

## CHILD LABOR LAW

### *Guide to Child Employment by Performing Arts Organizations*

This is an abridged version of the Michigan law and performing arts guidelines. The official copy of Performing Arts Authorization form is included and must be submitted, at least, 10 business days prior to rehearsal and/or performance date for review and approval (Must provide fax number for returning forms). For questions, please contact Tara Bride, Michigan Department of Education, at 517.335.6041 (fax 517.373.8776) or email at [bridet@michigan.gov](mailto:bridet@michigan.gov).

- Minors shall not be employed in establishments where alcoholic beverages are sold for consumption on premises unless food sale receipts constitutes at least 50 percent of total gross
- Infants 15 days of age to five months of age may remain at a place of employment for a maximum of two hours with no more than 20 minutes of work **AND** not work between the hours of 4:30 p.m. and 9:30 a.m. There are specific candlelight intensity requirements. A nurse must be provided along with a current doctor's statement submitted with form.
- Minors six months to one year of age may remain at a place of employment for a maximum of four hours with no more than two hours of work **AND** not work between the hours of 7 p.m. and 6 a.m. (current doctor's statement must be submitted with form).
- Minors two years to five years of age may remain at a place of employment for a maximum of six hours with no more than three hours of work **AND** not work between the hours of 9 p.m. and 6 a.m. (current doctor's statement must be submitted with form).
- Minors six years to eight years of age may remain at a place of employment for a maximum of eight hours with no more than four hours of work. On days when a minor's school is not in session, work time may be increased to six hours **AND** not work between the hours of 10:30 p.m. and 6 a.m.
- Minors nine years to 13 years of age may remain at a place of employment for a maximum of nine hours with no more than five hours of work. On days when a minor's school is not in session, work time may be increased to seven hours **AND** not work between 10:30 p.m. and 6 a.m.
- Minors 14 years to 15 years of age may remain at a place of employment for a maximum of 10 hours **AND** not work between the hours of 10:30 p.m. and 6 a.m. on days preceding school days **AND** 12:30 a.m. and 6 a.m. on days preceding non-school days.
- Minors 16 years to 17 years of age may remain at a place of employment for a weekly average of eight hours per day in one week; 10 hours in one day. Subject to subdivision (e), 48 hours in one week when school is out seven consecutive days, i.e, summer break, Christmas break, and spring break. If the minor is a student and school is in session, 24 hours in one week (effective October 18, 2011/Act No. 197 of 2011/ HB 4732)
- An interval of less than 30 minutes shall not be considered to interrupt a continuous period of work; therefore, a documented 30 minute uninterrupted meal/rest period must be provided.
- A minor may not work more than six consecutive days.
- Adult supervision is required at all times.

Minor records required by the act must be kept, maintained and made available for inspection by an authorized representative of the department—at all times—at the minor's fixed work, rehearsal and/or performance site and/or location.

**APPLICATION FOR PERFORMING ARTS AUTHORIZATION  
MICHIGAN DEPARTMENT OF EDUCATION**

Office of CAREER and  
TECHNICAL EDUCATION

Mailing Address:

**P.O. Box 30712  
Lansing, MI 48909**

**Telephone#: (517) 335-6041**

**Facsimile#: (517) 373-8776**

**www.michigan.gov/mde**

**SUBMIT at least 10 business days PRIOR TO  
Rehearsal and/or Performance start date**

**FOR OFFICE USE ONLY**

Approval Date:

Expiration Date:

Authority: 1978 PA 90, as amended, MCL 409.101, et seq.,  
and Youth Employment Standards Administrative Rules  
Completion: Mandatory  
Penalty: Misdemeanor and/or Felony

MDE is an equal opportunity employer/program. Auxiliary aids, services, and other reasonable accommodations are available, upon request, to individuals with disabilities. Call (517) 335-6041 to make your needs known to this agency.

Authorization cannot be granted unless this form is completed and returned to the above address for review and approval **prior to the specific time period of rehearsals and performances**. To expedite approval, answer all questions in this application. Print clearly or type. Be sure to obtain signatures from the parent (guardian) and the employer. An application must be made for each production in Michigan. **Attach doctor's statement** verifying the performance will not be detrimental to the minor's health **for a minor less than six years of age**. An application approved by the Department is valid for the period indicated above. Adult supervision must be present during the period the minor is working. Authorization may be denied, suspended, or revoked by the Department when it is determined the employer is in violation of the provisions of Youth Employment Standards Act 90 of 1978 and Youth Employment Standards Administrative Rules.

