A GUIDE FOR INDIANA PARENTS, TEENS, ISSUING OFFICERS & EMPLOYERS

TEEN LABOR LAWS

INDIANA DEPARTMENT OF LABOR
Bureau of Child Labor
402 West Washington Street, Room W195 • Indianapolis, Indiana 46204
(317) 232-2655 • http://www.in.gov/dol • childlabor@dol.in.gov

April 2008

Dear Fellow Hoosiers:

Indiana is outpacing its regional counterparts in new job creation and our teens are an integral part of the state's workforce. As our robust Hoosier economy continues to expand, the safety of children in the workplace remains a top priority. I ask for your support and diligence to ensure teens are working in an environment that is safe and mindful of their rights. The skills and experience they gain working for your business can have a tremendous influence on their education and future career path. Please take time to become familiar with the information in this booklet.

Sincerely,

Mitch Daniels

Mitch Daniels
Governor

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Indiana Code: 20-33-3-36
ADULT SUPERVISION REQUIREMENT

Effective July 1, 2003: **Teens under the age of 18 must be accompanied by a coworker who is at least 18 years of age when working past 10 p.m. in an establishment that is open to the public.**

EMPLOYMENT OF MINORS

With the exceptions listed below, Indiana law permits the employment of minors beginning at the age of 14. However, the law sets out specific requirements for such employment, including restrictions on the nature of the work performed and limitations on the hours worked by minors. **Prior to employing a minor, an employer must have an employment certificate on file, issued by the proper issuing officer, at the location in which the minor is to be employed. Work permits must be available for inspection when the business is open.** Employment certificates are commonly referred to as "work permits." An employer shall maintain records of the days and hours worked for all employees under 18 years of age in order to verify compliance with *Indiana Code 20-33-3*. This documentation must be onsite where the minor employee is employed. *Provisions governing the employment of minors are contained in Indiana Code 20-33-3-1 through 20-33-3-43.*

Minors under the age of 14 may only be employed as a newspaper carrier, golf caddy, domestic service worker (work performed at a private residence), entertainer (with certain restrictions) or farm laborer, as described in *Indiana Code 20-33-3-6*. Minors under the age of 12 may only perform farm labor on a farm owned by the minor's parents. There is no requirement for a minor to obtain a work permit for the above referenced occupations so long as the work is not performed during hours in which the minor is required to be in school (defined as 7:30 a.m. to 3:30 p.m.). No minor, however, may be employed in any occupation during hours in which the minor is required to be in school, unless a written exception is issued by the school that the minor attends.

ISSUING OFFICERS

Accredited Schools

Each accredited school is required to designate an issuing officer. The issuing officer is responsible for issuing work permits to minors attending the school, as well as denying or revoking work permits when appropriate. The issuing officer in each accredited school (*Indiana Code 20-19-2-8(a)(5)*) shall be an individual who is:

- a guidance counselor, a school social worker, an attendance officer (if the attendance officer is a licensed teacher), the principal, or assistant principal and,
- designated in writing by the principal.

During the times in which the individual described above is not employed by the school or when school is not in session, the principal shall designate an alternate issuing officer who is a licensed teacher.

Non-Accredited Schools

A non-accredited school wishing to issue work permits may contact their local public school corporation to request appointment of an issuing officer at the non-accredited institution. A non-accredited school may only issue work permits to students attending the non-accredited school. A minor who attends a non-accredited school that does not issue work permits must obtain a work permit from the public school corporation in which the minor resides.

EMPLOYMENT CERTIFICATES (Work Permits)

Employers must obtain a work permit to employ minors ages 14, 15, 16 and 17. The work permit requirement applies to all minors, including minors who are:

- enrolled in a public school,
- enrolled in a private school,
- home-school students,
- out-of-state residents seeking employment in Indiana,
- no longer enrolled in school, and
- married.

Work permits are not required to employ minors who have graduated from high school or have received a General Educational Development (GED) diploma.

Obtaining a Work Permit

An issuing officer may issue a work permit upon presentation by the minor of the following documents:

- proof of age,
- proof of prospective employment (Intention to Employ/A-1 Form), and
- for a minor seeking a work permit from a school the child does not attend (i.e., a minor attending a non-accredited school), a statement from the minor's school attesting to the minor's acceptable academic performance and attendance.

