

# Legislative Analysis

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## YOUTH EMPLOYMENT: HOURS LIMIT

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**Senate Bill 179 as passed by the Senate**

**Sponsor: Sen. Tony Stamas**

**House Committee: Commerce**

**Senate Committee: Economic Development, Small Business and Regulatory Reform**

### **First Analysis (2-7-06)**

**BRIEF SUMMARY:** The bill would amend the Youth Employment Standards Act to permit a 16- or 17-year-old to work up to 20 hours a week when school is in session. This would replace the current limitation of a combined school and work week of no more than 48 hours.

**FISCAL IMPACT:** There is no fiscal impact on the state or on local units of government.

### **THE APPARENT PROBLEM:**

The Youth Employment Standards Act permits 16- and 17-year-olds a combined school and work week of 48 hours when school is in session. This means that Michigan businesses employing the students must keep track of both the hours worked and the number of hours their employees are in school to avoid violating the act. It has been pointed out that employers that hire 16- and 17-year-olds from more than one school district face the added task of determining which school their young employees attend and how many hours each of those districts is in session in any given week.

Some people believe that it would be easier for 16- and 17-year old students and their employers to determine how many hours the students may work each week if the act prescribed a flat number of hours students could work during the school year.

### **THE CONTENT OF THE BILL:**

The bill would amend the Youth Employment Standards Act to permit a 16- or 17-year-old to work up to 20 hours a week when school is in session.

Currently, a minor who is 16 or older may not work more than six days in one week; 10 hours in one day; or a period longer than a weekly average of eight hours per day or 48 hours in one week. When school is in session, a student who is 16 or 17 may not work a combined school and work week of more than 48 hours. Under the bill, when school was in session, a 16- or 17-year old student could not work more than a total 20 hours in one week.

[The act also says that a minor may not work more than six days in one week; 10 hours in one day; 48 hours in a week or a period longer than a weekly average of eight hours per

day. These limitations would be retained but rewritten. The bill does not apply to farming operations or agricultural processing, for which there are separate limitations.]

MCL 409.111

#### ***HOUSE COMMITTEE ACTION:***

The House Committee on Commerce adopted no amendments; the bill remains in the form that it passed the Senate.

#### ***BACKGROUND INFORMATION:***

**\*\*** The Youth Employment Standards Act also provides that a minor 16 or older may not be employed between 10:30 p.m. and 6:00 a.m., although the minor may work until 11:30 on Fridays and Saturdays, during school vacation periods, and during periods when the minor is not regularly enrolled in school. The limits in the act, however, do not apply to a 16- or 17-year-old who is employed in farming operations involved in the production of seed, or in agricultural processing, if all of the following conditions are met:

- If the minor is a student, the employment occurs when school is not in session.
- The minor does not work more than 11 hours in one day.
- The minor is employed for not more than 62 hours in any week, although his or her employer may not require the minor to work more than 48 hours in any week without his or her consent.
- The minor is not employed between 2:00 a.m. and 5:30 a.m.
- The employer maintains on file a written acknowledgment of the minor's parent or guardian consenting to the employment.

**\*\*** Senate Bill 320 of the 2003-04 legislative session addressed this issue by proposing a 22-hour limit on work hours for 16- and 17-year olds when school was in session. That bill was vetoed by Governor Granholm.

#### ***ARGUMENTS:***

##### ***For:***

Currently, employers of 16- and 17-year olds need to keep track of how many hours a young person is in school in order to avoid violating the limitation on work hours. The limit is a total of 48 hours of school and work while school is in session. The fixed 20-hour work week in this bill would be easier for employers to self-police. The bill would be especially beneficial to employers like fast-food restaurants and retailers that employ large numbers of 16- and 17-year-old students from different school districts, which may have different school hour schedules. The current requirement is overly burdensome and confusing for employers (a "nightmare" some have called it). Only three states have such a combined school and work cap, according to committee testimony from the fast food industry. Some 30 states have no limitation on work hours for 16- and 17-year olds, and in the 17 states that do have some kind of limitation, the average cap is 36 hours per

week. Michigan will remain one of the most restrictive states even with the passage of this bill.

***Against:***

Some people believe the bill allows 16- and 17-year olds to work too many hours. Children that age ought to concentrate on school and school-related pursuits. The number of required annual school hours has steadily increased over the past few years in an attempt to improve education for young people. Students typically are in school now for 1,098 hours per year. Over 180 days, that averages 6.1 hours per day, or about 30 hours per week. That means the bill would permit 16- and 17-year olds a combination of 50 hours of school and work, two hours more of work than is the case now. And some students have longer school weeks, not to mention extracurricular activities. Working too many hours distracts students from schoolwork; puts too much emphasis on the short-term advantages of work and money over the long-term advantages of educational achievement; and leads to an increase in sleep deficiencies, over-scheduling, stress, and related health problems. Besides, if more students work fewer hours, more students overall can be employed and enjoy the very real advantages of working for limited periods of time. At the very least, the bill ought to only allow additional hours with parental consent. Some parents could use the help that a more restrictive law would provide. Some people have wondered if a grade point minimum might not also be useful.

***Response:***

The number of hours that students work ought to be left to the family: to the parents and students themselves. Some families need an additional breadwinner. Some students need to earn and save to finance higher education. No one requires students to seek employment or to work long hours. Learning to say “no” to an over-demanding employer is in itself a useful lesson in values.

***POSITIONS:***

Among those who indicated support for the bill to the House Commerce Committee were: the McDonald's Corporation and the McDonald's Owner/Operator Association; the Michigan Restaurant Association; the Small Business Association of Michigan; the Michigan Grocers Association; the National Federation of Independent Business, the Michigan Chamber of Commerce, the Detroit Regional Chamber of Commerce; the Michigan Food and Beverage Association; the Michigan Licensed Beverage Association; and the Michigan Retailers Association. (2-7-06)

Among those indicating opposition to the bill were: The Department of Labor and Economic Growth; the AFL-CIO; AFT Michigan (American Federation of Teachers); the Michigan Association of School Administrators; and the Michigan Association of School Boards. (2-7-06)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.