**PRODUCTION COMPANY/BUSINESS INFORMATION**

Production Name: \_\_\_\_\_ Type of Production: \_\_\_\_\_

Business Name/Production Company: \_\_\_\_\_ Federal Tax ID# \_\_\_\_\_

Business Address: \_\_\_\_\_ City: \_\_\_\_\_ ZIP: \_\_\_\_\_ County: \_\_\_\_\_

Address where performance will take place (attach a list if there are additional locations where work is to be performed):  
\_\_\_\_\_ City: \_\_\_\_\_ ZIP: \_\_\_\_\_ County: \_\_\_\_\_

**ON-SITE PRODUCTION COMPANY/BUSINESS INFORMATION**

*The above business requests approval to employ:*

Name of Minor: \_\_\_\_\_ Social Security #: \_\_\_\_\_ Birth Date \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ ZIP: \_\_\_\_\_ County \_\_\_\_\_

Rehearsal Dates	Starting & Ending Times	Performance Dates	Starting & Ending Times

Total Number of Rehearsal & Performance Work Hours per Week: **Not to exceed 6 days per week**

Role Description/Activity to be Performed: \_\_\_\_\_

Onsite Production/Business Company Fed Tax ID# \_\_\_\_\_

Onsite Name, Address, City, State, zip code, Phone#: \_\_\_\_\_

The undersigned certifies the employment of the named minor will not be detrimental to the health, safety, or well being of the minor and records will be maintained and made available for inspection at the premises where the minor is employed.

\_\_\_\_\_  
(Signature of employer or representative) (Title)

\_\_\_\_\_  
(Print name of employer or representative) (Date application signed)

**REFER TO OTHER SIDE OF FORM FOR ADDITIONAL INFORMATION AND PARENTAL SIGNATURE**

**RESTRICTIONS FOR EMPLOYMENT OF MINORS BY PERFORMING ARTS ORGANIZATIONS**

1. All minors shall have adult supervision at all times.
2. All minors shall not work more than 5 continuous hours without a documented 30 minute uninterrupted meal and rest period. An interval of less than 30 minutes shall not be considered to interrupt a continuous period of work.
3. All minors may not work for more than 6 days in 1 workweek.
4. All minors (from the age of 15 days old through 15 years of age) shall not be employed more than 48 hours in a workweek. When school is in session, student minors (from the age of 15 days old to 15 years of age) shall not be employed more than 48 hours in a workweek, school and work combined.
5. A minor under 16 years old may **not** be employed in establishments where alcoholic beverages are sold at retail **unless** the sale of food or other goods constitutes at least 50% of the total gross receipts. Minors **under 16 years old** cannot work in the part of the establishment where alcohol is consumed or sold for consumption on the premises.
6. Infants 15 days to 5 months old shall be permitted at the place of employment for a maximum of 2 hours. Each 2 hour period shall consist of not more than 20 minutes of work. They shall not be employed between the hours of 4:30 p.m. and 9:30 a.m. Under no conditions shall they be exposed to light exceeding 100 foot-candles for more than 30 seconds at a time. A nurse must be present for each 3 or fewer infants aged 15 days to 5 weeks and for each 10 or fewer infants aged 6 weeks to 5 months. A parent or guardian must always be present.
7. Minors 6 months to 1 year old shall be permitted at the place of employment for a maximum of 4 hours. Each 4 hour period shall consist of not more than 2 hours of work. They shall not be employed between the hours of 7:00 p.m. and 6:00 a.m.
8. Minors 2 years to 5 years old shall be permitted at the place of employment for a maximum of 6 hours. Each 6 hour period shall consist of not more than 3 hours of work. They shall not be employed between the hours of 9:00 p.m. and 6:00 a.m.
9. Minors 6 years to 8 years old shall be permitted at the place of employment for a maximum of 8 hours. Each 8 hour period shall consist of not more than 4 hours of work. On days when a minor's school is not in session, work time may be increased to 6 hours. They shall not work between the hours of 10:30 p.m. and 6:00 a.m.
10. Minors 9 years to 13 years old shall be permitted at the place of employment for a maximum of 9 hours. Each 9 hour period shall consist of not more than 5 hours of work. On days when a minor's school is not in session, work time may be increased to 7 hours. They shall not work between the hours of 10:30 p.m. and 6:00 a.m.
11. Minors 14 years to 15 years old shall be permitted at the place of employment for a maximum of 10 hours. Each 10 hour period shall consist of not more than 10 hours of work. They shall not work between the hours of 10:30 p.m. and 6:00 a.m. on days preceding school days and 12:30 a.m. and 6:00 a.m. on days preceding non-school days.
12. Minors 16 years to 17 years shall be permitted at the place of employment for a weekly average of 8 hours per day in 1 week; 10 hours in one day. Subject to subdivision (e), 48 hours in 1 week. If the minor is a student and school is in session, 24 hours in 1 week (**effective October 18, 2011/Act No. 197 of 2011 – HB 4732**) They shall not work between the hours of 11:30 p.m. and 6:00 a.m. on days preceding school days and 12:30 a.m. and 6:00 a.m. on days preceding non-school days

