

EMPLOYMENT LAW SUMMARY

Indiana Youth Employment Laws

Both state and federal laws govern the employment of individuals under the age of 18. When both federal and state laws apply, employers must follow the law with the standard that is more strict. As a general rule, Indiana youth employment laws apply to employees under the age of 18 who are employed or seeking employment in Indiana.

The [Indiana Department of Labor](#) (IDOL) monitors and enforces compliance with youth employment laws across the state. This Employment Law Summary provides an overview of youth employment laws in Indiana.

Registration

State law requires employers to register with the IDOL if they hire, employ or permit **five or more minors** to work in a gainful occupation. To register, an employer must use the [Youth Employment System](#) (YES) to provide the IDOL:

- The name of the employer;
- The electronic mail address of the employer;
- The number of minors the employer has hired, employed or permitted to work in a gainful occupation; and
- Any other information required by the department.

Employers must complete this registration **within three business days** of hiring, employing or permitting five or more minors to work in a gainful occupation. Separate registrations may be required for each location employers employ five or more minors under the conditions mentioned above.

Once the registration process is complete, employers are also required to maintain an accurate and up-to-date list of minor employees at each qualifying location by using the online YES. Maintaining up-to-date records means employers must update, within three business days, any change in the information provided during registration, including qualifying locations and the names and numbers of minors at each of those locations. Failure to accurately and timely enter and update this information may result in a warning or civil penalty.

Employers should note that the information available through the online YES is accessible to the public.

Restrictions

In general, employers may not employ or permit minors under the age of 16 to work in any occupation during school hours on a school day.

State law defines a "school day" as a day that contains more than four hours of classroom instruction. A school week is a week that includes at least three school days, and a nonschool week is a week that contains two or fewer school days. Finally, "school hours" refers to the hours the school corporation, the boundaries within which the minor resides while employed, is in session during the regularly scheduled school year.

Hours of Work

While state law does not restrict the number of hours a minor is permitted to work, minors cannot work after 10 p.m. nor before 6 a.m. in an establishment that is open to the public unless another employee at least 18 years of age also works in the establishment during the same hours as the minor.

However, this requirement does not apply if the establishment does not open to the public until after 6 a.m. and closes to the public before 10 p.m.

The IDOL will penalize violations of this requirement as hazardous occupation violations.

Under 14 Years of Age

Minors under the age of 12 are not allowed to perform farm labor, except on a farm operated by their parents.

Minors under the age of 14 may be employed or allowed to work in gainful employment as a:

- Farm laborer;
- Domestic service worker;
- Caddie for persons playing the game of golf; or
- Newspaper carrier.

Employers should note that special provisions regulate the employment of minors who are employed or works as a youth athletic program referee, umpire or official.

Minors Between 14 and 16 Years of Age

Minors between the ages of 14 and 16 **may not** work before 7 a.m. or after 7 p.m. However, the minor may work until 9 p.m. from June 1 through Labor Day, except on a day that precedes a school day when the minor may only work until 7 p.m. In addition, 14- to 16-year-olds **may not** work more than:

- 3 hours on a school day;
- 18 hours in a school week;
- 8 hours on a nonschool day; or
- 40 hours in a nonschool week.

Minors Between 16 and 18 Years of Age

Minors between the ages of 14 and 16 **may not**:

- Work for more than nine hours in any one day;
- Work for more than 40 hours in a school week;
- Work for more than 48 hours in a nonschool week;
- Work for more than six days in any one week; or
- Begin a workday before 6 a.m.

However, 16- to 18-year-old minors may work until 10 p.m. on nights followed by a school day in any occupation except those that the IDOL determines to be dangerous to life or limb or injurious to health or morals.

Finally, minors between the ages of 16 and 18 may work until 11 p.m. on a night followed by a school day if the employer has obtained written permission from the minor's parent and placed the written permission on file in the employer's office.

Prohibited Hazardous Occupations

In general, federal and state laws prohibit minors from working in hazardous occupations, as defined by either the U.S. Department of Labor or IDOL.

However, state law does not prevent:

- A minor from working for the minor's parent or a person standing in the place of the minor's parent on a farm owned or operated by the parent or person; nor
- A student from working on a properly guarded machine in the training department of a school when an instructor provides personal supervision.

Special Rules

Special rules and exceptions apply to minors employed or working:

- As youth athletic program referees, umpires or officials ;
- As singers, players or performers in certain productions or broadcasts, or as a live or photographic model; and
- By the Indiana School for the Deaf or the Indiana School for the Blind and Visually Impaired.

Recommended Rest Breaks

The IDOL recommends that employers provide minors at least two 15-minute rest breaks or one 30-minute break for six-hour or longer shifts.

Employer Recording and Posting Requirements

Employers are required to maintain an accurate record of the days and hours worked by every minor who works for them.

In addition, employers with employees between the ages of 14 and 18 must post and maintain a printed youth employment notice in a conspicuous place or in places where employee notices are customarily posted. The youth employment notice must state:

- The maximum number of hours a minor may be employed or permitted to work each day of the week; and
- The hours of beginning and ending each day.

The IDOL has made available a number of [forms and posters](#) employers can use to satisfy these requirements.

Exceptions

Several exceptions apply to minors in Indiana. Employers should become familiar with and make sure every condition of the exemption applies before they classify a minor as an exempt youth worker. Employers should also pay particular attention to the scope of the exemption. For example, some exemptions apply to the hours of work, while others may apply to specific occupational restrictions.

Notable exceptions to Indiana's youth employment laws apply to:

- Minors who have already graduated from high school;
- Minors who work for their parents, custodians or guardians (some restrictions still apply for employment during school hours and in hazardous occupations as defined by federal law); and
- Minors enrolled in a work-based learning course.

Enforcement

Indiana has vested the IDOL with authority necessary to monitor and enforce compliance with the state's youth employment laws. As a result, the IDOL and its authorized agents may visit and inspect all establishments that employ minors at all reasonable hours and when as practicable and necessary.

Investigations may take place at random or when a member of the public reports a possible violation of youth employment laws. The IDOL may also conduct targeted inspections based on industry and employment data.

Employers are required to allow the IDOL to inspect records related to employees under 18 years of age, examine work areas and interview employees. Employers are also required to produce all requested records promptly while the inspector is on-site or within 24 hours of the request if the records are not maintained on-site.

It is unlawful for any person to interfere with, obstruct or hinder any IDOL inspector or agent while the inspector or agent performs official duties. It is also unlawful to refuse to properly answer questions asked by an IDOL inspector or agent. Upon written IDOL request, the Indiana attorney general will assist in the prosecution of persons charged with a violation of youth employment laws.

Penalties

The following penalties apply to employers that violate youth employment laws in Indiana.

Violation	Penalty
•Hours of work (not more than 30 minutes) •Posting requirements	•Warning letter for any violation identified during an initial inspection •\$50 for a second violation identified in a subsequent inspection •\$75 per instance for a third violation that is identified in a subsequent inspection •\$100 per instance for a fourth or subsequent violation that is identified in a subsequent inspection and that occurs not more than two years after a prior violation.
•Failure to register or failure to register the correct number of minors employed •An hour infraction of more than thirty (30) minutes •Age •Occupational restrictions (including hazardous occupations)	•A warning letter for any violations identified during an initial inspection •\$100 per instance for each violation identified in a subsequent inspection •\$200 per instance for a third violation that is identified in a subsequent inspection •\$400 per instance for a fourth or subsequent violation that is identified in an inspection that occurs not more than two years after a prior violation.

A first violation expires one year after the date that the warning letter is issued. Each employer location will be considered separate and distinct from other locations of the same employer.

More Information

Please contact Apex Benefits for more information on labor and employment laws in Indiana.

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