

# HOUSE BILL No. 6213

June 15, 2006, Introduced by Reps. Huizenga, Condino, Dillon, Farrah, Kolb, Clemente, Sak, Wenke, Accavitti, Schuitmaker, Booher, Hansen, Sheen, Drolet, Hildenbrand, Robertson, Emmons, Proos, Pearce, Steil, Green, Jones, Walker, Newell, Gosselin, Amos, Van Regenmorter, Gaffney, Hune, Stakoe, Stewart, Vander Veen, Elsenheimer, Ward, Hummel, Palsrok, Hoogendyk, Shaffer, Palmer, McConico, Hunter, Kooiman, Pastor, Moolenaar, Stahl, Caswell, Garfield, LaJoy, Marleau, Acciavatti, Brandenburg and Taub and referred to the Committee on Commerce.

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 14 (MCL 408.394), as amended by 1998 PA 37.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 14. (1) This act does not apply to an employer who is  
2 subject to the minimum wage provisions of the fair labor standards  
3 act of 1938, ~~chapter 676, 52 Stat. 1060, 29 U.S.C. 29 USC 201 to~~  
4 ~~216 and 217 to~~ 219, unless ~~application of~~ those federal minimum  
5 wage provisions would result in a lower minimum **HOURLY** wage than  
6 provided in this act. ~~Additionally, this~~ **EACH OF THE FOLLOWING**  
7 **APPLIES TO AN EMPLOYER WHO IS SUBJECT TO THIS ACT ONLY BY**  
8 **APPLICATION OF THIS SUBSECTION:**

9       (A) SECTION 4A DOES NOT APPLY.

1 (B) THIS ACT DOES NOT APPLY TO AN EMPLOYEE WHO IS EXEMPT FROM  
 2 THE MINIMUM WAGE REQUIREMENTS OF THE FAIR LABOR STANDARDS ACT OF  
 3 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) 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) 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) IS UNDER THE AGE OF 18.

(ii) PROVIDES SERVICES ON A CASUAL BASIS AS DESCRIBED IN 29 CFR 552.5.

(iii) PROVIDES SERVICES THAT DO NOT REGULARLY EXCEED 20 HOURS PER WEEK, IN THE AGGREGATE.>>

4 <<(3)>> THIS act does not apply to persons employed in summer  
 5 camps for not more than 4 months ~~—~~ OR to employees ~~with~~  
 6 disabilities who are covered ~~by a blanket deviation certificate or~~  
 7 ~~other special certificate issued~~ under section ~~14(e)~~ 14 of the  
 8 fair labor standards act of 1938, ~~chapter 676, 52 Stat. 1068, 29~~  
 9 ~~U.S.C. 29 USC 214. — or to~~

10 <<(4)>> THIS ACT DOES NOT APPLY TO agricultural fruit growers,  
 11 pickle growers and tomato growers, or other agricultural employers  
 12 who traditionally contract for harvesting on a piecework basis, as  
 13 to those employees ~~of such employers~~ used for ~~such~~ harvesting,  
 14 until the board ~~shall have~~ HAS acquired sufficient data to  
 15 determine an adequate basis ~~for the establishment of~~ TO ESTABLISH  
 16 a scale of piecework and ~~shall determine such~~ DETERMINES a scale  
 17 equivalent to the prevailing minimum wage for ~~such~~ THAT  
 18 employment. ~~— which determination shall occur no later than May 1,~~  
 19 ~~1967. Such~~ THE piece rate scale shall be equivalent to the minimum  
 20 hourly wage in that, ~~when~~ IF the payment by unit of production is  
 21 applied to a worker of average ability and diligence in harvesting

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22 a particular commodity, he or she ~~shall receive~~ RECEIVES an  
23 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.>>

24 Enacting section 1. This amendatory act takes effect October  
25 1, 2006.

<<Enacting section 2. This amendatory act does not take effect  
unless all of the following bills of the 93rd Legislature are enacted  
into law:

- (a) Senate Bill No. 453.
- (b) Senate Bill No. 1364.>>