DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

STANDARDS FOR ISSUANCE OF WORK PERMITS

(By authority conferred on the department of education by section 6 of 1978 PA 90, MCL 409.106, and Executive Reorganization Orders Nos. 1996-2, 2002-1, 2003-1, 2008-4, and 2011-4, MCL 445.2001, MCL 445.2004, MCL 445.2011, MCL 445.2025, and MCL 445.2030)

R 409.1 Scope.

Rule 1. All work permits for the legal employment of minors shall be issued pursuant to these rules.

History: 1980 AACS.

R 409.2 Definitions.

Rule 2. (1) “Act" means the youth employment standards act, 1978 PA 90, MCL 409.101 to 409.124.

(2) A term defined in the act has the same meaning when used in these rules.

History: 1980 AACS; 2015 AACS.

R 409.3 Responsibilities of employer.

Rule 3. (1) For a minor to be employed, a prospective employer or a person authorized by the prospective employer shall complete and sign a statement of intention to employ on a form prescribed by the department of education.

(2) An employer shall not employ a minor in an occupation regulated by the act until the employer procures from the minor, and keeps on file at the place of employment, a valid work permit or a 10-day temporary work permit.

(3) An employer shall return the work permit to the issuing officer immediately after the termination of a minor's employment.

(4) Upon written notice of suspension or revocation, the employer of the minor shall return the work permit to the issuing officer.

History: 1980 AACS; 2015 AACS.

R 409.4 Responsibilities of minor.

Rule 4. A prospective minor employee shall personally take the completed and signed intention to employ form and present the form together with evidence of age to an issuing officer. If documentary proof of age, as described in section 5 of the act, is not obtainable,

the issuing officer may accept other documentation, including, but not limited to, any of the following:

(a) A baptismal certificate.

(b) A bona fide record of the date and place of the minor's birth kept in a bible in which the record of the births of the family of the minor is preserved.

(c) A hospital record of birth.

(d) A passport.

(e) A certificate of arrival in the United States.

(f) A life insurance policy.

(g) An identification card from the Michigan department of state.

History: 1980 AACS; 2015 AACS.

R 409.5 Responsibilities of issuing officer; review of intention to employ form; refusal to issue permit; probation; suspension and revocation of permit; records.

Rule 5. (1) Before making a determination to issue a work permit, an issuing officer shall do all of the following:

(a) Review the intention to employ form to ensure its proper completion and signature by the prospective employer or by a person authorized by the prospective employer.

(b) Review the general nature of the occupation in which the employer intends to employ the minor to ensure that the occupation is in compliance with all of the following:

(i) The act.

(ii) Any rules promulgated by the department of education under section 20 of the act.

(iii) The child labor regulations of the federal fair labor standards act of 1938, as amended, 29 U.S.C. §201.

(c) Review the intention to employ form for deviations from the standards established by the department of education under section 20 of the act.

(2) Upon approval of the information prescribed in subrule (1) of this rule, the issuing officer shall sign and issue a work permit.

(3) A copy of the work permit, together with evidence of any department of education approved deviations from section 20 of the act, if applicable, shall be placed in the minor's permanent school file for as long as the minor is employed.

(4) The issuing officer may refuse to issue a work permit for any of the following reasons:

(a) The general nature of the occupation is determined to be hazardous and in violation of rules promulgated by the department of education under section 20 of the act.

(b) The information presented by a minor is incomplete.

(c) The minor's employment is in violation of federal or state law or of a regulation or rule promulgated under federal or state law.

(5) Upon written notice to the minor and the employer, the issuing officer shall place the minor on a 30-calendar-day probationary period when the minor's poor school attendance results in consistent academic performance at a level lower than that which preceded his or her employment.

(6) If, at the conclusion of the 30-calendar-day probationary period, the minor’s poor school attendance continues to result in consistent academic performance at a level lower than that which preceded his or her employment, upon written notice to the minor and the

employer, the issuing officer may suspend the work permit for a period of not more than 30 calendar days. The minor is suspended from work during suspension of the work permit.

(7) Upon written notification to the minor and employer, the issuing officer may revoke a work permit following suspension of the work permit as specified in subrule (6) of this rule if the deficiency that led to the suspension is not corrected.

(8) The immediate revocation of a work permit shall occur if a minor's employment is in violation of federal or state law or of a regulation or rule promulgated under federal or state law and if the issuing officer is informed of the violation by the department of education.

(9) Upon revocation of a work permit pursuant to these rules, the minor's legal employment under the authority of the permit ceases.

(10) Upon revocation of a work permit, the issuing officer shall inform the minor of the appeal process pursuant to the administrative procedures act, 1969 PA 306, MCL 24.201 to 24.328, and shall provide instructions as to the initiation of an appeal by the minor, by a parent or guardian of the minor, or by a person or agency to whom custody of the minor has been awarded. The issuing officer shall keep a record of all appeals.

(11) Records that are exempt from disclosure by statute or regulation shall not be disclosed.

History: 1980 AACS; 2015 AACS.

R 409.6 Rescission.

Rule 6. R 340.186 and R 340.187 (formerly R 349.186 and R 349.187) of the Michigan Administrative Code, appearing on pages 3920 and 3921 of the 1954 Michigan Administrative Code, are rescinded.

History: 1980 AACS.