



GRETCHEN WHITMER
GOVERNOR

Office of Career and Technical Education
P. O. Box 30712 • Lansing, Michigan 48909 • 517-335-6041



Informational Sheet
Youth Employment Standards Act 90 of 1978, as amended

POSTING REQUIREMENT

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

Sec. 10. A minor under 16 years shall not be employed in an occupation subject to this act for more than 6 days in 1 week, nor for a period longer than a weekly average of 8 hours per day or 48 hours in 1 week, nor more than 10 hours in 1 day. The minor shall not be employed between the hours of 9 p.m. and 7 a.m. A minor who is a student in school shall not be employed more than a combined school and work week of 48 hours during the period when school is in session.

MCL 409.111 Minor 16 years and over; days and hours of employment; employment in agricultural processing.

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:

If a 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.

- (a) The minor is employed for not more than 11 hours in 1 day.
- (b) 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.
- (c) The minor is not employed between 2 a.m. and 5:30 a.m.
- (d) 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: AM. 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

MCL 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.

MCL 409.112a Prohibition of minors working alone in occupation involving a cash transaction after sunset or 8 p.m. at fixed location.

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 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.

IMPORTANT: ADMINISTRATIVE RULE, R408.6207 REQUIRES A MINOR SUBJECT TO ACT 90 BE SUPERVISED BY THE EMPLOYER OR ANOTHER EMPLOYEE 18 YEARS OF AGE OR OLDER

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Youth Employment Standards Act, 1978 Public Act 90

Work Activities Prohibited or Restricted by Law or Administrative Rule

| Work Activity | Age 14/15 | Age 16/17 | MCL or Rule Cite |
|---|------------|------------|---------------------------|
| 1. Alcoholic Beverages: | | | |
| Employed in Establishments Where Alcohol Sales are 50% or More of Total Sales | Prohibited | Prohibited | MCL 409.115 |
| Employed Where Alcohol is Consumed in Establishments Where Alcohol Sales are Less than 50% of Total Sales | Prohibited | Permitted | MCL 409.115 |
| Minors Cannot Sell, Serve, or Furnish Alcoholic Beverages; Liquor Control Commission Regulations, 1-866-893-2121 | Prohibited | Prohibited | Liquor Control Commission |
| 2. Clay Construction Products / Silica Refractory Products | Prohibited | Prohibited | R 408.6209(1) |
| 3. Child Commercial Abusive Activities | Prohibited | Prohibited | MCL 409.114a |
| 4. Confined Spaces | Prohibited | Permitted | R 408.6208(8) |
| 5. Construction Operations: | | | |
| Involving Additions, Improvements, Excavation, Highway, Bridge, or Street Construction, Roofing, Wrecking, Demolition, and Ship Breaking Operations | Prohibited | Prohibited | R 408.6208(2) |
| Involving Cleanup (Not in Above Operations) | Prohibited | Permitted | R 408.6208 (1) |
| Non-Hazardous Construction Work for Charitable Housing Organization | Exempt | Exempt | MCL 409.119 |
| 6. Explosives | Prohibited | Prohibited | R 408.6208(3) |
| 7. Extinguishment of Fires | Prohibited | Restricted | R 408.6209(11) |
| 8. Hazardous Substances (see R 408.6204(a) for definition) | Prohibited | Prohibited | R 408.6208(5) |
| 9. Hoisting Apparatus: | | | |
| Operation of | Prohibited | Prohibited | R 408.6208(11)(a) |
| Riding on | Prohibited | Prohibited | R 408.6208(11)(b) |
| Assisting in the Operation of | Prohibited | Prohibited | R 408.6208(11)(c) |
| Working Under | Prohibited | Permitted | R 408.6208(12) |
| 10. Ladders and Scaffolding | Prohibited | Permitted | R 408.6209(10) |
| 11. Logging and Sawmills | Prohibited | Prohibited | R 408.6209(5) |
| 12. Mines and Quarries | Prohibited | Prohibited | R 408.6209(6) |
| 13. Motor Vehicles | Prohibited | Prohibited | R 408.6208(13) |
| Outside Helpers | Prohibited | Prohibited | R 408.6208(14) |
| 14. Ore Reduction, Casting Metals | Prohibited | Permitted | R 408.6209(7) |
| 15. Power Driven: | | | |
| Bakery Machines | Prohibited | Prohibited | R 408.6208(9)(c) |
| Meat Processing Machines | Prohibited | Prohibited | R 408.6208(9)(f) |
| Paper Product Machines | Prohibited | Prohibited | R 408.6208(9)(d) |
| Metal Forming Machines | Prohibited | Prohibited | R 408.6208(9)(b) |
| Saws | Prohibited | Prohibited | R 408.6208(9)(e) |
| Woodworking Machines | Prohibited | Prohibited | R 408.6208(9)(a) |
| Tractors (Non-Agricultural) | Prohibited | Restricted | R 408.6208(10)(b) |
| Lawn Mowers and Cutters | Prohibited | Permitted | R 408.6209(8) |
| Earth Moving Equipment and Trenchers | Prohibited | Prohibited | R 408.6208(10)(a) |
| 16. Radioactive Substances including Self-Luminous Compounds | Prohibited | Prohibited | R 408.6208(6) |
| 17. Respiratory Equipment | Prohibited | Prohibited | R 408.6208(7) |
| 18. Slaughtering, Meat Packing, and Rendering | Prohibited | Prohibited | R 408.6209(9) |
| 19. Tanning (Animal Hides) | Prohibited | Prohibited | R 408.6209(4) |
| 20. Welding | Prohibited | Permitted | R 408.6209(2) |
| Heat Treating, Brazing, and Soldering | Prohibited | Permitted | R 408.6209(3) |

