

HOUSE BILL No. 4177

January 30, 1997, Introduced by Reps. Emerson, Freeman, Mans, Varga, Bogardus, DeHart, Callahan, Goschka, Anthony, Brown, Cherry, Mathieu, Ciaramitaro, Prusi, Martinez, Gubow, Price, Brewer, Hanley and Agee and referred to the Committee on Labor and Occupational Safety.

A bill to amend 1964 PA 154, entitled
"Minimum wage law of 1964,"
by amending sections 2, 4, and 7 (MCL 408.382, 408.384, and
408.387), section 2 as amended by 1980 PA 97, and by adding
section 4b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Commissioner" means the director of ~~labor~~ THE DEPART-
3 MENT OF CONSUMER AND INDUSTRY SERVICES.

4 (b) "Employee" means an individual not less than ~~18~~ 14
5 years of age employed by an employer on the premises of the
6 employer or at a fixed site designated by the employer, ~~or~~ AND
7 INCLUDES a minor employed under section 15(1) of ~~Act No. 90 of~~
8 ~~the Public Acts of 1978, being section 409.115 of the Michigan~~
9 ~~Compiled Laws. Employee includes, but is not limited to, an~~

~~1 individual employed to provide the practice of massage as defined~~
~~2 in section 2 of Act No. 251 of the Public Acts of 1974, as~~
~~3 amended, being section 388.1852 of the Michigan Compiled Laws.~~

4 THE YOUTH EMPLOYMENT STANDARDS ACT, 1978 PA 90, MCL 409.115.

5 (c) "Employer" means a person, firm, or corporation, includ-
 6 ing the state and its political subdivisions, agencies, and
 7 instrumentalities, and a person acting in the interest of the
 8 employer, who employs 2 or more employees at any 1 time within a
 9 calendar year. An employer shall be subject to this act during
 10 the remainder of that calendar year.

11 (d) "Employ" means to engage, suffer, or permit to work.

12 Sec. 4. ~~(1) The~~ SUBJECT TO THE EXCEPTIONS SPECIFIED IN
 13 THIS ACT, THE minimum hourly WAGE rate shall be:

14 (a) Beginning January 1, ~~1977, \$2.30~~ 1981, \$3.35.

15 ~~(b) Beginning January 1, 1978, \$2.65.~~

16 (B) ~~(c)~~ Beginning ~~January 1, 1979, \$2.90~~ THE EFFECTIVE
 17 DATE OF THE AMENDATORY ACT THAT ADDED SECTION 4B, \$4.75, UNLESS
 18 THAT EFFECTIVE DATE IS ON OR AFTER THE DATE DESCRIBED IN SUBDIVI-
 19 SION (C).

20 (C) ~~(d)~~ Beginning ~~January 1, 1980, \$3.10~~ SEPTEMBER 1,
 21 1997, \$5.15.

22 ~~(e) Beginning January 1, 1981, \$3.35.~~

23 ~~(2) The increases or decreases in the minimum hourly rate,~~
 24 ~~established in this act after 1967, shall reflect corresponding~~
 25 ~~increases or decreases in the cost of living.~~

26 SEC. 4B. (1) AN EMPLOYER MAY PAY A NEW EMPLOYEE WHO IS LESS
 27 THAN 20 YEARS OF AGE A TRAINING HOURLY WAGE OF \$4.25 FOR THE

1 FIRST 90 DAYS OF THAT EMPLOYEE'S EMPLOYMENT. THE HOURLY WAGE
2 AUTHORIZED UNDER THIS SECTION IS IN LIEU OF THE MINIMUM HOURLY
3 WAGE OTHERWISE PRESCRIBED BY THIS ACT.

4 (2) AN EMPLOYER SHALL NOT DISPLACE AN EMPLOYEE TO HIRE AN
5 INDIVIDUAL AT THE HOURLY WAGE AUTHORIZED UNDER SUBSECTION (1).
6 AS USED IN THIS SUBSECTION, "DISPLACE" INCLUDES TERMINATION OF
7 EMPLOYMENT OR ANY REDUCTION OF HOURS, WAGES, OR EMPLOYMENT
8 BENEFITS.

9 (3) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A MIS-
10 DEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00 OR
11 IMPRISONMENT FOR NOT MORE THAN 93 DAYS, OR BOTH.

12 Sec. 7. ~~On~~ SUBJECT TO SECTION 7A, ON petition of a party
13 in interest or on ~~its~~ HIS OR HER own motion, the ~~wage devia-~~
14 ~~tion board~~ DIRECTOR OF THE DEPARTMENT OF CONSUMER AND INDUSTRY
15 SERVICES shall:

16 (a) Determine the amount of the gratuities and the value to
17 the employee of board, ~~and~~ lodging, ~~and~~ apparel, or other
18 items or services customarily furnished to an employee for ~~his~~
19 THE EMPLOYEE'S benefit, and FROM THAT AMOUNT establish
20 ~~therefrom~~ a reasonable deduction from the minimum wage ~~set in~~
21 ~~this act~~ to be paid by the employer UNDER THIS ACT. In no case
22 shall the total deduction allowed be more than 25% of the hourly
23 wage rate. The ~~board~~ DIRECTOR OF THE DEPARTMENT OF CONSUMER
24 AND INDUSTRY SERVICES may ~~grant a stay of present~~ PERMIT AN
25 EXISTING employment situation TO CONTINUE until ~~such~~ A determi-
26 nation DESCRIBED IN THIS SUBDIVISION IS MADE.

1 (b) Establish a suitable scale of rates for apprentices,
2 learners, ~~physically and mentally handicapped~~ AND persons WITH
3 PHYSICAL OR MENTAL DISABILITIES who are clearly unable to meet
4 normal production standards. ~~, which~~ THE RATES ESTABLISHED
5 UNDER THIS SUBDIVISION may be less than the regular minimum wage
6 rate for ~~experienced and nonhandicapped~~ workers WHO ARE
7 EXPERIENCED AND WHO ARE NOT DISABLED.