

Youth Employment Standards Act

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MICHIGAN'S WAGE & HOUR LAWS | ADD NEW
DATE



Wage & Hour Division

Currently 28 people in the Department of Labor and Economic Opportunity (LEO) who administer 6 Michigan statutes:

- **Public Act 90:** Youth Employment Standards
- **Public Act 390:** Payment of Wages & Fringe Benefits
- **Public Act 337:** Improved Workforce Opportunity Wage (Min. Wage & Overtime)
- **Public Act 338:** Paid Medical Leave
- **Public Act 62:** Human Trafficking Notification



Mission

To provide public service through the fair, effective, and efficient administration of laws that protect the wages and fringe benefits of Michigan workers including paid medical leave, provide for the safe and legal employment of minors, and require posting of notices related to human trafficking, youth employment, paid medical leave, and minimum wage.

The Youth Employment Standards Act

- Covers all Michigan employers who employ minors, people under 18 years old, along with the Fair Labor Standards Act (FLSA) on federally covered businesses (stricter standard applies)
 - Sets work permit requirements
 - Prohibits employment in hazardous or injurious occupations
 - Regulates hours of employment
 - Requires meal and rest periods
 - Mandates adult supervision
 - Contains posting requirement





PUBLIC ACT 90

Exemptions

- **Some of the common exemptions include, but are not limited to:**
 - 16-year-old minor who has graduated from high school
 - 17-year-old minor who has passed the general educational development (GED) test
 - Emancipated minor
 - A minor on a valid cooperative agreement or work-based learning program when a contract is entered into between the employer and school
 - Domestic chores in connection with a private residence
 - Employment in a business owned and operated by the parent or legal guardian of the minor
 - Employment of a minor at least 14 years of age at the school where the minor is enrolled
 - Farm work if the employment is not in violation of a standard established by LEO.
 - “Farm work” includes any practices performed on a farm as an incident to or in conjunction with farming operations, including preparation for market and delivery to storage, market, or carriers for transport to market.



PUBLIC ACT 90

Recent Amendments

- **Effective March 24, 2021**
- Removed the requirement that a youth work permit application be made in-person by the minor.
- Minors may contact any local school/superintendent office to get a work permit signed by an issuing officer.
 - "Issuing officer" means the chief administrator of a school district, intermediate school district, public school academy, or nonpublic school, or a person authorized by that chief administrator in writing to act on their behalf.

Recent Amendments

- **Effective March 24, 2021**
- Removed the requirement that work permits for minors under 16 years of age be on pink paper and work permits for minors 16 and 17 years of age be on yellow paper.
- Requires a youth work permit issued to a minor child under 16 years old indicate clearly on the permit the minor is under 16 years old.
- Work permit for minors under the age of 16 years has been updated to print in landscape orientation.
- Work permit for minors age 16 and 17 years old remains in portrait orientation.

State of Michigan Combined Offer of Employment and Work Permit/Age Certificate CA-6 for minors UNDER 16 years of age

 Permit Number for School Use
(optional)

Employer Information:

- The employer must have a completed work permit form on file before a minor begins work.
- The employer must always provide competent adult supervision.
- The employer of the minor must comply with federal, state, and local laws and regulations including nondiscrimination against any applicant or employee because of race, color, religion, national origin or ancestry, age, gender, height, weight, marital status, or disability.
- The employer must return the work permit to the issuing officer upon termination of the minor's employment.

Directions: Please type or print using an ink pen. See back of this form for summary of requirements.

Section I: To be Completed by Minor Applicant		Address:		City:	ZIP:
Name of Minor:	Age:	Date of Birth Month/Day/Year:	Last Four Digits of Social Security Number:	Contact Telephone Number for Minor:	Application Submitted Electronically: [] Yes [] No If yes, provide email to return approved form:
Name of School (present or last attended):	Address:		City:	ZIP:	
Last Grade Completed:				Type of Business (i.e. fast food, retail sales):	
School Status (check one): [] in school [] home schooled [] online/cyber/virtual [] Not Attending				Parent/Guardian Telephone:	
Name of Parent/Guardian (circle one):		Parent/Guardian Telephone:		Parent/Guardian Email Address (optional):	
Section II: To be Completed by the Employer - Offer of Employment					
Name of Business:		Address:		City:	ZIP:
Earliest Starting Time a.m./p.m.:	Latest Ending Time a.m./p.m.:	Hours per Day:	Number of Days per Week:	Total Hours of Employment per Week:	
				Not more than 6 days	
Applicant's Job Title:	Hourly Wage:	Job Duties/Tasks to be Performed by Minor:		Equipment/Tools to be Used by Minor:	
Signature of Employer: (x)					

State of Michigan Combined Offer of Employment and Work Permit/Age Certificate CA-7 for minors 16 and 17 years of age

 Permit Number for School Use
(optional)

Employer Information:

- The employer must have a completed work permit form on file before a minor begins work.
- The employer must always provide competent adult supervision.
- The employer of the minor must comply with federal, state, and local laws and regulations including nondiscrimination against any applicant or employee because of race, color, religion, national origin or ancestry, age, gender, height, weight, marital status, or disability.
- The employer must return the work permit to the issuing officer upon termination of the minor's employment.

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Name of School (present or last attended):	Address:		City:	ZIP:	
Last Grade Completed:				Type of Business (e.g., fast food, retail sales):	
School Status (check one): [] in school [] home schooled [] online/cyber/virtual [] Not Attending				Parent/Guardian Telephone:	
Name of Parent/Guardian (circle one):		Parent/Guardian Telephone:		Parent/Guardian Email Address (optional):	
Section II: To be Completed by the Employer - Offer of Employment					
Name of Business:		Address:		City:	ZIP:
Earliest Starting Time a.m./p.m.:	Latest Ending Time a.m./p.m.:	Hours per Day:	Number of Days per Week:	Total Hours of Employment per Week:	
				Not more than 6 per week	
Applicant's Job Title:	Hourly Wage:	Job Duties/Tasks to be Performed by Minor:		Equipment/Tools to be Used by Minor:	
Will the minor be working under an existing hours deviation granted by the Michigan Wage and Hour Division? [] No [] Yes If yes, attach a copy of the approved Michigan hours deviation and retain parent/guardian consent at the worksite.					
Signature of Employer: (x)		Title:		Telephone:	Date:

Section III: To be Completed by School's Issuing Officer - Must be Signed by the Issuing Officer to be Valid

This is to certify that: (1) this form was properly completed, (2) listed job duties are compliant with state and federal laws and regulations, and (3) this form was signed by employer.		Evidence of Age Confirmed by (issuing officer checks one):	Number of Work Hours Per Week When School is in Session:
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Minimum Age and Work Permits

- Minimum age for employment is 14 with few exceptions:
 - **11 to 13** may work as referees or umpires, golf caddies, and bridge caddies.
 - **13** may set traps for shooting events.
 - All non-exempt minors require a work permit on file at the work location.
 - A work permit is employer specific.
- Permit valid if continuously employed; new issuance if break in service or age changes to 16.
 - Permit should be returned to school when employment terminates.
 - Permit may be refused, suspended, or revoked by issuing officer if:
 - Minor's employment is in violation of federal or state law.
 - Poor school performance due to attendance issues.

Adult Supervision

- Minors may not be employed without adult supervision.
- Adult supervisor must ensure immediate assistance is available in case of emergency.
- Special penalties apply for employing minors without adult supervision when the occupation involves cash transactions after 8:00 pm or sunset.



Alcoholic Beverage Restrictions



- Minors may not work in an establishment where alcohol sales are 50% or more of total sales.
- If the sale of food or other goods constitutes 50% or more of the total sales, the establishment may employ minors.
- 14 and 15 years may not work in, or about, or in connection with that part of the establishment where alcohol is consumed or sold for consumption on the premises.
- Minors may not sell or serve alcohol under Liquor Control Commission regulations.

Hazardous Occupations

- **A minor may not be employed in any hazardous or injurious occupation that include, but are not limited to:**
 - Contact with hazardous substances, chemicals, explosives, or radioactive substances
 - Driving and working as an outside helper (pizza delivery, etc.)
 - Jobs in the logging and sawmill industry
 - Jobs using woodworking machinery
 - Ladders and scaffolding for those less than 16 years of age
 - Brazing, welding, soldering, or heat treating for those less than 16 years of age
 - Work on construction sites, excavation sites, bridges, streets, or highways
 - Slaughtering, butchering, cutting meat or using meat slicers, cleavers, or boning knives
 - Occupations involving power driven equipment, tools, saws, or machinery (bakery machines, paper product machines, and metal-forming, punching, and shearing machines)
- Federally covered employers are subject to the Fair Labor Standards Act hazardous occupation orders listed in the United States Department of Labor (USDOL) Child Labor Bulletin 101.

Hours of Employment

Minors may not be employed during hours they are required to attend school, either online or in person.

- **In general, all non-exempt minors may not work more than:**
 - 6 days in a workweek
 - An average of 8 hours per day in 1 week
 - 10 hours in 1 day
 - 5 continuous hours without a documented 30-minute uninterrupted break
- **14 to 15-year-old minors may not work:**
 - More than 48 hours school and work combined in a workweek
 - Before 7 a.m. or after 9 p.m.
 - Federal law contains stricter standards that may need to be followed.

