

Emergency Rule
LSA Document #21-232(E)

DIGEST

Adds provisions to [610 IAC 10](#) and amends [610 IAC 10-1-2](#), [610 IAC 10-1-4](#), [610 IAC 10-2-2](#), [610 IAC 10-2-3](#), [610 IAC 10-3-1](#), [610 IAC 10-3-2](#), and [610 IAC 10-4-2](#) to change the name "child labor" to "youth employment", update various references to the old child labor laws, and add rules for implementation and use of the new online registration system. Statutory authority: [IC 22-2-18.1-27](#). Effective June 11, 2021.

SECTION 1. (a) This SECTION supersedes [610 IAC 10-1-2](#).

(b) "Youth employment laws" means [IC 22-2-18](#), before July 1, 2021, and [IC 22-2-18.1](#), on or after July 1, 2021, and any rules adopted to enforce or interpret them.

SECTION 2. (a) This SECTION supersedes [610 IAC 10-1-4](#).

(b) Prior to July 1, 2021, "minor" means a person who:

- (1) is less than eighteen (18) years of age;
- (2) has not graduated from high school; and
- (3) is not subject to the exemptions described in [IC 22-2-18-1](#), [IC 22-2-18-36](#), and [IC 22-2-18-37](#).

(c) On or after July 1, 2021, "minor" means a person who:

- (1) is less than eighteen (18) years of age; and
- (2) is not subject to the exemptions described in [IC 22-2-18.1-2](#) and [IC 22-2-18.1-13](#).

SECTION 3. (a) This SECTION supplements [610 IAC 10-1](#).

(b) "Required employer" means an employer who:

- (1) is not subject to the exemptions described in [IC 22-2-18.1-2](#); and
- (2) meets the criteria set forth in [IC 22-2-18.1-26\(a\)](#) at one (1) or more location in Indiana.

SECTION 4. (a) This SECTION supplements [610 IAC 10-1](#).

(b) "Qualifying location" means each separate and distinct location operated by a Required Employer that has five (5) or more minors who work at that location.

SECTION 5. (a) This SECTION supersedes [610 IAC 10-2-1](#).

(b) The department may inspect any employer in the state to ensure compliance with Indiana's youth employment laws.

(c) An employer shall allow the department's inspectors to:

- (1) inspect records related to employees under eighteen (18) years of age;
- (2) examine work areas; and
- (3) interview employees.

(d) An employer shall produce all requested records promptly while the inspector is on-site or within twenty-four (24) hours of the request if the records are not maintained on-site.

SECTION 6. (a) This SECTION supersedes [610 IAC 10-2-2](#).

(b) The department may conduct:

- (1) an investigation when a member of the public reports a possible violation of youth employment laws;
- (2) random investigations; and
- (3) targeted inspections based on industry and employment data.

SECTION 7. (a) This SECTION supersedes [610 IAC 10-3-1](#).

(b) An employer shall maintain records of days and hours worked for all employees under eighteen (18) years of age in order to verify compliance with [IC 22-2-18](#), before July 1, 2021, and [IC 22-2-18.1](#), on or after July 1, 2021.

SECTION 8. (a) This SECTION supersedes [610 IAC 10-3-2](#).

(b) The department recommends that if any minor works or is scheduled to work more than six (6) hours in a shift, the employer provide the minor with at least two (2) fifteen (15) minute rest breaks or one (1) thirty (30) minute rest break.

SECTION 9. (a) This SECTION supersedes [610 IAC 10-4-1](#).

(b) The employment certificate required by [IC 22-2-18-13](#) may also be referred to as a "work permit".

SECTION 10. (a) This SECTION supersedes [610 IAC 10-4-2](#).

(b) Subject to [IC 22-2-18-14](#), an employer who employs minors prior to July 1, 2021, is required to maintain accurate and up-to-date employment certificates for all minors employed prior to that date for a period of two (2) years from July 1, 2021, or the date the minor is no longer employed, whichever comes first, at the location where the minors are or were employed.

SECTION 11. (a) This SECTION supersedes [610 IAC 10-4-3](#).

(b) The department may require issuing officers to utilize the online work permit system administered by the department to obtain, complete, and distribute copies of employment certification forms prior to July 1, 2021. The department will provide instructions for using the online work permit system to issuing officers.

SECTION 12. (a) This SECTION supplements [610 IAC 10](#).

(b) Required employers may begin registering minors under this document beginning June 1, 2021. Each required employer shall complete the registration of all minors at all Qualified Locations by July 1, 2021. On or after July 1, 2021, each required employer shall complete the registration of all minors at all qualified locations within three (3) business days after becoming a required employer.

SECTION 13. (a) This SECTION supplements [610 IAC 10](#).

(b) A required employer shall register each of its qualified locations according to this document.

SECTION 14. (a) This SECTION supplements [610 IAC 10](#).

(b) To register its minors at each of its qualified locations, each required employer must use the Youth Employment System, known also as YES, that can be found by selecting the red YES button provided in the youth employment section on the department's website at <https://in.gov/dol/youthemployment.htm>.

SECTION 15. (a) This SECTION supplements [610 IAC 10](#).

(b) New required employers must complete the following steps:

- (1) From the landing page of the Youth Employment System, select "Employer Registration".
- (2) If you don't have an email address registered with Access Indiana, follow the prompt.
- (3) Enter your registered email address to sign in with Access Indiana and select continue.
- (4) Complete the "Business Owner/Company Information" pop-up form.
- (5) The "Business Name" should be the name of the owner's company, whether it is an entity or sole proprietorship, but not the name of a franchise, store, or specific location if applicable.
- (6) The "Business Street Address" should be the owner's primary business address if there are multiple locations.
- (7) When all required fields (Street 2 is not required) are entered, select save and verify all information is correct.
- (8) Select "New Location" to begin entering all qualified locations.

- (9) Unlike the last form page, this information is for a specific location where five or more minors are employed.
- (10) The contacts entered on this form are also only for the specific location listed.
- (11) On this page, one email address may be used to grant access to edit this location (more can be added later).
- (12) After entering a valid email address, click "Add".
- (13) When all required fields are entered and the representative name has been entered and the entries affirmed, select save and verify all information is correct.
- (14) At this time, you must add another location until all qualified locations are entered.
- (15) After one (1) or more location is entered, you may also select "Invite Location Users" and add a user to be able to access all locations selected.
- (16) After entering a valid email address, click "Add".
- (17) If you want to return to the employer profile and location page, select the back button on your browser.
- (18) To add employees, from the profile and locations page select a location name that is followed by ">>".
- (19) Select "+ Add a New Employee".
- (20) Enter the requested information and save.
- (21) Select "Search Employees" to see the list of all employees entered for the selected location where you may search and edit minor employee entries.
- (22) When a minor is no longer employed at a qualified location, select "Edit/Separated", enter the date Separated, and save.
- (23) If you want to edit or delete a registered location from this screen, select "Edit" or "Delete" from the upper right corner.
- (24) If you want to add employees to a different location, return to the employer profile and location page by selecting the back button on your browser and select a different location name that is followed by ">>".
- (25) Repeat steps 19 – 24 above for each location registered.
- (26) If you want to exit the system, select your user name in the upper right corner and select logout.

(c) Required employers needing to update information that was previously entered must complete the following steps:

- (1) From the landing page of the Youth Employment System, select "Edit".
- (2) Enter your registered email address to sign in with Access Indiana and select continue.
- (3) From the profile and location page, select "Edit" in the upper right corner to edit any owner or company information.
- (4) Edit the "Business Owner/Company Information" form as needed and select save.
- (5) To edit any location specific information, including employee information, follow (b)(18) – (b)(26) above.

SECTION 16. (a) This SECTION supplements [610 IAC 10](#).

(b) Each required employer shall enter and maintain an accurate and up-to-date list of minor employees at each qualified location by using the online Youth Employment System. Required employers shall update, within three (3) business days of the change, any information that has changed regarding qualified locations and the names and numbers of minors at each of those locations. Failure to accurately and timely enter and update this information as described in this document may result in a warning or civil penalty as set forth in [IC 22-2-18.1-30](#).

SECTION 17. (a) This SECTION supplements [610 IAC 10](#).

(b) The public may access the Youth Employment System as described in this document to search for registered employers by selecting "Employer Search" from the landing page. An employer's name, registration ID, street address, city, county, or zip code may all or individually be entered in the search.

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