

The Development of a Department of Labor in Michigan

By Janice Selberg

The Michigan Constitution of 1850 was silent regarding the creation of new state government departments. Governor Josiah W. Begole, elected in 1882 on a combined Greenbacks-Democratic Party ticket, would serve only one two-year term, but this Gilded Age politician would be known for one major accomplishment: supporting the legislature's creation of the state's first Bureau of Labor and Industrial Statistics in 1883.¹ The U.S. Bureau of Labor Statistics was created one year later.² This was a response to the industrial boom, which in Michigan included manufacturing, merchandising, railroads, lumber, and mining; the workforce requirements for industry led to a tremendous influx of immigrants as well as former farm laborers transferring from rural Michigan to cities.³

Among the duties of the first commissioner of labor statistics appointed by Gov. Begole was collecting on designated forms from county clerks the following:

- Hours of labor, number of laborers and mechanics employed within the county, and wages earned
- Worker data including nationality, culture, moral and mental state, age, sex, proportion of married to single workers, number of members of the laborer's household, health and use of intoxicating liquors, and sanitary conditions
- Laborer's housing and value of property
- Local labor difficulties and the effect of trade unions upon labor and capital

An annual report was to be issued to the governor each February.⁴

By 1893, the department head was known as the commissioner of labor. Although collecting statistics was still a principle duty,

the responsibility for factory inspections had been added, as well as a provision for a 60-hour workweek. Minors under the age of 14 were no longer permitted to be employed in manufacturing, and fire escapes were required for all industrial buildings of three or more stories.⁵ Two more changes in the law included the requirement of a separate, properly screened washroom and water closet for female employees and a 45-minute lunch break at noon for manufacturing employees. These provisions applied to any establishment with a minimum of five employees where goods were manufactured, repaired, or sorted.

As the nation transitioned into the Progressive Era, Michigan law reflected the growing interests of the labor movement. The addition of deputy factory inspectors, inspection of coal mines, and regulation of employment bureaus were added to the commission's duties around the turn of the twentieth century.⁶

The Constitution of 1908 included several changes which reflected Michigan's transformation from an agrarian economy, but it did not attempt to reform or limit the increasing complexity of commissions, boards, and agencies resulting from that transformation. Following the approval of the new constitution, in 1909 the commission was reauthorized as the Department of Labor.⁷ The details of the act changed in

some respects: the length of the workweek was revised (now 54 hours or 9 hours a day); women and minors were prohibited from working between the hours of 6 p.m. and 6 a.m.; and other provisions were added, reflecting a pre-*Lochner*⁸ time. The 20-page length of the 1909 act alone reflected the extraordinary changes in the duties and scope of the department in the 26-year period since the first act in 1883. The first employee injury compensation act came in 1912,⁹ and in 1917 the board for safety and regulation of steam boilers was created.¹⁰

Following World War I, the department was renamed the Department of Labor and Industry and its appointed commission grew to three members. The 1921 act was an apparent attempt to bring most labor and industrial administrative functions under one department.¹¹

An unexplained discrepancy in the official *Michigan Manual* occurs after the 1945 edition.¹² From 1921 through that year, the *Manual* described the department as the Department of Labor and Industry, with the enabling act cited as 1921 PA 43. Beginning with the 1947 edition through 1962, the department is designated as the Department of Labor, with the enabling act cited as 1909 PA 285.¹³ There appears to be no amendment during those decades that changed the department name. This suggests some confusion about the origins of the department

Michigan's first Bureau of Labor and Industrial Statistics was created in 1883, followed by the U.S. Bureau of Labor Statistics one year later.

The development of purposes and functions of a department of labor can clearly be seen in the legal authority given to it over its history.

coinciding with the development of administrative law and regulatory publications.

Increased powers of the executive branch of state government and an unprecedented change in the number and composition of principal departments came about with the Constitution of 1963. It had long been recognized that the “weak governor,” or Jacksonian, form of state administration was ineffective and led to confusion, duplication, and waste of resources.¹⁴ Convention delegates proposed that the “jungle...of 123 agencies...be reduced to no more than 20.”¹⁵ The governor now had the authority to issue executive orders to reorganize the legislative allocation of the departments. In the Executive Organization Act of 1965, the Department of Labor was authorized,¹⁶ closely followed by Executive Order 1965-26, issued by Governor George Romney.

Although it was rarely used between 1965 and 1990,¹⁷ another expansion of power was the provision for the governor’s ability to “make changes in the organization of the Executive Branch and in the assignment of functions among its units, which he considers necessary for efficient administration....”¹⁸ Beginning with the Engler administration, the use of the reorganization authority has been used repeatedly. Executive Reorganization Order 1996-2 created the Department of Consumer and Industry Services, transferred existing Department of Labor functions in large part to the new department, and specifically abolished the Department of Labor.¹⁹ A subsequent reorganization by the Granholm administration moved the functions to a new department, the Department of Labor and Economic Growth (DLEG).²⁰ A characteristic of later reorganizations is moving individual operations or bureaus between principal departments. An example of this can be found in the Snyder administration’s Executive Order

2011-4, which renamed DLEG and created the Department of Licensing and Regulatory Affairs.²¹

The development of purposes and functions of a department of labor can clearly be seen in the legal authority given to it over its history; even the name of the department at a particular point in time can disclose its administrative and political purposes. In Michigan, this is especially true. ■

Janice Selberg is a law reference librarian with the State Law Library in Lansing. She has been a member of the State Bar of Michigan since 1985 and is a member and former chair of the SBM Libraries, Legal Research, and Legal Publications Committee. She holds BA, AMLS, and JD degrees as well as a graduate certificate in archival administration. Her past professional work includes positions in academic, corporate, and foreign law libraries.

ENDNOTES

1. 1883 PA 156.
2. US Department of Labor, *The US Department of Labor Historical Timeline* <<https://www.dol.gov/featured/100/timeline/>> (accessed October 18, 2016).
3. Dunbar, *Michigan Through the Centuries* (New York: Lewis Historical Publishing Company, vol 1, 1955), p 406.
4. 1883 PA 156.
5. 1893 PA 126.
6. 1901 PA 113, 1899 PA 57, and 1905 PA 37.
7. 1909 PA 285.
8. *Lochner v New York*, 198 US 45; 198 S Ct 45; 49 L Ed 937 (1905).
9. 1912 (Ex Sess) PA 10.
10. 1917 PA 173.
11. 1921 PA 43.
12. Mich Department of State, *Michigan Official Directory and Legislative Manual* (Lansing: State of Michigan, 1945–1946).
13. Mich Department of State, *Michigan Official Directory and Legislative Manual* (Lansing: State of Michigan, 1947–1948).
14. Bromage, *Constitutional Revision in Michigan*, 36 Univ Det LJ 96, 98 (1958).
15. 2 Official Record, Constitutional Convention 1961, p 1,837.
16. MCL 16.475.
17. Citizens Research Council of Michigan, *Article V-Executive Branch, Michigan Constitutional Issues*, Report No. 360-08 (May 2010) <<http://csrcmich.org/PUBLICAT/2010s/2010/rp36008.pdf>> (accessed October 18, 2016).
18. Constitution 1963, art V, § 2.
19. Executive Order No. 1996-2.
20. Executive Order No. 2003-18.
21. Executive Order No. 2011-4.



Become a Member

Paralegal/Legal Assistant Section of the State Bar of Michigan

Our high-quality, low-cost programs provide you with discounts on everything from legal research services to insurance. In addition, every time you participate in a State Bar of Michigan program, you give something back to your profession.

Membership Benefits Include:

- The quarterly *Michigan Paralegal Newsletter*, the monthly *Michigan Bar Journal*, and the Annual Membership Directory
- Insurance (including health and reduced auto insurance)
- State Bar Platinum Gold MasterCard (to those who qualify)
- Many more benefits

For information, contact: Denise E. Gau, Chairperson, (586) 778-3323