

CHAPTER 409. YOUTH EMPLOYMENT

THE HITTLE JUVENILE EMPLOYMENT ACT
Act 157 of 1947

409.1-409.30 Repealed. 1978, Act 90, Eff. June 1, 1978.

YOUTH EMPLOYMENT STANDARDS ACT
Act 90 of 1978

AN ACT to provide for the legal employment and protection of minors; to provide for the issuance and revocation of work permits; to provide for the regulation of hours and conditions of employment of minors; to prescribe powers and duties of the departments of labor and education; to provide for the enforcement of this act; to prescribe penalties; and to repeal certain acts and parts of acts.

History: 1978, Act 90, Eff. June 1, 1978.

The People of the State of Michigan enact:

409.101 Short title.

Sec. 1. This act shall be known and may be cited as the "youth employment standards act".

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of bureau of worker's and unemployment compensation within department of consumer and industry services; transfer of powers and duties of bureau of worker's compensation and unemployment agency to bureau of worker's and unemployment compensation; transfer of powers and duties of director of bureau of worker's compensation and director of unemployment agency to director of bureau of worker's and unemployment compensation; and, transfer of powers and duties of wage and hour division of worker's compensation board of magistrates to bureau of worker's and unemployment compensation, see E.R.O. No. 2002-1, compiled at MCL 445.2004 of the Michigan Compiled Laws.

For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.102 Definitions.

Sec. 2. As used in this act:

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

(b) "Employer" means a person, firm, or corporation that employs a minor, and includes the state or a political subdivision of the state, an agency or instrumentality of the state, and an agent of an employer.

(c) "Issuing officer" means the chief administrator of a school district, intermediate school district, public school academy, or nonpublic school, or a person authorized by that chief administrator in writing to act on his or her behalf.

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

(e) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: 1978, Act 90, Eff. June 1, 1978;—Am. 1996, Act 438, Imd. Eff. Dec. 18, 1996.

Compiler's note: For creation of bureau of worker's and unemployment compensation within department of consumer and industry services; transfer of powers and duties of bureau of worker's compensation and unemployment agency to bureau of worker's and unemployment compensation; transfer of powers and duties of director of bureau of worker's compensation and director of unemployment agency to director of bureau of worker's and unemployment compensation; and, transfer of powers and duties of wage and hour division of worker's compensation board of magistrates to bureau of worker's and unemployment compensation, see E.R.O. No. 2002-1, compiled at MCL 445.2004 of the Michigan Compiled Laws.

For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.103 Employment of minor; prohibited occupations; minimum age; exceptions and limitations.

Sec. 3. (1) A minor shall not be employed in, about, or in connection with an occupation that is hazardous or injurious to the minor's health or personal well-being or that is contrary to standards established under this act, unless a deviation is granted under section 20.

(2) The minimum age for employment of minors is 14 years, subject to the following exceptions and limitations:

(a) A minor at least 11 years of age and less than 14 years of age may be employed as a youth athletic program referee or umpire for an age bracket younger than his or her own age if an adult representing the

athletic program is on the premises at which the athletic program event is occurring and a person responsible for the athletic program possesses a written acknowledgment of the minor's parent or guardian consenting to the minor's employment as a referee or umpire.

(b) A minor 11 years of age or older may be employed as a golf caddy.

(c) A minor 13 years of age or older may be employed in farming operations as described in section 4(3).

(d) A minor 11 years of age or older may be employed as a bridge caddy at any event sanctioned by the American contract bridge league or other national bridge league association.

(e) A minor 13 years of age or older may be employed to perform services which entail setting traps for formal or informal trap, skeet, and sporting clays shooting events.

History: 1978, Act 90, Eff. June 1, 1978;—Am. 1987, Act 71, Imd. Eff. June 29, 1987;—Am. 1997, Act 132, Imd. Eff. Nov. 14, 1997.

Compiler's note: For creation of bureau of worker's and unemployment compensation within department of consumer and industry services; transfer of powers and duties of bureau of worker's compensation and unemployment agency to bureau of worker's and unemployment compensation; transfer of powers and duties of director of bureau of worker's compensation and director of unemployment agency to director of bureau of worker's and unemployment compensation; and, transfer of powers and duties of wage and hour division of worker's compensation board of magistrates to bureau of worker's and unemployment compensation, see E.R.O. No. 2002-1, compiled at MCL 445.2004 of the Michigan Compiled Laws.

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For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.104 Employment of minor; copy of work permit or temporary permit required; issuance and filing of work permit; duration of temporary permit; oath; return of permit; exception to work permit requirement; evidence of age; exception in subsection (3) inapplicable to other provisions.

Sec. 4. (1) Except as provided in subsection (3), a minor shall not be employed in an occupation regulated by this act until the person proposing to employ the minor procures from the minor and keeps on file at the place of employment a copy of the work permit or a temporary permit. The work permit shall be issued by the issuing officer of the school district, intermediate school district, public school academy, or nonpublic school at which the minor is enrolled, and a copy of the work permit shall be placed in the minor's permanent school file for as long as the minor is employed. A temporary permit is valid for 10 days from the date of issue. A work permit may be issued by the school district in which the minor's place of employment is located, or by the public school academy or nonpublic school nearest that place of employment. An issuing officer may administer oaths in relation to work permits.

(2) Immediately after the termination of the minor's employment, the employer shall return the permit to the issuing officer.

(3) The work permit requirement of subsection (1) does not apply to any of the following:

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

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

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

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

History: 1978, Act 90, Eff. June 1, 1978;—Am. 1987, Act 71, Imd. Eff. June 29, 1987;—Am. 1996, Act 438, Imd. Eff. Dec. 18, 1996;—Am. 2010, Act 221, Imd. Eff. Dec. 9, 2010;—Am. 2011, Act 80, Imd. Eff. July 12, 2011.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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409.105 Work permit; application; examination, approval, and filing of papers.

Sec. 5. An issuing officer shall issue a work permit on an application by the minor desiring employment and after the following papers have been examined, approved, and filed:

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

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

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

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

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

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

(v) If documentary proof as described in subparagraphs (i) to (iv) is not obtainable, the issuing officer may accept other documentation as established by department of education rules.

History: 1978, Act 90, Eff. June 1, 1978;—Am. 2020, Act 323, Eff. Mar. 24, 2021.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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409.106 Work permit; form; color; contents; rules.

Sec. 6. (1) A work permit must be issued in the form prescribed by the department of education in cooperation with the department of labor and economic opportunity and in accordance with instructions so prescribed. A work permit issued to a minor under 16 years of age must clearly indicate on the work permit that the minor is under 16 years of age. A work permit must state the name and address of the minor, the date of birth, the occupation and industry in which the minor is employed, the employer's name and address, and other information required by the department of education.

(2) The department of education shall promulgate rules prescribing standards for the issuance of work permits, which must include the following factors:

(a) Evidence of age.

