Indiana Department of Labor
Bureau of Child Labor

Presenter:
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Topics of Discussion

• General Definitions and Recordkeeping
• Explanation of Violations
• Question and Answer/Additional Resources
Indiana’s Child Labor Laws

Overview
General Definitions

• Minor = Less than 18 and has not graduated from High School
• “School Day” = More than 4 hours of classroom instruction
• “School Week” = 3 or more school days
• “Non-school Week” = 2 or fewer school days
Record Keeping Requirements

• Employers must maintain records of days and hours worked for minors
  • Breaks and Lunches
  • Terminations
  • Parental Permission
  • Graduation or Withdrawal from High School
  • Employment Certificates (Work Permits)

• Most frequently cited violations are for poor or inaccurate recordkeeping
Inspection Authority

• Inspections may be conducted at any business in the state
  • Inspect records related to workers under 18
  • Examine work areas
  • Interview employees

• Inspections may be initiated
  • By Complaint
  • Randomly
  • Targeted based on employment data
Work Permits

• Nearly all minors (14 through 17) in Indiana are required to obtain a work permit

  – Exceptions:
    • High School graduate
    • Parent is the sole proprietor of the business
    • Legally Emancipated
    • Performer, Actor or Model

• Home Schooled students can obtain Work Permits from Accredited High Schools
Employer’s Requirements

- Intent to Employ / A1 Form
- Work Permit must be obtained before beginning work OR TRAINING
- Information on Work Permit must be accurate and up-to-date
- Work Permit must remain on file at the location of the minor’s employment
- Cannot be used at more than 2 locations within an enterprise – hour restrictions still apply
Child Labor Poster

- Indiana law requires that employers post notice
  - Maximum allowable hours per day
  - Hours beginning and ending each day
- Poster is developed and distributed by the Indiana Department of Labor
- Online at www.in.gov/dol
- Also available from third-party vendors
Employer’s Requirements

• Teen Work Hours Restrictions poster MUST be displayed
• Must be in a conspicuous place in the business, or
• Where employee notices are customarily posted
Termination notices

• Termination Notice = bottom half of the Work Permit

• Issuing Officer must be notified immediately and in writing
  • Mail
  • Hand-Deliver
  • Fax

• Do not delay on sending back Termination Notices
Hours of Work

- State and Federal laws mandate acceptable work hours for minors
- Hours vary based on minor’s age
- Parental and/or school permission may allow minors to work extended hours
  - Must be in writing
  - Must be kept on file with the employee’s records
  - IDOL provides a “Parental Permission Form”
  - Available online at www.in.gov/dol
16 Year Olds May work

- 8 hours per school day
- 30 hours per week
- No more than 6 days per week
- Not before 6:00 am
- Until 10:00 pm on nights followed by a school day
With Parental Permission, 16 Year Olds May work

- 9 hours per day not followed by a school day
- 40 hours per school week
- 48 hours per non-school week
- Until 12:00 am on nights not followed by a school day
Child Labor Laws – Hours of Work

17 Year Olds May work

- 8 hours per school day
- 30 hours per week
- No more than 6 days per week
- Not before 6:00 am *on school days*
- Until 10:00 pm on nights followed by a school day
With Parental Permission
17 Year Olds May work

- 9 hours per day not followed by a school day
- 40 hours per school week
- 48 hours per non-school week
- Until 11:30 pm on nights followed by a school day
- Until 1:00 am on nights followed by a school day
  - Not consecutive nights
  - Not more than 2 school nights per week
Employer’s Requirements

- Keep track of school and parental permission forms
- Ensure minors are not working past hours defined in law
- Review with managers, shift leaders, crew chiefs to make sure they are aware of the hour restrictions
- Instill in the minors how important it is to clock out on time and encourage them to speak up when they have a scheduling conflict
Prohibited/Hazardous occupations

- Minors are prohibited by law from working in hazardous occupations
- Hazardous occupations are defined by the federal Fair Labor Standards Act (FLSA)
- Vary based on age
- Information available online at: www.youthrules.dol.gov
Prohibited/Hazardous Occupations

• 16 and 17 year olds may not
  • Operate or maintain powered woodworking or saw milling tools
    – Chainsaws, circular saws, bandsaws
  • Operate or maintain power-driven metal shearing or forming equipment
  • Participate in the actions of mining or logging
  • Operate or maintain power-driven hoisting machines
    – Cranes, forklifts, person lifts
  • Load or operate power-driven bailers or compactors
  • Work on the roof of any building in any capacity
Child Labor Laws – Prohibited/Hazardous Occupations

Prohibited/Hazardous Occupations

• 16 and 17 year olds may not
  • Work in areas where explosives are handled or stored
  • Participate in the demolition or razing (total or partial) of any structure or ship
    – Building, bridge, steeple, tower, chimney
    – Includes clean-up and salvage
Prohibited/Hazardous Occupations

• Driving Restrictions for 16 year olds
  • 16 year olds may not operate any motor vehicle on any public road or highway, or near any mining, logging or sawmilling operation
    – Cars, pickup trucks, motorcycles, vans, semis
Prohibited/Hazardous Occupations

• Driving Restrictions for 17 year olds
  • 17 year olds may only drive if the following criteria are met:
    – Gross vehicle weight under 6000 lbs and seat belt equipped
    – Only in daylight hours
    – Valid driver’s license and no moving violations
    – Completed a state-approved driver’s ed course
    – May not tow vehicles or transport goods/passengers for hire
    – No more than two trips away from the primary place of employment per day
    – 30 mile radius of the place of employment
    – May not drive more than 30% of a workday or 20% of a workweek
    – NO URGENT OR TIME-SENSITIVE DELIVERIES
Employer’s Requirements

- Make sure tasks minors perform are safe and not defined as prohibited
- Review with managers, shift leaders, crew chiefs to make sure they are aware what tasks in your business would be considered “hazardous” or “prohibited”
- Double-check to ensure that minors are not “volunteering” to work in prohibited occupations
Work during a “School Day”

- Minors may not work during “school hours” from 7:30 am to 3:30 pm on a school day
  - Exceptions
    - Minors 17 and 18 may work during “school hours” with written school permission
    - All minors working as actors, performers or photographic models
Employer’s Requirements

• Request permission from the minor’s school before scheduling during daytime hours

• If the minor is home-schooled, the parent may provide the permission

• Maintain school permission with minor employee’s file

• Do not allow minors to volunteer to work restricted hours without school permission
Breaks and Lunches

• **The most frequently cited penalty!**
• Minors under 18 must receive 1 or 2 breaks totaling at least 30 minutes if working six or more hours

– Exceptions:
  • Minors withdrawn from school
  • High School/Equivalency Graduates
  • Under 14 working as farm laborer, domestic worker, golf caddie or newspaper carrier
  • Legally emancipated
  • Parent employing own child
Breaks and Lunches

- Indiana Administrative Code 610 IAC 10-3-2 requires employers to maintain a break log for minor employees
- Breaks must be documented whether paid or unpaid
- Break logs are subject to inspection by the IDOL
Employer’s Requirements

- Communicate the break policy clearly to the minor at the time of hire
- Policy must be provided in writing
- Maintain a break log or otherwise note breaks in time punches
- Make sure that break logs are maintained constantly and are readily available to the inspector
- Document, document, document!
Questions and Answers/
Additional Resources
Resources

• **IDOL**
  • Phone: (317) 232-2655
  • Fax: (317) 234-4449
  • Email: childlabor@dol.in.gov
  • Website: [www.in.gov/dol](http://www.in.gov/dol)

• **USDOL**
  • Phone: (866) 4-USWAGE
  • Website: [www.youthrules.dol.gov](http://www.youthrules.dol.gov)