The Michigan Department of Education may revoke this approval if the employment is determined to be detrimental to the health or personal well being of the minor, the minor is not adequately supervised, or the minor's education is neglected.

THE EMPLOYER MAY REQUEST A HEARING TO REVIEW THE DENIAL, REVOCATION, OR MODIFICATION OF AN AUTHORIZATION. APPROVAL BY THE DEPARTMENT SHALL NOT EXCUSE NONCOMPLIANCE WITH ANY OTHER FEDERAL OR STATE LAW OR MUNICIPAL ORDINANCE ESTABLISHING A MORE PROTECTIVE OR RESTRICTIVE STANDARD.

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**PERMISSION STATEMENT OF PARENT OR GUARDIAN**

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I give my permission for \_\_\_\_\_ to work in the performance described on this application. I acknowledge that I am aware of what my child will be doing and the manner, time and place in which the performance will occur.

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(Print or type name of parent or guardian)

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(Date application signed)

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(Signature of parent or guardian)

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(Telephone number)



RICK SNYDER  
GOVERNOR

Office of Career and Technical Education  
P.O. Box 30712, Lansing, MI 48909



(517) 335-6041  
www.michigan.gov/mde

**Informational Sheet:**  
Youth Employment Standards Act 90 of 1978, as amended

## POSTING REQUIREMENT

### MCL 409.110 Minor under 16 years; days and hours of employment.

**Sec. 10.** A minor under 16 years shall not be employed in an occupation subject to this act for more than 6 days in 1 week, nor for a period longer than a weekly average of 8 hours per day or 48 hours in 1 week, nor more than 10 hours in 1 day. The minor shall not be employed between the hours of 9 p.m. and 7 a.m. A minor who is a student in school shall not be employed more than a combined school and work week of 48 hours during the period when school is in session.

### MCL 409.111 Minor 16 years and over; days and hours of employment; employment in agricultural processing.

**Sec. 11. (1).** Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older in an occupation subject to this act for more than any of the following periods:

- (a) Six days in 1 week.
- (b) An average of 8 hours per day in 1 week.
- (c) Ten hours in 1 day.
- (d) Subject to subdivision (e), 48 hours in 1 week.
- (e) If the minor is a student in school and school is in session, 24 hours in 1 week.

**(2)** Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older between 10:30 p.m. and 6 a.m. However, except as provided in subsection (3), a person may employ a minor 16 years of age or older who is a student in school until 11:30 p.m. on any of the following days:

- (a) On Fridays and Saturdays.
- (b) During school vacation periods.
- (c) During periods when the minor is not regularly enrolled in school.

**(3)** A person may employ a minor 16 years of age or older in farming operations involved in the production of seed or in agricultural processing for a period greater than the periods described in subsections (1) and (2) if all of the following conditions are met: If a minor is a student in school, the period greater than the periods described in subsections (1) and (2) occurs when school is not in session.

- (a) The minor is employed for not more than 11 hours in 1 day.
- (b) The minor is employed for not more than 62 hours in any week. However, the employer shall not require the minor to work more than 48 hours during any week without the consent of the minor.
- (c) The minor is not employed between 2 a.m. and 5:30 a.m.
- (d) The agricultural processing employer maintains on file a written acknowledgment of the minor's parent or guardian consenting to the period of employment authorized under this subsection.

**(4)** As used in this section:

- (a) "Agricultural processing" means the cleaning, sorting or packaging of fruits or vegetables.
- (b) "Farming operations involved in the production of seed" means farming activities and research involved in the production of seed, including plant detasseling, hand-pollination, roguing, or hoeing, and any other similar farming activity required for commercial seed production.

History: Am. 1978, Act 90, Eff. June 1, 1978 ;-- Am. 1995, Act 251, Eff. Mar. 28, 1996 ;-- Am. 1996, Act 499, Imd. Eff. Jan. 9, 1997 ;-- Am. 2000, Act 418, Imd. Eff. Jan. 8, 2001 ;-- Am. 2011, Act 197, Imd. Eff. Oct. 18, 2011

### MCL 409.112 Meal and rest period.

**Sec. 12.** A minor shall not be employed for more than 5 hours continuously without an interval of at least 30 minutes for a meal and rest period. An interval of less than 30 minutes shall not be considered to interrupt a continuous period of work.

