DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

YOUTH EMPLOYMENT STANDARDS

(By the authority conferred on the superintendent of public instruction by section 20 of 1978 PA 90, MCL 409.120, and Executive Reorganization Orders Nos. 1996-2, 2002-1, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2004, MCL 445.2011, MCL 445.2025, and MCL 445.2030)

PART 1. GENERAL PROVISIONS

R 408.6199 Rescission.

Rule 199. R 408.201 to R 408.206 of the Michigan Administrative Code, appearing on pages 3164 to 3169 of the 1979 Michigan Administrative Code, are rescinded.

History: 1988 AACS.

PART 2. HAZARDOUS OCCUPATIONS IN GENERAL EMPLOYMENT

R 408.6201 Scope.

Rule 201. This part prescribes rules to ensure the safe, legal employment of minors in nonagricultural employment and lists those occupations declared to be hazardous to the safety, health, and well-being of minors.

History: 1988 AACS.

R 408.6202 Employment in hazardous occupations prohibited; deviation from rules.

Rule 202. (1) A minor shall not be employed in any of the occupations declared to be hazardous by this part.

(2) Deviations from these rules may be granted by the director of the department or his or her designee when it is determined to be in the best interests of the minor and the community.

History: 1988 AACS; 2003 AACS.

R 408.6203 Definitions; A to E.

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Rule 203. As used in this part:

(a) "Act" means 1978 PA 90, MCL 409.101 et seq.

(b) "Clay construction products" means all of the following:

(i) Brick.

(ii) Hollow structural tile.

(iii) Sewer pipe and kindred products.

(iv) Refractories.

(v) Other clay products, such as any of the following:

(A) Architectural terra cotta.

(B) Glazed structural tile.

(C) Roofing tile.

(D) Stove lining.

(E) Chimney pipes and tops.

(F) Wall coping.

(G) Drain tile.

(c) "Confined space" means an enclosed area which does not have a natural or mechanically induced supply of fresh air, including all of the following:

(A) A bin.

(B) A tank.

(C) A vessel.

(D) A vault.

(E) A well.

(d) "Construction operation" means the work designated in subsector 233 - building, developing, and general contracting, subsector 234 - heavy construction, and subsector 235 - special trade contractors, of the 1997 North American industry classification system (NAICS) manual, which are adopted by reference. Subsector 233 - building, developing, and general contracting, subsector 234 - heavy construction, and subsector 235 - special trade contractors, of the 1997 NAICS manual are available for inspection at www.census.gov/eos/www/naics/reference_files_tools/1997/sec23.htm, and are available for inspection at, and for distribution at no charge from, the Michigan Department of Education, Office of Career and Technical Education, 608 W. Allegan Street, P.O. Box 30712, Lansing, MI 48909.

(e) "Crane" means a power-driven machine which is for lifting and lowering a load and moving it horizontally and in which the hoisting mechanism is an integral part of the machine.

(f) "Derrick" means a power-driven apparatus consisting of a mast or equivalent members held at the top by guys and braces, with or without a boom, for use with a hoisting mechanism and operating ropes.

(g) "Department" means the department of education.

(h) "Director" means the director of the department or his or her authorized representative.

(i) "Elevator" means any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. This includes both passenger and freight elevators, but does not include dumbwaiters.

(j) "Employ" means engage, permit, or allow to work.

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(k) "Employer" means a person, firm, or corporation which employs a minor and includes the state or a political subdivision of the state, an agency or instrumentality of the state, and an agent of an employer.

(l) "Exempt" means employment or services performed that are not covered by these rules.

(m) "Explosives" or "articles containing explosive components" means any chemical compound, mixture, or device, the primary purpose of which is to function by explosion; that is, substantially instantaneous decomposition with the release of heat and gas. Explosives include, but are not limited to, all of the following:

(i) Ammunition.
(ii) Black powder.
(iii) Blasting caps.
(iv) Blasting agents.
(v) Fulminate of mercury.
(vi) Fireworks.
(vii) Detonating primers.
(viii) Dynamite.
(ix) Lead azide.
(x) Nitroglycerin.
(xi) Picric acid.
(xii) Smokeless powder.

