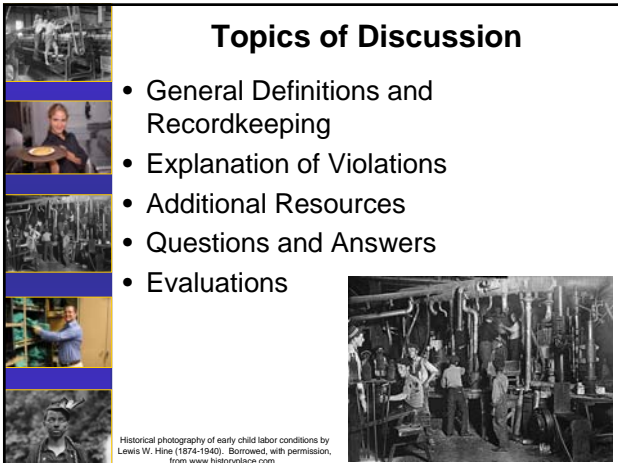




**Indiana Department of Labor
Bureau of Child Labor**

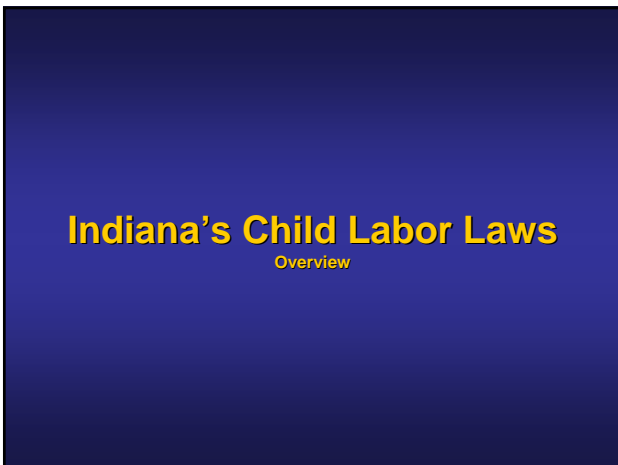
**Presenter:
Kenneth Boucher
Director of Child Labor,
Training and Education**



Topics of Discussion

- General Definitions and Recordkeeping
- Explanation of Violations
- Additional Resources
- Questions and Answers
- Evaluations

Historical photograph of early child labor conditions by Lewis W. Hine (1874-1940). Borrowed, with permission, from www.historyplace.com



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

Child labor Laws – Work Permits

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

Child labor Laws – Work Permits

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 Laws – Required Poster

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
- Also available from third-party vendors



Child Labor Laws – Required Poster

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



Child Labor Laws – Termination Notices

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



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



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



Child Labor Laws – Hours of Work

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



Child Labor Laws – Prohibited/Hazardous Occupations

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



Child Labor Laws – Prohibited/Hazardous Occupations

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



Child Labor Laws – Prohibited/Hazardous Occupations

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

- *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 or working as farm laborer, domestic worker, golf caddie, newspaper carrier or actor/performer/model
 - 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
- 9 different violations – “A” through “I”
- Each separate instance is considered a violation
- Penalty amounts increase based on recurrences from inspection to inspection



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.



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



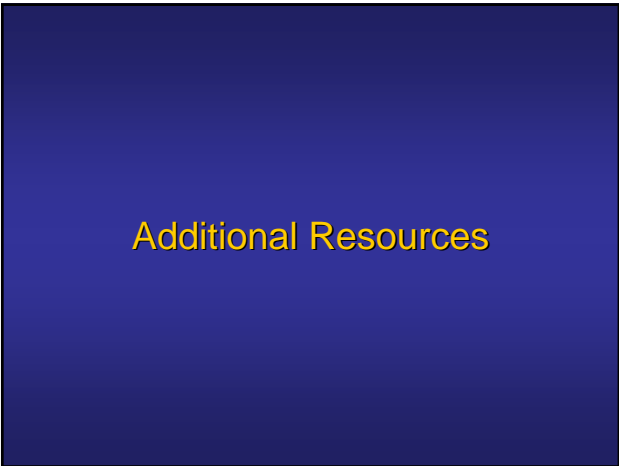
9 Types of Violations

- 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. 6 or more hrs. without documented break



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





Resources

- IDOL
 - Phone: (317) 232-2655
 - Fax: (317) 234-4449
 - Email: childlabor@dol.in.gov
 - Website: www.in.gov/dol
- USDOL
 - Phone: (317) 226-6801
 - Website: www.youthrules.dol.gov



INTENTION TO EMPLOY / A1

State Form 896 (R6 / 6-99)

NOTE: This card must be presented by the minor to the issuing officer in their school before a certificate will be issued. For employer's protection, the minor must also present an acceptable proof of age to obtain an employment certificate. The hours minor may work are shown on the reverse side.

Name of minor (<i>intend to employ</i>)			Date	
Residential street address			City, state, ZIP code	
Hours per day (<i>appr.</i>)	Days of week (<i>appr.</i>)	Hours per week (<i>appr.</i>)	Is minor on school-directed Vocational Education Program with your firm? Yes No	
List exact duties				
Name of business			Telephone no.	Type of business (<i>Mfg., Process, Retail, Restaurant</i>)
Street address			City, state, ZIP code	
Signature of employer's rep.		Signature of minor		Signature of parent or guardian

FRONT

← Fold here

46204. (Telephone: 317-232-2675 / TT Voice 1-800-743-3333)
For more information, contact Indiana Department of Labor, 402 W. Washington St., Rm. W195, Indianapolis, IN
HOUR OFFICE, U.S. DEPARTMENT OF LABOR, NEAREST YOU.

PLEASE CHECK ADDITIONAL JOB AND HOUR RESTRICTIONS IN FEDERAL LAW WITH THE WAGE AND

PROHIBITED UNDER THE AGE OF 18 MAY BE EMPLOYED IN ANY OCCUPATION DEEMED PROHIBITED UNDER THE CHILD LABOR PROVISIONS OF THE FEDERAL FAIR LABOR STANDARDS ACT.

PROHIBITED OCCUPATIONS (UNDER 18)

- No minor under the age of 18 may be employed in any occupation deemed prohibited under the child labor provisions of the federal fair labor standards act.
- 3 hours per school day
- 8 hours per nonschool day
- 18 hours per school week
- 40 hours per nonschool week
- No work BEFORE 7 a.m. or AFTER 7 p.m. except
- 9 p.m. from June 1 through Labor Day (*time depends on local standards*)
- AGE 16 - Restricted to:**
- 8 hours per school day
- 30 hours per nonschool day*
- 40 hours per school week*
- 48 hours per nonschool week*
- No work before 6 a.m.
- Until 10:00 p.m. on school nights
- Until 11:30 p.m. on school nights*
- 9 hours per school day
- 8 hours per school day
- 9 hours per nonschool day*
- 30 hours per school week
- 40 hours per school week*
- 48 hours per nonschool week*
- No work before 6 a.m.
- Until 10:00 p.m. on school nights
- Until 11:00 a.m. on school nights, but not on consecutive nights and not more than two school nights per week*
- Not more than 6 working days per week
- * Requires written permission of parents on file with employer.**

HOURS OF LABOR (UNDER 18)

BACK

TEEN WORK HOUR RESTRICTIONS

Employers of minors who are 14, 15, 16 or 17 years of age are required by law to post the maximum number of hours that minors may be permitted to work in each day of the week. The information must be posted in a conspicuous place or in places where notices are customarily posted. For additional copies of this poster or for further information, please visit www.in.gov/dol/childlabor.htm.

14 and 15 year olds

- 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 a.m. or after 7:00 p.m.
 - ▶ 14 and 15 year olds may work until 9:00 p.m. from June 1 to Labor Day

17 year olds

- 8 hours per day
- 9 hours per day*
- 30 hours per week
- 40 hours per school week*
- 48 hours per non-school week*
- No more than 6 working days per week
- No work before 6:00 a.m. on school days
- Until 10:00 p.m. on nights followed by a school day
- Until 11:30 p.m. on nights followed by a school day, or*
- Until 1:00 a.m. on nights followed by a school day*
 - ▶ Minors may not work until 1:00 a.m. on consecutive nights and not more than two school nights per week

16 year olds

- 8 hours per day
- 9 hours per day*
- 30 hours per week
- 40 hours per school week*
- 48 hours per non-school week*
- No more than 6 working days per week
- No work before 6:00 a.m.
- Until 10:00 p.m. on nights followed by a school day
- Until 12:00 a.m. on nights not followed by a school day*

* *Requires written parental permission. This permission must be on file with employer at the location where the minor is working.*

BREAK REQUIREMENTS FOR MINORS

Workers under the age of 18 must receive one or two breaks totaling 30 minutes when scheduled to work 6 or more consecutive hours (e.g. two breaks of 15 minutes each or one 30 minute break). The employer must maintain a break log for all workers under the age of 18.

WORKING BEFORE 6:00 A.M. OR AFTER 10:00 P.M.

Workers under the age of 18 must be accompanied by a co-worker who is at least 18 years of age when working before 6:00 a.m. or after 10:00 p.m. in an establishment that is open to the public.

WORKING DURING SCHOOL HOURS

14 and 15 year olds may not work on a school day after 7:30 a.m. and before 3:30 p.m. 16 and 17 year olds may only work during school hours if the employer has written permission issued by the school that the minor attends.

GRADUATES / WITHDRAWN FROM SCHOOL

16 and 17 year olds who have withdrawn from school or who have graduated from high school or a high school equivalency are not subject to the hour restrictions listed above.

Indiana Department of Labor / Bureau of Child labor
402 West Washington Street, Room W195, Indianapolis, Indiana 46204
Phone: (317) 232-2655 • Fax: (317) 234-4449 • TT Voice: 1-800-743-3333
E-Mail: childlabor@dol.in.gov • Web: www.in.gov/dol/childlabor.htm



Written Parental Permission for Additional Work Hours for 16 & 17 Year Olds

I am the parent or legal guardian of:

Name of Child

As parent or guardian, I give the above named child permission to:

_____ if **16 years of age**, work until **midnight on nights not followed by a school day**.

(Initial) _____ if **17 years of age**, work until 11:30 p.m. on nights followed by a school day.

(Initial) _____ if **17 years of age**, work until 1:00 a.m. on two non-consecutive school nights per week.

(Initial) _____ if **16 or 17 years of age**, work up to **9 hours** on a day not followed by a school day.

(Initial) _____ if **16 or 17 years of age**, work up to **40 hours during a school week**.

(Initial) _____ if **16 or 17 years of age**, work up to **48 hours during a non-school week**.

Printed Name of Parent or Guardian

Signature of Parent or Guardian _____ **Date** _____

Written Parental Permission for Additional Work Hours for 16 & 17 Year Olds

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(Initial) _____ if **16 or 17 years of age**, work up to **9 hours** on a day not followed by a school day.

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Printed Name of Parent or Guardian

Signature of Parent or Guardian _____ **Date** _____

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(Initial) _____ if **16 or 17 years of age**, work up to **40 hours during a school week**.

(Initial) _____ if **16 or 17 years of age**, work up to **48 hours during a non-school week**.

Printed Name of Parent or Guardian

Signature of Parent or Guardian _____ **Date** _____

Prohibited Occupations for Hoosier Teen Workers

As summer approaches, many Indiana teens will seek out work for the first time. For teens, and parents alike, this process can prove daunting, as many first time workers are not familiar with Indiana child labor laws and their associated restrictions. The U.S. Department of Labor has set specific guidelines regarding the types of jobs that minors (17 and younger) can perform. Among these guidelines is a list of occupations deemed prohibited occupations.

Prohibited occupations may not be performed by minors.

For teens 15 years old and younger, there are additional restrictions. These general guidelines can prove to be helpful in narrowing down job searches for teens and parents. An outline of prohibited occupations appears below.

For more information on the employment of minors or prohibited occupations, please visit the U.S. Department of Labor's website at www.osha.gov/SLTC/teenworkers/ or the Indiana Department of Labor's Bureau of Child Labor website at www.in.gov/dol/childlabor.htm.

Hazardous Occupations†	Explanation/Examples
Manufacturing and storing explosives	Working in a fireworks store. Exception: retail stores which happen to sell fireworks.
Driving a motor vehicle and being an outside helper on a motor vehicle	Driving on public roadways or working on the outside of a garbage truck.
Any type of mining (coal or otherwise)	Any occupation which involves extraction of coal or minerals from the earth.
Sawmilling and logging Operation of power-driven woodworking machines*	Sawing & processing trees or lumber; working with any powered wood working machine (fixed or portable).
Operation of power-driven metal-forming, punching and shearing machines*	Any work with power-driven machines which change the shape of or cut metal.
Operation of power-driven circular saws, band saws and guillotine shears*	SEE: Power-driven woodworking machines* <u>AND</u> Power-driven metal-forming, punching and shearing machines.*
Operation of power-driven hoisting apparatus	Operation of an elevator, crane or forklift.
Exposure to radioactive substances	Administering X-rays.
Operation of power-driven bakery machines	Operating, cleaning, prepping horizontal or vertical dough mixers and the operation of bread molding machines.
Operations involved in wrecking, demolition or shipbreaking	The deconstruction of a building, ship, etc. for disposal or scrap (including clean-up).
Operation of power-driven paper product machines*	Operation of cardboard or paper bailing machines.
Roofing operations/any work on a roof*	Laying shingles, roof top HVAC work, installing cable satellite dishes.
Excavation operations*	Any work in trenches or depths deeper than four (4) feet. Any work in tunnels or shafts.
Meat packing or processing	Operation of electric meat slicing, grinding or cutting machines. Example: Delicatessen.
Manufacturing of brick, tile or kindred products	Production of brick, sewer pipe or other clay building materials.

