

SUBSTITUTE FOR
SENATE BILL NO. 965

A bill to amend 1978 PA 90, entitled
"Youth employment standards act,"
by amending sections 3, 21, and 22 (MCL 409.103, 409.121, and
409.122), section 3 as amended by 1997 PA 132 and section 22 as
amended by 1980 PA 436.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) A minor ~~shall~~**must** not be employed in, about, or
2 in connection with an occupation that is ~~hazardous~~**either of the**
3 **following:**

4 **(a) Hazardous** or injurious to the minor's health or personal
5 well-being. ~~or that is contrary~~

6 **(b) Contrary** to standards established under this act, unless a
7 deviation is granted under section 20.

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

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

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

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

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

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

21 Sec. 21. **(1)** The ~~department of labor~~ **director** shall enforce
22 this act and assist in the prosecution of this act. The ~~department~~
23 ~~shall have the authority to~~ **director may** enter and inspect any
24 place where a minor may be employed and ~~to have access to~~ work
25 permits, age certificates, or other proof of age and time records
26 of the employer, and other records ~~which~~ **that** may aid in the
27 enforcement of this act.

28 **(2) An employer shall not discharge, discipline, retaliate**
29 **against, or otherwise discriminate against an employee or minor who**

1 exercises a right granted under this act on behalf of the employee
2 or minor or another employee or minor.

3 (3) If a person violates this act or a rule promulgated under
4 this act, the director may, after providing notice of and an
5 opportunity for a hearing conducted in the same manner as a
6 contested case under the administrative procedures act of 1969,
7 1969 PA 306, MCL 24.201 to 24.328, impose an administrative fine of
8 not more than \$5,000.00 for each violation. The director shall
9 notify the attorney general if a person does not pay an
10 administrative fine under this section. The attorney general shall
11 bring a civil action to recover the administrative fine and costs
12 and fees. An administrative fine collected or recovered under this
13 subsection must be deposited in the general fund.

14 (4) In addition to any other action authorized under this act,
15 the director may bring an action to do 1 or more of the following:

16 (a) Obtain a declaratory judgment that a method, act, or
17 practice is in violation of this act.

18 (b) Obtain an injunction against an employer who is engaging
19 in, or about to engage in, a method, act, or practice that violates
20 this act.

21 (c) Obtain a judgment that requires an employer that violated
22 this act to pay to each minor who was employed in violation of this
23 act an award. If the violation resulted in the minor being unable
24 to continue employment with the employer, the award must be an
25 amount greater than or equal to the minor's hourly wage rate at the
26 time of the violation multiplied by the average number of hours the
27 minor worked during the 4-week period immediately preceding the
28 violation multiplied by 4.

29 Sec. 22. (1) Except as provided in subsection (2) or (3), a

1 ~~person~~ **an employer or an agent of an employer** who employs a minor
 2 in violation of this act, violates this act or a rule promulgated
 3 under this act, or obstructs the ~~department of labor~~ **director** in
 4 the enforcement of this act is guilty of a **crime punishable as**
 5 **follows:**

6 **(a) For a first offense, a** misdemeanor punishable by
 7 imprisonment for not more than 1 year, ~~or~~ a fine of not more than
 8 ~~\$500.00,~~ **\$5,000.00**, or both.

9 ~~(2) A person who employs, permits, or suffers a minor in~~
 10 ~~violation of section 12a is guilty of a misdemeanor punishable by~~
 11 ~~imprisonment for not more than 1 year, or a fine of not more than~~
 12 ~~\$2,000.00, or both. A person who commits~~

13 **(b) For** a second offense, ~~under section 12a is guilty of a~~
 14 ~~misdemeanor,~~ **a felony** punishable by imprisonment for not more than
 15 2 years, ~~or~~ a fine of not more than ~~\$5,000.00,~~ **\$25,000.00**, or both.
 16 ~~A person who commits~~

17 **(c) For** a third or subsequent ~~violation of section 12a is~~
 18 ~~guilty of~~ **offense**, a felony ~~—~~ punishable by imprisonment for not
 19 more than ~~10~~ **5** years, ~~or~~ a fine of not more than ~~\$10,000.00,~~
 20 **\$50,000.00**, or both.

21 **(2)** ~~(3)~~ A person who employs, permits, or suffers a minor to
 22 be employed or to work in violation of section 14a is guilty of a
 23 felony ~~—~~ punishable by imprisonment for not more than 20 years, ~~or~~
 24 a fine of not more than \$20,000.00, or both.

25 **(3) If a minor who is the subject of an offense described in**
 26 **subsection (1) is killed or suffers great bodily harm while**
 27 **performing work for the minor's employer, the employer or**
 28 **employer's agent is guilty of a felony punishable as follows:**

29 **(a) For a first offense, the court may sentence the employer**

1 or employer's agent to imprisonment for not more than 5 years and
2 shall impose a fine of not less than \$50,000.00 or more than
3 \$500,000.00.

4 (b) For a second offense, the court may sentence the employer
5 or employer's agent to imprisonment for not more than 10 years and
6 shall impose a fine of not less than \$50,000.00 or more than
7 \$500,000.00.

8 (c) For a third or subsequent offense, the court may sentence
9 the employer or employer's agent to imprisonment for not more than
10 20 years and shall impose a fine of not less than \$50,000.00 or
11 more than \$500,000.00.

12 (4) The imposition of a fine, penalty, or other sanction under
13 this act does not affect any other right or remedy provided for by
14 law.