Executive Order 2020-140: Temporary suspension of youth work permit application requirements (June 30, 2020)

EXECUTIVE ORDER

No. 2020-140

Temporary suspension of youth work permit application requirements

Rescission of Executive Order 2020-116

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive

Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the EPA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On June 18, 2020, I issued Executive Order 2020-127, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature had declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)–(2). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and

a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

Every summer, many of our state's young residents seek employment in order to earn money, gain valuable work experience, and contribute to the state economy. Compliance with certain procedures related to obtaining work permits and supporting documentation from school personnel has become prohibitively difficult with school buildings being closed for instructional purposes. Young Michiganders constitute an important part of the summer workforce, especially because the COVID-19 pandemic requires that many workers stay home when experiencing symptoms or because they are part of a vulnerable population.

Certain aspects of the Youth Employment Standards Act, such as the requirement to use certain kinds of colored paper, require in-person interactions that could spread COVID-19. Executive Order 2020-79 temporarily suspended these requirements. Executive Order 2020-116 extended that relief, and this order extends it further, because it continues to be reasonable and necessary to mitigate the spread of COVID-19, protect public health, and provide protections to vulnerable Michiganders of all ages. With this order, Executive Order 2020-116 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with section 5 of the Youth Employment Standards Act, 1978 PA 90, MCL 409.105, is temporarily suspended to the extent it requires an application of a work permit to be made in person. An issuing officer may accept and examine a work permit application (including any accompanying materials) submitted by alternative means including mail, e-mail, fax, or web-based form. Issuing officers must make information on how such application materials may be submitted publicly available.
2. Strict compliance with section 6 of the Youth Employment Standards Act, MCL 409.106, is temporarily suspended such that the color of work permits for minors under 16 years of age does not need to be distinct from that of work permits for minors 16 years of age and over.

3. Executive Order 2020-116 is rescinded.

4. This order is effective immediately and continues through July 31, 2020 at 11:59 pm.

Given under my hand and the Great Seal of the State of Michigan.

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