YOUTH EMPLOYMENT STANDARDS ACT

Act 90 of 1978

AN ACT to provide for the legal employment and protection of minors; to provide for the issuance and revocation of work permits; to provide for the registration of employers and employed minors; to provide for the regulation of hours and conditions of employment of minors; to prescribe the powers and duties of certain state governmental officers and entities; to provide for the promulgation of rules; to provide for the enforcement of this act; to prescribe penalties; and to repeal certain acts and parts of acts.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 2024, Act 196, Eff. Apr. 2, 2025

The People of the State of Michigan enact:

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409.101 Short title.

Sec. 1.

This act shall be known and may be cited as the "youth employment standards act".

History: 1978, Act 90, Eff. June 1, 1978
Compiler's Notes: For creation of bureau of worker's and unemployment compensation within department of consumer and industry services; transfer of powers and duties of bureau of worker's compensation and unemployment agency to bureau of worker's and unemployment compensation; transfer of powers and duties of director of bureau of worker's compensation and director of unemployment agency to director of bureau of worker's and unemployment compensation; and, transfer of powers and duties of wage and hour division of worker's compensation board of magistrates to bureau of worker's and unemployment compensation, see E.R.O. No. 2002-1, compiled at MCL 445.2004 of the Michigan Compiled Laws.For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.102 Definitions.

Sec. 2.

As used in this act:
(a) "Department" means the department of labor and economic opportunity.
(b) "Director" means the director of the department or the director's designee.
(c) "Employ" means engage, permit, or allow to work.
(d) "Employer" means a person, firm, or corporation that employs a minor, and includes this state or a political subdivision of this state, an agency or instrumentality of this state, and an agent of an employer.
(e) "Issuing officer" means the chief administrator of a school district, intermediate school district, public school academy, or nonpublic school, or a person authorized by that chief administrator in writing to act on the chief administrator's behalf.

(f) "Minor" means a person under 18 years of age.

(g) "Registration system" means the registration system created under section 4b.

(h) "Rule" means a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 1996, Act 438, Imd. Eff. Dec. 18, 1996 ;-- Am. 2024, Act 196, Eff. Apr. 2, 2025

Compiler's Notes: For creation of bureau of worker's and unemployment compensation within department of consumer and industry services; transfer of powers and duties of bureau of worker's compensation and unemployment agency to bureau of worker's and unemployment compensation; transfer of powers and duties of director of bureau of worker's compensation and director of unemployment agency to director of bureau of worker's and unemployment compensation; and, transfer of powers and duties of wage and hour division of worker's compensation board of magistrates to bureau of worker's and unemployment compensation, see E.R.O. No. 2002-1, compiled at MCL 445.2004 of the Michigan Compiled Laws.For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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409.103 Employment of minor; prohibited occupations; minimum age; exceptions and limitations.

Sec. 3.

(1) A minor shall not be employed in, about, or in connection with an occupation that is hazardous or injurious to the minor's health or personal well-being or that is contrary to standards established under this act, unless a deviation is granted under section 20.

(2) The minimum age for employment of minors is 14 years, subject to the following exceptions and limitations:

(a) A minor at least 11 years of age and less than 14 years of age may be employed as a youth athletic program referee or umpire for an age bracket younger than his or her own age if an adult representing the athletic program is on the premises at which the athletic program event is occurring and a person responsible for the athletic program possesses a written acknowledgment of the minor's parent or guardian consenting to the minor's employment as a referee or umpire.

(b) A minor 11 years of age or older may be employed as a golf caddy.

(c) A minor 13 years of age or older may be employed in farming operations as described in section 4(3).

(d) A minor 11 years of age or older may be employed as a bridge caddy at any event sanctioned by the American contract bridge league or other national bridge league association.

