

Employment of Relatives, Students, and Minors

HR



About This Policy

Effective Date:

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Responsible University Office:

University Human Resources

Responsible University Administrator:

Vice President and Chief Financial Officer

Policy Contact:

University Human Resources

policy@iu.edu

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Scope

This policy applies to all Staff and Temporary employees.

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Policy Statement

1. Persons who are related by blood, adoption, marriage or same sex domestic partnership to a member of the State Board of Education, or a member of the Board of Trustees of Indiana University should not be recommended for employment in a staff position.
2. Full-time, part-time or temporary employees should not be employed in or transferred to a **position** that establishes an immediate supervisor/employee relationship between two individuals who are related by blood, adoption, marriage, or same sex domestic partnership.
3. It is the policy of the university to employ IU students to the fullest extent possible utilizing the services of the campus office responsible for student employment.

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Procedure

1. Immediate supervisor/employee relationship
 - a. If marriage or a same sex domestic partnership creates this kind of relationship, one of the employees affected must give up that position by the end of the **fiscal year** or within six months from the date the relationship was established, whichever is the greater period. The employee may be re-employed elsewhere in the university. If agreement cannot be reached by the two individuals as to which one must leave, the employee with the less university seniority date will be selected to seek other employment.
2. IU student employment
 - a. See the policy, **Employment of IU Students**, in the personnel policy manual for Temporary employees.
 - b. Stipends to students such as scholarships, fellowships, or assistantships will not constitute employment within the provisions of this regulation.
3. Restrictions of minors: Indiana labor laws provide for the following restrictions concerning the employment of minors. Exceptions are described later in this policy.

- a. Under age 14: No minor less than 14 years of age will be employed by or permitted to work for the university.
- b. Age 14 and less than 16: No minor age 14 and less than 16 years of age can be employed by or permitted to work for the university unless specific approval is obtained from the vice president, chancellor, or provost.
 - i. In addition, minors age 14 and 15:
 - May not work more than three hours on a school day or 18 hours during the school week, more than 8 hours on a non-school day, or more than 40 hours in a non-school week
 - May not be employed before 7:00 a.m. or after 7:00 p.m.; however, the minor may work until 9:00 p.m. from June 1 through Labor Day
- a. Age 14 and less than 18: Minors within this age group must have an employment certificate issued by the superintendent of the city or county schools. The employment certificate must be on file with the employer before a minor can work. When the minor terminates employment, the employer must give the certificate to the minor.
 - i. A minor who meets one of the criteria listed below does not need an employment certificate.
 - The minor must be a high school graduate;
 - The minor must have completed a vocational or special education program; or
 - The minor must not be enrolled in a regular school program.
- a. Minors age 16 and less than 18 may not:
 - Work more than eight hours in any day.
 - Work more than 40 hours in one week.
 - Work before 6:00 a.m.
- b. Except for the prohibited occupations described below, minors age 16 and less than 18 may work on the same basis as adults if they fit one of the following criteria:
 - i. They are a high school graduate;
 - ii. They have completed a vocational or special education program; or
 - iii. They are not enrolled in a regular school program.
4. Exceptions for singing, acting, modeling
 - a. No employment certificate is required, regardless of age, for a minor who sings, acts, or models provided that the employment meets all of the following criteria:
 - i. The activity is not dangerous.
 - ii. The activity does not interfere with schooling.
 - b. Unless engaged in singing, acting, or modeling, no minor under age 18 may work between 7:30 a.m. and 3:30 p.m. on a school day. Exceptions to this rule may be granted if the minor presents a letter issued by his or her school.
5. Prohibited occupations
 - a. No minor under the age of 18 will be employed or permitted to work in the following occupations:
 - i. Oiling, wiping, or cleaning machinery
 - ii. In a place where dangerous machinery is operated
 - iii. Any occupation dangerous to life or limb, including construction work and work on or about a roof
 - iv. Any occupation injurious to the health or morals of the minor, including a billiard room
 - v. In a place where explosives or articles containing explosive components are manufactured or stored
 - vi. Driving a university vehicle or driving on university business per **Office of Insurance, Loss Control & Claims policy**.
6. How to secure an employment certificate for a minor
 - a. Verify that the applicant is under the age of 18.
 - b. Answer the following questions to see if an employment certificate is needed for applicants under the age of 18:
 - i. Is the applicant a high school graduate? If no, a certificate is needed.
 - ii. Has the applicant completed a vocational or special education program? If no, a certificate is needed.
 - iii. Is the applicant enrolled in a regular school program? If yes, a certificate is needed.
 - c. The selected applicant must present an Application for Employment Certificate (Intention to Employ) and a Parent Authorization and Consent form to the hiring supervisor.
 - i. The application is available from the minor's school.
 - d. The applicant must then present the signed Intention to Employ form back to his or her school to secure an employment certificate.
 - i. A completed Parent Authorization and Consent form is also required.
 - ii. Proof age (a birth certificate or other document) is required for the school to issue a certificate.
 - e. The applicant must present the employment certificate to the supervisor.

- f. Answer the following questions to see where to file the employment certificate and consent form, after receiving it from the applicant:
 - i. Are you employing the minor on a temporary basis? If yes, retain the documents in the employing unit of the university.
 - ii. Are you employing the minor on an appointment basis? If yes, send the documents to the campus human resources office.
- g. Ensure that the applicant completes Form I-9 using the **online procedures** established by the university. This must be done in accordance with the Immigration Reform and Control Act of 1986 to verify that the person is entitled to work in this country. Federal law requires that the employee must be stopped from working if either Section 1 or 2 are not completed within the time limits specified for each section.
 - i. The employee must complete online Section 1 of the Form I-9 on or before the first day of employment and present evidence of identity and employment eligibility within three business days of the date employment begins.
 - ii. The hiring department must examine the evidence of identity and employment eligibility; record the title online, number and expiration date (if any) of the documents; enter the date employment began in the Certification statement of Section 2; and electronically submit the Form I-9 within three business days of the date employment begins.
 - iii. Copies of documents that the online system specifically identifies are to be scanned into the online system for record keeping. All paper copies used in the verification or scanning process are to be scheduled.
 - iv. The online Form I-9 will automatically be submitted to the U.S. Department of Homeland Security's E-Verify system. Follow the instructions in the university's **I-9 E-Verify Procedures**.
- h. Contact Financial Management Services (FMS) for information about other required hiring forms.

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Definitions

1. The degrees of relationship included in the restriction of "supervisor/employee relationship between two individuals" are as follows:
 - a. By blood or adoption: Parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, and first cousin
 - b. By marriage or same sex domestic partnership: spouse as defined by Indiana law, same sex domestic partnership as qualified by the university's **Affidavit of Domestic Partnership**, stepparent, stepchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-sister, half-brother, uncle, aunt, nephew, and niece, or relations of the same degree of the same sex domestic partner.
2. The determination of what is "immediate supervision" in each instance will be made by the appropriate chancellor or vice president, and it will take into account both of the following factors:
 - a. Does the supervision involve day-to-day functions?
 - b. Is the supervisor the only one competent to judge such issues as hiring, retention, promotion, and salary?

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Sanctions

Managers, supervisors, and employees who violate this policy are subject to disciplinary action, up to and including termination.