

5200.0010 PROOF OF MINOR'S AGE.

Subpart 1. **Requirement.** Employers claiming an employee is under 18 must have his or her birthdate substantiated by a birth record or an age certificate issued by the local superintendent of schools, or a photocopy of the employee's driver's license, or a Minnesota identification card issued by the Department of Transportation included in the payroll records kept for the employee. Failure to provide proof of the ages of minors employed makes the employer liable for the adult minimum wage and other penalties imposed for failure to keep and maintain records related to the employment of minors.

Subp. 2. **Statutory requirement and criminal liability.** The Child Labor Standards Act, Minnesota Statutes, section 181A.06, subdivision 1 provides as follows:

"Every employer shall require proof of the age of any minor employee or prospective employee by requiring the minor to submit an age certificate, a copy of the minor's birth record, or a copy of the minor's driver's license. Upon the request of a minor, an age certificate shall be issued by or under the authority of the school superintendent of the district in which the applicant resides. Superintendents, principals, or headmasters of independent or parochial schools shall issue age certificates to minors who attend such schools."

Minnesota Statutes, section 181A.12, subdivision 1: "Any employer who hinders or delays the department or its authorized representative in the performance of its duties under sections 181A.01 to 181A.12, or refuses to admit the commissioner or an authorized representative to any place of employment, or refuses to make certificates or lists available as required by sections 181A.01 to 181A.12, or otherwise violates any provisions of sections 181A.01 to 181A.12, or any regulations issued pursuant thereto shall, upon conviction therefor, be guilty of a gross misdemeanor."

Minnesota Statutes, section 181A.12, subdivision 2: "Any other person violating any provision of sections 181A.01 to 181A.12 or any regulations issued pursuant thereto or assisting another in such violation is guilty of a misdemeanor."

Statutory Authority: *MS s 177.28; 181A.12*

History: *11 SR 1740; 17 SR 1279; L 2001 1Sp9 art 15 s 32*

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