

# HOUSE BILL No. 5672

January 30, 2008, Introduced by Reps. Knollenberg, Dean, Moss, Hoogendyk, Shaffer, Palmer and Agema and referred to the Committee on Labor.

A bill to amend 1964 PA 154, entitled  
"Minimum wage law of 1964,"  
by amending section 14 (MCL 408.394), as amended by 2006 PA 373.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 14. (1) This act does not apply to an employer who 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 applies to an employer  
6 who is subject to this act only by application of this subsection:

7           (a) Section 4a does not apply.

8           (b) This act does not apply to an employee who is exempt from  
9 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 be paid  
3 in accordance with the minimum wage ~~and overtime compensation~~  
4 requirements of ~~sections~~ **SECTION 4 and 4a** if the employee ~~meets~~  
5 ~~either of the following conditions:~~

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

11 (3) ~~(b) Is~~ **NOTWITHSTANDING SUBSECTION (1), AN EMPLOYEE SHALL**  
12 **BE PAID IN ACCORDANCE WITH THE MINIMUM WAGE AND OVERTIME**  
13 **COMPENSATION REQUIREMENTS OF SECTIONS 4 AND 4A IF THE EMPLOYEE IS**  
14 employed to provide child care, but is not a live-in domestic  
15 service employee as described in 29 CFR 552.102. However, the  
16 requirements of sections 4 and 4a do not apply if the employee  
17 meets all of the following conditions:

18 (i) Is under the age of 18.

19 (ii) Provides services on a casual basis as described in 29 CFR  
20 552.5.

21 (iii) Provides services that do not regularly exceed 20 hours  
22 per week, in the aggregate.

23 (4) ~~(3)~~ This act does not apply to persons employed in summer  
24 camps for not more than 4 months or to employees who are covered  
25 under section 14 of the fair labor standards act of 1938, 29 USC  
26 214.

27 (5) ~~(4)~~ This act does not apply to agricultural fruit growers,

1 pickle growers and tomato growers, or other agricultural employers  
2 who traditionally contract for harvesting on a piecework basis, as  
3 to those employees used for harvesting, until the board has  
4 acquired sufficient data to determine an adequate basis to  
5 establish a scale of piecework and determines a scale equivalent to  
6 the prevailing minimum wage for that employment. The piece rate  
7 scale shall be equivalent to the minimum hourly wage in that, if  
8 the payment by unit of production is applied to a worker of average  
9 ability and diligence in harvesting a particular commodity, he or  
10 she receives an amount not less than the hourly minimum wage.

11 (6) ~~(5)~~ Notwithstanding any other provision of this act,  
12 subsection (1) (a) and (b) ~~and subsection (2) do~~ **DOES** not deprive an  
13 employee or any class of employees of any right that existed on  
14 September 30, 2006 to receive overtime compensation or to be paid  
15 the minimum wage.