(b) Standards of work as established by the department of labor and economic opportunity and federal regulation.

(c) Statutory requirements.

(3) A fee must not be charged for a work permit or other record required by this act.

History: 1978, Act 90, Eff. June 1, 1978;—Am. 2020, Act 323, Eff. Mar. 24, 2021.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

Administrative rules: R 340.186 et seq.; R 408.201 et seq.; R 409.1 et seq.; and R 423.401 et seq. of the Michigan Administrative Code.

409.107 Revocation of permit; factors; record of refusal, suspension, or revocation; informing minor of appeal process.

Sec. 7. (1) The issuing officer may revoke a permit based solely on the following factors:

(a) Poor school attendance, characterized by repeated erratic or unexcused absences, which results in consistent performance of school work at a level lower than that which preceded the minor's employment. The work permit shall be revoked only after the permit has been suspended. The suspension shall take place upon notice to the minor and the employer, and an opportunity to correct the deficiency is afforded. The suspension

shall not exceed 30 days after date of notification.

(b) The minor's employment is in violation of federal or state law or of a regulation or rule promulgated under federal or state law, and the issuing officer is informed of the violation by the department of labor.

(2) The issuing officer shall keep a record of each refusal, suspension, or revocation and the reasons for the action. Upon revocation, the minor shall be informed of the appeal process and shall be given instructions as to the initiation of an appeal.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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409.108 Failure or refusal to issue work permit; appeal; procedure.

Sec. 8. The failure or refusal of the issuing officer to issue a work permit may be appealed in accordance with Act No. 306 of the Public Acts of 1969, as amended, by the minor or by the parent or guardian of the minor applying therefor, or by the person or agency to whom custody of the minor has been awarded. An appeal may be taken in the same manner from the revocation of a permit.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.109 Work permit as evidence of age.

Sec. 9. A work permit issued in accordance with this act shall be conclusive evidence of the age of the minor for whom issued in a proceeding involving the employment of the minor under this act.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.110 Minor under 16 years; days and hours of employment.

Sec. 10. A minor under 16 years shall not be employed in an occupation subject to this act for more than 6 days in 1 week, nor for a period longer than a weekly average of 8 hours per day or 48 hours in 1 week, nor more than 10 hours in 1 day. The minor shall not be employed between the hours of 9 p.m. and 7 a.m. A minor who is a student in school shall not be employed more than a combined school and work week of 48 hours during the period when school is in session.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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409.111 Minor 16 years or older; days and hours of employment; definitions.

Sec. 11. (1) Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older in an occupation subject to this act for more than any of the following periods:

- (a) Six days in 1 week.
- (b) An average of 8 hours per day in 1 week.
- (c) Ten hours in 1 day.
- (d) Subject to subdivision (e), 48 hours in 1 week.

(e) If the minor is a student in school and school is in session, 24 hours in 1 week.

(2) Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older between 10:30 p.m. and 6 a.m. However, except as provided in subsection (3), a person may employ a minor 16 years of age or older who is a student in school until 11:30 p.m. on any of the following days:

(a) On Fridays and Saturdays.

(b) During school vacation periods.

(c) During periods when the minor is not regularly enrolled in school.

(3) A person may employ a minor 16 years of age or older in farming operations involved in the production of seed or in agricultural processing for a period greater than the periods described in subsections (1) and (2) if all of the following conditions are met:

(a) If the minor is a student in school, the period greater than the periods described in subsections (1) and (2) occurs when school is not in session.

(b) The minor is employed for not more than 11 hours in 1 day.

(c) The minor is employed for not more than 62 hours in any week. However, the employer shall not require the minor to work more than 48 hours during any week without the consent of the minor.

(d) The minor is not employed between 2 a.m. and 5:30 a.m.

(e) The agricultural processing employer maintains on file a written acknowledgment of the minor's parent or guardian consenting to the period of employment authorized under this subsection.

(4) As used in this section:

(a) "Agricultural processing" means the cleaning, sorting, or packaging of fruits or vegetables.

(b) "Farming operations involved in the production of seed" means farming activities and research involved in the production of seed, including plant detasseling, hand-pollination, roguing, or hoeing, and any other similar farming activity required for commercial seed production.

History: 1978, Act 90, Eff. June 1, 1978;—Am. 1995, Act 251, Eff. Mar. 28, 1996;—Am. 1996, Act 499, Imd. Eff. Jan. 9, 1997;—Am. 2000, Act 418, Imd. Eff. Jan. 8, 2001;—Am. 2011, Act 197, Imd. Eff. Oct. 18, 2011.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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409.112 Meal and rest period.

Sec. 12. A minor shall not be employed for more than 5 hours continuously without an interval of at least 30 minutes for a meal and rest period. An interval of less than 30 minutes shall not be considered to interrupt a continuous period of work.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.112a Employment of minor in occupation involving a cash transaction after sunset or 8 p.m. at fixed location; condition.

Sec. 12a. A minor who would otherwise be permitted under this act to be employed in an occupation subject to this act shall not be employed in an occupation that involves a cash transaction subject to this act after sunset or 8 p.m., whichever is the earlier, at a fixed location unless an employer or other employee 18 years of age or older is present at the fixed location during those hours.

History: Add. 1980, Act 436, Eff. Mar. 31, 1981.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.113 Posting copy of MCL 409.110, 409.111, and 409.112; time record.

Sec. 13. (1) Each employer shall keep posted conspicuously in or about the premises at which a minor is employed, a printed copy of sections 10, 11, and 12 as furnished by the department.

(2) Each employer shall keep in or about the premises at which a minor is employed, an adequate time record which shall state the number of hours worked by the minor each day of the week together with starting and ending times and other information the department of labor requires. The employer shall keep the record on file for not less than 1 year.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.114 Employment of minor in performance by performing arts organization; approval.

Sec. 14. This act shall not prevent a minor from being employed in a performance by any performing arts organization if a letter of approval is obtained from the department of labor by the representative of the arts organization. Approval shall be issued only if the department of labor determines that the employment is not detrimental to the health or personal well-being of the minor, that the minor is adequately supervised, and that the minor's education is not neglected.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.114a Performing in or being subject to child abusive commercial activity.

Sec. 14a. Except as provided in section 14, a minor shall not perform in or be a subject of a child abusive commercial activity as defined in section 145c of Act No. 328 of the Public Acts of 1931, being section 750.145c of the Michigan Compiled Laws.

History: Add. 1978, Act 228, Imd. Eff. June 14, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.115 Employment of minor in establishment manufacturing, distributing, or selling alcoholic beverages.

Sec. 15. (1) A work permit must not be issued authorizing the employment of a minor 16 years of age or older in, about, or in connection with that part of an establishment where alcoholic beverages are distilled, rectified, compounded, brewed, manufactured, bottled, consumed, sold at retail, or sold for consumption on the premises unless the sale of food or other goods constitutes at least 50% of the total gross receipts.