As proof of age, the issuing officer shall require one of the following documents:

- a birth certificate (or in the alternative, a school record of age previously verified by a birth certificate),

- a baptismal certificate showing the minor's date of birth and place of baptism,
- a bona fide contemporary record of the minor's birth comprising part of the family records of birth (i.e., a family Bible), a certificate of arrival issued by United States immigration officers showing the minor's age, a life insurance policy, or other documentary evidence acceptable to the Bureau of Child Labor and in existence for at least one year (the Bureau of Child Labor views a valid Indiana Driver's License that has been in existence for more than one year as acceptable evidence), or
- a sworn statement from a physician or the superintendent stating, in the opinion of the signatory, the minor's age. The statement shall include the minor's height and weight and other facts upon which the opinion is based. The statement shall be accompanied by a statement of the minor's age signed by a parent and by available school records.

The documents constituting proof of age are listed in preferential order, beginning with a birth certificate and ending with a sworn statement of a physician or the superintendent. As proof of prospective employment, the issuing officer shall require a completed Intention to Employ/A-1 form as follows:

- the employer intending to employ the minor must complete and sign the Intention to Employ/A-1 Form, and
- a parent or guardian of the minor must sign the form.

The minor seeking the work permit must personally appear before the issuing officer. At the option of the issuing officer, the minor's parents may be required to appear before the issuing officer prior to issuing the work permit.

Upon receipt of proof of age and proof of prospective employment (and a statement from the minor's school if applicable), the issuing officer shall issue the work permit and return the appropriate portion within five days of issuance to:

Indiana Department of Labor
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The employer's copy of the work permit (and the attached termination notice) shall be returned to the minor seeking the work permit or forwarded to the employer.

The issuing officer shall maintain all records of the "traditional green" work permit, including the Intention to Employ/A-1 form, for a period of two years following a

minor's termination of employment. Records for the "computer generated" work permit will be maintained by the Indiana Department of Labor.

Termination Notices

Should the minor cease employment before reaching the age of 18, the employer must immediately complete and return the termination notice to the issuing officer at the school corporation that issued the work permit. The termination notice is attached to the work permit form provided by the Bureau of Child Labor. In order to distinguish between the "traditional green" and the "computer generated" work permit, the issuing officer must mail a copy of the "traditional green" termination notice to:

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Work Permit Limitations

A work permit issued to a minor is subject to the following limitations:

- a work permit may be used at not more than two locations within the same enterprise provided the employer complies with the hour restrictions described,
- issuing officers may not issue work permits to minors for prohibited occupations (see listing of prohibited occupations pp. 13-15), and,
- a work permit is subject to revocation by the issuing officer, the Bureau of Child Labor, and the State Board of Education (see below).

A minor may have more than one work permit at a time; however, the total hours worked by the minor may not exceed the daily and weekly hour limits. If the minor exceeds the hours allowable by law, the minor's work permit may be revoked.

Denial and Revocation of Work Permits

The denial of a work permit may be appealed to the principal of the school that the minor attends. The work permit may then be issued or denied at the discretion of the principal.

The issuing officer may deny a work permit to a minor:

- whose attendance is not in good standing, as determined by the school; or
- whose academic performance does not meet the school's standards.

The issuing officer may revoke a work permit previously issued to a minor if the school determines that there has been a significant decrease in any of the following since the issuance of the work permit:

- the minor's grade point average, or
- the minor's attendance at school.

A minor whose work permit is revoked is entitled to a periodic review, to be conducted not less than once per school year, to determine whether the revocation should continue. If upon review the issuing officer determines that the minor's grade point average or attendance, or both, have improved substantially, the issuing officer may reissue a new work permit to the minor. A minor may appeal the revocation of a work permit or the refusal to reissue a work permit to the principal responsible for the appointment of the issuing officer. The work permit may then be issued or the revocation continued at the discretion of the principal.