(e) A minor 13 years of age or older may be employed to perform services which entail setting traps for formal or informal trap, skeet, and sporting clays shooting events.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 1987, Act 71, Imd. Eff. June 29, 1987 ;-- Am. 1997, Act 132, Imd. Eff. Nov. 14, 1997

Compiler's Notes: For creation of bureau of worker's and unemployment compensation within department of consumer and industry services; transfer of powers and duties of bureau of worker's

compensation and unemployment agency to bureau of worker's and unemployment compensation; transfer of powers and duties of director of bureau of worker's compensation and director of unemployment agency to director of bureau of worker's and unemployment compensation; and, transfer of powers and duties of wage and hour division of worker's compensation board of magistrates to bureau of worker's and unemployment compensation, see E.R.O. No. 2002-1, compiled at MCL 445.2004 of the Michigan Compiled Laws.For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.104 Employment of minor; copy of work permit or temporary permit required; issuance and filing of work permit; duration of temporary permit; oath; return of permit; exception to work permit requirement; exception in subsection (3) inapplicable to other provisions.

Sec. 4.

(1) Except as provided in subsection (3), before the date that is 18 months after the effective date of the amendatory act that added section 4a, a minor must not be employed in an occupation regulated by this act until the person proposing to employ the minor procures from the minor and keeps on file at the place of employment a copy of the work permit or a temporary permit. Before the date that is 18 months after the effective date of the amendatory act that added section 4a, the work permit must be issued by the issuing officer of the school district, intermediate school district, public school academy, or nonpublic school at which the minor is enrolled, and a copy of the work permit must be placed in the minor's permanent school file for as long as the minor is employed. A temporary permit is valid for 10 days from the date of issue. A work permit may be issued by the school district in which the minor's place of employment is located, or by the public school academy or nonpublic school nearest that place of employment. An issuing officer or the director may administer oaths in relation to work permits. On or after the date that is 18 months after the effective date of the amendatory act that added section 4a, the work permit must be issued by the director.

(2) Immediately after the termination of the minor's employment, the employer shall do 1 of the following, as applicable:

(a) If the termination occurs before the date that is 18 months after the effective date of the amendatory act that added section 4a, return the permit to the issuing officer.

(b) If the termination occurs on or after the date that is 18 months after the effective date of the amendatory act that added section 4a, notify the department.

(3) The work permit requirement of subsection (1) and the requirements of section 4a do not apply to any of the following:

(a) A minor 13 years of age or older who is employed in farming operations involving detasseling, roguing, hoeing, or any similar act involved in the production of seed. This exception applies only when a minor is employed during school vacation periods or when the minor is not regularly enrolled in school. An employer shall keep on file at the place of employment evidence of the age of any minor employed under this work permit exception. Evidence of the age of the minor must be established as provided in section 5(b).

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(b) A minor who is performing work as an unpaid volunteer for an organization that is recognized as tax-exempt under, or whose purposes, structure, or activities are exclusively those that are described in, section 501(c)(3) of the internal revenue code, 26 USC 501.

(c) A minor who is performing work as an unpaid volunteer for a fair or exhibition operated and managed under 1929 PA 11, MCL 46.151 to 46.153, or held by an agricultural or horticultural society under 1855 PA 80, MCL 453.231 to 453.240.

(4) An exception in subsection (3) does not provide an exemption from any other provision of this act.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 1987, Act 71, Imd. Eff. June 29, 1987 ;-- Am. 1996, Act 438, Imd. Eff. Dec. 18, 1996 ;-- Am. 2010, Act 221, Imd. Eff. Dec. 9, 2010 ;-- Am. 2011, Act 80, Imd. Eff. July 12, 2011 ;-- Am. 2024, Act 196, Eff. Apr. 2, 2025

Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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409.104a Employment of minor; registration requirements; compliance determination; notice; consent to deviations.

Sec. 4a.

(1) Except as otherwise provided in subsection (2), beginning on the date that is 18 months after the effective date of the amendatory act that added this section, a minor must not be employed in an occupation regulated by this act unless all of the following requirements are met:

(a) The minor is registered with the department under section 4b.

(b) The person proposing to employ the minor is in compliance with this act.

(c) The person proposing to employ the minor receives authorization from the department as described in subsection (3).

(2) If, on the date described in subsection (1), a minor is employed by an employer in compliance with this act, the minor is not required to register under section 4b and the employer is not required to register under section 4d with respect to that minor until 1 of the following occurs, as applicable:

(a) The minor begins employment with a different employer.

(b) The primary location at which the minor works changes.

(c) The minor turns 16 years of age.

(3) The director shall, not later than 5 days after a minor registers under section 4b and the employer proposing to employ the minor registers under section 4d, do both of the following:

(a) Determine whether the minor's employment would be in compliance with this act.