(2) This act does not prohibit the issuance of work permits for 14- and 15-year-olds to be employed in establishments where alcoholic beverages are sold at retail, if the sale of food or other goods constitutes at least 50% of the total gross receipts of the establishment. Minors 14 and 15 years of age must not be employed in, about, or in connection with that part of the establishment where alcoholic beverages are consumed or sold for consumption on the premises.

History: 1978, Act 90, Eff. June 1, 1978;—Am. 2022, Act 123, Imd. Eff. June 29, 2022.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.116 Exemption; minor 16 years of age completing requirements for graduation or high school equivalency; minor 17 years of age passing general educational development test; duty of employer.

Sec. 16. (1) This act does not apply to or prohibit the employment of a minor 16 years of age or older who has completed the requirements for graduation from high school or obtained a high school equivalency certificate. An employer, before employing the minor, shall obtain and keep on file a certification from the school the minor attended certifying that the minor has completed the requirements for graduation or a copy of the high school equivalency certificate.

(2) This act does not apply to or prohibit the employment of a minor 17 years of age or older who has successfully passed the general educational development test. An employer, before employing the minor, shall obtain and keep on file proof of the minor's successful completion.

History: 1978, Act 90, Eff. June 1, 1978;—Am. 2014, Act 144, Imd. Eff. June 3, 2014.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.117 Exemption; emancipated minor; duty of employer.

Sec. 17. This act shall not apply to nor prohibit the employment of an emancipated minor, as defined by section 4 of Act No. 293 of the Public Acts of 1968, as amended, being section 722.4 of the Michigan Compiled Laws. An employer, before employing the minor, shall obtain and keep on file proof of the minor's emancipated status.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.118 Exemption; minor 14 years of age employed under agreement or contract between employer and governing body of school district, public school academy, or nonpublic school.

Sec. 18. This act does not apply to or prohibit the employment of a student minor 14 years of age or older by an employer if a written agreement or contract is entered into between the employer and the governing body of the school district, public school academy, or nonpublic school at which the minor is enrolled. The employment shall not be in violation of a federal statute or regulation and a signed copy of the agreement shall be on file in the place of employment before the minor begins employment.

History: 1978, Act 90, Eff. June 1, 1978;—Am. 1996, Act 438, Imd. Eff. Dec. 18, 1996.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.118a Act inapplicable to minor as ice hockey player for junior hockey team.

Sec. 18a. This act does not apply to a minor in his or her capacity as an ice hockey player for a junior ice hockey team that is a member of a regional, national, or international junior ice hockey league.

History: Add. 2017, Act 244, Eff. Mar. 21, 2018.

409.119 Exemptions generally; hours of work.

Sec. 19. (1) This act shall not apply to or prohibit a minor from engaging in any of the following activities:

(a) Domestic work or chores in connection with a private residence.

(b) Soliciting, distributing, selling, or offering for sale newspapers, magazines, periodicals, political, or

advertising matter.

(c) Shoe shining.

(d) Services performed as a member of a recognized youth oriented organization that is engaged in citizenship training and character building, if the services are not intended to replace employees in occupations for which workers are ordinarily paid.

(e) Employment in a business owned and operated by the parent or guardian of the minor. For the purposes of this subdivision, a business is considered to be owned by the parent or guardian of the minor if the parent or guardian is either the sole owner, partner, or stockholder in the business and a business is considered to be operated by the parent or guardian of the minor if he or she devotes substantially all of his or her working hours to the operation of the business.

(f) Farm work if the employment is not in violation of a standard established by the department of labor and economic growth. Farm work means the work activity designated in sector 11 - agriculture, forestry, fishing, and hunting, of the North American industry classification system - United States, 1997, published by the office of management and budget. 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.

(g) Employment by a school, academy, or college in which the minor is enrolled if the minor is 14 years old or older.

(h) Nonhazardous construction work or operations performed as an unpaid volunteer, if the construction work or operations are performed under adult supervision for a charitable housing organization. As used in this subdivision:

(i) "Charitable housing organization" means a nonprofit charitable organization the primary purpose of which is the construction or renovation of residential housing for low-income individuals.

(ii) "Family income" and "statewide median gross income" mean those terms as defined in section 11 of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1411.

(iii) "Low-income person" means a person with a family income of not more than 60% of the statewide median gross income.

(iv) "Nonhazardous construction work or operations" means construction work or operations that are performed at a construction site of a new or renovated single family home and do not involve the use of power tools, woodworking machinery, or hazardous substances or other activities that would constitute a great risk of serious injury. Activities that would constitute a great risk of serious injury include, but are not limited to, all of the following:

(A) Excavation.

(B) Highway, bridge, or street construction.

(C) Wrecking.

(D) Demolition.

(E) New commercial or new multiple residential construction.

(2) If a minor is required by law to attend school, the work may only be performed outside of school hours, unless the minor is enrolled and employed under a work-related educational program.

History: 1978, Act 90, Eff. June 1, 1978;—Am. 2003, Act 288, Imd. Eff. Jan. 8, 2004.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.120 Rules; deviations.

Sec. 20. (1) The department of labor shall promulgate rules prescribing standards not inconsistent with this act as to the working conditions, safety, health and personal well-being of minors in various types of employment.

(2) Deviations from established standards or from hours by employment shall be granted by the director of labor when it is determined to be in the best interests of the minor and the community. The procedures for applying and issuing deviations shall be prescribed by the department of labor.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services,

transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

Administrative rules: R 408.6202 et seq. of the Michigan Administrative Code.

409.121 Enforcement and prosecution of act; right of entry and inspection.

Sec. 21. The department of labor shall enforce this act and assist in the prosecution of this act. The department shall have the authority to enter and inspect any place where a minor may be employed and to have access to work permits, age certificates, or other proof of age and time records of the employer, and other records which may aid in the enforcement of this act.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.122 Violation as misdemeanor or felony; penalties.

Sec. 22. (1) Except as provided in subsection (2) or (3), a person who employs a minor in violation of this act, violates this act or a rule promulgated under this act, or obstructs the department of labor in the enforcement of this act 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.

(2) A person who employs, permits, or suffers a minor in violation of section 12a is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than \$2,000.00, or both. A person who commits a second offense under section 12a is guilty of a misdemeanor, punishable by imprisonment for not more than 2 years, or a fine of not more than \$5,000.00, or both. A person who commits a third or subsequent violation of section 12a is guilty of a felony, punishable by imprisonment for not more than 10 years, or a fine of not more than \$10,000.00, or both.

(3) A person who employs, permits, or suffers a minor to be employed or to work in violation of section 14a is guilty of a felony, punishable by imprisonment for not more than 20 years, or a fine of not more than \$20,000.00, or both.

History: 1978, Act 90, Eff. June 1, 1978;—Am. 1978, Act 228, Imd. Eff. June 14, 1978;—Am. 1980, Act 436, Eff. Mar. 31, 1981.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.123 Repeal of MCL 409.1 to 409.30 and 380.1597.

Sec. 23. (1) Act No. 157 of the Public Acts of 1947, as amended, being sections 409.1 to 409.30 of the Compiled Laws of 1970, is repealed.

(2) Section 1597 of Act No. 451 of the Public Acts of 1976, being section 380.1597 of the Compiled Laws is repealed.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.124 Effective date.

Sec. 24. This act shall take effect June 1, 1978.

History: 1978, Act 90, Eff. June 1, 1978.

Compiler's note: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, Rendered Friday, January 3, 2025

transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

YOUTH EMPLOYMENT CLEARINGHOUSE ACT
Act 415 of 1978

AN ACT to create a youth employment clearinghouse within the department of labor; and to prescribe its powers and duties.

History: 1978, Act 415, Imd. Eff. Sept. 28, 1978.

The People of the State of Michigan enact:

409.201 Short title.

Sec. 1. This act shall be known and may be cited as the "youth employment clearinghouse act".

History: 1978, Act 415, Imd. Eff. Sept. 28, 1978.

409.202 Definitions.

Sec. 2. As used in this act:

(a) "Clearinghouse" means the youth employment clearinghouse created in section 3.

(b) "Department" means the department of labor.

(c) "Youth employment program" means all programs, both public and private, which are totally or partially funded with state or federal money, and which are organized for the purpose of alleviating the youth unemployment problem among youth 14 through 23 years of age.

History: 1978, Act 415, Imd. Eff. Sept. 28, 1978.

409.203 Youth employment clearinghouse; creation.

Sec. 3. There is created within the department a youth employment clearinghouse.

History: 1978, Act 415, Imd. Eff. Sept. 28, 1978.

409.204 Youth employment clearinghouse; powers and duties.

Sec. 4. The clearinghouse shall:

(a) Collect and assemble data by age, sex, race, geographic area, and other relevant characteristics on unemployed youth 14 through 23 years of age.

(b) Establish, in consultation with directors of youth employment programs, criteria for evaluating youth employment programs. The criteria shall set forth program objectives and performance standards. The criteria shall go beyond demographic data on program participants and shall include the impact of the program on participants and on the community served by the program.

(c) Collect data on and monitor on-going youth employment programs, based on the criteria developed pursuant to subdivision (b).

(d) Make evaluations of youth employment programs which combine the criteria developed pursuant to subdivision (b) and the data and other information collected pursuant to subdivision (c) to reach conclusions concerning the degree to which youth employment programs and their components have met the criteria developed pursuant to subdivision (b).

(e) Make recommendations and serve as a source of information concerning youth employment programs for the legislature, the governor, department heads, prime sponsors, program directors, and others involved in youth employment programs.

(f) Submit each January 1 an annual program plan to the legislature and governor. The program plan shall indicate the amount and nature of youth unemployment, assess the degree and nature of cooperation and coordination among public and private agencies involved in youth employment programs, recommend how problem areas may be corrected, and make recommendations concerning the funding of youth employment programs.

(g) Be responsible for the development of a program of public information which will inform youth of existing youth employment programs and educate the public and employers concerning the nature of youth unemployment problems.

History: 1978, Act 415, Imd. Eff. Sept. 28, 1978.

409.205 Requests for data and other nonconfidential information; cooperative relationships with public and private entities.

Sec. 5. (1) Units of state government and other public and private entities receiving state funds, which are sponsoring or directing youth employment programs, shall make data and other nonconfidential information available to the clearinghouse on request.

(2) The clearinghouse shall work to develop cooperative relationships with public and private entities, which sponsor or direct youth employment programs but which do not receive state funds, in order to facilitate the voluntary sharing of data and other nonconfidential information.

History: 1978, Act 415, Imd. Eff. Sept. 28, 1978.

MICHIGAN YOUTH CORPS ACT
Act 69 of 1983

AN ACT to establish the Michigan youth corps program for the purpose of providing summer employment and work training for the youth in this state; to prescribe the powers and duties of certain state officers and state departments; and to provide for penalties.

History: 1983, Act 69, Imd. Eff. June 2, 1983.

The People of the State of Michigan enact:

***** 409.221 THIS SECTION DOES NOT APPLY AFTER SEPTEMBER 30, 1986: See 409.229 *****

409.221 Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan youth corps act".

History: 1983, Act 69, Imd. Eff. June 2, 1983.

***** 409.222 THIS SECTION DOES NOT APPLY AFTER SEPTEMBER 30, 1986: See 409.229 *****

409.222 Definitions.

Sec. 2. As used in this act:

(a) "Minority" means a person who is black, hispanic, oriental, eskimo, or an American Indian who is not less than 1/4 quantum Indian blood as certified by the person's tribal association and verified by the Indian affairs commission.

(b) "Participant" means a person hired under this act who meets the eligibility criteria of section 6.

(c) "Private nonprofit organization" means a private nonprofit organization which does not as a substantial part of its activities carry on propaganda or otherwise attempt to influence legislation and which does not participate in or intervene in, including participation or intervention which involves publishing or distributing statements, any political campaign on behalf of any candidate for public office.

(d) "Recipient" means a city, village, county, township, school district, intermediate school district, university, community college, private nonprofit organization, or governmental authority, or an agency or department of a city, village, county, township, school district, intermediate school district, or a private nonprofit organization.

(e) "Resident" means an individual who has in this state the individual's true, fixed, and permanent home and principal establishment to which the individual intends to return whenever absent. An individual is a resident until the individual establishes a permanent establishment outside this state.

(f) "Service delivery areas" means the administrative entities designated by the governor under the job training partnership act, Public Law 97-300, 96 Stat. 1322.

(g) "State department" means a department created in the executive branch of state government pursuant to section 2 of article V of the state constitution of 1963, or a board, commission, agency, or other unit of state government.

(h) "Supervisor" means a person hired to supervise participants of programs operated under this act.

History: 1983, Act 69, Imd. Eff. June 2, 1983;—Am. 1984, Act 220, Imd. Eff. July 16, 1984;—Am. 1985, Act 28, Imd. Eff. June 6, 1985.

***** 409.223 THIS SECTION DOES NOT APPLY AFTER SEPTEMBER 30, 1986: See 409.229 *****

409.223 Michigan youth corps program; establishment; disbursement of implementation funds.

Sec. 3. The Michigan youth corps program is established in the department of labor. Funds to implement the program shall be disbursed to state departments as provided by law.

History: 1983, Act 69, Imd. Eff. June 2, 1983;—Am. 1984, Act 220, Imd. Eff. July 16, 1984.

***** 409.224 THIS SECTION DOES NOT APPLY AFTER SEPTEMBER 30, 1986: See 409.229 *****

409.224 Establishment of summer youth employment and work training programs by state departments; administration of grant program dispensing funds to recipients; written contract; contents; job training experience; duty of program director; identification of state elected or state appointed official prohibited.

