IMPROVED WORKFORCE OPPORTUNITY WAGE ACT (EXCERPT)
Act 337 of 2018

***** 408.940.new THIS NEW SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE
2018 REGULAR SESSION SINE DIE *****

***** 408.940.new THIS SECTION IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF
THE 2018 REGULAR SESSION SINE DIE: See 408.940.amended *****

408.940.new Applicability of act; payment in accordance with minimum wage and overtime
compensation requirements.
Sec. 10. (1) This act does not apply to an employer that is subject to the minimum wage provisions of the
fair labor standards act of 1938, 29 USC 201 to 219, unless those federal minimum wage provisions would
result in a lower minimum hourly wage than provided in this act. Each of the following exceptions applies to
an employer who is subject to this act only by application of this subsection:
(a) Section 4a does not apply.
(b) This act does not apply to an employee who is exempt from the minimum wage requirements of the fair
labor standards act of 1938, 29 USC 201 to 219.
(2) Notwithstanding subsection (1), an employee shall be paid in accordance with the minimum wage and
overtime compensation requirements of sections 4 and 4a if the employee meets either of the following
conditions:
(a) He or she is employed in domestic service employment to provide companionship services as defined
in 29 CFR 552.6 for individuals who, because of age or infirmity, are unable to care for themselves and is not
a live-in domestic service employee as described in 29 CFR 552.102.
(b) He or she is employed to provide child care, but is not a live-in domestic service employee as described
in 29 CFR 552.102. However, the requirements of sections 4 and 4a do not apply if the employee meets all of
the following conditions:
(i) He or she is under the age of 18.
(ii) He or she provides services on a casual basis as defined in 29 CFR 552.5.
(iii) He or she provides services that do not regularly exceed 20 hours per week, in the aggregate.
(3) This act does not apply to persons employed in summer camps for not more than 4 months or to
employees who are covered under section 14 of the fair labor standards act of 1938, 29 USC 214.
(4) This act does not apply to agricultural fruit growers, pickle growers and tomato growers, or other
agricultural employers who traditionally contract for harvesting on a piecework basis, as to those employees
used for harvesting, until the board has acquired sufficient data to determine an adequate basis to establish a
scale of piecework and determines a scale equivalent to the prevailing minimum wage for that employment.
The piece rate scale shall be equivalent to the minimum hourly wage in that, if the payment by unit of
production is applied to a worker of average ability and diligence in harvesting a particular commodity, he or
she receives an amount not less than the hourly minimum wage.
(5) Notwithstanding any other provision of this act, subsection (1)(a) and (b) and subsection (2) do not
deprive an employee or any class of employees of any right that existed on September 30, 2006 to receive
overtime compensation or to be paid the minimum wage.


Compiler's note: Public Act 337 was proposed by initiative petition pursuant to Const. 1963, art 2, section 9. On September 5, 2018,
the initiative petition was approved by an affirmative vote of the majority of the members of the Senate and an affirmative vote of the
majority of the members of the House of Representatives, and filed with the Secretary of State on September 5, 2018.