

Indiana Revises Law on Employment of Minors

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The Indiana General Assembly has enacted changes in how and when minors are allowed to work in the state. The new provisions go into effect April 1, 2020.

Prior Law

A minor who is at least 14 years old and younger than 16 (14- and 15-year old employees) could not work before 7:00 a.m. or after 7:00 p.m. on a day that precedes a school day or after 10:00 p.m. on a day that does not precede a school day. In other words, a 14- or 15-year-old employee could not start work before 7:00 a.m. and could work only until 7:00 p.m., except for Friday and Saturday nights, when they could may work until 10:00 p.m.

Employees who are 16 years old could not work more than 8 hours per day, more than 30 hours per week, or more than 6 days per week. However, if the child's parent gave written permission, the employee could work up to 40 hours during a school week, up to 9 hours per day, and 48 hours per week in a non-school week. These employees also could not begin any work day before 6:00 a.m., and they could work until 11:00 p.m. on a night that preceded a school day as long as the child's parent gave written permission.

Employees who are 17 years old could not work for more than 8 hours per day, more than 30 hours per week, or more than 6 days per week. However, if the child's parent gave written permission, the employee could work up to 40 hours during a school week, up to 9 hours per day, and 48 hours per week in a non-school week. These employees also could not start work before 6:00 a.m. if it was a school day. They were also permitted to work until 11:30 p.m. on nights that preceded a school day or until 1:00 a.m. with written permission from the minor's parent.

Changes to Employment of Minors Law

With the goal of simplifying these rules, the Indiana General Assembly has amended the law to provide that employees aged 14 and 15 may not work before 7:00 a.m. or after 7:00 p.m. From June 1 through Labor Day, these employees may work as late as 9:00 p.m., except on a day that precedes a school day. On those days, they are allowed to work only until 7:00 p.m.

Employees who are aged 16 and 17 may not work more than 9 hours in a day, more than 40 hours in a school week, more than 48 hours in a non-school week, or more than 6 days per week. These employees may not start work before 6:00 a.m., but they may work until as late as 10:00 p.m. on a night that precedes a school day. This does not apply if the minor is working in an occupation deemed by the Commissioner of Labor to be: "(1) dangerous to life or limb; or (2) injurious to health or morals." If a parent gives written permission, these employees may work until 11:00 p.m. on a night that precedes a school day. This written permission must be kept on file by the employer.

One rule regarding hours of employment has stayed the same: employees under the age of 18 may not work after 10:00 p.m. or before 6:00 a.m. in an establishment that is open

to the public after 10:00 p.m. or before 6:00 a.m., unless another employee, who is at least 18 years old, also works with the minor.

The new law also removes several key provisions regarding the employment of minors. Employers are no longer required to provide additional rest breaks for an employee who is under 18. However, the law allows the Indiana Department of Labor to establish recommendations for rest breaks for minors.

Minors also are no longer required to present a written exception from their school allowing them to work between 7:30 a.m. and 3:30 p.m. on school days. However, employees who are under 16 may not be employed or permitted to work during school hours.

The new law also places additional requirements on employers. Significantly, an employer that employs at least 5 individuals 14 to 17 of age must register with the Department of Labor. The Department of Labor has until July 1, 2021, to develop a database that is open to the public, showing which businesses employ minors.

Additionally, employers are no longer allowed to pay minors below the federal minimum wage during the first 90 days of employment.

Indiana employers that employ minors are encouraged to review the new law or reach out to a Jackson Lewis attorney for guidance on navigating the new rules.

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