

DEPARTMENT OF EDUCATION
VOCATIONAL-TECHNICAL EDUCATION SERVICE
STANDARDS FOR ISSUANCE OF WORK PERMITS

(By authority conferred on the department of education by section 6 of Act No. 90 of the Public Acts of 1978, as amended, being S409.106 of the Michigan Compiled Laws)

R 409.1 Scope.

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

History: 1980 AACCS.

R 409.2 Definitions.

Rule 2. (1) As used in these rules:

(a) "Act" means Act No. 90 of the Public Acts of 1978, as amended, being S409.101 et seq. of the Michigan Compiled Laws and known as the youth employment standards act.

(b) "Probationary period" means a period of 30 calendar days within which a minor shall improve his or her academic performance to the level which preceded the minor's employment.

(c) "Revocation" means the rescission of a minor's work permit. Upon revocation, a minor's legal employment shall cease.

(d) "School district" means a local or intermediate educational agency.

(e) "Suspend" means to temporarily rescind a minor's work permit for a period of not more than 30 calendar days.

(2) Terms defined in the act have the same meaning when used in these rules.

History: 1980 AACCS.

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 in cooperation with the department of labor.

(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 school district's 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 AACCS.

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 school district's 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 are 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 social services.

History: 1980 AACCS.

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 labor 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. S201.

(c) Review the intention to employ form for deviations from the standards established by the department of labor 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 any department of labor 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 labor 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 a minor on a 30-calendar-day probationary period when a minor's poor school attendance results in a consistent academic performance at a level lower than that which preceded the minor's employment.

(6) Following the 30-calendar-day probationary period, and upon written notice to the minor and the employer, the issuing officer may suspend a minor from work for a period of not more than 30 calendar days when a minor's poor school attendance results in a consistent academic performance at a level lower than that which preceded the minor's employment.

(7) The issuing officer may revoke a work permit only if the work permit has been suspended as specified in subrule (6) of this rule and upon written notification to the minor and employer.

(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 labor.

(9) Upon revocation, the issuing officer shall inform a minor of the appeal process pursuant to Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws, and shall provide instructions as to the initiation of an appeal by a minor, by a parent or guardian of a minor, or by a person or agency to whom custody of a minor has been awarded. The issuing officer shall keep a record of all appeals.

(10) Records that are exempted by statute or regulation shall not be disclosed.

History: 1980 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.