This document contains general information only and does not carry the effect of law. Act 90 contains other limitations on employment of minors and all requirements must be met. Please contact the Office of Career and Technical Education for additional information at 517-335-6041 or visit their website at http://www.michigan.gov/mde/0,4615,7-140-6530_2629_59590---.00.html

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Youth Employment Standards Act, 1978 Public Act 90

Work Activities Prohibited or Restricted by Department Review under MCL 409.103

“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. . .”

This document contains general information and does not carry the effect of the Law

| Work Activity | Age 14/15 | Age 16/17 |
|--|---------------------|------------|
| 1. Amusement Park/Recreational Establishment – No Assembly, Disassembly, or Operation of Rides; Age 16/17 may tend, i.e., Take Tickets, Board and Disembark Passengers | Prohibited | Restricted |
| 2. Bloodborne Pathogens Exposure | Prohibited | Prohibited |
| 3. Boats and Other Watercraft | Prohibited | Prohibited |
| 4. Conveyors (Belt), Work On or Near | Prohibited | Restricted |
| 5. Firearms (Loaded), Any Gauge or Caliber including Air Powered | Prohibited | Prohibited |
| 6. Garbage Cart – Easy Tipper | Prohibited | Prohibited |
| 7. Gator Type Utility Vehicles (Not on a Public Road) | Prohibited | Permitted |
| 8. Go-Cart Spotters | Prohibited | Permitted |
| 9. Golf Carts (Not on a Public Road) | Prohibited | Permitted |
| 10. Hot Grease or Oil (Exceeding 100 degrees Fahrenheit) | Prohibited | Prohibited |
| 11. Kansmacker, Un-jamming, Servicing, or Repairing | Prohibited | Prohibited |
| 12. Knives: Chef, Boning, Butcher, Meat Cleaver, Filet, Skinning, and Machete | Prohibited | Prohibited |
| 13. Laminators, Used to Form a Multiple-Ply Product | Prohibited | Prohibited |
| 14. Lawn Care Equipment (Power-Driven) – Mowers, Edgers, Weed Eaters, Hedger Clippers, Tillers, Wheelbarrows, Thatchers, and Aerators | Prohibited | Permitted |
| 15. Life Guard (Certified) | | |
| Swimming Pools and Water Amusement Parks | Permitted (15 only) | Permitted |
| Natural Bodies of Waters, Such as Lakes and Rivers | Prohibited | Permitted |
| 16. Pharmacies and Prescription Drug Delivery | Prohibited | Prohibited |
| 17. Power Drills (Over 3/8” Chuck) | Prohibited | Prohibited |
| 18. Propane (LP) Gas, Dispensing | Prohibited | Prohibited |
| 19. Sewing Machines Used in a Manufacturing Process | Prohibited | Permitted |
| 20. Snow Blower | Prohibited | Permitted |
| 21. Tire Changer | Prohibited | Prohibited |
| 22. Youth Peddling, Door-to-Door and Street Sales for Profit Making Companies including Mobile Sales Crews | Prohibited | Permitted |

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TEENAGER'S EMPLOYMENT IN MICHIGAN

(Refer to Youth Employment Standards Act, Public Act 90 of 1978)

14 Minimum Age of Employment

Work Permit

- Must be current, age and color appropriate on file at fixed location/work site place of employment **prior to** beginning work
- **Section I** completed by minor and parent/guardian (in its entirety); and,
- **Section II** completed by employer or representative proposing to employ minor (in its entirety); and
- **Section III** completed by school issuing officer only upon application **in person** by minor desiring employment and after having examined, approved and copy work permit placed in minor's permanent school file

Work Permit Exemptions

Work permit **do not** apply if:

- 16/17 year old has successfully passed G.E.D. test **and** provided proof of successful completion **prior to** employment
- 16/17 year old has completed high school graduation requirements **and** provided proof of diploma **prior to** employment
- 16/17 year old emancipated has provided proof to employer **prior to** employment (i.e., marriage certificate, etc.)
- Signed and dated written agreement/contract entered into between employer and governing body of the school district, etc.
- Employment in a business owned (sole, partner or stockholder) **and** operated by minor's parent/guardian if parent/guardian devotes substantially all of his/her working hours to the operation of the business

Adult Supervision

Minors under the age of 18 **may not** work

- Unless the employer or employee of the employer 18 years or older provides supervision;
- In an occupation that involves a cash transaction after sunset or 8 pm, whichever is earlier, at a fixed location unless employer or employee of the employer 18 years or older is present at the fixed location during those hours

Hours

Minors required by law to attend school, may only perform work outside school hours (i.e., after 3:00 pm)

Minors under the age of 18 **may not** work

- More than 6 days in one (1) week;
- More than an average of 8 hours per day in one (1) week;
- More than 5 hours continuously without 30 minutes or more documented and uninterrupted meal/rest period;

Minors 16/17 years

- May be employed no earlier than 6:00 am and no later than 10:30 pm (Sunday-Thursday);
- May be employed no earlier than 6:00 am and no later than 11:30 pm (Friday-Saturday) and (During Summer, Winter, Christmas school vacation at least 7 calendar days Sunday – Saturday)
- May work no more than 24 hours per week when school is in session (whether home/cyber/virtual/on-line school, etc.)
- May work no more than 48 hours per week when school is not in session (Spring, Summer, Winter/Christmas vacation - at least 7 calendar days Sunday – Saturday)

Minors 14/15 years

- May be employed no earlier than 7:00 am and no later than 7:00 pm (September Labor day – June 1st)
- May be employed no earlier than 7:00 am and no later than 9:00 pm (June 1st – September Labor day)
- May be employed no more than 18 hours a week during a school week
- May be employed no more than 3 hours a day, outside school hours, on school day (Monday – Friday)

Alcohol

Minors under the age of 18 cannot sell, serve or furnish alcoholic beverages

Minors under the age of 16 may not be employed in establishments

where alcoholic beverages are sold or consumed for consumption on the premises

Minors shall not be employed in, about, or in connection with an occupation that is hazardous or injurious to the minor's health or well-being including but not limited to

**(Youth Peddling, Door-to-Door sales, and Street sales for profit making companies)
(Use of Chef, Boning, Butcher, Meat Cleaver, Filet, Skinning, or Machete knives)
(Hot Grease or Oil when the temperature exceeds 100 degrees Fahrenheit)**

Hazardous Occupations (Under the age of 18)

The term "operation" as used in HO's 5, 8, 10, 11, 12 and 14 includes the tasks of setting up, adjusting, repairing, oiling, and cleaning the equipment

- HO 1 Manufacturing or storing explosives
- HO 2 Driving a motor vehicle or work as an outside helper on motor vehicles
- HO 3 Coal mining
- HO 4 Logging and sawmilling
- HO 5 Power-driven woodworking machines
- HO 6 Exposure to radioactive substances and ionizing radiation
- HO 7 Power-driven hoisting apparatus
- HO 8 Power-driven metal-forming, punching and shearing machines
- HO 9 Mining, other than coal
- HO 10 Power-driven meat-processing machines, slaughtering and meat packing plants
- HO 11 Power-driven bakery machines
- HO 12 Power-driven paper-products machines, scrap paper balers, and paper box compactors
- HO 13 Manufacturing of brick, tiles and related products
- HO 14 Power-driven circular saws, band saws and guillotine shears
- HO 15 Wrecking, demolition, and shipbreaking operations
- HO 16 Roofing occupations and work on or about a roof
- HO 17 Trenching and excavation operations

Minors 14/15 years **may not** do

- Manufacturing and Mining
- Meat slaughtering, processing, and packaging
- Meat slicers, saws and meat choppers (including restaurants and delicatessens) occupations
- Operating power-driven equipment
- Transportation and Communications
- Warehousing and storage
- Construction
- Work in or about boiler or engine rooms
- Maintenance or repair of a building or equipment
- Work in freezers and meat coolers
- Outside window washing
- Baking such as vertical dough mixers, batter mixers (including most countertop models) dough rollers and dough sheeters
- Work involving power-driven food slicers and grinders, choppers or cutters and bakery mixers
- Loading and unloading goods to and from trucks, railcars or conveyors
- Work in areas where meats are prepared for sale

EMPLOYER'S RECORDKEEPING REQUIREMENTS

- Work permit or Work Based Learning agreement or contract signed and dated between employer and school
- Copy of certification - successfully passing G.E.D. test or high school requirements - diploma
- "State Approved" Application for General Hours and Individual Application for Hours Deviation for 16 and 17 year old minors
- Starting and Ending documented and uninterrupted meal/rest period of 30 minute or more
- Posting Requirement – at the work site
- Required Michigan Minimum Wage Law Poster – posted at the work site
- Employee name, address, birth date – occupation/classification – rate of pay – total hours worked **AND** total hours paid each pay
- Total daily hours worked – starting/ending time worked each day and starting/ending meal/rest period
- Itemization of fringe benefits (1 listing for 10 or more employees)
- Separate earning statement of itemization of deductions made each pay period
- Furnish each employee at the time of payment of wages a retainable and detachable earning statement indicating
 1. Hours worked by the employee
 2. Gross wages paid
 3. Identification of the pay period for which payment is being made
 4. Itemization of deductions

TIPPED EMPLOYEES

Signed and dated tip statement received each pay period **AND** Itemization of credits taken for tips each pay period

Wage and Hour Program

Workforce Opportunity Wage Act – Minimum Wage

www.michigan.gov/wagehour • 517-322-1825 • Toll Free 855-4MI-WAGE (855-464-9243)

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