

HOUSE BILL NO. 5594

March 14, 2024, Introduced by Reps. Skaggs, Paiz and Scott and referred to the Committee on Labor.

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending sections 2, 4, 5, 7, 8, and 20 (MCL 409.102, 409.104, 409.105, 409.107, 409.108, 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

1 minors; to provide for the issuance and revocation of work permits;
 2 **to provide for the registration of employers and employed minors;**
 3 to provide for the regulation of hours and conditions of employment
 4 of minors; to prescribe **the** powers and duties of ~~the departments of~~
 5 ~~labor and education;~~ **certain state governmental officers and**
 6 **entities; to provide for the promulgation of rules;** to provide for
 7 the enforcement of this act; to prescribe penalties; and to repeal
 8 certain acts and parts of acts.

9 Sec. 2. As used in this act:

10 (a) **"Department" means the department of labor and economic**
 11 **opportunity.**

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

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

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

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

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

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

27 (h) ~~(e)~~ "Rule" means a rule promulgated ~~pursuant to~~ **under** the
 28 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
 29 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~

1 ~~Compiled Laws~~ 1969 PA 306, MCL 24.201 to 24.328.

2 Sec. 4. (1) Except as provided in subsection (3), **before the**
3 **date that is 18 months after the effective date of the amendatory**
4 **act that added section 4a**, a minor ~~shall~~**must** not be employed in an
5 occupation regulated by this act until the person proposing to
6 employ the minor procures from the minor and keeps on file at the
7 place of employment a copy of the work permit or a temporary
8 permit. ~~The~~**Before the date that is 18 months after the effective**
9 **date of the amendatory act that added section 4a**, the work permit
10 ~~shall~~**must** be issued by the issuing officer of the school district,
11 intermediate school district, public school academy, or nonpublic
12 school at which the minor is enrolled, and a copy of the work
13 permit ~~shall~~**must** be placed in the minor's permanent school file
14 for as long as the minor is employed. A temporary permit is valid
15 for 10 days from the date of issue. A work permit may be issued by
16 the school district in which the minor's place of employment is
17 located, or by the public school academy or nonpublic school
18 nearest that place of employment. An issuing officer **or the**
19 **director** may administer oaths in relation to work permits. **On or**
20 **after the date that is 18 months after the effective date of the**
21 **amendatory act that added section 4a**, the work permit **must be**
22 **issued by the director.**

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

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

29 (b) **If the termination occurs on or after the date that is 18**

1 months after the effective date of the amendatory act that added
2 section 4a, notify the department.

3 (3) The work permit requirement of subsection (1) ~~does~~ **and the**
4 **requirements of section 4a do** not apply to any of the following:

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

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

19 (c) A minor who is performing work as an unpaid volunteer for
20 a fair or exhibition operated and managed under 1929 PA 11, MCL
21 46.151 to 46.153, or held by an agricultural or horticultural
22 society under 1855 PA 80, MCL 453.231 to 453.240.

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

25 **Sec. 4a. (1) Beginning on the date that is 18 months after the**
26 **effective date of the amendatory act that added this section, a**
27 **minor must not be employed in an occupation regulated by this act**
28 **unless all of the following requirements are met:**

29 (a) The minor is registered with the department under section

1 4b.

2 (b) The person proposing to employ the minor is in compliance
3 with this act.

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

6 (2) The director shall, not later than 15 days after a minor
7 registers under section 4b or an employer registers under section
8 4d, do both of the following:

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

11 (b) Provide notice of the determination to the employer,
12 minor, and parent or legal guardian of the minor. The notice must
13 state whether any deviations under this act have been requested or
14 authorized.

15 (3) If the director does not provide notice of its
16 determination during the time period described in subsection (2),
17 the employer may begin employing the minor on the date immediately
18 following the end of the 15-day period.

19 (4) If, not later than 10 days after notice is provided under
20 subsection (2) (b), a parent or legal guardian of a minor notifies
21 the department that the parent or legal guardian does not consent
22 to a deviation or a portion of a deviation, the department shall
23 not authorize the deviation or the portion of the deviation.

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

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

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

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

3 (a) Be accessible to the public via the internet at no cost to
4 the public.

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

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

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

10 (iii) The name of each of the parents or legal guardians of the
11 minor.

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

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

16 (d) Allow a minor, parent or legal guardian of a minor, or an
17 employer to review an applicable determination described in section
18 4a(2).

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

21 (f) Any other requirement that is relevant to the employment
22 of a minor under this act as determined by the department.

23 (3) The information in the registration system, other than the
24 information listed in section 4c(1), is exempt from disclosure
25 under section 13(1)(d) of the freedom of information act, 1976 PA
26 442, MCL 15.243. The department may disclose the information in the
27 registration system only if the disclosure is necessary to enforce
28 and implement this act.

29 Sec. 4c. (1) The director shall, based on the information in

1 the registration system, create and maintain a database of
2 employers that are authorized to employ minors under this act. The
3 database must meet all of the following requirements:

4 (a) Be accessible to the public via the internet at no cost to
5 the public.

6 (b) Display all of the following information for each employer
7 that is authorized to employ minors under this act:

8 (i) Name.

9 (ii) Address.

10 (iii) Email address.

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

14 Sec. 4d. An employer proposing to hire a minor shall submit
15 all of the following to the registration system before hiring the
16 minor:

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

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

19 (c) The address of each of the employer's worksites.

20 (d) The address of the proposed primary worksite of the minor.

21 (e) The name of each minor the employer has employed.

22 (f) The name of each minor the employer is currently
23 employing.

24 (g) A signed statement made under the penalty of perjury that
25 the employer is or will employ minors in accordance with all
26 applicable laws.

27 (h) Any other information or items as determined by the
28 director.

29 Sec. 5. An issuing officer or the director, as applicable,

1 shall issue a work permit on an application by the minor desiring
2 employment and after the following papers have been examined,
3 approved, and filed:

4 (a) A statement of intention to employ the minor, signed by
5 the prospective employer or by a person authorized by the
6 prospective employer, setting forth the general nature of the
7 occupation in which the employer intends to employ the minor, the
8 hours during which the minor will be employed, the wages to be
9 paid, and other information **that** the department ~~of education, in~~
10 ~~cooperation with the department of labor and economic opportunity,~~
11 requires.

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

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

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

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

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

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

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

28 (a) Poor school attendance, characterized by repeated erratic
29 or unexcused absences, which results in consistent performance of

1 school work at a level lower than that which preceded the minor's
 2 employment. The work permit ~~shall~~**may** be revoked only after the
 3 permit has been suspended. The suspension ~~shall~~**must** take place
 4 upon notice to the minor and the employer, and an opportunity to
 5 correct the deficiency is afforded. The suspension ~~shall~~**must** not
 6 exceed 30 days after date of notification.

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

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

16 Sec. 8. The failure or refusal of the issuing officer **or the**
 17 **director, as applicable,** to issue a work permit may be appealed in
 18 accordance with ~~Act No. 306 of the Public Acts of 1969, as amended,~~
 19 **the administrative procedures act of 1969, 1969 PA 306, MCL 24.201**
 20 **to 24.328,** by the minor **who applied for the permit,** ~~or by the~~
 21 parent or guardian of the minor, ~~applying therefor,~~ or by the
 22 person or agency to whom custody of the minor has been awarded. An
 23 appeal may be taken in the same manner from the revocation of a
 24 permit.

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

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

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

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