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BILL ANALYSIS

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Senate Bill 25 (as reported without amendment)
Sponsor: Senator Tony Stamas
Committee: Economic Development and Regulatory Reform

(as passed by the Senate)

Date Completed: 5-12-09

RATIONALE

The Youth Employment Standards Act permits 16- and 17-year-olds a combined school and work week of 48 hours when school is in session. This means that Michigan businesses employing the students must keep track of both the hours worked and the number of hours their employees are in school to avoid violating the Act. It has been pointed out that employers that hire 16- and 17-year-olds from more than one school district face the added task of determining the school where their workers attend classes and how many hours each of those districts is in session in any given week.

Some people believe that it would be easier for 16- and 17-year old students and their employers to determine how many hours the students may work each week if the Act prescribed a flat number of hours they would be permitted to work during the school year.

CONTENT

The bill would amend the Youth Employment Standards Act to provide that a 16- or 17-year-old student could not work more than 20 hours in one week when school was in session. Currently, when school is in session, a student who is 16 or 17 may not work a combined school and work week of more than 48 hours.

The Act also provides that a minor who is 16 or older may not work more than six days in one week; 10 hours in one day; or "a period longer than a weekly average of 8 hours per

day or 48 hours in 1 week". Under the bill, the last provision would be changed to "an average of 8 hours per day in 1 week".

MCL 409.111

BACKGROUND

In June 2004, Governor Jennifer Granholm vetoed Senate Bill 320, which would have amended the Youth Employment Standards Act to eliminate the 48-hour combined school and work week limit and provide that a 16- or 17-year-old student could not work more than 22 hours weekly when school was in session. In her veto statement, Granholm stated that education should be the first priority of Michigan teenagers and that the bill would lead to decreased performance in the classroom and on standardized tests. She noted that, under the current Act, "As most Michigan students attend school about 30 hours per week, they legally may not work more than 18 hours."

In March 2006, the Governor vetoed Senate Bill 179, which would have amended the Act to eliminate the 48-hour combined weekly limit and provide that a 16- or 17-year-old student could not work more than 20 hours a week when school was in session. In her veto message, the Governor repeated the concerns expressed in her 2004 veto message.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate)

Supporting Argument

The proposed 20-hour work week for 16- and 17-year-old students employed while school was in session would provide certainty for employers that they would not inadvertently violate the Act by having the students work too many hours due to miscalculating the number of hours a student was in school during a particular week. The bill would be especially beneficial to employers like fast-food chains that employ large numbers of 16- and 17-year-old students from different school districts and currently must track where their employees attend school and how many hours they are in class in any week. The bill would establish a clear limit that could easily be followed by both employers and their employees.

Supporting Argument

Michigan reportedly is one of only three states that uses a school-and-work formula to determine how much time a student may work. Indeed, most states have no limit, while 17 set a limit specifically on work hours, as the bill proposes. The bill would place Michigan's hospitality industry, where many students tend to work, on a more level playing field with its out-of-State competition.

Opposing Argument

The potential for increased working hours may raise health concerns for those students who work. Heavy work and school schedules could lead to sleep deprivation in overworked students, which could cause problems with a minor's general health. In addition, the Governor's 2006 veto message regarding identical legislation expressed concern over increased work hours affecting students' academic performance.

Response: If a parent believes his or her 16- or 17-year-old is working too many hours a week to concentrate on schoolwork or get a healthy amount of sleep, then the parent has the right to limit the number of hours the child works. The bill would not change this. Furthermore, the bill represents a compromise between the 22-hour work week proposed by Senate Bill 320 from the 2003-04 session and the 18 hours a week a student typically may work under the current formula when attending school for 30 hours.

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.