

Act No. 373
Public Acts of 2006
Approved by the Governor
September 22, 2006
Filed with the Secretary of State
September 22, 2006
EFFECTIVE DATE: October 1, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Reps. Huizenga, Wenke, 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, Kooiman, Pastor, Moolenaar, Stahl, Caswell, Garfield, LaJoy, Marleau, Acciavatti, Brandenburg, Taub, Meyer, DeRoche, Nitz, Ball, Baxter, Mortimer and Pavlov

ENROLLED HOUSE BILL No. 6213

AN ACT to amend 1964 PA 154, entitled "An act to fix minimum wages for employees within this state; to prohibit wage discrimination; to provide for the administration and enforcement of this act; and to prescribe penalties for the violation of this act," by amending section 14 (MCL 408.394), as amended by 1998 PA 37.

The People of the State of Michigan enact:

Sec. 14. (1) This act does not apply to an employer who 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 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) 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.

(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.

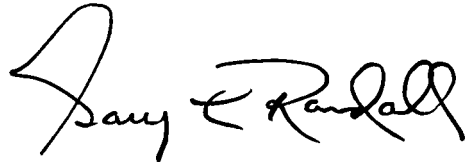
(5) Notwithstanding any other provision of this act, subsection (1)(a) and (b) and subsection (2) do not deprive an employee or any class of employees of any right that existed on September 30, 2006 to receive overtime compensation or to be paid the minimum wage.

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

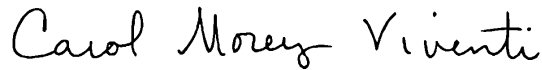
Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor