



SENATE BILL No. 118

January 17, 1995, Introduced by Senator BOUCHARD
and referred to the Committee on Human Resources,
Labor and Veteran Affairs.

A bill to amend sections 2, 4, 5, and 6 of Act No. 90 of the
Public Acts of 1978, entitled
"Youth employment standards act,"
section 4 as amended by Act No. 71 of the Public Acts of 1987,
being sections 409.102, 409.104, 409.105, and 409.106 of the
Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 4, 5, and 6 of Act No. 90 of the
2 Public Acts of 1978, section 4 as amended by Act No. 71 of the
3 Public Acts of 1987, being sections 409.102, 409.104, 409.105,
4 and 409.106 of the Michigan Compiled Laws, are amended to read as
5 follows:

6 Sec. 2. As used in this act:

7 (a) "Employ" means engage, permit, or allow to work.

1 (b) "Employer" means a person, firm, or corporation ~~which~~
2 THAT employs a minor, and includes the state or a political
3 subdivision of the state, an agency or instrumentality of the
4 state, and an agent of an employer.

5 (c) "Issuing officer" means a superintendent of a school
6 district or intermediate school district or a person whom the
7 superintendent authorizes in writing to act on behalf of the
8 superintendent.

9 (d) "Minor" means a person under 18 years of age.

10 (E) "PERMANENT WORK PERMIT" MEANS A WORK PERMIT ISSUED TO A
11 MINOR AND IN EFFECT UNTIL THE MINOR REACHES 18 YEARS OF AGE.

12 (F) ~~(e)~~ "Rule" means a rule promulgated pursuant to THE
13 ADMINISTRATIVE PROCEDURES ACT OF 1969, Act No. 306 of the Public
14 Acts of 1969, as amended, being sections 24.201 to ~~24.315~~
15 24.328 of the Michigan Compiled Laws.

16 (G) "TEMPORARY WORK PERMIT" MEANS A WORK PERMIT ISSUED TO A
17 MINOR THAT IS IN EFFECT FOR 90 DAYS FROM THE DATE OF ISSUANCE.

18 Sec. 4. (1) Except as provided in subsection (3), a minor
19 shall not be employed in an occupation regulated by this act
20 until the person proposing to employ the minor procures from the
21 minor and keeps on file at the place of employment a copy of the
22 PERMANENT work permit or ~~a~~ temporary WORK permit. The
23 PERMANENT OR TEMPORARY work permit shall be issued by the issuing
24 officer of the school district or intermediate school district in
25 which the minor resides, and a copy of the work permit shall be
26 placed in the minor's permanent school file for as long as the
27 minor is employed. ~~A temporary permit shall be valid for 10~~

1 ~~days from the date of issue.~~ A work permit may be issued by the
2 school district in which the minor's place of employment is
3 located. An issuing officer may administer oaths in relation to
4 work permits.

5 (2) Immediately after the termination of the minor's employ-
6 ment, the employer shall return the permit to the issuing
7 officer.

8 (3) The TEMPORARY work permit requirement of subsection (1)
9 does not apply to a minor 13 years of age or older who is
10 employed in farming operations involving detasseling, roguing,
11 hoeing, or any similar act involved in the production of seed.
12 This exception applies only when a minor is employed AFTER
13 SCHOOL, ON WEEKENDS, during school vacation periods, or when the
14 minor is not regularly enrolled in school. The work permit
15 exception provided in this subsection does not provide an exemp-
16 tion from any other provision of this act. An employer shall
17 keep on file at the place of employment evidence of the age of
18 any minor employed under this work permit exception. Evidence of
19 the age of the minor shall be established as provided in
20 section ~~5(b)~~ 5.

21 Sec. 5. (1) An issuing officer shall issue a PERMANENT
22 work permit only upon application in person by the minor desiring
23 employment and after having examined, approved, and filed the
24 following papers:

25 (a) A statement of intention to employ, signed by the pro-
26 spective employer or by a person authorized by the prospective
27 employer, setting forth the general nature of the occupation in

1 which the employer intends to employ the minor, the hours during
2 which the minor will be employed, the wages to be paid, and other
3 information the department of education, in cooperation with the
4 department of labor, requires.

5 (b) Evidence showing that the minor is of the age required
6 by this act. Proof of age ~~shall be~~ IS established by ~~one~~ 1
7 of the following:

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

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

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

13 (iv) The sworn statement of the minor's parent or guardian,
14 together with a corroborating statement of a physician.

15 (v) If documentary proof as described in subparagraphs (i)
16 to (iv) is not obtainable, the issuing officer may accept other
17 documentation as established by department of education rules.

18 (C) EVIDENCE THAT THE MINOR HAS SATISFACTORILY COMPLETED A
19 VOCATIONAL EDUCATION OR SPECIAL EDUCATION PROGRAM CONSIDERED ADE-
20 QUATE TO PREPARE THE MINOR FOR AN OCCUPATION.

21 (2) AN ISSUING OFFICER SHALL ISSUE A TEMPORARY WORK PERMIT
22 ONLY UPON APPLICATION IN PERSON BY THE MINOR DESIRING EMPLOYMENT
23 AND AFTER HAVING EXAMINED, APPROVED, AND FILED THE PAPERS
24 DESCRIBED IN SUBSECTION (1)(B)(i) THROUGH (iv) AND UPON THE PRE-
25 SENTATION OF PROOF OF PRESENT ENROLLMENT IN SCHOOL AND EVIDENCE
26 OF REGULAR ATTENDANCE.

1 Sec. 6. (1) Work permits shall be issued in the form
2 prescribed by the department of education in cooperation with the
3 department of labor and in accordance with PRESCRIBED
4 instructions. ~~so prescribed.~~ The color of work permits for
5 minors under 16 years of age shall be distinct from that for
6 minors 16 years of age and over. Work permits shall state the
7 name and address of the minor, the date of birth, the occupation
8 and industry in which the minor is employed, the employer's name
9 and address, THE EFFECTIVE DURATION OF THE WORK PERMIT, and other
10 information required by the department of education.

11 (2) The department of education shall promulgate rules pre-
12 scribing standards for the issuance of work permits, which shall
13 include the following factors:

14 (a) Evidence of age.

15 (B) EVIDENCE OF SATISFACTORY COMPLETION OF A VOCATIONAL EDU-
16 CATION OR SPECIAL EDUCATION PROGRAM CONSIDERED ADEQUATE TO PRE-
17 PARE A MINOR FOR AN OCCUPATION.

18 (C) ~~(b)~~ Standards of work as established by the department
19 of labor and federal regulation.

20 (D) ~~(c)~~ Statutory requirements.

21 (3) A fee shall not be charged for a work permit or other
22 record required by this act.