



**House
Legislative
Analysis
Section**

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**YOUTH EMPLOYMENT;
COMMERCIAL SEED PRODUCTION**

**House Bill 5732 (Substitute H-2)
First Analysis (9-17-96)**

**Sponsor: Rep. Glenn Oxender
Committee: Agriculture and Forestry**

THE APPARENT PROBLEM:

A 1995 amendment to the Youth Employment Standards Act permitted minors 16 years old or older to work longer hours than normally allowed under the act while employed in agricultural processing provided certain conditions are met. It was thought by some that this exemption from the usual youth employment restrictions would apply to minors employed in commercial seed production; however, the language of the 1995 legislation apparently does not encompass this type of activity. Legislation has been offered to include employment in commercial seed production as a type of employment in which minors may also work extended hours.

THE CONTENT OF THE BILL:

The bill would amend the Youth Employment Standards Act (MCL 409.111) to expand the exception to the restrictions on the number of hours minors are generally allowed to work. Currently, the act places restrictions on the number of hours that a minor may work. Specifically, the act prohibits minors 16 years old or older from working for more than six days in a week, a period longer than a weekly average of 8 hours per day or 48 hours in a week, 10 hours in one day, or, if a student, a combined school and work week of 48 hours during the period school is in session. The act also limits the hours in the day a minor may work to between 6 a.m. and 10:30 p.m., or until 11:30 p.m. during school vacation periods or when the minor is not regularly enrolled in school.

The act also provides an exception for minors involved in agricultural processing allowing them to work longer hours, provided certain conditions are met. Specifically, minors can work longer hours than outlined above when: school is not in session, the minor is employed for no more than 11 hours in one day, nor more than 62 hours in one week for not more than four weeks, the minor does not work between the hours of 2 a.m. and 5:30 a.m., and the agricultural processing employer obtains and keeps a written acknowledgment from the minor's parent or guardian consenting to the employment.

The bill would amend the exception to allow minors 16 years old or older involved in "farming operations involved in the production of seed" to work these extended hours provided the same conditions are met. Farming operations involved in the production of seed would be defined as 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. The bill would also expand the exception to allow the minor working under its provisions to work up to 62 hours in any week for not more than six weeks and for the remaining weeks not more than 48 hours in a calendar year.

BACKGROUND INFORMATION:

The seed production industry is a burgeoning one in Michigan. Although the industry has been in existence for decades, it has expanded rapidly in Michigan over the past 3 - 5 years. Seed production is a labor intensive industry; a large number of workers are needed to work potentially long hours for a short period of time (4-6 weeks) each summer. For example, Pioneer Hi-bred International, Inc., one of several seed producing companies in Michigan, hires between 4,000 and 5,000 teenagers each summer. Jobs like detasseling, roguing, and hoeing must be performed (as with many agricultural jobs) when weather and the growth cycle of the plants dictate, and failure to perform them promptly can lead to the destruction of that year's crop.

Detasseling refers to the process of removing the tassels from corn plants. Corn is self-pollinating and in order to produce hybrid seed corn (seed corn produced by crossing to two parent inbreds) it is necessary to prevent this from occurring. Since corn pollen is produced in the tassel it is necessary to remove the tassels from one of the sets of parent plants so that only the pollen from the other set of plants will pollinate the corn.

House Bill 5732 (9-17-96)

Roguing and hoeing refer to the process of removing unwanted plants (not merely weeds but unwanted breeds of corn as well) from the seed production field. Hoeing refers to removing such plants from between the rows of corn, while roguing refers to removing unwanted breeds of corn from the rows.

Hand pollination is carried on primarily at research stations. The process involves covering the male and female portions of the plant so that only pollen from a specific breed may be applied to pollinate the plant.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no fiscal impact. (9-6-96)

ARGUMENTS:

For:

The work required by the seed production industry (detasseling, hand-pollination, roguing, etc.) must be performed during a narrow window of time lasting up to six weeks during the summer months. As a result, it is important to allow those teens who perform these tasks to work the extended hours necessary in order to complete them during that narrow time-frame. As with most work in agriculture, if these tasks are not completed in the appropriate time-frame they won't be able to be completed at all.