History: 1988 AACS; 2003 AACS; 2006 AACS; 2015 AACS.

R 408.6204 Definitions; H to O.

Rule 204. As used in this part:

(a) "Hazardous substances" means a contaminant, substance, or mixture of substances which is toxic, corrosive, an irritant, a strong sensitizer, or flammable or which generates pressure through decomposition, heat, or other means, if the substance or mixture of substances is capable of causing substantial personal injury, impairment, or substantial illness through absorption, inhalation, or personal contact. The signal word to designate the degree of hazard is "DANGER" as prescribed in R 408.11612 of the Michigan Administrative Code.

(b) "Hoist" means a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides.

(c) "Low-lift platform truck" means a self-loading truck equipped with a load platform intended primarily for transporting, but not the tiering of, loaded skid platforms.

(d) "Manlift" means a device intended for the conveyance of persons which consists of platforms or brackets mounted on or attached to an endless belt, cable, chain, or similar method of suspension, which operates in a substantially vertical direction, and which is supported by and driven through pulleys, sheaves, or sprockets at the top or bottom.

(e) "Minor" means a person under 18 years of age, but does not include any of the following:

(i) An individual 16 years of age or older who has completed the requirements for graduation from high school.

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(ii) An individual 16 years of age or older who has successfully passed the general educational development test.

(iii) An emancipated individual as defined by section 4 of 1968 PA 293, as amended, MCL 722.4.

(f) "Motorized hand truck" means a truck designed for the transportation of, but not the tiering of, materials that are to be controlled by a walking operator.

(g) "Motor vehicle" means any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation, but does not include any vehicle operated exclusively on rails.

(h) "Occupations in connection with logging" means all work performed in connection with any of the following:

(i) The felling of timber.

(ii) The bucking or converting of timber into any of the following:

(A) Logs.

(B) Poles.

(C) Piles.

(D) Ties.

(E) Bolts.

(F) Pulpwood.

(G) Chemical wood.

(H) Excelsior wood.

(I) Cordwood.

(J) Fence posts.

(K) Similar products.

(iii) The collecting, skidding, yarding, loading, transporting, and unloading of the products specified in paragraph (ii) of this subdivision in connection with logging.

(iv) The constructing, repairing, and maintaining of roads, railroads, flumes, or camps used in connection with logging.

(v) The moving, installing, rigging, and maintenance of machinery or equipment used in logging.

(i) "Occupations in or about slaughtering and meat-packing establishments, rendering plants, or wholesale, retail, or service establishments" means all work performed in or about such establishments in connection with any of the following:

(i) Work on the killing floor, in curing cellars, and in hide cellars.

(ii) Work involving the recovery of lard and oils.

(iii) Work involving the tankage or rendering of any of the following:

(A) Dead animals.

(B) Animal offal.

(C) Animal fats.

(D) Scrap meats.

(E) Blood and bones into stock feeds.

(F) Tallow.

(G) Inedible greases.

(H) Fertilizer ingredients.

(I) Similar products.

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(iv) Work involving the operation or feeding of all power-driven meat-processing machines.

(v) Work involving any boning operations.

(vi) Work involving the hand-lifting or hand-carrying of any carcass or half carcass of beef, pork, or horse or any quarter carcass of beef or horse.

(vii) Work involving the pushing or dropping of any suspended carcass, half carcass, or quarter carcass.

(j) "Occupations in the operation of any sawmill, lath mill, shingle, or cooperage stock mill" means all work performed in or about any such mill in connection with any of the following:

(i) Storing of logs and bolts.

(ii) Converting logs or bolts into sawn lumber, laths, shingles, or cooperage stock.

(iii) Storing, drying, and shipping lumber, laths, shingles, cooperage stock, or other products of such mills.

(iv) Other work performed in connection with the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill.

(k) "Operations in and around a mine or quarry" means all work performed at any of the following locations:

(i) Underground in mines or quarries.

(ii) On the surface at underground mines and underground operations.

