

ARTICLE 10. CHILD LABOR

Rule 1. Definitions

610 IAC 10-1-1 Applicability

Authority: IC 22-1-1-8

Affected: IC 22-2-18; IC 22-2-18.1

Sec. 1. The definitions in this rule apply throughout this article. (*Department of Labor; 610 IAC 10-1-1; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA; readopted filed Nov 21, 2018, 12:10 p.m.: 20181219-IR-610180417RFA*)

610 IAC 10-1-2 "Child labor laws" defined

Authority: IC 22-1-1-8

Affected: IC 22-2-18; IC 22-2-18.1

Sec. 2. "Child labor laws" means IC 20-33-3 [*IC 20-33-3 was repealed by P.L.147-2020, SECTION 9, effective April 1, 2020.*] and any rules adopted to enforce or interpret IC 20-33-3 [*IC 20-33-3 was repealed by P.L.147-2020, SECTION 9, effective April 1, 2020.*]. (*Department of Labor; 610 IAC 10-1-2; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA; readopted filed Nov 21, 2018, 12:10 p.m.: 20181219-IR-610180417RFA*)

610 IAC 10-1-3 "Department" defined

Authority: IC 22-1-1-8

Affected: IC 22-2-18; IC 22-2-18.1

Sec. 3. "Department" means the Indiana department of labor. (*Department of Labor; 610 IAC 10-1-3; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA; readopted filed Nov 21, 2018, 12:10 p.m.: 20181219-IR-610180417RFA*)

610 IAC 10-1-4 "Minor" defined

Authority: IC 22-1-1-8

Affected: IC 22-2-18; IC 22-2-18.1

Sec. 4. "Minor" means a person who:

- (1) is less than eighteen (18) years of age; and
- (2) has not graduated from high school.

(*Department of Labor; 610 IAC 10-1-4; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA; readopted filed Nov 21, 2018, 12:10 p.m.: 20181219-IR-610180417RFA*)

Rule 2. Child Labor Law Enforcement and Inspections

610 IAC 10-2-1 Authority of department

Authority: IC 22-1-1-8

Affected: IC 22-2-18; IC 22-2-18.1

Sec. 1. (a) The department may inspect any employer in the state to ensure compliance with Indiana's child labor laws.

(b) 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.

(*Department of Labor; 610 IAC 10-2-1; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA; readopted filed Nov 21, 2018, 12:10 p.m.: 20181219-IR-610180417RFA*)

610 IAC 10-2-2 Inspections

Authority: IC 22-1-1-8

Affected: IC 22-2-18; IC 22-2-18.1

Sec. 2. The department may conduct:

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

(Department of Labor; 610 IAC 10-2-2; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA; readopted filed Nov 21, 2018, 12:10 p.m.: 20181219-IR-610180417RFA)

Rule 3. Work Hours and Breaks

610 IAC 10-3-1 Hours of employment; records

Authority: IC 22-1-1-8

Affected: IC 22-2-18; IC 22-2-18.1

Sec. 1. 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 20-33-3 *[IC 20-33-3 was repealed by P.L.147-2020, SECTION 9, effective April 1, 2020.]*. *(Department of Labor; 610 IAC 10-3-1; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA; readopted filed Nov 21, 2018, 12:10 p.m.: 20181219-IR-610180417RFA)*

610 IAC 10-3-2 Break requirements

Authority: IC 22-1-1-8

Affected: IC 22-2-18; IC 22-2-18.1

Sec. 2. (a) An employer shall comply with the requirements of IC 20-33-3-30 *[IC 20-33-3 was repealed by P.L.147-2020, SECTION 9, effective April 1, 2020.]* concerning breaks for minors.

(b) The employer's break policies relating to minors must be documented in writing and communicated to the minor employee at the time the employee is hired.

(c) The employer shall maintain a break log to document the breaks (paid or unpaid) of minor employees.

(d) Break logs are subject to inspection by the department. *(Department of Labor; 610 IAC 10-3-2; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA; readopted filed Nov 21, 2018, 12:10 p.m.: 20181219-IR-610180417RFA)*

Rule 4. Employment Certificates for Minors

610 IAC 10-4-1 Work permit

Authority: IC 22-1-1-8

Affected: IC 22-2-18; IC 22-2-18.1

Sec. 1. The employment certificate required by IC 20-33-3 *[IC 20-33-3 was repealed by P.L.147-2020, SECTION 9, effective April 1, 2020.]* may also be referred to as a "work permit". *(Department of Labor; 610 IAC 10-4-1; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA; readopted filed Nov 21, 2018, 12:10 p.m.: 20181219-IR-610180417RFA)*

610 IAC 10-4-2 Employer's maintenance of employment certificate

Authority: IC 22-1-1-8

Affected: IC 22-2-18; IC 22-2-18.1

Sec. 2. An employer who employs minors is required to maintain accurate and up-to-date employment certificates for all minors employed at the location where the minors are employed. (*Department of Labor; 610 IAC 10-4-2; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA; readopted filed Nov 21, 2018, 12:10 p.m.: 20181219-IR-610180417RFA*)

610 IAC 10-4-3 On-line work permit system

Authority: IC 22-1-1-8

Affected: IC 22-2-18; IC 22-2-18.1

Sec. 3. The department may require issuing officers to utilize the on-line work permit system administered by the department to obtain, complete, and distribute copies of employment certification forms. The department will provide instructions for using the on-line work permit system to issuing officers. (*Department of Labor; 610 IAC 10-4-3; filed Nov 6, 2006, 8:47 a.m.: 20061206-IR-610060159FRA; readopted filed Nov 30, 2012, 11:14 a.m.: 20121226-IR-610120578RFA; readopted filed Nov 21, 2018, 12:10 p.m.: 20181219-IR-610180417RFA*)

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