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Youth Employment Standards Act 90 of 1978

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MICHIGAN'S WAGE & HOUR
Joint webinar with USDOL



Wage and Hour Division

Currently 26 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.



DISCLAIMER

Wage & 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.*

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





Exemptions

Individual exemptions include, but are not limited to:

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

Exemptions

Minimum Age and Work Permits

- **Minimum age for employment is 14 with few exceptions:**
 - **11 to 13** may work as referees or umpires, golf caddies, and bridge caddies.
 - **13** may set traps for shooting events.
- Non-exempt minors require a work permit on file at work location.
- A work permit is employer specific.

- Permit valid if continuously employed; new issuance if break in service or turns 16.
- Permit should be 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:				Type of Business (i.e. fast food, retail sales):	
School Status (check one): [] in school [] home schooled [] online/cyber/virtual [] Not Attending					
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)					

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.

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Last Grade Completed:				Type of Business (e.g., fast food, retail sales):	
School Status (check one): [] in school [] home schooled [] online/cyber/virtual [] Not Attending					
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, and (3) this form was signed by employer, and (4) I authorize the issuance of this work permit.			Evidence of Age Confirmed by (issuing officer checks one):		Number of Work Hours Per Week When School is in Session:



Work Permits

Who needs a work permit, including summer:

- Minors under the age of 18 are required to have a work permit prior to starting work.
- Minors under the age of 18 cannot be employed or permitted to work, with or without pay, or volunteer until the person, company, business, firm or corporation proposing to employ the minor obtains and keeps on file at the minor's place of employment (work location) a current and valid age-appropriate work permit, which has been issued by a state of Michigan issuing officer of the school district, intermediate school district, public school academy or nonpublic school prior to starting work.

Work Permits

How to obtain a work permit:

- **Work permits can be obtained from the designated school issuing officer (the chief administrator of a school district, intermediate school district etc.) the minor attends or the school district where the minor will be employed.**
- The minor first must submit a CA-6 or CA-7 to a state of Michigan school district, intermediate school district, public school academy or nonpublic school official designated as an issuing officer and provide one of the following acceptable forms of evidence of age:
- A certified copy of birth record or other proof of age showing the place and date of birth
- A certified copy of valid operator's license issued by this state showing date of birth
- The school record or the school census record
- The sworn statement of minor's parent/guardian and statement from physician

Work Permits

- **If a minor comes from another state to work in Michigan, the minor should bring a certified birth certificate and an unofficial transcript** from the out-of-state school attended which includes the school's complete name, address, city, state, zip code, county and telephone number.
- **Minors seeking employment who are homeschooled shall be issued a work permit by the state of Michigan issuing officer** of the school district, intermediate school district, public school academy, or nonpublic school in which the minor's residence or prospective employer is located.
 - The minor must present a signed, written statement from the parent or guardian, as the instructor of record, indicating how many hours per week the student is being homeschooled (Nonpublic and Home School information). The state of Michigan issuing officer will attach the parent/guardian statement to the work permit and keep a copy of the statement with their copy of the work permit filed at the school.

Work Permits

- The minor and parent/guardian must complete Section I of the work permit in its entirety (all areas must be completed).
- After completing Section I, the minor then takes the work permit to the employer. The employer must complete Section II of the work permit, in its entirety; all areas must be completed including listing all work the minor will be performing, equipment and/or tools minor will use, starting and ending hours to be worked, number of days per week to be worked and number of hours per days to be worked, etc.



Work Permits

- The minor must submit the work permit, after the employer has completed Section II, to a state of Michigan school district, intermediate school district, public school academy or nonpublic school official designated issuing officer for review and to complete section III.
- The issuing officer must copy the work permit and place the work permit in the minor's permanent school file and return the original work permit to the minor.
- The minor must give the original work permit (after the designated official issuing officer has reviewed and approved by signing and dating) to the employer prior to start of work which is kept on file at the minor's place of employment.
- If the minor changes jobs with a new employer a new work permit is required for the new employer prior to beginning work.
- **A work permit may be revoked by the school for poor academic performance.**

Work Permits

Download a work permit

- [CA-6 Work Permit](#) for minor under 16 years of age
- [CA-7 Work Permit](#) for minor 16 to 17 years of age
- [Standards for Issuance of Work Permits](#)

Permit Distinctions:

The amended act eliminates the use of yellow and pink colored permits for certain age groups. Act 90 now distinguishes work permits for youth under age 18 as follows:

- Minors 16 and 17 years old-the work permit must be formatted and printed in portrait orientation.
- Minors under 16 years old-the work permit must:
 - i. clearly **indicate the minor is under 16 years of age** and
 - ii. be formatted and printed in **landscape orientation**.



Adult Supervision

- Minors may not be employed without adult supervision.
- Adult supervisors 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 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 in where alcohol is consumed or sold for consumption on the premises.
- Minors may not sell or serve alcohol under Liquor Control Commission regulations.



Hours of Employment



For all minors:

- No work during the minor's required 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- to 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 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 and Saturday and when not in school

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



Hours Deviations

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.
- Employer must maintain separate written parental or guardian consent.

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 occupation 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)

Hazardous Occupations

- 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 which can be found at youthrules.gov.





Hazardous Deviations

Hazardous Deviation:

- 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 Authorization

- Applies to minors 15 days or older engaged in print or other media, modeling, motion pictures, other productions, such as television, radio, and theatrical, or musical performances.
- Requires medical verification from a doctor for minors under 6 years of age.
- 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.





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 to include 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, 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

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)

Questions?

Thank you.
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