Sec. 4. (1) With the funds disbursed as provided in section 3, each state department shall establish summer

youth employment and work training programs to accomplish that state department's programs, or shall administer on a contractual basis a grant program which dispenses funds to recipients for the purpose of establishing summer youth employment and work training programs to maintain and enhance the human and natural resources of this state, or both.

(2) A state department that administers a grant program which dispenses funds to recipients under this act shall enter into a written contract with each recipient. The contract shall contain all assurances which are considered by the department to be necessary and to be consistent with the minimum provisions specified by the Michigan youth corps program director pursuant to section 8, and shall incorporate, either directly or by reference, the provisions of the Michigan youth corps policies and procedures specified by the Michigan youth corps program director pursuant to section 8. The policies and procedures shall include, but not be limited to, an explanation of all of the following:

- (a) Purpose of the program.
- (b) Funding of the program.
- (c) Permissible and required program elements.
- (d) Wage requirements.
- (e) Duration of employment.
- (f) Michigan employment security commission referral practices.
- (g) Administrative costs.
- (h) Required interim and final reports.
- (i) Grievance procedures.
- (j) Permitted subcontracts.
- (k) Audit and performance evaluation criteria.

(3) The employment and work training programs established pursuant to this section shall provide a job training experience for youth in this state that will increase their likelihood of obtaining future employment in the private sector.

(4) The Michigan youth corps program director shall assure that services designed to assist in the transition from the Michigan youth corps program to educational or job training or to unsubsidized employment are made available under this program. These services may include, but are not limited to, career workshops and job fairs. To the greatest extent possible, the Michigan youth corps program director shall coordinate transition efforts made available under this act with federal job training program activities offered by service delivery areas.

(5) While on the job, participants shall not wear any uniforms or items of any kind containing the name or otherwise identifying any state elected or state appointed official.

History: 1983, Act 69, Imd. Eff. June 2, 1983;—Am. 1984, Act 220, Imd. Eff. July 16, 1984;—Am. 1985, Act 28, Imd. Eff. June 6, 1985.

***** 409.225 THIS SECTION DOES NOT APPLY AFTER SEPTEMBER 30, 1986: See 409.229 *****

409.225 Application for grant; review and referral; disbursement of grant to recipient.

Sec. 5. (1) A potential recipient may apply to either a state department or the director of the Michigan youth corps program for a grant under this act. The director shall review and refer qualified applications so received to the appropriate state department.

(2) A state department shall not disburse to a recipient before the beginning of the recipient's employment program more than 90% of the total grant amount determined by the department. The state department shall disburse the balance of the grant upon receipt, auditing, and approval of a report describing the recipient's use of the grant awarded under this act.

History: 1983, Act 69, Imd. Eff. June 2, 1983.

***** 409.226 THIS SECTION DOES NOT APPLY AFTER SEPTEMBER 30, 1986: See 409.229 *****

409.226 Persons hired as participants by state department or recipient under program; qualifications; prohibited hiring; certification of eligibility; payment of participants; assuring hiring of certain applicants; duties of program director and director of department of social services; hiring priority; duration of employment; uniform allowable maximum cost per participant; use of existing state department employees as supervisors; administrative expenses, nonwage-related expenses, and program expenses.

Sec. 6. (1) Persons hired as participants by a state department or a recipient under the Michigan youth corps program shall meet all of the following:

- (a) Be residents of the state.
- (b) Be not younger than 18 years of age and not older than 21 years of age on the date of application.
- (c) Be unemployed at the time of hiring.

(2) A state department or a recipient shall not hire a person as a participant or supervisor who was on the department's or recipient's payroll in a similar capacity within 30 days before being hired through an employment program established with funds received under this act.

(3) A state department or a recipient shall not hire a person as a participant or supervisor who is the son or daughter of an elected or appointed official of this state or of a city, village, county, township, school district, intermediate school district, or other governmental authority.

(4) A person who is a son or daughter of an employee of a state department or a recipient shall not be hired to work in a summer youth employment and work training program established by that department or recipient.

(5) State departments and recipients shall hire only those participants who are certified as eligible by the employment security commission.

(6) A state department or a recipient shall pay participants of an employment program established with funds disbursed from the Michigan youth corps fund according to the following:

(a) Participants, other than supervisors, shall be paid the minimum wage established by law at the time of employment.

(b) Participants who are supervisors shall be paid a temporary supervisory wage not to exceed \$5.50 per hour.

(7) Each state department and recipient and the Michigan youth corps program director shall assure that eligible minority persons, eligible persons who are members of households the heads of which are single, eligible persons who are handicapped, and equal numbers of eligible males and females, to the extent that these persons apply for the program, are hired as employees and supervisors under the Michigan youth corps program.

(8) The Michigan youth corps program director shall notify the director of the department of social services of any summer employment and work training programs established under this act. The director of the department of social services shall take any action necessary to notify all employable general assistance recipients who are eligible under this act, who are not currently assigned to employment, training, or an educational program of the summer employment and work programs established under this act.

(9) If the number of persons applying for positions in a summer employment and work training program established under this act exceeds the number of positions created, a state department or a recipient shall give priority in hiring first to those persons who are members of households the heads of which are unemployed, and then to those persons who are relatively older than other persons applying.

(10) A state department or a recipient shall not establish positions, other than supervisory positions, to last less than 6 weeks nor more than 12 weeks under this act without prior approval of the Michigan youth corps program director. A state department or a recipient shall not employ supervisors for more than 14 weeks under this act. The Michigan youth corps program director may establish a uniform allowable maximum cost per participant for all recipients of the Michigan youth corps program.

(11) A state department or a recipient shall use its existing employees as supervisors whenever possible.

(12) A state department shall not expend funds received under this act to pay for administrative expenses incurred by the state department to administer a grant program which dispenses funds to recipients. Not more than 18% of the funds distributed to a state department or a recipient may be expended for nonwage-related expenses, and not more than 8% of the 18% may be expended for administrative expenses of the state department's or recipient's own employment program. The Michigan youth corps program director, upon his or her discretion, may authorize a waiver of the 18% limitation only in case of extenuating circumstances. The balance of the funds distributed to a state department or a recipient may be expended for program expenses. As used in this section:

(a) "Administrative expenses" means general overhead expenses.

(b) "Program expenses" means all of the following:

(i) Participant and supervisory wages. Program expenses do not include participant or supervisory fringe benefits.

(ii) Worker's disability compensation costs.

(iii) Reasonable and necessary tools, supplies, and safety equipment.

(iv) Reasonable and necessary transportation expenses.

History: 1983, Act 69, Imd. Eff. June 2, 1983;—Am. 1984, Act 220, Imd. Eff. July 16, 1984;—Am. 1985, Act 28, Imd. Eff. June 6, 1985.

***** 409.227 THIS SECTION DOES NOT APPLY AFTER SEPTEMBER 30, 1986: See 409.229 *****

409.227 Adding or eliminating permanent full-time positions as result of hiring prohibited; willful violation of subsection (2).

