

Michigan LEO Wage and Hour Employing Minors in Michigan Overview and Q&A

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Michigan Wage and Hour Division

- *Information provided in this presentation may contain legal information. Legal information is not the same as legal advice – the application of law to an individual's specific circumstances.*
- *The division will do its best to provide information that is accurate and useful, but it is recommended you consult a lawyer if you want professional assurance the information and your interpretation of it is appropriate to your situation.*



DISCLAIMER

Wage and Hour Division

Currently 24 people in the Department of Labor and Economic Opportunity (LEO) who administer 5 Michigan statutes and investigate on behalf of DTMB:

- **Public Act 90:** Youth Employment Standards (YESA)
- **Public Act 390:** Payment of Wages & Fringe Benefits (PWFB)
- **Public Act 337:** Improved Workforce Opportunity Wage (Min. Wage & Overtime, IWOWA)
- **Public Act 338:** Paid Medical Leave (PMLA)
- **Public Act 62:** Human Trafficking Notification (HT)
- **DTMB Prevailing Wage:** On behalf of the Department of Technology, Management & Budget (DTMB)

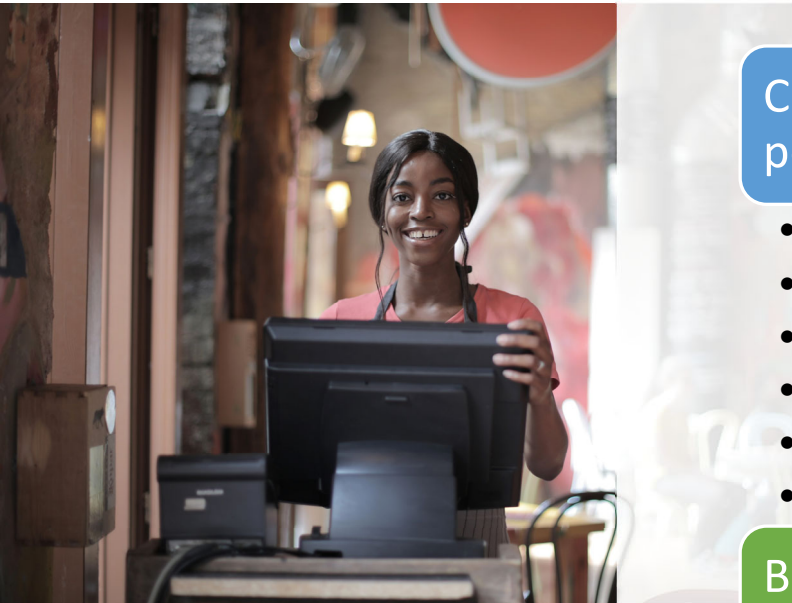


Mission

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.

Youth Employment Standards

Youth Employment Standards Act



Covers all Michigan employers who employ minors, people under 18 years old, and in general it:

- 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

Businesses covered by the federal Fair Labor Standards Act (FLSA) must follow the stricter standard

Minimum Age and Work Permits

Minimum age
(in general) is
14 -
exceptions:

- **11 to 13** referees or umpires, golf caddies, and bridge caddies
- **13** trap setters for shooting events

Non-exempt minors require work permit at work location

Work permit is employer specific

Permit valid if continuously employed; new issuance if break in service or turns 16

Permit 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

Work Permits

Completed in full

Issued in person or school may establish an alternative electronic process

Minors under the age of 16 years landscape orientation

Minors aged 16 and 17 years old 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

Name of Minor:	Address:			City:	ZIP:
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:	School Status (check one): [] In school [] home schooled [] online/cyber/virtual [] Not Attending			Type of Business (i.e. fast food, retail sales):	
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)	Title:				

Section III: To be Completed by School's Issuing Officer - Must

This is to certify that:
 (1) this form was properly completed,
 (2) listed job duties are compliant with state and federal laws and regulations,
 (3) listed hours are compliant with state and federal laws and regulations,
 (4) this form was signed by employer,
 (5) I authorize the issuance of this work permit.

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.

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

Name of Minor:	Address:			City:	ZIP:
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 address to return approved form:	
Name of School (present or last attended):	Address:			City:	ZIP:
Last Grade Completed:	School Status (check one): [] In school [] home schooled [] online/cyber/virtual [] Not Attending			Type of Business (e.g., fast food, retail sales):	
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 No more than 24 hours when school is in session and 48 hours when school is not in session	
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,
 (3) listed hours are compliant with state and federal laws and regulations,
 (4) this form was signed by employer,
 (5) I authorize the issuance of this work permit.

Evidence of Age Confirmed by (issuing officer checks one): [] Yes [] No

Number of Work Hours Per Week When School is in Session: _____



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 p.m. or sunset.

Alcoholic Beverage Restrictions

Minors may not work in an establishment where alcohol sales are 50% or more of total sales.

14- and 15-year-olds may not work where alcohol is consumed or sold for consumption on the premises.

Selling and serving alcohol is regulated by the Liquor Control Commission.



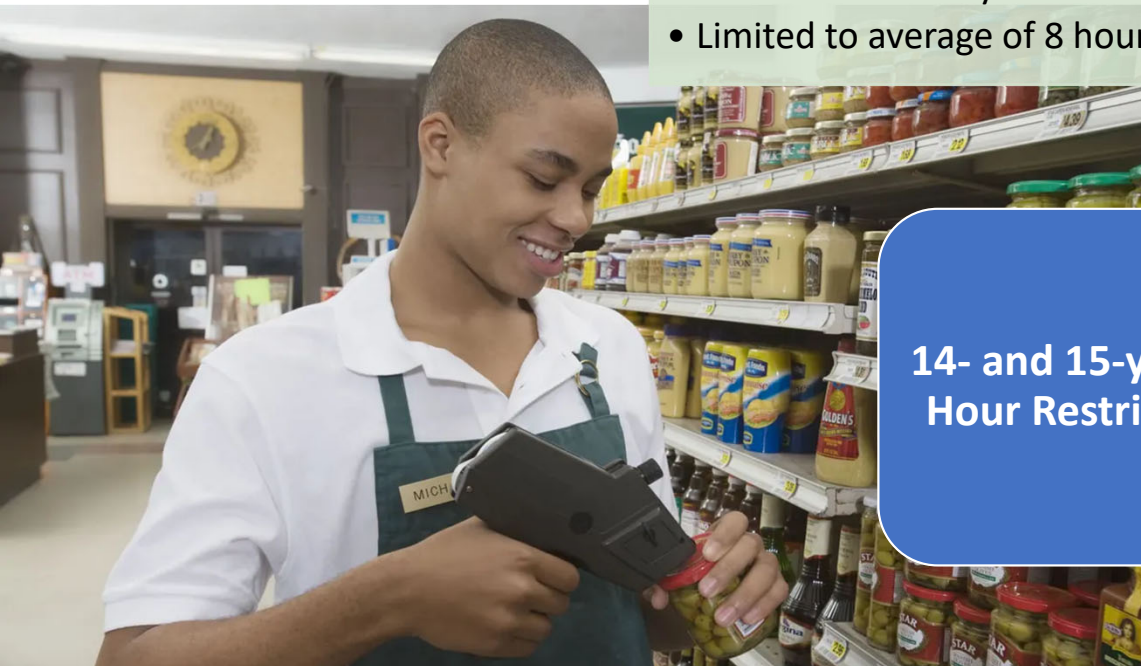
Hours of Employment

For All Minors:

- No work during school hours
- 30-minute break before exceeding 5 hours
- No more than 10 hours per day
- Maximum of 6 days in a workweek
- Limited to average of 8 hours per day in 1 week

14- and 15-year-old Hour Restrictions:

- 48 hours school & work combined per workweek
- Before 7 a.m. or after 9 p.m.
- Federal law has some stricter standards



Hours of Employment

16- and 17-year-old Minors Hour Restrictions:

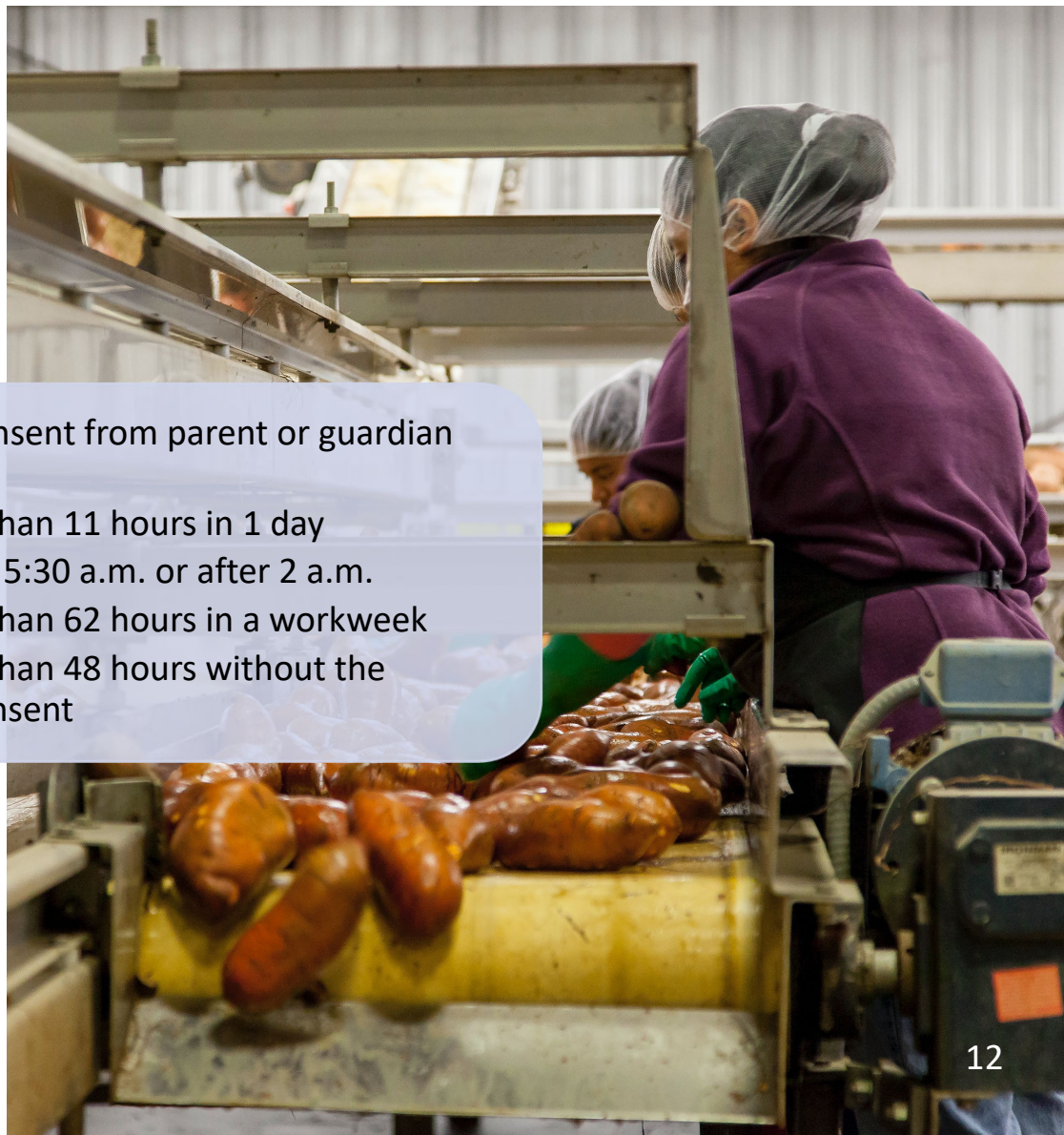
- 24 hours per workweek when school is in session
- 48 hours per workweek when school is not in session
- Before 6 a.m. or after 10:30 p.m.
 - Sunday through Thursday when in school
- Before 6 a.m. or after 11:30 p.m.
 - Friday & Saturday and when not in school



Hours of Employment

Agricultural Processing Hours for 16- and 17-year-old Minors When School is Not in Session:

- Written consent from parent or guardian required
- Not more than 11 hours in 1 day
- Not before 5:30 a.m. or after 2 a.m.
- Not more than 62 hours in a workweek
- Not more than 48 hours without the minor's consent



Hours Deviations

Applies to 16-
and 17-year old
minors only

Deviation from
beginning and
ending time
standards only

Applications are online and must be completed in full

Electronic submission is preferred to leo-yesadeviation@michigan.gov

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

Hazardous Occupations

A minor may not be employed in any hazardous or injurious occupations 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)

Please see the [Work Activities Prohibited or Restricted by Law or Administrative Rule](#) table for quick reference.

