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BILL ANALYSIS

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Senate Bill 179 (as passed by the Senate)

Sponsor: Senator Tony Stamas

Committee: Economic Development, Small Business and Regulatory Reform

Date Completed: 3-15-05

RATIONALE

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 the school where their workers attend classes 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 they would be permitted to work during the school year.

CONTENT

The bill would amend the Youth Employment Standards Act to provide that a 16- or 17-year-old student could not work more than 20 hours in one week when school was in session. Currently, 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.

The Act also provides that 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 8 hours per day or 48 hours in 1 week". Under the bill,

the last provision would be changed to "an average of 8 hours per day in 1 week".

MCL 409.111

BACKGROUND

In June 2004, Governor Jennifer Granholm vetoed Senate Bill 320, which would have amended the Youth Employment Standards Act to eliminate the 48-hour combined school and work week limit and provide that a 16- or 17-year-old student could not work more than 22 hours weekly when school was in session. In her veto statement, Granholm stated that education should be the first priority of Michigan teenagers and that the bill would lead to decreased performance in the classroom and on standardized tests. She noted that, under the current Act, "As most Michigan students attend school about 30 hours per week, they legally may not work more than 18 hours."

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The proposed 20-hour work week for 16- and 17-year-old students employed while school was in session would provide certainty for employers that they would not inadvertently violate the Act by having the students work too many hours due to miscalculating the number of hours a student was in school during a particular week. The bill would be especially beneficial to employers like fast-food chains that

employ large numbers of 16- and 17-year-old students from different school districts and currently must track where their employees attend school and how many hours they are in class in any week. The bill would establish a clear limit that could easily be followed by both employers and their employees.

Supporting Argument

Amendments to the Revised School Code have increased instruction time and, therefore, reduced the time that a student may legally work while school is in session. Currently, students are in class an average of 30 hours per week, which allows them to work 18 hours a week. During the mid 1990s, shorter school days allowed students to work about 24 hours a week. The bill would allow minors to increase the hours they work and earn extra income.

Opposing Argument

Allowing a 16- or 17-year-old student to work 20 hours a week in addition to attending classes and participating in extracurricular activities could leave students with too little time to study. The current Act, which caps the number of hours 16- and 17-year olds may work and attend school at 48 hours a week, helps ensure that students do not overextend themselves. Additionally, by setting the number of hours a student could work without regard to the time he or she spent in class, the bill could give students the impression that work was more important than education. If the bill limited students' weekly work hours to 18, it would address the problems presented by a combined school and work week calculation without increasing the number of hours 16- and 17-year-olds may work while school is in session.

Response: If a parent believes his or her 16- or 17-year-old is working too many hours a week to concentrate on schoolwork, then the parent has the right to limit the number of hours the child works. The bill would not change this. Furthermore, the bill represents a compromise between the 22-hour work week proposed by Senate Bill 320 from the 2003-04 session and the current 18 hours a week the typical student may work.

Opposing Argument

The potential for increased working hours raises health concerns for those students who work. Many studies have shown an

increase in health-related problems and development issues among teens and young adults due to sleep deprivation and heavy work/school schedules, according to the Department of Labor and Economic Growth.

Opposing Argument

Increasing the number of hours students may work would take full-time jobs away from adult workers by making more teens, who will work for low wages, available to employers. The ultimate effect would be to suppress the wages of the adult workers competing with the students for jobs.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Pratt

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.