Sec. 7. (1) Permanent full-time positions in the state classified civil service shall not be added or eliminated as a result of hiring under this act.

(2) Recipients shall not add or eliminate permanent full-time positions as a result of hiring under this act. Any willful violation of this subsection will require the recipient to fully repay any grants received from the Michigan youth corps program to the state general fund.

History: 1983, Act 69, Imd. Eff. June 2, 1983.

***** 409.228 THIS SECTION DOES NOT APPLY AFTER SEPTEMBER 30, 1986: See 409.229 *****

409.228 Michigan youth corps program director; appointment; powers and duties.

Sec. 8. (1) The governor shall appoint a Michigan youth corps program director who may adopt guidelines, promulgate rules, and take any other action to implement the program.

(2) The Michigan youth corps program director shall specify the minimum provisions to be incorporated into the contracts and Michigan youth corps policies and procedures required under section 4.

History: 1983, Act 69, Imd. Eff. June 2, 1983.

***** 409.228a THIS SECTION DOES NOT APPLY AFTER JANUARY 1, 1985 *****

409.228a Private sector advisory task force; creation; appointment of members; report.

Sec. 8a. A private sector advisory task force, consisting of 9 representatives of the private sector, shall be created. Of the 9 members, 3 shall be appointed by the governor, 3 shall be appointed by the senate majority leader, and 3 shall be appointed by the speaker of the house of representatives. Not later than January 1, 1985, the private sector advisory task force shall submit a report to the senate and house committees that have the responsibility for labor legislation regarding the feasibility of employing youth in the private sector during their participation in the Michigan youth corps program, and, if it is considered feasible, examples of how the private sector can be involved in the Michigan youth corps program. The report also shall include, but not be limited to, identification of unsubsidized employment opportunities and suggestions for services, such as career counseling, job search assistance, and job placement, designed to assist participants in the transition from the Michigan youth corps program to unsubsidized employment.

History: Add. 1984, Act 220, Imd. Eff. July 16, 1984.

Compiler's note: Section 2 of Act 220 of 1984 provides: "Section 8a shall not apply after January 1, 1985."

409.229 Nonapplicability of MCL 409.221 to 409.228.

Sec. 9. Sections 1 through 8 shall not apply after September 30, 1986.

History: 1983, Act 69, Imd. Eff. June 2, 1983;—Am. 1984, Act 220, Imd. Eff. July 16, 1984;—Am. 1985, Act 28, Imd. Eff. June 6, 1985.

409.230 Repealed. 1984, Act 220, Imd. Eff. July 16, 1984.

Compiler's note: The repealed section pertained to conditional effective date of act.

MICHIGAN CIVILIAN CONSERVATION CORPS ACT
Act 22 of 1984

AN ACT to establish the Michigan civilian conservation corps; to prescribe the powers and duties of certain state officers, agencies, and departments; to create and provide for the use of an endowment fund; and to provide for appropriations.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984;—Am. 1985, Act 30, Imd. Eff. June 6, 1985;—Am. 1994, Act 394, Imd. Eff. Dec. 29, 1994;—Am. 2007, Act 147, Imd. Eff. Dec. 10, 2007.

The People of the State of Michigan enact:

CHAPTER I
MICHIGAN CIVILIAN CONSERVATION CORPS STATE PROGRAM

409.301 Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan civilian conservation corps act".

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984;—Am. 1985, Act 30, Imd. Eff. June 6, 1985.

Compiler's note: For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

409.302 Definitions.

Sec. 2. As used in this chapter:

- (a) "Corps" means the Michigan civilian conservation corps established under this chapter.
- (b) "Corpsmember" means a participant in the corps.
- (c) "Department" means the department of natural resources.
- (d) "Director" means the director of the department.
- (e) "Endowment fund" means the Michigan civilian conservation corps endowment fund created in section 12a.
- (f) "Guideline" means that term as it is defined in section 3 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.203.
- (g) "Resident" means an individual who has in this state the individual's true, fixed, and permanent home and principal establishment to which the individual intends to return whenever absent. An individual is a resident until the individual establishes a permanent establishment outside this state.
- (h) "Rule" means that term as it is defined in section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984;—Am. 1985, Act 30, Imd. Eff. June 6, 1985;—Am. 1994, Act 394, Imd. Eff. Dec. 29, 1994;—Am. 2012, Act 574, Imd. Eff. Jan. 2, 2013.

409.303 Michigan civilian conservation corps; establishment; purpose; work training programs.

Sec. 3. (1) The Michigan civilian conservation corps is established within the department for the purpose of doing all of the following:

- (a) Conserving, improving, and developing this state's natural, cultural, and recreational resources.
- (b) Enhancing, preserving, and maintaining state-owned lands and waters under control of the department through the employment of residents of this state in work training programs.
- (c) Providing field experience and training to residents of the state who are interested in pursuing natural, cultural, or recreational resource related careers.
- (d) Enhancing public access, recreation opportunities, and natural resource based economic activities on state-owned land under control of the department.

(2) The work training programs conducted by the corps shall provide work experience for certain residents of this state that will increase their likelihood of obtaining future employment or enhancing their future educational opportunities, or both.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984;—Am. 1985, Act 30, Imd. Eff. June 6, 1985;—Am. 1994, Act 394, Imd. Eff. Dec. 29, 1994;—Am. 2012, Act 574, Imd. Eff. Jan. 2, 2013.

409.304 Administration of corps by department; duties.

Sec. 4. The department shall administer the corps. In administering the corps, the department shall do all of the following:

(a) Recruit and employ corpsmembers who meet the requirements of section 6a. The Workforce Development Agency in coordination with its local service delivery partners, the Michigan Works! Agencies, may identify and refer eligible candidates to the corps for possible participation as corpsmembers. These recommendations are advisory in nature, are non-binding upon the agency's decisions to employ certain corpsmembers, and do not preclude the department from considering eligible participants from any other sources.

(b) Select work training programs for the corps that meet the requirements of section 5.

(c) Execute employment contracts containing terms and conditions as are considered necessary and desirable for the employment of corpsmembers.

(d) Execute contracts with the federal government for the implementation of this act.

(e) Apply for and accept grants or contributions of funds, when appropriate, from any public or private source.

(f) Purchase, rent, or otherwise acquire or obtain necessary property, supplies, instruments, tools, and equipment necessary for the implementation of this act.

(g) Employ instructors, mentors, trainers, safety officers, and medical and other personnel as the department considers appropriate.

(h) Establish rules of conduct designed to maintain order and discipline in each corps program.

(i) Adopt guidelines, promulgate rules, and take any other action necessary to implement this act.

(j) Contact colleges and universities in this state with natural, cultural, or recreational resource related curricula to facilitate university-based programs that will do 1 or more of the following:

(i) Provide credit to corpsmembers for their participation in the corps.

(ii) Recognize participation in the corps for field experience.