(b) Provide notice of the determination to the employer, minor, and parent or legal guardian of the minor. The notice must state whether any deviations under this act have been requested or authorized.

(4) If the director does not provide notice of its determination during the time period described in subsection (3), the employer may begin employing the minor on the date immediately following the end of the time period.

(5) If, not later than 5 days after notice is provided under subsection (3)(b), a parent or legal guardian of a minor notifies the department that the parent or legal guardian does not consent to a deviation or a portion of a deviation, the department shall not authorize the deviation or the portion of the deviation.

History: Add. 2024, Act 196, Eff. Apr. 2, 2025

409.104b Registration system for minors and employers.

Sec. 4b.

(1) The director shall create and maintain a registration system that does both of the following:

(a) Allows a minor to register for employment or a parent or legal guardian of a minor to register the minor for employment.

(b) Allows an employer to register to employ minors under this act as described in section 4d.

(2) The registration system must meet all of the following requirements:

(a) Be accessible to the public via the internet at no cost to the public.

(b) Require a minor or a parent or legal guardian of a minor to submit information that is sufficient, as determined by the department, to identify all of the following:

(i) The name and age of the minor.

(ii) The minor's home address and contact information.

(iii) The name of each of the parents or legal guardians of the minor.

(iv) The home address and contact information of each of the parents or legal guardians of the minor.

(c) Allow a minor or a parent or legal guardian of a minor to describe a physical limitation of the minor.

(d) Allow a minor, parent or legal guardian of a minor, or an employer to review an applicable determination described in section 4a(3).

(e) Allow an employer to submit the information and items described in section 4d.

(f) Provide automatic notification to an employer when a minor registers for employment with the employer.

(g) Any other requirement that is relevant to the employment of a minor under this act as determined by the director.

(3) The information in the registration system, other than the information listed in section 4c(1), is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243. The department may disclose the information in the registration system only if the disclosure is necessary to enforce and implement this act.

History: Add. 2024, Act 196, Eff. Apr. 2, 2025

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409.104c Database of employers authorized to employ minors.

Sec. 4c.

(1) The director shall, based on the information in the registration system, create and maintain a database of employers that are authorized to employ minors under this act. The database must meet all of the following requirements:

(a) Be accessible to the public via the internet at no cost to the public.

(b) Display all of the following information for each employer that is authorized to employ minors under this act if the employer has requested for the information to be displayed publicly:

(i) Name.

(ii) Address.

(2) If the director determines that an employer listed in the database is not authorized to employ minors under this act, the director shall immediately remove the employer from the database.

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History: Add. 2024, Act 196, Eff. Apr. 2, 2025

409.104d Employer submission requirements to registration system before hiring minor.

Sec. 4d.

If an employer proposing to hire a minor receives notification via the registration system that the minor has registered for employment with the employer, the employer shall submit all of the following to the registration system before hiring the minor:

(a) The name and contact information of the employer.

(b) The name and contact information of the minor.

(c) The address of each of the employer's work sites.

(d) The address of the proposed primary work site of the minor.

(e) The name of each minor the employer is currently employing.

(f) A signed statement made under the penalty of perjury that the employer is or will employ minors in accordance with all applicable laws.

(g) Any other information or items as determined by the director.

History: Add. 2024, Act 196, Eff. Apr. 2, 2025.

409.105 Work permit; application; examination, approval, and filing of papers.

Sec. 5.

An issuing officer or the director, as applicable, shall issue a work permit on an application by the minor desiring employment and after the following papers have been examined, approved, and filed:

(a) A statement of intention to employ the minor, signed by the prospective employer or by a person authorized by the prospective employer, setting forth the general nature of the occupation in which the employer intends to employ the minor, the hours during which the

minor will be employed, the wages to be paid, and other information that the department requires.

(b) Evidence showing that the minor is of the age required by this act. Proof of age must be established by 1 of the following:

(i) A certified copy of the birth record or any other proof of age showing the place and date of birth.

(ii) A certified copy of valid operator's license issued by this state clearly showing date of birth.

(iii) The school record or the school census record.

(iv) The sworn statement of the minor's parent or guardian, together with a corroborating statement of a physician.