Work in the seed production industry has been a reliable source of summer income for thousands of teenagers for decades. Tight restrictions on the number of hours teens can work, however, make it more difficult to recruit enough workers to complete the necessary work during the growing season. A limited number of workers with limited hours that they can work serves to limit the number of acres that a seed producer can plant and use to produce seed. Without the enough workers who are able to work enough hours to complete the work in time, seed producers may be forced to plow under some of their plants.

As with all farm work, the work provided by the seed production industry is good, honest, healthy, hard work. Youths who participate in it can earn good wages (between \$5 and \$10 an hour) and learn the value of hard work. Unfortunately, competition from other job sources limits the number of workers for the industry. Since this work is done outside, it is physically demanding and hot and probably not for the faint of heart. In addition, as the work is seasonal and the hours are irregular, many older teens seem to prefer employment with more regular hours that they may participate in year round. The bill will provide an opportunity for those teens that have other

longer term summer or year round jobs to also participate in the short term seed production jobs without having to give up their other jobs. The bill will also allow teens that choose these jobs as their only summer employment to work longer hours for the six weeks they are needed and to enjoy the rest of their summer. This will help the seed production industry to continue and to thrive in Michigan.

Response:

This is a prime example of the government interfering and allowing one type of employer, agricultural businesses, an opportunity to hire low-cost, unskilled labor for extended hours, while other businesses are prevented from doing so. Why shouldn't McDonald's or Pizza Hut also be permitted to hire teens for extended hours?

If seed production businesses are having difficulty finding workers because of competition from other job opportunities, shouldn't they have to do what everyone else has to do in order to attract qualified employees -- increase the wages or benefits they offer? If no one is willing to do the job at the rate the seed production companies are offering, then perhaps increasing the amount of money paid would help to provide the number of workers necessary. Given the unstable and uncertain nature of the work involved it is not unexpected that many potential employees might eschew this opportunity in favor of more regular hours and longer term employment. It should be up to the seed producers to make employment with their company more attractive, rather than having the government grant them special privileges.

Rebuttal:

This is not the sort of job that adults or others are likely to take. The short duration of the work -- 6 weeks out of a year -- makes it unattractive to those who want more regular wages. It is inaccurate to imply that the wages offered are insufficient to attract workers. The problem is that many of the workers who would like to do the work at the pay rates offered are prevented by governmental restrictions from working the hours needed to meet the demands of the companies. Many teens would be happy to work the extra hours but are barred by law from doing so.

Against:

The Youth Employment Standards Act and other child labor laws were enacted to prevent child labor from being exploited. Reasonable limitations have been placed on the number of hours that minors may be allowed to work and these restrictions are intended to protect children from those who might have them work unreasonably long hours under dangerous conditions.

The work that would be exempted by the bill is just the sort of work from which children should be protected. It is probably not in a child's best interests to be required to perform demanding physical labor for 62 hours a week in the hot summer sun. Even if the children want to work the long hours the seed production companies would like them to, it is up to responsible adults to protect them from this sort of exploitation.

Response:

The children in these jobs are not being exploited. Granted, the work is physically challenging, but the companies involved take special care to make certain that their employees do not push themselves beyond their limits. Workers are encouraged to drink plenty of water and regular breaks are taken. Furthermore, these workers are well paid for their efforts and the work is for a very limited duration. And, it should be noted, minors who wish to work these extended hours must have their parents' permission.

POSITIONS:

The Michigan Agri-Business Association supports the bill. (9-11-96)

Pioneer Hi-Bred International, Inc. supports the bill. (9-12-96)

DeKalb Genetics Corporation supports the bill. (9-13-96)

ICI Garst Seed Production supports the concept of the bill. (9-12-96)

A spokesperson of the Department of Consumer and Industry Services notes that introduction of the bill was at the request of the former Department of Labor. (9-11-96)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.