An issuing officer who revokes a work permit shall immediately send written notice of the revocation to the minor's employer. The Bureau of Child Labor or the State Board of Education may revoke a work permit at any time if, in the judgment of either, the work permit was improperly issued or the minor involved is or was illegally employed. If a work permit is revoked in this manner, the issuing officer and the minor's employer will be notified in writing. Immediately after receiving notice of revocation, the minor's employer must return the work permit to the issuing officer and must prohibit the employee from working.

Optional Work Permits (Age Certificates)

For purposes of verifying age, an employer may request that a work permit be issued for a prospective employee who represents his or her age to be between the ages of 18 and 21. These optional work permits are commonly called "age certificates". The procedure for issuing an age certificate is the same as issuing a work permit to a minor.

Employment of Home-School Students and Out-of-State Minors

Special circumstances can arise in regard to minors that are home-school students or out-of-state residents seeking employment in Indiana.

Minors who are home-school students must obtain work permits from the school corporation in which they reside and are subject to the same hour and occupation restrictions as a traditional student.

Any exceptions requiring a minor to obtain permission for or certification from the minor's school may be met by a statement signed by the minor's parent or legal guardian.

Employment of out-of-state minors working in Indiana is governed by Indiana law. Such minors are subject to the same hour and occupation restrictions as an Indiana resident minor employed in the state.

A minor who is not a resident of Indiana shall obtain a work permit from the school corporation in which the minor is seeking employment. All other procedures for issuing a work permit remain the same, including the requirement that the minor submit a statement from the minor's school attesting to the minor's acceptable academic performance and attendance.

Forms and Educational Information

The Bureau of Child Labor provides several state forms which are mentioned in this publication:

- Certificate of Age—State Form 897
- Employment Certificate—State Form 898
- Intention to Employ/A-1 State Form 896
- Issuing Officer Approval Form
- Notice of Teen Worker Hour Restrictions
- Office Record Card—State Form 2718R
- Written Parental Permission Card—State Form 48409

The Bureau of Child Labor also provides educational information to employers, issuing officers, and minors:

- Guide for Teen Labor Laws
- Teen Labor Laws Pamphlet
- The Teen Worker Hour Restrictions Poster

These forms and educational information are available through the Bureau of Child Labor. To receive any of the materials listed, please visit http://www.in.gov/dol, call (317) 232-2655 or email us at childlabor@dol.in.gov. You may also write to us at:

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POSTING REQUIREMENTS

All employers employing minors must post the "Notice of Teen Worker Hour Restrictions Poster." This form must be posted in a conspicuous place or in the area where notices to employees are normally posted.

DEFINITION OF A SCHOOL AND NON-SCHOOL WEEK

For the purposes of Indiana's Child Labor Laws, a non-school week is defined as a week that contains two (2) or fewer school days. A school day refers to a day that contains more than four (4) hours of classroom instruction. A school week refers to a week that contains three (3) or more school days.

PARENTAL PERMISSION

Indiana law allows for extended work hours for minors 16 and 17 years of age with written parental permission from a parent or legal guardian. With written parental permission, the normal maximum 30-hour work week may be extended to 40 hours during a school week and to 48 hours during a non-school week. Additionally, minors 16 years of age may work until midnight on days not followed by a school day. Minors 17 years of age may work until 1:00 a.m. on no more than two non-consecutive nights followed by a school day, and until 11:30 p.m. on the remainder of the nights. Written parental permission shall be maintained on the business premises along with the work permit.

TEEN WORKER HOUR RESTRICTIONS

Effective July 1, 1999

School Days

Ages	Max Hours Per Day	Max Hours Per School Week	Max Days Per Week	Start Time	Restricted School Hours	End Time
14 & 15	3	18	N/A	7 a.m.	7:30 a.m. to 3:30 p.m.	7 p.m.
16	8	30/40*	6	6 a.m.	7:30 a.m. to 3:30 p.m.[1]	10 p.m.
17	8	30/40*	6	6 a.m.	7:30 a.m. to 3:30 p.m.[1]	10 p.m. *11:30 p.m.*/ 1 a.m.*[2]

*Indicates written parental permission is required.

[1]A minor may work between 7:30 a.m. and 3:30 p.m. on a school day with written permission issued by the school that the minor attends.

[2]A minor 17 years of age may work until 1:00 a.m. on nights followed by a school day if the employer has written permission from the minor's parent or legal guardian on file at the location in which the minor is employed. However, nights followed by a school day on which the minor works later than 11:30 p.m. may not be consecutive and may not exceed two nights per week.

Non-School Days

Ages	Max Hours Per Day	Max Hours Per School Week	Max Days Per Week	Start Time	Restricted School Hours	End Time
14 & 15	8	40	N/A	7 a.m.	N/A	7 p.m./9 p.m.[3]
16	8/9*	30/48*	6	6 a.m.	N/A	10 p.m./ 12 a.m.*[4]
17	8/9*	30/48*	6	N/A	N/A	N/A

*Indicates written parental permission is required.

[3]June 1 through Labor Day.

[4]On nights that are not followed by a school day, a minor 16 years of age may work until midnight if the employer has written permission from the minor's parent or legal guardian on file at the location in which the minor is employed.

Exceptions to Hour Restrictions

Minors 16 or 17 years of age that have graduated from high school or have received a General Educational Development (GED) diploma are not subject to the hour restrictions and are not required to obtain a work permit. Minors 16 and 17 years of age that have withdrawn from school are not subject to the hour restrictions but are required to obtain a work permit.

TEEN BREAK LAW

Indiana employers must provide one or two documented breaks totaling 30 minutes to minors under the age of 18 who are scheduled to work six or more consecutive hours. (610 IAC 10-3-2)

Exempt from this requirement are: farm laborers, domestic service workers, golf caddies, newspaper carriers, teens that have graduated from high school, teens who have completed an approved vocational or special education program, and teens who have withdrawn from school.

PROHIBITED OCCUPATIONS

Indiana law forbids the employment of minors in occupations prohibited under the child labor provisions of the federal Fair Labor Standards Act. As a result, questions regarding prohibited occupations should be directed to the U.S. Department of Labor as follows:

Indianapolis (Central and Southern Indiana)
Phone: (317) 226-6801

South Bend (Northern Indiana)
Phone: (574) 236-8331

14 and 15 Years of Age

Issuing officers shall not issue work permits for, and employers shall not employ, minors 14 and 15 years of age to engage in any of the following occupations:

- any manufacturing occupation,
- any mining occupation,
- processing occupations such as filleting of fish, dressing poultry, cracking nuts, or laundering as performed by commercial laundries and dry cleaning (except in retail, food service, or gasoline service establishment, and under the restrictions provided for those establishments),
- public messenger service,
- operation or tending of hoisting apparatus or of any power-driven machinery (other than office machines and certain machines in retail, food service, or
- gasoline service establishments, and under the restrictions provided for those establishments),
- any occupations found and declared to be hazardous,
- occupations in connection with:

    - transportation of persons or property by rail, highway, air, on water, pipeline, or other means,
    - warehousing and storage,
    - communications and public utilities, and
    - construction, including repair (except office or sales work in connection with these occupations when not performed on transportation media or at the actual construction site).
- any of the following occupations in a retail, food service or gasoline establishment:
    - work performed in or about boiler or engine rooms,
    - work in connection with maintenance or repair of the establishment, machines, or equipment,
    - outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes,
    - cooking (limited exceptions) and baking,
    - occupations which involve operating, setting up, adjusting, cleaning, oiling or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers,
    - work in freezers and meat coolers in preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in other areas),
    - loading and unloading goods to and from trucks, railroad cars, or conveyors, and
    - all occupations in warehouses (except office and clerical work).

16 and 17 Years of Age

With certain limited exceptions, issuing officers shall not issue work permits for, and employers shall not employ, minors 16 and 17 years of age to engage in any of the following occupations:

- occupations in or about plants or establishments manufacturing or storing explosives,
- motor-vehicle driving and outside helper,
- coal mining,
- logging and all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill,
- occupations involving exposure to radioactive substances,
- occupations involved in the operation of power-driven woodworking machines,*
- occupations involved in the operation of power-driven hoisting apparatus,

- occupations involved in the operation of power-driven metal forming, punching, and shearing machines,*
- mining, other than coal mining,
- occupations in or about slaughtering and meat-packing establishments and rendering plants,*
- occupations involved in the operation of power-driven bakery machines,
- occupations involved in the operation of certain power-driven paper-products machines,*
- occupations involved in the manufacture of brick, tile, and kindred products,
- occupations involved in the operation of power-driven circular saws, band saws and guillotine shears,*
- occupations involved in wrecking, demolition, and ship breaking operations,
- occupations in roofing operations,*
- occupations in excavation operations.*

*Student-learners, 16 and 17 years of age, who are enrolled in a cooperative vocational training program may be exempt from these specific prohibited occupations. Please call the Bureau of Child Labor at (317) 232-2655 for more information.

*Teens under the age of 18 must be accompanied by a coworker who is at least 18 years of age when working past 10 p.m. in an establishment that is open to the public.

PENALTIES

Below are the violations and the associated penalties:

A Employment certificates not on file

1. Warning letter for first violation
2. $50 per instance of a second violation
3. $75 per instance of a third violation
4. $100 per instance of a subsequent violation

B Notice of Teen Worker Hour Restrictions not posted

1. Warning letter for first violation
2. $50 per instance of a second violation
3. $75 per instance of a third violation
4. $100 per instance of a subsequent violation

C Termination notices not returned to Issuing Officer

1. Warning letter for first violation
2. $50 per instance of a second violation
3. $75 per instance of a third violation
4. $100 per instance of a subsequent violation

D Employment of a minor less than 30 minutes past the deadline

1. Warning letter for first violation
2. $50 per instance of a second violation
3. $75 per instance of a third violation
4. $100 per instance of a subsequent violation

E Employment of a minor more than 30 minutes past the dealine

1. Warning letter for first violation
2. $100 per instance of a second violation
3. $200 per instance of a third violation
4. $400 per instance of a subsequent violation

F Employment of a minor in a prohibited occupation

1. Warning letter for first violation
2. $100 per instance of a second violation
3. $200 per instance of a third violation
4. $400 per instance of a subsequent violation

G Employment of a minor under the age of 14

1. Warning letter for first violation
2. $100 per instance of a second violation
3. $200 per instance of a third violation
4. $400 per instance of a subsequent violation

H Employment of a minor during school hours (7:30 a.m. to 3:30 p.m.)

1. Warning letter for first violation
2. $100 per instance of a second violation
3. $200 per instance of a third violation
4. $400 per instance of a subsequent violation

I Failure to provide a 30-minute rest break

1. Warning letter for first violation
2. $100 per instance of a second violation
3. $200 per instance of a third violation
4. $400 per instance of a subsequent violation

Under Indiana's Child Labor Laws, warnings are issued and penalties are assessed for each violation. Any employer found violating Indiana's Child Labor Laws may be assessed civil penalites by the Bureau of Child Labor in the following manner:

• The employer will be issued a warning letter for the first violation.

• If the employer is cited for a second time during the one-year period following the issuance of the initial warning letter, he/she will be assessed a penalty for a second violation. (If the second violation is cited more than one year after the issuance of the initial warning letter, the process begins anew and the employer will be issued a warning letter.)

• If the employer is cited for an additional violation after a second violation has been cited, he/she will be assessed a penalty for a third violation. (If the third violation occurs more than two years after the second violation, the process begins anew and the employer will be issued a warning letter.)

An employer may request a petition for administrative reveiw of any violations cited and/or penalties assessed. A petition for administrative review must be in writing and postmarked within thirty (30) days after the business or individual receives notice of the violations cited and/or penalties assessed.

SOCIAL SECURITY CARD INFORMATION

For information on how a student can obtain a Social Security Number or replace a lost Social Security Card, call: 1-800-772-1213.

BIRTH CERTIFICATE INFORMATION

If a student doesn't have (or has lost) their original Birth Certificate, they can get a copy by contacting the Health Department in the county in which they were born. There may be a replacement fee.

QUESTIONS AND ANSWERS

For questions about the Child Labor Laws, call (317) 232-2655 or log on to http://www.in.gov/dol.

The Bureau of Child Labor's office hours are Monday - Friday, 8 a.m. - 4:30 p.m. If calling after hours, please leave a message and a staff member will return your call.

http://www.in.gov/dol

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