(v) If documentary proof as described in subparagraphs (i) to (iv) is not obtainable, the issuing officer or the director, as applicable, may accept other documentation as established by the rules promulgated under this act.

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History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 2020, Act 323, Eff. Mar. 24, 2021 ;-- Am. 2024, Act 196, Eff. Apr. 2, 2025

Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.106 Work permit; form; color; contents; rules.

Sec. 6.

(1) A work permit must be issued in the form prescribed by the department of education in cooperation with the department of labor and economic opportunity and in accordance with instructions so prescribed. A work permit issued to a minor under 16 years of age must clearly indicate on the work permit that the minor is under 16 years of age. A work permit must state the name and address of the minor, the date of birth, the occupation and industry in which the minor is employed, the employer's name and address, and other information required by the department of education.

(2) The department of education shall promulgate rules prescribing standards for the issuance of work permits, which must include the following factors:

(a) Evidence of age.

(b) Standards of work as established by the department of labor and economic opportunity and federal regulation.

(c) Statutory requirements.

(3) A fee must not be charged for a work permit or other record required by this act.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 2020, Act 323, Eff. Mar. 24, 2021

Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and

industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.
Admin Rule: R 340.186 et seq.; R 408.201 et seq.; R 409.1 et seq.; and R 423.401 et seq. of the Michigan Administrative Code.

409.107 Revocation of permit; factors; record of refusal, suspension, or revocation; informing minor of appeal process.

Sec. 7.

(1) The issuing officer or the director, as applicable, may revoke a permit based solely on the following factors:

(a) Poor school attendance, characterized by repeated erratic or unexcused absences, which results in consistent performance of school work at a level lower than that which preceded the minor's employment. The work permit may be revoked only after the permit has been suspended. The suspension must take place upon notice to the minor and the employer, and an opportunity to correct the deficiency is afforded. The suspension must not exceed 30 days after date of notification.

(b) The minor's employment is in violation of federal or state law or of a regulation or rule promulgated under federal or state law, and the issuing officer or the director, as applicable, is informed of the violation.

(2) The issuing officer or the director, as applicable, shall keep a record of each refusal, suspension, or revocation and the reasons for the action. Upon revocation, the minor must be informed of the appeal process and be given instructions as to the initiation of an appeal.

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History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 2024, Act 196, Eff. Apr. 2, 2025
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.108 Failure or refusal to issue work permit; appeal; procedure.

Sec. 8.

The failure or refusal of the issuing officer or the director, as applicable, to issue a work permit may be appealed in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, by the minor who applied for the permit, the parent or guardian of the minor, or the person or agency to whom custody of the minor has been awarded. An appeal may be taken in the same manner from the revocation of a permit.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 2024, Act 196, Eff. Apr. 2, 2025
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.109 Work permit as evidence of age.

Sec. 9.

A work permit issued in accordance with this act shall be conclusive evidence of the age of the minor for whom issued in a proceeding involving the employment of the minor under this act.

History: 1978, Act 90, Eff. June 1, 1978
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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409.110 Minor under 16 years; days and hours of employment.

Sec. 10.

(1) A minor under 16 years of age whose employment is subject to this act may be employed only as follows:

(a) During a time that is outside school hours.

(b) For not more than 3 hours per day during a week when school is in session.

(c) Between the hours of 7 a.m. and 9 p.m. during the period that begins on June 1 and ends on Labor Day.

(d) Between the hours of 7 a.m. and 7 p.m. during the period that begins on the date immediately following Labor Day and ends on May 31.

(e) For not more than 18 hours during a week when school is in session.

(f) For not more than 40 hours during a week that is not a week when school is in session.

(2) As used in this section:

(a) "Outside school hours" means that term as defined in 29 CFR 570.35.

(b) "School hours" means that term as defined in 29 CFR 570.35.

(c) "Week" means that term as defined in 29 CFR 570.35.

(d) "Week when school is in session" means that term as defined in 29 CFR 570.35.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 2024, Act 196, Eff. Apr. 2, 2025
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For

transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.111 Minor 16 years or older; days and hours of employment; definitions.

Sec. 11.

(1) Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older in an occupation subject to this act for more than any of the following periods:

(a) Six days in 1 week.

(b) An average of 8 hours per day in 1 week.

(c) Ten hours in 1 day.

(d) Subject to subdivision (e), 48 hours in 1 week.

(e) If the minor is a student in school and school is in session, 24 hours in 1 week.

(2) Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older between 10:30 p.m. and 6 a.m. However, except as provided in subsection (3), a person may employ a minor 16 years of age or older who is a student in school until 11:30 p.m. on any of the following days:

(a) On Fridays and Saturdays.

(b) During school vacation periods.

(c) During periods when the minor is not regularly enrolled in school.

(3) A person may employ a minor 16 years of age or older in farming operations involved in the production of seed or in agricultural processing for a period greater than the periods described in subsections (1) and (2) if all of the following conditions are met:

(a) If the minor is a student in school, the period greater than the periods described in subsections (1) and (2) occurs when school is not in session.

(b) The minor is employed for not more than 11 hours in 1 day.

(c) The minor is employed for not more than 62 hours in any week. However, the employer shall not require the minor to work more than 48 hours during any week without the consent of the minor.

(d) The minor is not employed between 2 a.m. and 5:30 a.m.

(e) The agricultural processing employer maintains on file a written acknowledgment of the minor's parent or guardian consenting to the period of employment authorized under this subsection.

(4) As used in this section:

(a) "Agricultural processing" means the cleaning, sorting, or packaging of fruits or vegetables.

(b) "Farming operations involved in the production of seed" means 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.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 1995, Act 251, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 499, Imd. Eff. Jan. 9, 1997 ;-- Am. 2000, Act 418, Imd. Eff. Jan. 8, 2001 ;-- Am. 2011, Act 197, Imd. Eff. Oct. 18, 2011

Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For

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transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.112 Meal and rest period.

Sec. 12.

A minor shall not be employed for more than 5 hours continuously without an interval of at least 30 minutes for a meal and rest period. An interval of less than 30 minutes shall not be considered to interrupt a continuous period of work.

History: 1978, Act 90, Eff. June 1, 1978
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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409.112a Employment of minor in occupation involving a cash transaction after sunset or 8 p.m. at fixed location; condition.

Sec. 12a.

A minor who would otherwise be permitted under this act to be employed in an occupation subject to this act shall not be employed in an occupation that involves a cash transaction subject to this act after sunset or 8 p.m., whichever is the earlier, at a fixed location unless an employer or other employee 18 years of age or older is present at the fixed location during those hours.

History: Add. 1980, Act 436, Eff. Mar. 31, 1981
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.113 Posting copy of MCL 409.110, 409.111, and 409.112; time record.

Sec. 13.

(1) Each employer shall keep posted conspicuously in or about the premises at which a minor is employed, a printed copy of sections 10, 11, and 12 as furnished by the department.

(2) Each employer shall keep in or about the premises at which a minor is employed, an adequate time record which shall state the number of hours worked by the minor each day of

the week together with starting and ending times and other information the department of labor requires. The employer shall keep the record on file for not less than 1 year.

History: 1978, Act 90, Eff. June 1, 1978
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.114 Employment of minor in performance by performing arts organization; approval.

Sec. 14.

This act shall not prevent a minor from being employed in a performance by any performing arts organization if a letter of approval is obtained from the department of labor by the representative of the arts organization. Approval shall be issued only if the department of labor determines that the employment is not detrimental to the health or personal well-being of the minor, that the minor is adequately supervised, and that the minor's education is not neglected.

History: 1978, Act 90, Eff. June 1, 1978
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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409.114a Performing in or being subject to child abusive commercial activity.

Sec. 14a.

Except as provided in section 14, a minor shall not perform in or be a subject of a child abusive commercial activity as defined in section 145c of Act No. 328 of the Public Acts of 1931, being section 750.145c of the Michigan Compiled Laws.

History: Add. 1978, Act 228, Imd. Eff. June 14, 1978
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.115 Employment of minor in establishment manufacturing, distributing, or selling alcoholic beverages.

Sec. 15.

(1) A work permit must not be issued authorizing the employment of a minor 16 years of age or older in, about, or in connection with that part of an establishment where alcoholic beverages are distilled, rectified, compounded, brewed, manufactured, bottled, consumed, sold at retail, or sold for consumption on the premises unless the sale of food or other goods constitutes at least 50% of the total gross receipts.

(2) This act does not prohibit the issuance of work permits for 14- and 15-year-olds to be employed in establishments where alcoholic beverages are sold at retail, if the sale of food or other goods constitutes at least 50% of the total gross receipts of the establishment. Minors 14 and 15 years of age must not be employed in, about, or in connection with that part of the establishment where alcoholic beverages are consumed or sold for consumption on the premises.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 2022, Act 123, Imd. Eff. June 29, 2022
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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409.116 Exemption; minor 16 years of age completing requirements for graduation or high school equivalency; minor 17 years of age passing general educational development test; duty of employer.

Sec. 16.

(1) This act does not apply to or prohibit the employment of a minor 16 years of age or older who has completed the requirements for graduation from high school or obtained a high school equivalency certificate. An employer, before employing the minor, shall obtain and keep on file a certification from the school the minor attended certifying that the minor has completed the requirements for graduation or a copy of the high school equivalency certificate.

(2) This act does not apply to or prohibit the employment of a minor 17 years of age or older who has successfully passed the general educational development test. An employer, before employing the minor, shall obtain and keep on file proof of the minor's successful completion.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 2014, Act 144, Imd. Eff. June 3, 2014
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from

department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.117 Exemption; emancipated minor; duty of employer.

Sec. 17.

This act shall not apply to nor prohibit the employment of an emancipated minor, as defined by section 4 of Act No. 293 of the Public Acts of 1968, as amended, being section 722.4 of the Michigan Compiled Laws. An employer, before employing the minor, shall obtain and keep on file proof of the minor's emancipated status.

History: 1978, Act 90, Eff. June 1, 1978
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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409.118 Exemption; minor 14 years of age employed under agreement or contract between employer and governing body of school district, public school academy, or nonpublic school.

Sec. 18.

This act does not apply to or prohibit the employment of a student minor 14 years of age or older by an employer if a written agreement or contract is entered into between the employer and the governing body of the school district, public school academy, or nonpublic school at which the minor is enrolled. The employment shall not be in violation of a federal statute or regulation and a signed copy of the agreement shall be on file in the place of employment before the minor begins employment.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 1996, Act 438, Imd. Eff. Dec. 18, 1996
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.118a Act inapplicable to minor as ice hockey player for junior hockey team.

Sec. 18a.

This act does not apply to a minor in his or her capacity as an ice hockey player for a junior ice hockey team that is a member of a regional, national, or international junior ice hockey league.

History: Add. 2017, Act 244, Eff. Mar. 21, 2018

409.119 Exemptions generally; hours of work.

Sec. 19.

(1) This act shall not apply to or prohibit a minor from engaging in any of the following activities:

(a) Domestic work or chores in connection with a private residence.

(b) Soliciting, distributing, selling, or offering for sale newspapers, magazines, periodicals, political, or advertising matter.

(c) Shoe shining.

(d) Services performed as a member of a recognized youth oriented organization that is engaged in citizenship training and character building, if the services are not intended to replace employees in occupations for which workers are ordinarily paid.

(e) Employment in a business owned and operated by the parent or guardian of the minor. For the purposes of this subdivision, a business is considered to be owned by the parent or guardian of the minor if the parent or guardian is either the sole owner, partner, or stockholder in the business and a business is considered to be operated by the parent or guardian of the minor if he or she devotes substantially all of his or her working hours to the operation of the business.

(f) Farm work if the employment is not in violation of a standard established by the department of labor and economic growth. Farm work means the work activity designated in sector 11 - agriculture, forestry, fishing, and hunting, of the North American industry classification system - United States, 1997, published by the office of management and budget. Farm work includes any practices performed on a farm as an incident to or in conjunction with farming operations, including preparation for market and delivery to storage, market, or carriers for transport to market.

(g) Employment by a school, academy, or college in which the minor is enrolled if the minor is 14 years old or older.

(h) Nonhazardous construction work or operations performed as an unpaid volunteer, if the construction work or operations are performed under adult supervision for a charitable housing organization. As used in this subdivision:

(i) "Charitable housing organization" means a nonprofit charitable organization the primary purpose of which is the construction or renovation of residential housing for low-income individuals.

(ii) "Family income" and "statewide median gross income" mean those terms as defined in section 11 of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1411.

(iii) "Low-income person" means a person with a family income of not more than 60% of the statewide median gross income.

(iv) "Nonhazardous construction work or operations" means construction work or operations that are performed at a construction site of a new or renovated single family home and do not involve the use of power tools, woodworking machinery, or hazardous substances or other activities that would constitute a great risk of serious injury. Activities that would constitute a great risk of serious injury include, but are not limited to, all of the following:

(A) Excavation.

(B) Highway, bridge, or street construction.

(C) Wrecking.

(D) Demolition.

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(E) New commercial or new multiple residential construction.

(2) If a minor is required by law to attend school, the work may only be performed outside of school hours, unless the minor is enrolled and employed under a work-related educational program.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 2003, Act 288, Imd. Eff. Jan. 8, 2004
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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409.120 Rules; deviations.

Sec. 20.

(1) The director shall promulgate rules that do all of the following:

(a) Prescribe standards that are not inconsistent with this act regarding the working conditions, safety, health, and personal well-being of minors in various types of employment.

(b) Implement this act.

(2) Subject to subsection (3) and section 4a(5), the director shall grant deviations from established standards or from hours by employment if the director determines that it is in the best interests of the minor and the community. The director shall prescribe procedures for applying and issuing the deviations.

(3) The director shall not grant a deviation under subsection (2) if the deviation allows any of the following:

(a) A minor to be employed between 12 a.m. and 5 a.m.

(b) A minor to be employed in, about, or in connection with an occupation that is hazardous or injurious to the minor's health or personal well-being.

History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 2024, Act 196, Eff. Apr. 2, 2025
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.
Admin Rule: R 408.6202 et seq. of the Michigan Administrative Code.

409.121 Enforcement and prosecution of act; right of entry and inspection.

Sec. 21.

The department of labor shall enforce this act and assist in the prosecution of this act. The department shall have the authority to enter and inspect any place where a minor may be employed and to have access to work permits, age certificates, or other proof of age and time records of the employer, and other records which may aid in the enforcement of this act.

History: 1978, Act 90, Eff. June 1, 1978
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.122 Violation as misdemeanor or felony; penalties.

Sec. 22.

(1) Except as provided in subsection (2) or (3), a person who employs a minor in violation of this act, violates this act or a rule promulgated under this act, or obstructs the department of labor in the enforcement of this act is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than $500.00, or both.

(2) A person who employs, permits, or suffers a minor in violation of section 12a is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than $2,000.00, or both. A person who commits a second offense under section 12a is guilty of a misdemeanor, punishable by imprisonment for not more than 2 years, or a fine of not more than $5,000.00, or both. A person who commits a third or subsequent violation of section 12a is guilty of a felony, punishable by imprisonment for not more than 10 years, or a fine of not more than $10,000.00, or both.

(3) A person who employs, permits, or suffers a minor to be employed or to work in violation of section 14a is guilty of a felony, punishable by imprisonment for not more than 20 years, or a fine of not more than $20,000.00, or both.

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History: 1978, Act 90, Eff. June 1, 1978 ;-- Am. 1978, Act 228, Imd. Eff. June 14, 1978 ;-- Am. 1980, Act 436, Eff. Mar. 31, 1981
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.123 Repeal of MCL 409.1 to 409.30 and 380.1597.

Sec. 23.

(1) Act No. 157 of the Public Acts of 1947, as amended, being sections 409.1 to 409.30 of the Compiled Laws of 1970, is repealed.

(2) Section 1597 of Act No. 451 of the Public Acts of 1976, being section 380.1597 of the Compiled Laws is repealed.

History: 1978, Act 90, Eff. June 1, 1978
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and

industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

409.124 Effective date.

Sec. 24.

This act shall take effect June 1, 1978.

History: 1978, Act 90, Eff. June 1, 1978
Compiler's Notes: For creation of the new wage and hour division as a type II agency within the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of the former wage and hour division of the department of consumer and industry services, transferred to the bureau of worker's and unemployment compensation, to the new wage and hour division within the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.For transfer of powers and duties of wage hour division relative from department of licensing and regulation to department of education, see E.R.O. No. 2011-4, compiled at MCL 445.2030.

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