures for applying and issuing **the** deviations. ~~shall~~
16 ~~be prescribed by the department of labor.~~

17 (3) **The director shall not grant a deviation under subsection**
18 **(2) if the deviation allows any of the following:**

19 (a) A minor to be employed between 12 a.m. and 5 a.m.

20 (b) A minor to be employed in, about, or in connection with an
21 occupation that is hazardous or injurious to the minor's health or
22 personal well-being.