(iii) At or about placer mining operations.

(iv) At or about bore-hole mining operations.

(v) At or about dredging operations for clay, sand, or gravel.

(vi) In or about all metal mills, washer plants, or grinding mills which reduce the bulk of the extracted minerals.

(vii) At or about any other crushing, grinding, screening, sizing, washing, or cleaning operations performed upon the extracted minerals, except where such operations are performed as a part of a manufacturing process.

(l) "Outside helper" means any individual, other than the driver, whose work includes riding on a motor vehicle outside the cab.

History: 1988 AACS; 2015 AACS.

R 408.6205 Definitions; P to W.

Rule 205. As used in this part:

(a) "Power-driven bakery machines" means any of the following:

(i) Any horizontal or vertical dough mixer.

(ii) Batter mixer.

(iii) Any bread-dividing, bread-rounding, or bread-molding machine.

(iv) Any dough brake or dough sheeter.

(v) Any combination bread-slicing and bread-wrapping machine.

(vi) Any cake-cutting band saw.

(vii) Any cookie machine.

(viii) Any cracker machine.

(b) "Power-driven meat-processing machine" means any of the following:

(i) Meat patty-forming machines.

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(ii) Meat and bone cutting saw, knives, head splitters, and guillotine cutters.

(iii) Snout pullers and jaw pullers.

(iv) Skinning machines and horizontal rotary washing machines.

(v) Casing cleaning machines, such as stripping, crushing, and finishing machines.

(vi) Grinding, mixing, chopping, and hashing machines.

(vii) Presses.

(c) "Power-driven metal-forming, metal-punching, and metal-shearing machines" means power-driven metalworking machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts.

(d) "Power-driven paper products machines" means power-driven machines used in the remanufacture or conversion of paper or pulp into a finished product.

(e) "Power-driven woodworking machines" means all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.

(f) "Power industrial truck" means a mobile, power-driven vehicle used to carry, push, pull, lift, stack, or tier material.

(g) "Respiratory equipment" means any of the following:

(i) A self-contained breathing apparatus.

(ii) A supplied-air respirator.

(iii) An air-purifying respirator.

(iv) A gas mask.

(v) A chemical cartridge respirator.

(h) "Self-luminous compound" means any mixture of phosphorescent material and radium, mesothorium, or other radioactive element.

(i) "Silica refractory products" means refractory products produced from raw materials and containing free silica as their main constituent.

(j) "Wrecking, demolition, and shipbreaking operations" means all work, including cleanup and salvage work, performed at the site of the total or partial razing, demolishing, or dismantling of a building, bridge, steeple, tower, chimney, other structure, or ship or other vessel.

History: 1988 AACS.

R 408.6206 Exemptions.

Rule 206. These rules shall not apply to, or prohibit a minor from engaging in, the following activities or exempt employment:

(a) 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 board of education of the school district in which the student minor is enrolled.

(b) Employment in a business owned and operated by the parent or guardian of a minor.

(c) Employment of a student minor by a school, academy, or college in which a student minor who is 14 years of age or older is enrolled.

(d) Domestic work or chores in connection with private residences.

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

(f) Shoe shining.

(g) Services performed as members of recognized youth-oriented organizations that are engaged in citizenship training and character building, if the services are not intended to replace employees in occupations for which workers are ordinarily paid.

(h) Farm work designated in sector 11-agriculture, forestry, fishing, and hunting, of the 1997 North American industry classification system (NAICS) manual, if the employment is not in violation of a standard established by the department.

Sector 11 of the 1997 NAICS manual is available for inspection at www.census.gov/eos/www/naics/reference_files_tools/1997/sec11.htm, and is available for inspection and for distribution at no charge at the Michigan Department of Education, Office of Career and Technical Education, 608 W. Allegan Street, P.O. Box 30712, Lansing, MI 48909.

History: 1988 AACS; 2006 AACS; 2015 AACS.

R 408.6207 Adult supervision of minor employees.

Rule 207. A minor shall not be employed subject to the act unless the employer or an employee who is 18 years of age or older provides supervision.