(iii) Recognize participation in the corps as an internship.

(k) Collaborate with businesses, nonprofit organizations, and other interested persons to develop funding sources for the corps.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984;—Am. 1985, Act 30, Imd. Eff. June 6, 1985;—Am. 2012, Act 574, Imd. Eff. Jan. 2, 2013.

Compiler's note: "The Workforce Development Agency" appearing in Sec. 4(a) evidently should be "The workforce development agency."

The word "non-binding" appearing in Sec. 4(a) evidently should be "nonbinding."

For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

409.305 Work training programs; work experience.

Sec. 5. (1) Work training programs conducted under this act shall provide corpsmembers with work experience related to the conservation, improvement, or development of natural, cultural, and recreational resources and the enhancement, preservation, and maintenance of public lands, waters, and historic and archaeological resources. Work experience may include, but is not limited to, all of the following:

(a) Planting, pruning, and cutting of trees.

(b) Restoration or development of lakes, ponds, and waterways to be used as hunting and fishing sites and for other recreational purposes.

(c) Wildlife habitat development or enhancement.

(d) Parks and recreation site development or restoration.

(e) Trail development or restoration.

(f) Flood and drainage control programs, such as the cleaning and repair of waterways.

(g) Prevention of shore and soil erosion.

(h) Litter removal.

(i) Assistance in fire prevention and suppression.

(j) Assistance with conducting prescribed ecological fire treatments.

(k) Assistance in times and places of natural disasters.

(l) Reclamation of strip-mined land.

(m) Insect and pest control.

(n) Survey, protection, maintenance, and restoration of historic structures and archaeological sites.

(o) Survey and analysis of usage of parks, recreation sites, and trails.

(p) Outreach and educational programs.

(q) Activities that lead to improved public access, recreation opportunities, and natural resource-based economic activities on state-owned land under control of the department.

(2) Work training programs shall be undertaken on state-owned lands under control of the department and shall be selected on the basis of the natural, cultural, or recreational resource benefits each offers, the

opportunities for public use each offers, and the on the job training value of each.

(3) Work experience shall not include work on any project for removal or cleaning up of any toxic waste or other hazardous substance.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984;—Am. 2012, Act 575, Imd. Eff. Jan. 2, 2013.

409.306 Repealed. 2012, Act 576, Imd. Eff. Jan. 2, 2013.

Compiler's note: The repealed section pertained to eligibility and hiring of corpsmember and notice and refusal to accept employment.

409.306a Eligibility.

Sec. 6a. An individual is eligible to become a corpsmember if he or she meets all of the following requirements:

(a) Is a resident of the state.

(b) Except for supervisors, mentors, instructors, and trainers, is not less than 17 years of age and not more than 27 years of age on the date of application.

(c) Is interested in becoming a corpsmember to enhance the likelihood of obtaining future employment in a natural, cultural, or recreational resource-related career or to enhance educational opportunities in a natural, cultural, or recreational resource-related curriculum.

History: Add. 2012, Act 575, Imd. Eff. Jan. 2, 2013.

409.307 Duration of employment; compensation; use of funds.

Sec. 7. (1) The department shall not employ a corpsmember for more than 2 years.

(2) The department shall compensate a corpsmember at not more than twice the minimum wage established by law at the time of employment.

(3) The department may utilize corps funds for mentors, instructors, trainers, crew leaders, and other state workers employed to provide guidance and training to corpsmembers.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984;—Am. 1989, Act 50, Imd. Eff. June 12, 1989;—Am. 2012, Act 575, Imd. Eff. Jan. 2, 2013.

409.308 Worker's disability compensation insurance.

Sec. 8. The department shall provide worker's disability compensation insurance for corpsmembers employed by the department, as provided under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 419.941.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984;—Am. 2012, Act 575, Imd. Eff. Jan. 2, 2013.

409.309 Medical benefits.

Sec. 9. Corpsmembers shall not receive state employee health benefits, except that corpsmembers who at the time of hire were receiving general assistance or aid to families with dependent children shall continue to receive, while they are corpsmembers, the medical benefits provided under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984;—Am. 1985, Act 30, Imd. Eff. June 6, 1985;—Am. 2012, Act 575, Imd. Eff. Jan. 2, 2013.

409.310 Corpsmembers as state employees.

Sec. 10. Corpsmembers shall not be considered state employees for purposes of membership in the state employees' retirement system.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984.

409.311 Displacement of workers prohibited; work or labor disputes.

Sec. 11. The corps programs established under this act shall not be designed so as to displace currently employed workers, and no corpsmember shall be used in any manner in connection with a work or labor dispute.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984;—Am. 2012, Act 578, Imd. Eff. Jan. 2, 2013.

409.312 Repealed. 2012, Act 576, Imd. Eff. Jan. 2, 2013.

Compiler's note: The repealed section pertained to establishment of residential facilities.

409.312a Michigan civilian conservation corps endowment fund; creation; disposition, investment, and credit of money and assets; money to remain in endowment fund;

administrator for auditing purposes; expenditure of interest and earnings.

Sec. 12a. (1) The Michigan civilian conservation corps endowment fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the endowment fund. The state treasurer shall direct the investment of the endowment fund. The state treasurer shall have the same authority to invest the assets of the endowment fund as is granted to an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1141. The state treasurer shall credit to the endowment fund interest and earnings from endowment fund investments.

(3) Money in the endowment fund at the close of the fiscal year shall remain in the endowment fund and shall not lapse to the general fund.

(4) The department shall be the administrator of the fund for auditing purposes.

(5) The department shall expend only the interest and earnings of the endowment fund for the operation of the corps.

History: Add. 1994, Act 394, Imd. Eff. Dec. 29, 1994;—Am. 2002, Act 57, Eff. Sept. 21, 2002;—Am. 2007, Act 147, Imd. Eff. Dec. 10, 2007;—Am. 2012, Act 578, Imd. Eff. Jan. 2, 2013;—Am. 2018, Act 288, Eff. Sept. 27, 2018.

409.313 Annual appropriation.

Sec. 13. The legislature annually shall appropriate not less than 85% of the interest and earnings of the endowment fund for the operation of the corps.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984;—Am. 2012, Act 576, Imd. Eff. Jan. 2, 2013.

409.314 Determination that entity identified or established pursuant to Chapter II may achieve benefits; powers of director.

Sec. 14. If the director determines that the benefits to the state from the corps can be achieved in a more practicable manner through an entity identified or established pursuant to chapter II, the director may do both of the following:

(a) Enter into agreements with the entity to provide corpsmembers to the department for work training programs on state-owned lands under control of the department.

(b) Cease to operate the Michigan civilian conservation corps state program under this chapter.

History: Add. 2012, Act 576, Imd. Eff. Jan. 2, 2013.

Compiler's note: Former MCL 409.314, which pertained to applicability of act, was repealed by Act 50 of 1989, Imd. Eff. June 12, 1989.