Hazardous deviation possible under limited circumstances.

Federally covered employers are subject to the Fair Labor Standards Act hazardous occupation orders listed in the [USDOL Child Labor Bulletin 101](#).

Federal Hazardous Occupation Orders

Copied verbatim for informational purposes from the USDOL's Child Labor Bulletin 101: [USDOL Child Labor Bulletin 101](#). For more details, please visit youthrules.gov or contact the USDOL, Wage & Hour Division.

HO 1	Manufacturing and storing of explosives
HO 2	Motor-vehicle driving and outside helper on a motor vehicle
HO 3	Coal mining
HO 4	Occupations in forest fire fighting, forest fire prevention, timber tract operations, forestry service, logging, and sawmilling
HO 5*	Power-driven woodworking machines
HO 6	Exposure to radioactive substances
HO 7	Power-drive hoisting apparatus, including forklifts
HO 8*	Power-driven metal-forming, punching, and shearing machines
HO 9	Mining, other than coal mining

Federal Hazardous Occupation Orders

Copied verbatim for informational purposes from the USDOL's Child Labor Bulletin 101: [USDOL Child Labor Bulletin 101](#). For more details, please visit [youthrules.gov](#) or contact the USDOL, Wage & Hour Division.

HO 10*	Operating power-driven meat processing equipment, including meat slicers and other food slicers, in retail establishments (such as grocery stores, restaurant kitchens and delis) and wholesale establishments, and most occupations in meat and poultry slaughtering, packing, processing, or rendering
HO 11	Power-driven bakery machines including vertical dough or batter mixers
HO 12*	Power-driven balers, compactors, and paper processing machines
HO 13	Manufacturing bricks, tile, and kindred products
HO 14*	Power-driven circular saws, bandsaws, chain saws, guillotine shears, woodchippers, and abrasive cutting discs.
HO 15	Wrecking, demolition, and shipbreaking operations
HO 16*	Roofing operations and all work on or about a roof
HO 17*	Excavation operations
*These HOs provide limited exemptions for 16- and 17-year-olds who are bona-fide student-learners and apprentices (see pages 24-25 of the USDOL Child Labor Bulletin 101).	



Hazardous Deviations

Applies to 16-
and 17-year old
minors only

Must not be a federally covered business

Consideration given only when it is in the minor's best interest, proper training is provided, and there is protection of the minor's health, safety, and well-being

Performing Arts Authorizations

Minors 15 days or older

Print, media, modeling,
motion pictures,
productions, such as
television, radio, and
theatrical, or
musical performances

Medical verification from a
doctor for minors under 6
years of age

Recommendation letter
from school or teacher for
school-aged children

All deviations are obtained through the Wage and Hour Division and are either approved or denied. If approved, may be revoked for noncompliance. Denials and revocations may be appealed.





PUBLIC ACT 90

Exemptions

Individual exemptions include, but are not limited to:

- 16- or 17-year-old minor who has graduated from high school
- 17-year-old minor who 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

Occupational exemptions include, but are not limited to:

- 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

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



Enforcement

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 violations which carry higher penalties)

Potential enforcement referrals:

- School district(s)
- County prosecutor
- State attorney general
- USDOL, Wage and Hour
- Workers' Disability Compensation Agency
- Liquor Control Commission

Wages



Wages

- Paid in accordance with the agreement
- Agreement must be at least minimum wage:
 - **\$4.25/hour** 16- to 19-year-old training wage for 90 days
 - 16- to 17-year-old subminimum wage equal to 85% of minimum wage: **currently \$8.59/hour**
 - **\$10.10/hour current** minimum wage which will increase to \$10.33/hour on January 1, 2024, if the state's 2023 unemployment rate averages less than 8.5%
 - Tipped employees may be paid 38% of minimum wage, **\$3.84/hour currently**, if tips are reported in writing equal to minimum wage
- Overtime, **1½ times regular pay rate**, for hours over 40 in a 7-day workweek