History: 1988 AACS.

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R 408.6208 Prohibited occupations; construction; excavation; roofing; wrecking; demolition; ship-breaking operations; working with explosive materials, hazardous substances, radioactive substances, respiratory equipment; working in a confined space; machine operation and maintenance; operating special equipment; working with power-driven hoisting apparatus; occupations requiring use of motor vehicle.

Rule 208. (1) A minor less than 16 years of age shall not be employed in any occupations in a construction operation, as defined in R 408.6203(d), to include repair or the cleanup of a construction site.

(2) A minor shall not be employed in any occupation involving construction work; additions; improvements; excavating; highway, bridge, and street construction; roofing, as defined in R 408.6203(d), or wrecking; demolition; or ship-breaking operations.

(3) A minor shall not be employed in any occupation in or about plants or establishments which manufacture or store explosive materials or articles containing explosive materials, as defined in R 408.6203(m), including ammunition exceeding .60 caliber in size, except where both of the following criteria are met:

(a) None of the work performed in the area involves the mixing, transportation, handling, or use of explosive materials.

(b) The minor's work area is separated from the hazardous area by the distance prescribed for inhabited buildings in table 1, or the minor's work area is separated from the hazardous area by an earthen bank not less than 8 feet in height.

(4) Table 1 reads as follows:

Distances for Storage of Explosives

Explosives g		Distance in feet when storage is barricaded b,c,d,e			
Pounds Over	Pounds not over	From inhabited Buildings	From passenger railways	From public highways	Separation of maga-zines f
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	190	75	75	16
100	125	200	80	80	18
125	150	215	85	85	19
150	200	235	95	95	21
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27
400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33
800	900	390	155	155	35
900	1,000	400	160	160	36
1,000	1,200	425	170	165	39

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1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	45
2,000	2,500	545	220	190	49
2,500	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	800	320	250	72
8,000	9,000	835	335	255	75
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82
12,000	14,000	885	390	275	87
14,000	16,000	900	405	280	90
15,000	18,000	940	420	285	94
18,000	20,000	975	435	290	98
20,000	25,000	1,055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	590	420	135
50,000	55,000	1,460	610	440	140
55,000	60,000	1,515	630	455	145
60,000	65,000	1,565	645	470	150
65,000	70,000	1,610	660	485	155
70,000	75,000	1,655	675	500	160
75,000	80,000	1,695	690	510	165
80,000	85,000	1,730	705	520	170
85,000	90,000	1,760	720	530	175
90,000	95,000	1,790	730	540	180
95,000	100,000	1,815	745	545	185
100,000	110,000	1,835	770	550	195
110,000	120,000	1,855	790	555	205
120,000	130,000	1,875	810	560	215
130,000	140,000	1,890	835	565	225
140,000	150,000	1,900	850	570	235
150,000	160,000	1,935	870	580	245
160,000	170,000	1,965	890	590	255
170,000	180,000	1,990	905	600	265
180,000	190,000	2,010	920	605	275
190,000	200,000	2,030	935	610	285
200,000	210,000	2,055	955	620	295
210,000	230,000	2,100	980	635	315
230,000	250,000	2,155	1,010	650	335
250,000	275,000	2,215	1,040	670	360
275,000	300,000	2,275	1.075	690	385

Notes to Table

Note a. All types of blasting caps in strengths through No. 8 shall be rated at 1 1/2 (0.68 kg) of explosives per 1,000 caps.

Note b. "Barricaded" means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade or by an artificial barricade of such

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height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or building, or to a point 12 feet (3.66 m) above the center of a railway or highway, will pass through such intervening or artificial barricade.

Note c. "Artificial barricade" means an artificial mound or revetted wall of earth of a minimum thickness of 3 feet (0.92 m).

Note d. "Natural barricade" means natural features of the ground, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

Note e. When a building containing explosives is not barricaded, the distances shown in Table 1 shall be doubled.