CHAPTER II

MICHIGAN CIVILIAN CONSERVATION CORPS PARTNERSHIP

409.321 Definitions.

Sec. 21. As used in this chapter:

(a) "Committee" means the Michigan civilian conservation corps partnership steering committee created in section 22.

(b) "Corps" means the Michigan civilian conservation corps established pursuant to this chapter.

(c) "Corpsmember" means a participant in the corps.

(d) "Department" means the department of natural resources.

(e) "Director" means the director of the department.

(f) "Resident" means an individual who has in this state the individual's true, fixed, and permanent home and principal establishment to which the individual intends to return whenever absent. An individual is a resident until the individual establishes a permanent establishment outside this state.

History: Add. 2012, Act 576, Imd. Eff. Jan. 2, 2013.

409.322 Michigan civilian conservation corps steering committee.

Sec. 22. (1) The Michigan civilian conservation corps partnership steering committee is created in the department.

(2) The committee shall consist of the following members, appointed by the director in consultation with the directors of the departments of agriculture and rural development and environmental quality:

(a) An individual from a statewide conservation organization that has education as a core function.

(b) An individual from a statewide land conservation organization.

(c) An individual from a statewide parks and recreation-based organization.

(d) An individual from a statewide conservation organization with a focus on providing natural resource

management information and assistance.

(e) Two individuals who serve as faculty members at colleges or universities in this state who are involved with internships related to natural, cultural, or recreational resources within this state.

(f) An individual who works for a state government employment assistance agency.

(g) An individual from a national work program.

(h) An individual from a state department involved with state history and archaeology.

(i) An individual from a statewide trails organization.

(j) An individual from a statewide community foundation.

(k) An individual from a statewide business organization.

(l) An individual from a statewide manufacturing organization.

(m) An individual from a statewide farming organization.

(n) An employee of the department.

(3) The members first appointed to the committee shall be appointed within 60 days after the effective date of the amendatory act that added this section.

(4) If a vacancy occurs on the committee, the director shall make an appointment for the unexpired term in the same manner as the original appointment.

(5) The director may remove a member of the committee for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(6) The first meeting of the committee shall be called by the board member from the department. At the first meeting, the committee shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the committee shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by a majority of the members of the committee.

(7) A majority of the members of the committee constitute a quorum for the transaction of business at a meeting of the committee. A majority of the members present and serving are required for official action of the committee.

(8) The business that the committee may perform shall be conducted at a public meeting of the committee held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(9) A writing prepared, owned, used, in the possession of, or retained by the committee in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(10) Members of the committee shall serve without compensation. However, members of the committee may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the committee.

History: Add. 2012, Act 576, Imd. Eff. Jan. 2, 2013.

409.323 Identification of entity; purpose; incorporation; ceasing operation.

Sec. 23. (1) The committee shall seek out an entity that is willing to establish and operate a Michigan civilian conservation corps, in compliance with this chapter, for the purpose of doing all of the following:

(a) Conserving, improving, and developing this state's natural, cultural, and recreational resources.

(b) Enhancing, preserving, and maintaining public lands and waters through the employment of residents of this state in work training programs.

(c) Providing field experience and training to residents of this state who are interested in pursuing natural, cultural, and recreational resource-related careers.

(d) Enhancing public access, recreation opportunities, and natural resource-based economic activities on public lands.

(2) If the committee is unable to identify a suitable entity to operate a Michigan civilian conservation corps under subsection (1), the committee may incorporate a Michigan civilian conservation corps under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3193, for the purposes of this chapter.

(3) Following identification of a suitable entity under subsection (1) or the establishment of the nonprofit Michigan civilian conservation corps under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3193, the committee shall cease to operate.

History: Add. 2012, Act 576, Imd. Eff. Jan. 2, 2013.

409.324 Work experience.

Sec. 24. (1) Work training programs conducted by the corps shall provide corpsmembers with work experience related to the conservation, improvement, or development of natural, cultural, and recreational resources and the enhancement, preservation, and maintenance of public lands, waters, and historic and archaeological resources that will increase corpsmembers' likelihood of obtaining future employment or enhancing future educational opportunities, or both. Work experience may include, but is not limited to, all of

the following:

- (a) Planting, pruning, and cutting of trees.
 - (b) Restoration or development of lakes, ponds, and waterways to be used as hunting and fishing sites and for other recreational purposes.
 - (c) Wildlife habitat development or enhancement.
 - (d) Parks and recreational site development or restoration.
 - (e) Trail development or restoration.
 - (f) Flood and drainage control programs, such as the cleaning and repair of waterways.
 - (g) Prevention of shore and soil erosion.
 - (h) Litter removal.
 - (i) Assistance in fire prevention and suppression.
 - (j) Assistance with conducting prescribed ecological fire treatments.
 - (k) Assistance in times and places of natural disasters.
 - (l) Reclamation of strip-mined land.
 - (m) Insect and pest control.
 - (n) Survey, protection, maintenance, and restoration of historic structures and archaeological sites.
 - (o) Survey and analysis of parks, recreation sites, and trails.
 - (p) Outreach and educational programs.
 - (q) Activities that lead to improved public access, recreation opportunities, and natural resource based economic activities on public lands.
 - (r) Administration or supervision of projects operated by the corps.
- (2) Work training programs shall be undertaken on lands open for public use and shall be selected on the basis of the natural, cultural, or recreational resource benefits each offers, the opportunities for public use each offers, and the on-the-job training value of each.
- (3) Work experience shall not include work on any project for removal or cleaning up of any toxic waste or other hazardous substance.

History: Add. 2012, Act 576, Imd. Eff. Jan. 2, 2013.

409.325 Corpsmember; eligibility; duration of employment.

Sec. 25. (1) An individual is eligible to become a corpsmember if he or she meets all of the following requirements:

- (a) Is a resident of the state.
 - (b) Is not less than 17 years of age and, except for supervisors, mentors, instructors, and trainers, is not more than 27 years of age on the date of application.
 - (c) Is interested in becoming a corpsmember to enhance his or her likelihood of obtaining future employment in a natural, cultural, or recreational resource-related career or to enhance his or her educational opportunities in a natural, cultural, or recreational resource-related curriculum.
- (2) The corps shall not employ a corpsmember for more than 2 years.

History: Add. 2012, Act 577, Imd. Eff. Jan. 2, 2013.

409.326 Duties.

Sec. 26. The corps shall do both of the following:

- (a) Contact colleges and universities in this state with natural, cultural, or recreational resource related curricula to facilitate university-based programs that will do 1 or more of the following:
 - (i) Provide credit to corpsmembers for their participation in the corps.
 - (ii) Recognize participation in the corps for field experience.
 - (iii) Recognize participation in the corps as an internship.
- (b) Collaborate with businesses, nonprofit organizations, and other interested persons to develop a funding source for the corps.

History: Add. 2012, Act 577, Imd. Eff. Jan. 2, 2013.