

# Michigan Wage & Hour Laws

## Protecting Youth in the Workplace

Presented by:

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Michigan Department of Labor & Economic Growth  
Wage & Hour Division

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## Introduction

- Approximately 2.4 million adolescents aged 16 to 17 years worked in the U.S. in 2006\*
- Young workers are injured at a higher rate than adult workers\*
- Teen Work Injury Statistics\*
  - 250,000 minors are injured every year
  - 84,000 minors visit emergency rooms annually, about 1 every 7 minutes
  - 70 minors die each year
- The majority of injuries occur in retail and service establishments\*
- According to one study, 19% of all injuries to young workers treated in emergency rooms involved working in illegal jobs; this figure is 41% according to another study\*

\*Excerpts reproduced from National Institute for Occupational Safety and Health (NIOSH) website, publication No. 2007-136, and publication No. 20-14.

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## Youth Employment Standards Act

- Covers all Michigan employers along with the federal Fair Labor Standards Act which applies to businesses that gross over \$500,000.00 annually or individuals who are involved in production of goods for interstate commerce
- Sets work permit requirements for minors
- Regulates hours of employment for minors
- Prohibits employment of minors in hazardous occupations



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## Age Minimums

- In general, the minimum age for employment is 14
- Few exceptions:
  - 11 to 13 year olds may work as referees or umpires, golf caddies, and bridge caddies
  - 13 year olds may set traps for shooting events and some farming operations, such as detasseling, roguing, and hoeing

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## Work Permits

- All non-exempt minors must have a completed work permit on file at work location prior to beginning employment
- One exception, a minor working in certain farming operations, such as detasseling, roguing, and hoeing
- Work permits are employer location specific
- Work permit is valid as long as the minor is continuously employed
- Work permits may be revoked by the issuing officer for poor school attendance that results in performance of school work at a level lower than that which preceded the minor's employment or if the minor's employment is in violation of federal or state law
- More on the issuance of work permits during Diana Bailey's presentation

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## Hours of Employment

Applies to all non-exempt minors:

- May not work more than 6 days in a workweek
- Limited to working no more than 10 hours in a day, with a weekly average of 8 hours per day
- Combined hours of school and work cannot exceed 48 hours in a workweek
- May not work more than 5 continuous hours without a documented 30 minute uninterrupted break

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## Hours of Employment Continued

- Minors 15 years old or younger may not work after 9 p.m. or before 7 a.m.
- Minors 15 years old or younger may not work during school hours
- Minors age 16 or older may not work before 6 a.m. or after 10:30 p.m., Sunday through Thursday
- Minors age 16 or older may not work before 6 a.m. or after 11:30 p.m. on Fridays and Saturdays, during school vacation periods (at least 7 calendar days) and during periods when a minor is not regularly enrolled in school

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## Agricultural Processing Hours (16 & Older - When School is Not in Session)

- Minors may not work more than 11 hours in a day
- Minors may not work more than 62 hours in a workweek (not more than 48 hours without minor's consent)
- Minors may not work before 5:30 a.m. or after 2:00 a.m.
- Employer must have written consent on file from parent or guardian

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## Adult Supervision

- A minor may not be employed unless the employer or another employee 18 years of age or older provides supervision
- Supervision means being on the premises to direct and control the work of minors and to assist in case of an emergency
- Special penalties apply for employing minors in occupations at a fixed site involving cash transactions after sunset or 8 p.m. without required supervision

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## Alcoholic Beverages

- Minors may not work for an employer whose alcohol sales are more than 50% of total sales
- Minors 15 years old or younger may not work in, about, or in conjunction with that part of the establishment where alcohol is consumed or sold for consumption regardless of sales percentage
- Minors under 18 cannot serve, sell, or furnish alcoholic beverages. For information on regulations concerning selling & furnishing alcoholic beverages, please contact Liquor Control Commission, Enforcement Division at 517-322-1400

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## Prohibited Hazardous Work (not a complete list)

- Contact with hazardous substances, chemicals, explosives, or radioactive substances
- Driving and work as an outside helper (pizza delivery)
- Jobs in the logging and sawmill industry
- Jobs using woodworking and metal forming machinery
- Work on construction sites, excavation sites, bridges, streets, or highways
- Occupations involving power driven equipment, tools, saws, or machinery
- Occupations involving slaughtering, meat packing, rendering, or tanning

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## Deviations

- General Hours Deviations
- Individual Hours Deviations
- Hazardous Occupation Deviations
- Performing Arts Authorizations

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## General Hours Deviations

- Deviation is from the beginning or ending time standards
- Applied for by employer through DLEG; either approved or denied. Denial can be appealed by employer to DLEG.
- Applies to 16 and 17 year olds
- Applies to all minors at a work location
- Employer must have separate written permission of parent or guardian on file at the premises where the minor is employed
- Once approved; good indefinitely. May be revoked, which can be appealed by employer to DLEG.

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## General Hours Deviations Continued

Set hours approved on a general hours deviation:

### When School is in Session

10:30 p.m. to 11:30 p.m.	Sunday through Thursday
6:00 a.m. to 5:00 a.m.	Saturday and Sunday only
11:30 p.m. to 12:30 a.m.	Friday and Saturday only

### When School is Not in Session

11:30 p.m. to 12:30 a.m.	Sunday through Saturday
6:00 a.m. to 5:00 a.m.	Sunday through Saturday

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## Individual Hours Deviations

- Beginning and ending times outside of general hours deviation guidelines (i.e., 12:30 a.m., Sunday through Thursday while in school)
- Applied for by employer through DLEG; either approved or denied. Denial can be appealed by employer to DLEG.
- Applies to 16 and 17 year olds
- Applies only to the minor listed on the deviation application
- Parent or guardian must provide permission by signing application
- Once approved; good until the minor becomes exempt or turns 18 years old. May be revoked, which can be appealed by employer to DLEG.

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## Hazardous Occupation Deviations

- Applied for by employer through DLEG; either approved or denied. Denial can be appealed by employer to DLEG.
- Applies to 16 and 17 year olds
- Applies only to the minor listed on the deviation application
- Parent or guardian must provide permission by signing application
- Not approved on federally covered businesses
- Consideration given only when it is in the best interest of the minor, proper training is provided, and there is protection of the minor's health, safety, and well-being
- Once approved; good until the minor becomes exempt or turns 18 years old. May be revoked, which can be appealed by employer to DLEG.

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## Performing Arts Authorizations

- A performing arts organization is an organization or individual engaged in radio, motion picture, television, theatrical productions, or musical performances. Performing arts approvals may also be granted for modeling.
- Applied for by employer through DLEG; either approved or denied. Denial can be appealed by employer to DLEG.
- Applies to any aged minor
- Applies only to the minor listed on the approved authorization
- Work permit is not required
- Parental consent for all minors, letter of recommendation from school or teacher for school aged children and medical verification on children under 6 years old required
- Once approved; good for performance and period requested not to exceed 12 months. May be revoked, which can be appealed by employer to DLEG.

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## Exemptions - Individual Minors

- Minor 16 or 17 years of age who has completed requirements for graduation
- Minor 17 years of age who has passed the General Education Development Test (GED)
- An emancipated minor
- Employment in a business owned and operated by a parent or guardian
- Employment by a school in which the minor 14 years of age or older is enrolled
- Minor 14 years of age or older employed under a written training agreement between the employer and the school at which the minor is enrolled

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## Exemptions - Occupations

- Domestic chores in conjunction with private residences
- Newspaper and periodical delivery
- Shoe shining
- Farm work
- Services performed as members of youth oriented organizations that are engaged in citizenship & character building (cannot displace paid workers)
- Non-hazardous construction work for a charitable housing organization
- Employment by a Native American owned business on an Indian Reservation

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## Employer Responsibilities

- Legally employ minors
- Provide adult supervision and rest periods
- Maintain a copy of the work permit or proof of exemption at the location of the minor's employment
- Maintain a copy of any deviation and necessary parental consents at the location of the minor's employment
- Maintain a daily time record to include the number of hours worked by the minor and the starting and ending times of shifts and breaks
- Post the Michigan Youth Employment Poster at the work site

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).

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## Answers to Act 90 FAQ's

**Golf Carts** – Minors 16 to 17 years old may operate golf carts on a golf course; no public roadways.

**Pumping Gas** – Minors 14 to 17 years old may pump gas into approved containers and motor vehicles.

**Propane (LP) Gas** – Minors may not dispense propane.

**Forklifts** – Minors may not operate forklifts.

**Hoisting Apparatus** – Minors may not operate hoisting devices; however, 16 to 17 years old may work under elevated equipment.

**Pallet Jacks** – Minors may operate pallet jacks.

**Commercial Construction** – Minors may not work on a commercial construction site.

**Residential Construction** – Minors 16 to 17 years old may work on a new single family home construction site provided power driven machinery is not used, there is no contact with dangerous substances and employment is not hazardous; no roofing.

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## Answers to Act 90 FAQ's Continued

Knives – Minors may use paring, utility, pizza rocker, pocket, and serrated edge knives; no boning, machete, meat cleaver, fillet, skinning, chef, or butcher knives. Use of Kevlar glove for exposed hand is recommended.

American Red Cross Volunteer – Minors 14 to 17 years old may volunteer for the American Red Cross; however, they would not be exempt from Act 90 because the organization does not meet the youth oriented requirement of the Act; it has a broader purpose. Minors would still need a work permit and all hours and hazardous employment restrictions would apply.

Nurse's Aide – Minors 14 to 17 years old may be employed as a nurse's aide or assistant in a nursing home or health care facility provided the employment conditions do not expose the minor to contagious diseases and/or bloodborne pathogens.

Confined Spaces – Minors 16 to 17 years old may be employed in an occupation involving work in a confined space, an enclosed area which does not have a natural or mechanically induced supply of fresh air.

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## Answers to Act 90 FAQ's Continued

Ladders – Minors 16 to 17 years old may use ladders, meaning step ladders and properly secured single section ladders, and scaffolding; no extension ladders.

Lawn Mowers – Minors 16 to 17 years old may operate lawn mowers.

Tractors – Minors may not operate tractors exceeding 20 power take off horsepower, except minors 16 to 17 years old who are provided operating instructions from their employers may operate such tractors.

Hot Grease or Oil – Minors may remove filters, pour through filters, and move receptacles containing grease or oil when the temperature does not exceed 100 degrees Fahrenheit.

Life Guards – Minors 15 to 17 years old who are trained and certified in aquatics and water safety by the Red Cross or other similarly recognized certifying organizations may be employed as life guards at swimming pools and water amusement parks; not natural bodies of water, such as lakes and rivers.

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## DLEG, Wage & Hour's Processes

- Investigations are initiated from written or verbal complaints, referrals from other agencies, or routinely by the division
- Complaints may be made anonymously
- In addition to investigations, educational contacts with the public are also made
- In 2006 the Michigan Wage & Hour Division:
  - Completed 233 youth employment complaint investigations of which 50 contained hazardous allegations
  - Issued 156 corrective action notices citing employers for youth employment violations
  - Made 729 youth employment educational contacts with customers

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## Act 154

### Michigan Minimum Wage and Overtime Law

- Applies to:
  - Employers who employ 2 or more persons 16 years old and older
  - Employers who are not covered by the federal Fair Labor Standards Act (FLSA)
  - Individuals of employers covered by the FLSA when the state requirement is stricter than the federal requirement
- Provides a minimum hourly rate of \$7.15 per hour, which went into effect on 07/01/2007, and \$7.40 per hour effective 07/01/2008
- Permits a youth sub-minimum wage equal to 85% of the minimum wage rate for employees 16 to 17 years of age; \$6.08 per hour effective 07/01/2007, and \$6.29 per hour effective 07/01/2008

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## Act 154 Continued

### Michigan Minimum Wage and Overtime Law

- Permits tipped employees, such as waitresses, to be paid \$2.65 per hour if they report in writing receiving tips equal to minimum wage
- Permits a \$4.25 per hour training wage during the first 90 calendar days of employment for new employees 16 to 19 years of age
- Provides overtime rate for non-exempt employees of 1½ times the regular rate of pay
- Under specific circumstances, employees may take 1½ time off rather than receive overtime wages
- Requires maintenance of daily time records, including starting and ending times, computed to the nearest tenth of an hour (6 minutes) or other finer measure
- Requires the posting of the General Requirements Poster at the work site

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## Act 390

### Payment of Wages And Fringe Benefits

- Covers most Michigan employers
- Regulates the payment of hourly, salary, commission, and piece rate wages
- Regulates the payment of certain fringe benefits (vacation pay, sick pay, etc.) as specified in written contracts or written policies
- Prohibits deductions without authorization by law, a collective bargaining agreement, or written consent of the employee
- Provides that an employee receive a retainable pay statement at the time of payment indicating hours worked, gross wages paid, an itemization of deductions, and the dates for which the wages are paid

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## Act 390 Continued

- Requires employers to maintain records for three years which indicate the employee's name, address, birth date, classification, rate of pay, total hours worked in each pay period, total wages paid, and an itemization of fringe benefits
- Prohibits an employer from receiving payment from an employee as a condition of employment or for continued employment
- Provides protection for employees who file a complaint or exercise a right protected by the Payment of Wages and Fringe Benefits Act

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## *DLEG, Wage & Hour Division*

### *Contact Information*

Mailing: 6546 Mercantile Way, Suite 5  
P.O. Box 30476  
Lansing, MI 48909-7976

Phone: 517-335-0400  
313-456-4906

Website address: [www.michigan.gov/wagehour](http://www.michigan.gov/wagehour)

#### Website Updates - New Categories

- Issuing Officer Resources (WPIO-Listserv)
- Employer Resources
- Teen Resources
- Parent Resources

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## *United States Department of Labor*

### *Contact Information*

Phone: 1-866-4USWAGE (1-866-487-9243)  
(313) 226-7448  
(816) 456-2004

Website: [www.dol.gov/esa/whd](http://www.dol.gov/esa/whd) or  
[www.youthrules.dol.gov](http://www.youthrules.dol.gov)

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