Note f. When 2 or more storage magazines are located on the same property, each magazine shall comply with minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they shall be separated from each other by not less than the distances shown for "Separation of magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of the cap magazines from magazines containing other explosives. If any 2 or more magazines are separated from each other by less than the specified "Separation of magazines" distances, then such 2 or more magazines, as a group, shall be considered as 1 magazine, and the total quantity of explosives stored in such group shall be treated as if stored in a single magazine located on the site of any magazine of the group and shall comply with the distances specified from other magazines, inhabited buildings, railways, and highways.

Note g. This table applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to the transportation of explosives or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

Note h. 1 pound = 0.454 kg; 1 foot = 0.305 m.

(5) A minor shall not be employed in any occupation involving the use of or exposure to hazardous substances, as defined in R 408.6204(a).

(6) A minor shall not be employed to work in any workroom in which any of the following occurs:

(a) Radium is stored or used in the manufacture of self-luminous compounds.

(b) A self-luminous compound, as defined in R 408.6205(h), is made, processed, packaged, stored, used, or worked on.

(c) Incandescent mantles made from fabric and solutions containing thorium salts are manufactured, processed, or packaged.

(d) Other radioactive substances are present in the air in average concentrations exceeding 10% of the maximum permissible concentrations in the air recommended for occupational exposure as set forth in the 40-hour week column of table 1 of the national committee on radiation protection report no. 22, entitled "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," June 5, 1959, which is adopted by reference in these rules and is available for inspection and for distribution at no charge at the Michigan Department of Education, Office of Career and Technical Education, 608 W. Allegan Street, P.O. Box 30712, Lansing, MI 48909.

This report may be purchased from the National Council on Radiation Protection and Measurements, 7910 Woodmont Avenue, Suite 400, Bethesda, MD 20814-3095, at a cost of $20.00.

(7) A minor shall not be employed in any occupation which requires the use of respiratory equipment, as defined in R 408.6205(g).

(8) A minor under 16 years of age shall not be employed in any occupation involving work in a confined space, as defined in R 408.6203(c).

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(9) A minor shall not be employed in any occupation involving the operations, setup, repair, adjustment, oiling, or cleaning of any of the following machines:

(a) Power-driven woodworking machinery, as defined in R 408.6205(e).

(b) Power-driven metal-forming, metal-punching, and metal-shearing machines, as defined in R 408.6205(c).

(c) Power-driven bakery machines, as defined in R 408.6205(a).

(d) Power-driven paper products machinery, as defined in R 408.6205(d).

(e) Power-driven saws.

(f) Power-driven meat-processing machines, as defined in R 408.6205(b).

(10) A minor shall not operate, or assist in the operation of, including the starting, stopping, adjusting, feeding, or any other activity involving physical contact with, any of the following machines:

(a) Trencher or earth-moving equipment.

(b) Tractors exceeding 20 power-take-off horsepower, including connecting or disconnecting an implement or any of its parts to or from such a tractor; except that minors 16 to 17 years of age who are provided operating instructions from their employers may operate such tractors.

(11) A minor shall not be employed in work which involves any of the following activities:

(a) The operation of a power-driven hoisting apparatus, including an elevator, power industrial truck, crane, derrick, or hoist, except for the operation of an unattended automatic operation passenger elevator.

An employer may apply for a deviation for 16- and 17-year-old minors to operate a motorized hand truck and low-lift platform truck, as defined in R 408.6204(c) and (f), in accordance with R 408.6303.

(b) Riding on a manlift or on a freight elevator, except for a freight elevator which is operated by an assigned operator.

(c) Assisting in the operation of a crane, derrick, or hoist as traditionally performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and similar occupations.

(12) A minor under 16 years of age shall not work under equipment or machinery which has been elevated by a hoist, jack, blocks, or hydraulic power system.

(13) A minor shall not be employed in any occupation which requires the operation of a motor vehicle on any public road or highway, except when such operation is occasional and incidental to the minor's primary work activities and if all of the following requirements are complied with:

(a) The gross vehicle weight does not exceed 6,000 pounds.

(b) The operation is restricted to daylight hours.

