Indiana Department of Labor
Bureau of Child Labor

Presenter:
Kenneth Boucher
Director of Child Labor, Training and Education
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

- IDOL may conduct inspections 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
Child Labor Laws
Detailed Explanation
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 (i.e. park office or site office)
• Minors may obtain more than one work permit
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/2366.htm](http://www.in.gov/dol/2366.htm)
- 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
14 and 15 Year Olds
May work

- 3 hours per school day
- 8 hours per non-school day
- 18 hours per school week
- 40 hours per non-school week
- No work before 7:00 am or after 7:00 pm
  - Exception
    - 9:00 pm from June 1 through Labor Day
Child Labor Laws – Hours of Work

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
Child Labor Laws – Hours of Work

With Parental Permission, 16 Year Olds May work

- 9 hours per day
- 40 hours per school week
- 48 hours per non-school week
- Until 12:00 am on nights not followed by a school day
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
- 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 site 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

- 14 and 15 year olds may not perform
  - Baking
  - Work in or about boiler or engine rooms
  - Cooking over an open flame
  - Work in freezers or meat coolers
  - Loading or unloading goods on or off trucks, railcars or conveyors
Prohibited/Hazardous Occupations

• 14 and 15 year olds may not perform
  • Meat/fish/poultry processing
  • Maintenance or repair of a building or its equipment
  • Outside window washing
  • Work standing on a window sill, ladder, scaffold or similar equipment
  • Warehouse work, except office and clerical work
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 hoisting machines
    – Cranes, forklifts, person lifts
  • Load or operate power-driven bailers or compactors*
  • Work on the roof of any building in any capacity*
  • Participate in the demolition or razing (total or partial) of any structure or ship
Prohibited/Hazardous Occupations

• 16 and 17 year olds may not
  • Work in areas where explosives are manufactured or stored
  • Perform mining
  • Be exposed to radioactive substances
  • Use power-driven bakery machines
  • Manufacture brick or tile
  • Use excavating equipment*
  • Process or pack meat
  • Use metal forming equipment*

* May be exempt if enrolled in a vocational program
Prohibited/Hazardous Occupations

- Driving Restrictions
  - 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
  - 17 year olds may only drive under certain limited circumstances
    - Valid driver’s license and no moving violations
    - Only in daylight hours
    - May not tow vehicles or transport goods/passengers for hire
Employer’s Requirements

• Make sure tasks minors perform are safe and not defined as prohibited
• Review with site 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
    - 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

• \textit{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!
Civil Penalties
Penalty Structure

- Amount of Civil Penalties changes based upon the type of violation
- Each separate instance is considered a violation
- Penalty amounts increase based on recurrences from inspection to inspection
- 9 different violations – “A” through “I”
9 Types of Violations

A. Minors without Work Permits
B. Poster not displayed
C. Termination notice not returned
D. Hour Violation: Less than 30 mins.
Civil Penalties – Penalty Structure A-D

Penalty Structure for
Violations: A, B, C and D

• First Violation = Warning
• Second Violation = $50 per instance
• Third Violation = $75 per instance
• Fourth+ Violation = $100 per instance
9 Types of Violations

A. Minors without Work Permits
B. Poster not displayed
C. Termination notice not returned
D. Hour Violation: Less than 30 mins.
E. Hour Violation: More than 30 mins.
F. Prohibited / Hazardous occupations
G. Under 14 years of age / illegal entertainment
H. After 7:30am/before 3:30pm on school day
I. Six or more hours without a break
Civil Penalties – Penalty Structure E-I

Penalty Structure for Violations: E, F, G, H and I

- First Violation = Warning
- Second Violation = $100 per instance
- Third Violation = $200 per instance
- Fourth+ Violation = $400 per instance
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

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