Wages

- Paid regularly with a retainable check stub (weekly, biweekly, semimonthly, or monthly)
- Paid by US currency, negotiable check, direct deposit, or payroll debit card.
- Paid free of deductions unless permitted:
 - By law
 - Court ordered garnishment
 - Collective bargaining agreement
 - Employee signed written consent
 - Under clerical error overpayment conditions



Fringe Benefits

Fringe Benefits



- **Payment of Wages and Fringe Benefits Act** requires vacation pay, sick pay, holiday pay, bonuses, and authorized expenses be paid in accordance with written contracts or written policies
- **Paid Medical Leave Act (PMLA)** provides for accrual and usage of leave for medical reasons and illness
- **The PMLA does not apply to individuals:**
 - Under the age of 18
 - Who average less than 25 hours per workweek in the preceding calendar year
 - Age 18-19 the first 90 days of employment

Recent Court Rulings Regarding Adopt & Amend

- Impact the Improved Workforce Opportunity Wage Act (IWOWA-minimum wage law) and Paid Medical Leave Act (PMLA).
- Adoption of the 2018 ballot initiatives and subsequent amendments by the 2018 legislature was ruled unconstitutional by the Michigan Court of Claims on 7/19/2022.
- Michigan Court of Claims decision was appealed and the Michigan Court of Appeals reversed it on 1/26/2023.
- Michigan Court of Appeals decision was appealed on 2/10/2023 and is pending at the Michigan Supreme Court





Recent Court Rulings Regarding Adopt & Amend

- Potential minimum wage increase and expansion of eligibility, accrual, and use of paid sick leave.
- The adopted version of the IWOWA may be found in the legislature's archives at [mcl-Act-337-of-2018.pdf \(mi.gov\)](https://www.legislature.mi.gov/doc.aspx/mcl-act-337-of-2018.pdf).
- The adopted version of the Earned Sick Time Act (it was amended to the Paid Medical Leave Act) may be found in the legislature's archives at [mcl-Act-338-of-2018.pdf \(mi.gov\)](https://www.legislature.mi.gov/doc.aspx/mcl-act-338-of-2018.pdf).
- The situation is fluid and available updates will be posted at [michigan.gov/wagehour](https://www.michigan.gov/wagehour).

Human Trafficking Notification

Human Trafficking Notification

Requires conspicuous, public posting of a human trafficking notification in English and Spanish at the following entities:

- Public rest stops and welcome facilities
- Public bus and rail transportation stations
- Public airports
- Adult entertainment establishments
- Court declared public nuisance properties



The notification is also available in the following languages:

- Arabic
- Bengali
- Bosnian
- Chinese Traditional Cantonese
- Chinese Simplified Mandarin
- Hmong
- Polish
- Ukrainian

Recordkeeping, Resources, and Services



Recordkeeping

Maintain records for 3 years:

- Employee name, address, birthdate, occupation, and rate of pay
- Daily time records with starting and ending shift and 30-minute break times to the nearest 10th of an hour or smaller increment
- Total hours worked each pay period
- Total wages paid each pay period along with an itemization of deductions
- Itemization of fringe benefits including written agreements and paid medical leave taken
- Signed, dated tip statements each pay period
- Signed, written deduction authorizations

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

State Contact Information

**Michigan
Department of Labor &
Economic Opportunity,
Wage and Hour
Division**
michigan.gov/wagehour

Lansing:

- 530 W. Allegan Street
PO Box 30476
Lansing, MI 48909-7976
- 517-284-7800
- Toll-Free: 855-4MI-WAGE (855-464-9243)

Federal Contact Information

**United States
Department of Labor,
Wage and Hour
Division**
dol.gov/whd

Nationally Toll-Free:

- 866-4US-WAGE (866-487-9243)

Detroit:

- 5700 Crooks Road, Room 310
Troy, MI 48098-2809
- 313-309-4500

Grand Rapids:

- 800 Monroe Avenue, NW, Suite 315
Grand Rapids, MI 49503-1451
- 616-456-2004