(c) The minor holds a state license valid for the type of motor vehicle operation involved in the job performed and has completed a state-approved driver education course.

(d) The vehicle is equipped with a seat belt or similar device for the driver and for each helper, and the employer has instructed each minor that such belts or other devices must be used.

(e) The operation does not involve the transporting of passengers or the towing of vehicles.

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(14) A minor shall not be employed as an outside helper on any motor vehicle on a public highway.

History: 1988 AACS; 2003 AACS; 2006 AACS; 2015 AACS.

R 408.6209 Prohibited occupations; manufacture of brick, tile, and kindred products; welding and heat treating; brazing and soldering; tanning; logging and sawmilling; mining; working in foundry; operating lawn care equipment; working in slaughtering or meat-packing establishments; working from ladders or scaffolding; firefighting.

Rule 209. (1) A minor shall not be employed in any occupation involving exposure to the manufacturing of clay construction products, as defined in R 408.6203(b), or of silica refractory products, as defined in R 408.6205(i).

(2) A minor under 16 years of age shall not be employed to directly engage in welding or cutting with gas, arc, or resistance methods.

(3) A minor under 16 years of age shall not be employed to directly engage in heat treating, brazing, or soldering, except for soldering with a hand-held soldering gun or iron.

(4) A minor shall not be employed to directly engage in any aspect of the tanning process.

(5) A minor shall not be employed in any occupation, as defined in R 408.6204(h), in connection with logging or in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill, as defined in R 408.6204(j).

(6) A minor shall not be employed in any operation in or around a mine or quarry, as defined in R 408.6204(k).

(7) A minor under 16 years of age shall not be employed in any occupation involving ore reduction process, the casting of metals, or other activities with direct exposure to blast furnaces.

(8) A minor under 16 years of age shall not be employed in any occupation involving the operation of power-driven lawn mowers or cutters.

(9) A minor shall not be employed in occupations in or about slaughtering and meat-packing establishments, rendering plants, or wholesale, retail, or service establishments, as defined in R 408.6204(i).

(10) A minor under 16 years of age shall not be employed in any occupation requiring the use of ladders, scaffolds, or their substitutes.

(11) A minor shall not be employed to engage in the extinguishment of fires, except that a minor who is 16 or 17 years of age may be employed for forest fire suppression on fire control mop-up work in a crew organization under the direct supervision of a crew or line fire boss.

History: 1988 AACS; 2015 AACS.

PART 3. DEVIATIONS FROM ESTABLISHED STANDARDS OR FROM LEGAL HOURS OF EMPLOYMENT FOR 16- AND 17-YEAR-OLD MINORS

Courtesy of www.michigan.gov/orr

R 408.6301 Definitions.

Rule 301. As used in this part:

(a) "Act" means 1978 PA 90, as amended, MCL 409.101 et seq.

(b) "Community" means a group of people having common interests who live in the same locality.

(c) “Department” means the department of education.

(d) "Deviation" means a variance from the established hours or hazardous occupations granted by the department to a specific employer or individual.

(e) "Family hardship" means a condition whereby the economic well-being of the household in which a minor resides is dependent upon the earnings of the minor.

History: 1988 AACS; 2015 AACS.

R 408.6302 Application for deviation from legal hours of employment.

Rule 302. (1) An employer seeking approval to employ minors age 16 and older beyond the hours prescribed in the act shall file an application for a deviation from the legal hours of employment with the department.

(2) An application for a deviation shall include all of the following information:

(a) The name and address of the employer.

(b) The name and title of the person filing the application.

(c) An indication of the work schedule for hours to be worked before 6 a.m. and after 10:30 p.m. when school is in session and before 6 a.m. and after 11:30 p.m. when school is not in session.

(d) The address where the work is to be performed.

(e) A statement of the type of business.

(f) Verification that all of the following shall be maintained by the employer:

(i) Written permission of the parent or guardian for the minor to work the hours requested.

(ii) Records certifying that the work week does not exceed 24 hours if the minor is a student in school and school is in session.

History: 1988 AACS; 2003 AACS; 2006 AACS; 2014 AACS.

R 408.6303 Application for deviation from hazardous occupation standards.

Rule 303. (1) An employer seeking approval to employ minors age 16 and older in an occupation determined to be hazardous shall file an application for a deviation from a hazardous occupation with the department.

(2) An application for a deviation shall include all of the following information:

(a) The name and address of the firm.

(b) The name and title of the person filing the application.

(c) The name, address, and date of birth of the minor.

(d) The school the minor is attending, if the minor is attending school.

(e) The address where the work is to be performed.

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(f) A specification of the standard, or portion thereof, from which the applicant seeks a deviation.

(g) A statement of the type of business.

(h) A statement detailing how approval of the deviation will be in the best interests of the minor. The statement may include, but is not limited to, an indication that the minor is not attending school or that the request is based upon a family hardship.

(i) A statement indicating any training the minor has received in the proposed type of employment, including a copy of the certification of successful completion of the training program if certification was given.

(j) The maximum hours to be worked on a daily and weekly basis.

(k) A statement of how the safety, health, and personal well-being of the minor will be protected, including an assurance that all safety and health standards will be complied with and enforced by the employer.

(l) The written approval of the parent or guardian.

History: 1988 AACS; 2003 AACS; 2006 AACS.

R 408.6304 Effect of deviation.

Rule 304. A deviation shall take effect on the date issued.

History: 1988 AACS; 2003 AACS.

R 408.6305 Notice of granting of deviation to applicant and employees.

Rule 305. (1) The department, upon granting a deviation, shall notify, by mail, the applicant of the granting of the deviation, including the terms and conditions thereof.

(2) An employer, upon receiving notice that a deviation has been granted, shall notify the affected employees of the granting of the deviation by giving to them a copy of the deviation to be presented to the school work permit office for the purpose of securing a work permit.

History: 1988 AACS.

R 408.6306 Deviation modification, renewal, denial, or revocation.

Rule 306. (1) An employer may apply in writing to the department for a modification or renewal of a deviation issued under the act. The terms of a deviation may be modified upon written request from an employer and subsequent approval by the director.

(2) The department may, on its own motion, proceed to deny, modify, or revoke a deviation subject to written notice to the employer and subject to the employer's right to request a hearing. The director shall conduct a hearing pursuant to chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.271 to 24.287 of the Michigan Compiled Laws.

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History: 1988 AACS.

R 408.6307 Appeal to circuit court; finality of resolution.

Rule 307. (1) An employer aggrieved by the decision of the director following a hearing under R 408.6306 may, within 60 days after the mailing of the decision, appeal to the circuit court by filing a petition for review pursuant to the provisions of chapter 6 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.301 to 24.306 of the Michigan Compiled Laws.

(2) If the decision of the director to deny or revoke a deviation is not appealed to circuit court within 60 days after the date of mailing, it shall be final.

History: 1988 AACS.

R 408.6308 Record of deviation.

Rule 308. When a deviation is granted, a copy of the deviation shall be kept on file by the employer at the minor's place of employment.

History: 1988 AACS.

R 408.6309. Prohibited conduct.

Rule 309. (1) In addition to conduct otherwise prohibited, a person who employs a minor shall not do any of the following:

(a) Allow a minor to work in a prohibited occupation, as provided in R 408.6208, R 408.6209, and the federal child labor regulations, 29 C.F.R. 570.1 et seq., if applicable.

(b) Fail to provide adult supervision as required by R 408.6207.

(c) Fail to have a work permit on file, when required by the act or these rules.

(d) Allow a minor under the age of 16 to work days or hours not allowed under section 10 of the act.

(e) Allow a minor age 16 to 17 to work days or hours not allowed under section 11 of the act without an approved deviation from the department.

(f) Fail to provide a minor with a meal or rest period, as required by section 12 of the act.

(g) Fail to satisfy the posting and time records requirements of section 13 of the act.

(2) A person employing a minor who violates any of the provisions of subrule (1) of this rule is subject to the penalties in section 22(1) of the act.

History: 2006 AACS.

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