### MCL 409.112a Prohibition of minors working alone in occupation involving a cash transaction after sunset or 8 p.m. at fixed location.

**Sec. 12a.** A minor who would otherwise be permitted under this act to be employed in an occupation subject to this act shall not be employed in an occupation that involves a cash transaction subject to this act after sunset or 8 p.m., whichever is earlier, at a fixed location unless an employer or other employee 18 years of age or older is present at the fixed location during those hours.

History: Add. 1980, Act 436, Eff. Mar. 31, 1981.

**IMPORTANT: Administrative Rule, R408.6207 REQUIRES A MINOR SUBJECT TO ACT 90 BE SUPERVISED BY THE EMPLOYER OR ANOTHER EMPLOYEE 18 YEARS OF AGE OR OLDER**

It is the policy of the Michigan Department of Education that no person on the basis of race, color, religion, national origin or ancestry, age, sex, height, weight, marital status, or disability shall be subjected to discrimination in any program, service, or activity for which it is responsible, or for which it receives financial assistance from the U. S. Department of Education. For further information, contact the Civil Rights Coordinator, Office of Career and Technical Education, P.O. Box 30712, Lansing, MI 48909. (517) 241-2091

Act No. 197  
Public Acts of 2011  
Approved by the Governor  
October 17, 2011  
Filed with the Secretary of State  
October 18, 2011  
EFFECTIVE DATE: October 18, 2011

**STATE OF MICHIGAN  
96TH LEGISLATURE  
REGULAR SESSION OF 2011**

Introduced by Reps. Stamas, Roy Schmidt, Denby, Heise, LeBlanc, Pettalia and Wayne Schmidt

# **ENROLLED HOUSE BILL No. 4732**

AN ACT to amend 1978 PA 90, entitled "An act to provide for the legal employment and protection of minors; to provide for the issuance and revocation of work permits; to provide for the regulation of hours and conditions of employment of minors; to prescribe powers and duties of the departments of labor and education; to provide for the enforcement of this act; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

*The People of the State of Michigan enact:*

Sec. 11. (1) Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older in an occupation subject to this act for more than any of the following periods:

- (a) Six days in 1 week.
- (b) An average of 8 hours per day in 1 week.
- (c) Ten hours in 1 day.
- (d) Subject to subdivision (e), 48 hours in 1 week.
- (e) If the minor is a student in school and school is in session, 24 hours in 1 week.

(2) Except as provided in subsection (3), a person shall not employ a minor 16 years of age or older between 10:30 p.m. and 6 a.m. However, except as provided in subsection (3), a person may employ a minor 16 years of age or older who is a student in school until 11:30 p.m. on any of the following days:

- (a) On Fridays and Saturdays.
- (b) During school vacation periods.
- (c) During periods when the minor is not regularly enrolled in school.

(3) A person may employ a minor 16 years of age or older in farming operations involved in the production of seed or in agricultural processing for a period greater than the periods described in subsections (1) and (2) if all of the following conditions are met:

- (a) If the minor is a student in school, the period greater than the periods described in subsections (1) and (2) occurs when school is not in session.
- (b) The minor is employed for not more than 11 hours in 1 day.
- (c) The minor is employed for not more than 62 hours in any week. However, the employer shall not require the minor to work more than 48 hours during any week without the consent of the minor.
- (d) The minor is not employed between 2 a.m. and 5:30 a.m.

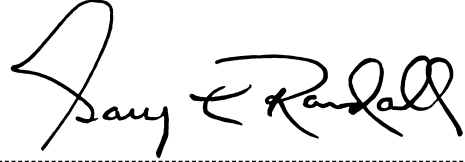
(e) The agricultural processing employer maintains on file a written acknowledgment of the minor's parent or guardian consenting to the period of employment authorized under this subsection.

(4) As used in this section:

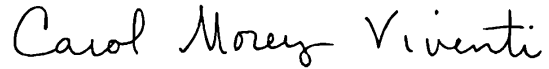
(a) "Agricultural processing" means the cleaning, sorting, or packaging of fruits or vegetables.

(b) "Farming operations involved in the production of seed" means farming activities and research involved in the production of seed, including plant detasseling, hand-pollination, roguing, or hoeing, and any other similar farming activity required for commercial seed production.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor