

Proposed Rule
LSA Document #21-462

DIGEST

Amends [610 IAC 10-1-2](#), [610 IAC 10-2-1](#), and [610 IAC 10-2-2](#) by changing the term "child labor" to "youth employment". Amends [610 IAC 10-1-2](#) and [610 IAC 10-3-1](#) by referencing the new law. Amends [610 IAC 10-1-4](#) and adds [610 IAC 10-1-5](#) and [610 IAC 10-1-6](#) to define terms applicable to the new law. Amends [610 IAC 10-3-2](#) by changing break requirements into recommendations. Adds [610 IAC 10-5](#) for the new youth employment registration system. Repeals [610 IAC 10-4](#) regarding work permits. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[610 IAC 10-1-2](#); [610 IAC 10-1-4](#); [610 IAC 10-1-5](#); [610 IAC 10-1-6](#); [610 IAC 10-2-1](#); [610 IAC 10-2-2](#); [610 IAC 10-3-1](#); [610 IAC 10-3-2](#); [610 IAC 10-4](#); [610 IAC 10-5](#)

SECTION 1. [610 IAC 10-1-2](#) IS AMENDED TO READ AS FOLLOWS:

[610 IAC 10-1-2](#) "Youth employment laws" defined

Authority: [IC 22-1-1-8](#)

Affected: [IC 22-2-18.1](#)

Sec. 2. "Child labor" **"Youth employment laws"** means [IC 20-33-3](#) [IC 22-2-18.1](#), and any rules adopted to enforce or interpret [IC 20-33-3](#) them.

(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](#))

SECTION 2. [610 IAC 10-1-4](#) IS AMENDED TO READ AS FOLLOWS:

[610 IAC 10-1-4](#) "Minor" defined

Authority: [IC 22-1-1-8](#)

Affected: [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~~ **is not subject to the exemptions described in [IC 22-2-18.1-2](#) and [IC 22-2-18.1-13](#).**

(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](#))

SECTION 3. [610 IAC 10-1-5](#) IS ADDED TO READ AS FOLLOWS:

[610 IAC 10-1-5](#) "Qualifying location" defined

Authority: [IC 22-1-1-8](#); [IC 22-2-18.1-31](#)

Affected: [IC 22-2-18.1](#)

Sec. 5. "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.

(Department of Labor; [610 IAC 10-1-5](#))

SECTION 4. [610 IAC 10-1-6](#) IS ADDED TO READ AS FOLLOWS:

[610 IAC 10-1-6](#) "Required employer" defined

Authority: [IC 22-1-1-8](#); [IC 22-2-18.1-26](#); [IC 22-2-18.1-31](#)

Affected: [IC 22-2-18.1](#)

Sec. 6. "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 locations in Indiana.**

(Department of Labor; [610 IAC 10-1-6](#))

SECTION 5. [610 IAC 10-2-1](#) IS AMENDED TO READ AS FOLLOWS:

[610 IAC 10-2-1](#) Authority of department

Authority: [IC 22-1-1-8](#)

Affected: [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~~ **youth employment** 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.

(c) 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.

(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](#))

SECTION 6. [610 IAC 10-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[610 IAC 10-2-2](#) Inspections

Authority: [IC 22-1-1-8](#)

Affected: [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~~ **youth employment** 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](#))

SECTION 7. [610 IAC 10-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[610 IAC 10-3-1](#) Hours of employment; records

Authority: [IC 22-1-1-8](#)

Affected: [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 22-2-18.1](#).

(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](#))

SECTION 8. [610 IAC 10-3-2](#) IS AMENDED TO READ AS FOLLOWS:

[610 IAC 10-3-2](#) Break recommendations

Authority: [IC 22-1-1-8](#); [IC 22-2-18.1-27](#)

Affected: [IC 22-2-18.1](#)

Sec. 2. (a) ~~An employer shall comply with the requirements of [IC 20-33-3-30](#) 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.~~ **The department recommends that if any minor works or is scheduled to work more than six (6) hours in a shift, the employer provides the minor with at least two (2) fifteen (15) minute rest breaks or one (1) thirty (30) minute rest break.**

(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](#))

SECTION 9. [610 IAC 10-5](#) IS ADDED TO READ AS FOLLOWS:

Rule 5. Registration of Minors

[610 IAC 10-5-1](#) Registration timing

Authority: [IC 22-1-1-8](#); [IC 22-2-18.1-1](#)

Affected: [IC 22-2-18.1](#)

Sec. 1. Each required employer shall complete the registration of all minors employed at all qualifying locations within three (3) business days after becoming a required employer.

(Department of Labor; [610 IAC 10-5-1](#))

[610 IAC 10-5-2](#) Multiple employer locations

Authority: [IC 22-1-1-8](#); [IC 22-2-18.1-26](#); [IC 22-2-18.1-31](#)

Affected: [IC 22-2-18.1](#)

Sec. 2. A required employer shall register each of its qualifying locations according to this rule.

(Department of Labor; [610 IAC 10-5-2](#))

[610 IAC 10-5-3](#) Registration system

Authority: [IC 22-1-1-8](#); [IC 22-2-18.1-25](#)

Affected: [IC 22-2-18.1](#)

Sec. 3. To register its minors at each of its qualifying locations, each required employer shall use the Youth Employment System (YES), that can be found by following the link provided under the youth

employment section on the department's website.

(Department of Labor; [610 IAC 10-5-3](#))

[610 IAC 10-5-4](#) Enter and maintain accurate registration; penalties for failure

Authority: [IC 22-1-1-8](#); [IC 22-2-18.1](#)

Affected: [IC 22-2-18.1-30](#)

Sec. 4. Each required employer shall enter and maintain an accurate and up-to-date list of minor employees at each qualifying location by using the online Youth Employment System (YES). Required employers shall update, within three (3) business days of the change, any information that has changed regarding qualifying 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 rule may result in a warning or civil penalty as set forth in [IC 22-2-18.1-30](#).

(Department of Labor; [610 IAC 10-5-4](#))

[610 IAC 10-5-5](#) Public access

Authority: [IC 22-1-1-8](#); [IC 22-2-18.1-25](#)

Affected: [IC 22-2-18.1](#)

Sec. 5. The public may access the Youth Employment System (YES) as described in this rule to search for registered employers.

(Department of Labor; [610 IAC 10-5-5](#))

SECTION 10. [610 IAC 10-4](#) IS REPEALED.

[Notice of Public Hearing](#)

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