Hours of Employment



- **16 and 17-year-old minors may not work:**
 - More than 24 hours in a workweek when school is in session.
 - More than 48 hours in a workweek when school is not in session.
 - Before 6 a.m. or after 10:30 p.m., Sunday through Thursday.
 - Before 6 a.m. or after 11:30 p.m. on Fridays and Saturdays and during periods when school is not in session for at least 7 days.

Hours Deviations

**Applies to 16
and 17-year-old
minors only**

- Deviation is from beginning and ending time standards only
- **General hours deviation:**
 - Allows minors to start at 5 a.m. Saturdays and Sundays when school is in session or any day when school is not in session for at least 7 days.
 - Allows minors to work until 11:30 p.m. Sunday through Thursday when school is in session.
 - Allows minors to work until 12:30 a.m. on Fridays and Saturdays when school is in session or any day when school is not in session.
 - Separate written parental or guardian consent must be maintained by employer.
- An employer may apply for an individual hours deviation if starting and ending times are needed outside of the general hours deviation

Employer Responsibilities

- Legally employ minors
- Provide adult supervision and breaks
- Maintain a copy of the work permit or proof of exemption and any deviation and necessary parental consents at the minor's worksite.
- Maintain a daily time record containing the number of hours worked by the minor to include the starting and ending times of shifts and 30-minute breaks.
- Post the Michigan Youth Employment Poster at the worksite
 - Anyone violating Act 90 is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than \$500.00, or both (except Section 12a & 14a violations which carry higher penalties).





PUBLIC ACT 390

The Payment of Wages & Fringe Benefits Act

Applies to most Michigan employees:

- Regulates payment of hourly, salary, piece rate, and commission wages on a regular basis: weekly, biweekly, semimonthly, or monthly.
- Permits payment of wages by US currency, negotiable check, direct deposit, or payroll debit card.
- Restricts deductions from wages to those allowed by law, court ordered garnishment, collective bargaining agreement, or employee signed written consent.
- Allows overpayment deductions resulting from clerical errors without written consent under certain conditions.

The Payment of Wages & Fringe Benefits Act

- Requires fringe benefits of vacation pay, sick pay, holiday pay, bonuses, and authorized expenses be paid in accordance with written contracts or written policies.
- Prohibits employers from receiving payment from employees as condition of or for continued employment.
- Requires employers to provide retainable check stub.
- Provides protection for employees who file a claim or exercise a right protected by Act 390.



The Improved Workforce Opportunity Wage Act



- **Applies to:**
 - Employers with 2 or more employees 16 years of age and older.
 - Employers not covered by the federal Fair Labor Standard Act (FLSA).
 - Individuals covered by the FLSA when state requirement is stricter than federal requirement.

Provides a minimum hourly rate of \$9.65/hour currently and will **potentially increase to \$9.87/hour** on January 1, 2022, dependent on the state's 2021 unemployment rate being less than 8.5%.

The Improved Workforce Opportunity Wage Act

- Permits a 16 to 17-year-old subminimum wage equal to 85% of minimum wage rate: **currently \$8.20/hour**.
- Allows tipped employees to be paid 38% of minimum wage rate, **\$3.67/hour currently**, if they report in writing receiving tips equal to minimum wage.
- Offers a **\$4.25/hour** 16 to 19-year-old training wage for 90 days of employment.
- Necessitates overtime, **1½ times regular pay rate**, for hours worked over 40 in a 7-day workweek.



The Paid Medical Leave Act

**Applies to
employers
with 50 or more
employees**

**Applies to certain
eligible employees
who work in
Michigan**

- **Ineligible employees include, but are not limited to:**
 - Individuals under the age of 18 years old
 - Individuals who worked on average fewer than 25 hours per week during the immediately preceding calendar year
- Requires 1 hour for every 35 actual hours worked; however, an employer is not required to allow accrual of over 1 hour in a calendar week or more than 40 hours in a benefit year
- An employer may frontload 40 hours instead of accrual method
- Carryover of up to 40 hours for accrual method
- Carryover not required for frontload method

Resources and Services

Questions? Contact:

- Paid Medical Leave:
PMLA-INFO@michigan.gov
- For all others:
WHINFO@michigan.gov
855-4MI-WAGE

Michigan.gov/WageHour

- Publications
- Speaking Engagements
- Educational Contacts

Complaint Investigations

- Youth Employment:
YESAComplaintForm.apps.lara.state.mi.us
- Payment of wages, fringe benefits, and paid medical leave: Michigan.gov/WageClaim
- Discrimination, human trafficking notification, and prevailing wage complaint forms are available online or by calling **855-4MI-WAGE**