

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

1. Who is covered by the act?

The Youth Employment Standards, 1978 Public Act 90, covers all businesses who 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 setting the most stringent standard must be observed.

2. What is the minimum age for employment?

In general, the minimum age for 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 public school where the employer or the minor is located to have a work permit issued. Act 90 requires the minor to appear in person at the school for work permit issuance. Contact the local school district to determine the procedure currently in place.

“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. Are minors prohibited from performing certain work?

Yes. A minor may not be employed in any hazardous or injurious occupation.

Examples of hazardous work include (but are not limited to):

- Contact with hazardous substances, chemicals, explosives, or radioactive substances
- Driving and working as an outside helper (pizza delivery, etc.)
- Jobs in the logging and sawmill industry
- Jobs using woodworking machinery
- Ladders and scaffolding for those less than 16 years of age
- Brazing, welding, soldering, or heat treating for those less than 16 years of age
- Work on construction sites, excavation sites, bridges, streets, or highways
- Slaughtering, butchering, cutting meat or using meat slicers, cleavers, or boning knives
- 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.

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

Yes. Minors may 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.

6. Do minors need to be supervised?

Yes. A minor may not be employed 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.

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

Minors age 14 and 15 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 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.

8. 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.

9. 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.

10. 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.

11. May a minor work during school hours?

No. A minor may 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.

12. 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.

13. 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.

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

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

- 16-year-old minor who has graduated from high school with proof on file at the worksite
- 17-year-old minor who has passed the general educational development (GED) test with proof on file at the worksite
- Emancipated minor with proof on file at the worksite
- 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
- Domestic chores in connection with a private residence
- Employment in a business owned and operated by the parent or legal guardian of the minor
- Employment of a minor at least 14 years of age at the school where the minor is enrolled
- 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 16-19)

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

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21. 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).

22. What if I have additional questions?

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

23. 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).

24. 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).