

Employee Benefit ■ Plan Review

The Times (When Teens May Work) Are A-Changin' – Indiana Amends Child Labor Laws to Allow Older Teens to Work Later and Longer

BY GERMAINE WINNICK WILLETT

A statutory scheme that was protective of minor workers will be largely discarded come January 1, 2025, when revisions to Indiana's child labor laws take effect. Under the revised laws, Indiana employers will no longer be required to ensure that the hours and days worked by 16- and 17-year-olds do not exceed the former statutory thresholds.

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And while Indiana employers must continue to report their minor employees to the state labor agency via the Youth Employment System (YES), they will only be obligated to post a child

labor law notice if they have staff younger than sixteen.

Additionally, the former requirement in the law to obtain parental permission for late-night work will be gone as of the amended law's effective date. For better or worse, Indiana's legislature also decided to remove the provision that 16- and 17-year-old employees working in a public establishment may only work past 10:00 p.m. if an adult employee is also present.

The restrictions on the number of hours that employers may have employees aged fourteen to fifteen work will not change (those being, maximums of three hours per school day, eight hours per non-school day, 18 hours/week during the school year, and forty hours/week in the summer, starting no earlier than 7:00 a.m., and a hard-stop at 7:00 p.m. (or 9:00 p.m. in the summer)). The legislature has, however, clarified and expanded exemptions from these obligations to include several categories of minors who have been excused, or who have been prohibited, from attending school.

Importantly, for some of these categories, the employer must obtain a parent's signed statement declaring that the minor has been excused from compulsory school attendance. In the event that area schools go back in session before Labor Day, under the amended law, employers will not have to scale back

14- and 15-year-old employees' end-of-shift time until after Labor Day (they still must adhere to the three-hours-per-school-day limit).

FEDERAL REGULATIONS

Although the load has lightened for Indiana employers, federal regulations do still apply, including the prohibition on assigning hazardous jobs to minors and, for 14- and 15-year-olds, a variety of other jobs deemed unsafe for that age group. Moreover, with very few exceptions, both federal and Indiana law prohibit gainful employment of children under age 14. It also remains the case that both the state and federal departments of labor may inspect employer premises for violations of child labor laws.

While Indiana law provides for an initial warning and modest fines for violations discovered during subsequent inspections, under federal law, the U.S. Department of Labor (DOL) may assess the amount of a fine by taking into consideration factors such as the size of the business,

the number of minors employed, the duration and gravity of the violation, and whether the violation is a repeat offense.

As mentioned above, Indiana employers who employ five or more minor employees must register in the YES portal. This system replaced the work permit system in Indiana, and it requires entering the employer's name and email address and submitting the names, ages, and hire dates of each minor employed into the YES database.

If a minor employee separates from employment, the employer must promptly remove the minor's information from the database.

Likewise, when new minors are hired, the employer must add them to the database.

Indiana law provides that warnings and fines will be assessed for noncompliance with these requirements.

CONCLUSION

In conclusion, while employment of older teens will be simpler for

Indiana's employers once the above amendments take effect, employers must remain vigilant.

Employers who hire minors must develop an effective protocol that will prevent 14- and 15-year-old employees from working more than the state law and federal regulations allow or from performing hazardous/prohibited jobs, and that will trigger the appropriate HR staff person to access the YES database to add or delete minor information.

Employers should contact legal counsel for help in determining if exemptions to the limited hours requirements apply or to provide advice about responding to a DOL request for information or inspection of the worksite. Employment of teen workers can be a positive and valuable experience for both young people and employers as long as legal adherence remains top of mind. 🌟

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Number 7, pages 18–19, with permission from Wolters Kluwer, New York, NY,
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