*These occupations have exemptions for students who are participating in certain apprentice or student learner programs.

†This is not an inclusive list of prohibited occupations. These examples should only aid in understanding the rules.

Additional Restrictions for Teens 15 Years and Younger

- Communications or public utilities jobs;
- Driving a motor vehicle or helping a driver;
- Manufacturing and mining occupations;
- Power-driven machinery or hoisting apparatus other than typical office machines;
- Construction or repair jobs;
- Public messenger jobs;
- Transporting of persons or property;
- Work in rooms where products are manufactured, mined or processed.
- Warehousing and storage; any warehouse work, except office and clerical work;
- Baking;
- Boiler or engine room work, whether in or about;
- Cooking, Exceptions include:
 - Gas or electric grills that do not involve cooking over an open flame and
 - Deep fat fryers that are equipped with & utilize devices that automatically lower & raise the baskets in & out of the hot grease or oil.
- Work in freezers or meat coolers;
- Loading or unloading goods on or off trucks, railcars or conveyors;
- Meat processing area work (working in or around where meat is processed);
- Maintenance or repair of a building or its equipment
- Operating, setting up, adjusting, cleaning, oiling or repairing power-driven

food slicers, grinders, choppers or cutters and bakery mixers; and

- Outside window washing, or work standing on a window sill, ladder, scaffold or similar equipment.



Checklist for Employing Minors

Indiana Department of Labor
Bureau of Child Labor
Not an Official State Form (10/09)

Minor's Name: _____

Date of Hire: _____

Date of Birth: _____

Please use this checklist as a guide when hiring employees 14 through 17 years of age.

1. Intent to Employ/A1 form is completed*.....

Employer's signature was obtained.....

Minor's signature was obtained.....

Parent's signature was obtained.....

** If the minor will be working at more than one location, best practice is to obtain a work permit for each location. The employer will need to fill out a separate A1 for each location. Separate the minor's total work hours between the locations. Schools cannot issue work permits if the minor's total hours exceed the maximum hours allowed for the minor's age.*

2. The minor has obtained a work permit from an accredited Indiana school.....

The work permit is on file at the location where the minor is actually working**.....

*** Work permits CANNOT be kept off-site and MUST be the original -no photocopies.*

3. If 16 or 17, written parental permission was granted to work extended hours***.....

17 year old can work until 11:30 pm on nights followed by a school day.....

17 year old can work until 1 am on 2, non consecutive nights followed by a school day.....

16 year old can work until midnight (12:00 am) on nights not followed by a school day.....

16 & 17 year olds can work 9 hours on any day.....

16 & 17 year olds can work 40 hours during a school week.....

16 & 17 year olds can work 48 hours during a non-school week.....

The parental permission form is signed and dated by the parent.....

**** Parents of 14 and 15 year olds cannot provide permission to work extended hours*

4. This minor has obtained written school permission to work during school hours.....

Please list the school hours that this minor is permitted to work _____

5. All hour restrictions have been communicated to managers/shift leaders****.....

***** Please see the "Teen Work Hour Restrictions" poster for more details.*

6. "Prohibited/hazardous" occupations have been identified in your business*****.....

All managers have been advised of "Hazardous" and "Prohibited" occupations.....

This minor is enrolled in a voc. ed. program that exempts some Hazardous occupations.....

****** Please see the "Hazardous Occupations" poster for more details.*

7. Your company's break/lunch policy has been clearly explained to the minor.....

The policy was provided to the minor in writing.....

The minor is clocking in and out for all breaks and lunches or otherwise documenting breaks and lunches in a break log.....

These records are up-to-date and being maintained daily.....

8. If the minor has terminated employment, written notice was provided to the officer at the school that issued the work permit.....

The notice was sent via mail.....

The notice was hand delivered.....

The notice was faxed.....

This is not a required state form. The Bureau of Child Labor provides this checklist as a courtesy to assist in keeping track of documentation for minors. The information included herein should not be construed as legal advice.



Child Labor Training Survey

Please return this survey to your trainer or fax it to (317) 234-4449.

Trainer's Name: _____ Training Date: _____

Presentation Method: Live Teleconference

Please rate this training based on your agreement with the following statements:

	Strongly Agree	Agree	Disagree	Strongly Disagree
Adequate time was allotted to cover the material.				
I can apply what I have learned in this training.				
This training was worth the time spent away from work.				
This training met my expectations.				
The presenter was well informed on the subject.				
The presenter was clear and concise.				
The presenter adequately answered questions.				
The presenter maintained a professional appearance.				

If you Disagreed or Strongly Disagreed with any of the above statements, please explain:

What information would you add to this presentation?

What information would you remove from this presentation?

Additional comments: