



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
DIRECTOR

The Youth Employment Standards Act **Public Act 90 of 1978**, as amended Frequently Asked Questions (FAQs)

1. Who is covered by the YESA act?

The Youth Employment Standards Act, 1978 Public Act 90, covers all businesses which employ minors under the age of 18 in the State of Michigan. When both state and federal youth employment laws apply to a business, the law with the most stringent standard controls.

2. What is the minimum age for employment?

In general, the minimum age for youth employment is 14 years.

3. Is a work permit required for a minor before starting work?

Yes, unless the minor is exempt. A minor may contact any local Michigan school where the employer or the minor is located to have a work permit issued. "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 his or her behalf.

4. Does a minor have to appear "in person" at the school to obtain a work permit?

No, effective March 24, 2021, the amended law allows "in person", remote and electronic methods that are acceptable to the school or school district issuing the work permit.

5. Is a work permit required to be printed on a certain color of paper?

No, effective March 24, 2021, the amended law removed the yellow and pink paper distinctions. The act now uses a different means to distinguish work permits for youth under age 16 versus those 16-17 years of age. Work permits issued for minors under age 16 are printed in landscape orientation, and work permits for minors 16-17 years of age are printed in portrait orientation. All work permits MUST include the applicable 2nd page; preferably printed on the back of the first page .

6. Are minors prohibited from performing certain work?

Yes. A minor SHALL NOT be employed in any hazardous or injurious occupation including:

(Partial list only)

- a. Contact with hazardous substances, chemicals, explosives, or radioactive substances
- b. Driving and working as an outside helper (pizza delivery, etc.)
- c. Jobs in the logging and sawmill industry
- d. Jobs using woodworking machinery
- e. Ladders and scaffolding for those less than 16 years of age
- f. Brazing, welding, soldering, or heat treating for those less than 16 years of age
- g. Work on construction sites, excavation sites, bridges, streets, or highways
- h. Slaughtering, butchering, cutting meat or using meat slicers, cleavers, or boning knives
- i. Occupations involving power driven equipment, tools, saws, or machinery (bakery machines, paper product machines, and metal-forming, punching, and shearing machines)

Employers subject to the Fair Labor Standards Act (FLSA) should reference United States Department of Labor (USDOL) Child Labor Bulletin 101, Child Labor Provisions for Nonagricultural Occupations Under the Fair Labor Standards Act for federal restrictions.

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WAGE AND HOUR DIVISION
P.O. Box 30476 • Lansing, Michigan 48909-7976
OVERNIGHT MAIL ADDRESS: 2407 N. GRAND RIVER • LANSING, MICHIGAN 48906
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7. Can minors operate carnival/amusement rides?

- a. Minors under age 16 cannot assemble, disassemble, operate, or tend any power-driven amusement ride.
- b. Minors 16-17 years of age may not assemble or disassemble a power-driven amusement ride, however, may tend (take tickets, board, disembark passengers) and operate a power-driven amusement ride provided:
 - The ride being operated is not a power-driven hoisting apparatus, including an elevator, power industrial truck, crane, derrick, or hoist that is specifically restricted in R 408.6208, Rule 208. 11(a), and
 - The employer is compliant with the Carnival-Amusement Safety Act, 1966 Public Act 225, enforced by the Department of Licensing and Regulatory Affairs (LARA), Bureau of Construction Codes, Ski and Amusement Division which includes:
 - The ride was issued a permit by LARA and
 - The operator receives training in the operating procedures specific to the ride, specific duties applicable to each of the ride's assigned positions, general procedures of the carnival or park, and the general and ride specific safety procedures that must be followed in the event of an unusual condition, interruption in operation, injury, emergency, or evacuation. There is a similar federal standard.

8. Are there restrictions on minors in establishments where alcoholic beverages are sold or served?

Yes. Minors shall not work in an establishment where alcohol sales are 50% or more of total sales. If the sale of food or other goods constitutes 50% or more of the total sales, the establishment may employ minors, however, minors 14 and 15 years may not work in, or about, or in connection with that part of the establishment where alcohol is consumed or sold for consumption on the premises. Minors may not sell or serve alcohol under Liquor Control Commission regulations.

9. Do minors need to be supervised?

Yes. A minor shall not work unless the employer, or his or her employee at least 18 years of age, provides supervision. The supervisor must ensure immediate assistance is available in case of an emergency.

10. When is a break required for a minor?

Employees under the age of 18 may not work more than five hours without a documented 30-minute uninterrupted break. Daily time records should reflect the starting and ending of shifts as well as the 30-minute uninterrupted break.

11. What hours may a minor age 14- and 15-years work?

Minors age 14 and 15 years SHALL NOT work more than 6 days in a workweek, 10 hours in a day, or a weekly average of 8 hours per day. The minor's weekly hours may not exceed 48 hours school and work combined in a workweek. The work permit reflects the number of hours the minor attends school. Minors age 14 and 15 years may not work before 7:00 a.m. or past 9:00 p.m.

Employers subject to the federal FLSA should not allow minors 14 and 15 years old to work more than 3 hours on a school day, 8 hours per day when school is not in session, more than 18 hours per workweek when school is in session, 40 hours per workweek when school is not in session, or past 7:00 p.m. except for the period of June 1st to Labor Day when they may work until 9:00 p.m.

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12. What hours may a minor age 16- and 17-years work?

Minors age 16 and 17 years may not work more than 6 days in a workweek, 10 hours in a day, or a weekly average of 8 hours per day. Their weekly hours may not exceed 24 hours per workweek when school is in session whether in person or remotely and 48 hours per workweek when school is not in session. Minors age 16 and 17 years may not start before 6:00 a.m. or work past 10:30 p.m. Sunday to Thursday or past 11:30 p.m. on Friday and Saturday, during school vacation periods that are at least 7 days long, or when a minor is not enrolled in school unless an hours deviation with parental consent is obtained.

13. How can an employer apply for an hours deviation for 16 and 17-year-old minors?

Approval may be granted for 16 and 17-year-old minors to work beyond the starting and ending times specified in the act. Approvals may be obtained from the Wage and Hour Division. The application for hours deviation may be submitted online at www.michigan.gov/wagehour. The employer will be required to have a valid work permit and written parental approval for a minor to work deviated hours. Deviations are not granted for working more hours only for working earlier or later than the act requires. Deviations are not granted for 14 and 15-year-old minors.

14. When is school considered in session?

School is in session when a minor is required to attend in person or remotely through an alternative learning plan.

15. May a minor work during school hours?

No. A minor shall not be employed during the hours they are required to attend school, either online or in person. An employer should keep copies of the minors' school schedules to ensure minors are not working during their required school hours.

16. Are breaks required for minors?

Yes. Workers under the age of 18 may not work more than five hours without a documented 30-minute uninterrupted break. Daily time records should reflect the starting and ending of shifts as well as the 30-minute uninterrupted break.

17. What are employer recordkeeping requirements under the act?

Employers must keep in or about the premises where minors are employed proof of age, work permits or proofs of exemption, and time records that state the number of hours worked by the minor each day together with starting and ending times of shifts and 30-minute breaks for not less than 1 year; however, there may be other laws, such as 1978 Public Act 390, the Payment of Wages and Fringe Benefit Act, and 2018 Public Act 337, the Improved Workforce Opportunity Wage Act that may require payroll records, hours worked, and fringe benefit documentation be maintained for not less than 3 years. These records shall be open to the Wage and Hour Division at any reasonable time.

18. Does the Youth Employment Standards Act contain a posting requirement?

Yes. The Youth Employment Standards Act poster may be downloaded from the Wage and Hour Division's website, www.michigan.gov/wagehour, or copies may be requested by calling 855-464-9243 (855-4MI-WAGE).

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19. Which occupations and minors are exempt from the regulations outlined in the act?

Some of the common exemptions include (but are not limited to):

- a. 16-year-old minor who has graduated from high school with proof on file at the worksite
- b. 17-year-old minor who has passed the general educational development (GED) test with proof on file at the worksite
- c. Emancipated minor with proof on file at the worksite
- d. A minor on a valid cooperative agreement or work-based learning program when a contract is entered into between the employer and school with a copy of the executed agreement on file at the worksite
- e. Domestic chores in connection with a private residence
- f. Employment in a business owned and operated by the parent or legal guardian of the minor
- g. Employment of a minor at least 14 years of age at the school where the minor is enrolled
- h. Farm work if the employment is not in violation of a standard established by the Department of Labor and Economic Opportunity. "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.

Youth Employment Specific to Farm Work and Agricultural Processing (Questions 20-23)

20. What is the difference between farm work and agricultural processing?

Farm work is work performed for the entity that is growing or producing an agricultural product or raising livestock and 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.

Agricultural processing is the cleaning, sorting, or packaging of fruits or vegetables for a food processor other than the farmer that produced or harvested the fruits or vegetables.

21. Does a minor employed at a farm in farming operations require a work permit?

No. Farm work is exempt from the act if the employment is not in violation of a Michigan Department of Labor and Economic Opportunity standard. An employer may request that a school issue a work permit for a minor that will serve as a certificate of age.

22. Does a minor employed in agricultural processing require a work permit?

Yes. Employment in agricultural processing by an agricultural processor is not an exempt occupation, all the general regulations specified in the act apply and a valid work permit or proof of individual exemption is required.

23. Are there special hours allowed for a minor working in agricultural processing?

For minors age 14 and 15 years, no. The allowed hours are the same as other types of businesses.

For minors age 16 and 17 years, yes, if school is not in session and the employer maintains written parental or guardian consent for the specialized hours. Minors age 16 and 17 years may work up to 6 days in a workweek or 11 hours in a day. Their weekly hours may not exceed 62 hours per workweek provided the minor consents to more than 48 hours. Minors age 16 and 17 years may not start before 5:30 a.m. or work past 2:00 a.m.

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24. What are the penalties against an employer for violating the act?

An employer who violates the act is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than \$500, or both. There are higher penalties for violations of adult supervision when minors are involved in cash transactions after sunset or 8:00 p.m. whichever is earlier.

25. How do I file a complaint for violations of the Youth Employment Standards Act?

Complaints may be filed online at <https://yesacomplaintform.apps.lara.state.mi.us/> or phoned in at 855-464-9243 (855-4MI-WAGE).

26. What if I have additional questions?

Please visit www.michigan.gov/wagehour or call 855-464-9243 (855-4MI-WAGE).

27. Where can I obtain more information about the federal Fair Labor Standards Act and its Child Labor Provisions?

Please visit the United States Department of Labor, Wage and Hour's website at www.youthrules.gov or call 866-487-9243 (866-4US-Wage).

28. Where can I find more information about workplace safety and personal protective equipment?

Please visit the Michigan Occupational Safety & Health Administration (MIOSHA) website at www.michigan.gov/miosha or call 800-866-4674 (800-TO-MIOSH).

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