

**INITIAL CIVIL MONEY PENALTY ASSESSMENT AMOUNTS
BY VIOLATION (NON-AGRICULTURE) AS PER 29 CFR § 579.5**

June 2010



Child Labor Violations— Non-Agriculture Under Age for Legal Employment	Initial Assessment Amounts for Violations on or after June 1, 2010	Initial Assessment Amounts for Violations before June 1, 2010
<p><u>1a. Under the Legal Age for Employment—NonAg—Under 12 Years of Age:</u> Applicable only to nonagricultural employment. This violation occurs when a nonexempt minor* <u>under the age of 12</u> performs covered nonagricultural employment. This violation is charged only once per minor and is in addition to any other violation(s) that might also have occurred (Reg. 3 hours or occupations standards, HOs, etc.). This amount shall not be reduced by the small business reduction.</p>	<p>\$8,000</p>	<p>\$850 from 01/20/2010 to 05/31/2010 \$770 before 01/20/2010</p>
<p><u>1b. Under the Legal Age for Employment—NonAg—12 or 13 Years of Age:</u> Applicable only to nonagricultural employment. This violation occurs when a nonexempt minor* <u>12 or 13 years of age</u> performs covered nonagricultural employment. This violation is charged only once per minor and is in addition to any other violation(s) that might also have occurred (Reg. 3 hours or occupations standards, HOs, etc.). This amount shall not be reduced by the small business reduction.</p>	<p>\$6,000</p>	<p>\$850 from 01/20/2010 to 05/31/2010 \$770 before 01/20/2010</p>
Child Labor Violations— Non-Agriculture Remaining Violations	Initial Assessment Amounts for Violations on or after January 20, 2010	Initial Assessment Amounts for Violations before January 20, 2010
<p><u>1c. Reg. 3 Hours Standards—Under 14 Years of Age:</u> Applicable only to nonagricultural employment and includes the employment of youths <u>under 14 years of age</u> who work during school hours, work too early in the morning or too late at night, and/or work too many hours on a day or in a week as prohibited by 29 CFR 570.35. Only one hours standards violation is charged per minor, regardless of the number or types of hours violations actually disclosed. If hours standards violations also occurred when the minor was 14 or 15 years of age, the violation is recorded only in this category. Reg 3 hours standards violations are charged for each minor only once, reflecting the minor’s youngest age when that violation occurred.</p>	<p>\$775</p>	<p>\$660</p>
<p>*For purposes of this document, a <i>nonexempt minor</i> is one who is not exempt from the child labor provisions of the FLSA because of such reasons as the parental exemption. It has no bearing on whether the youth is subject to the minimum wage or overtime provisions of the FLSA.</p>		

Child Labor Violations— Non-Agriculture Remaining Violations	Initial Assessment Amounts for Violations on or after January 20, 2010	Initial Assessment Amounts for Violations before January 20, 2010
<p>1d. Reg. 3 Occupations Standards—Under 14 Years of Age: Applicable only to nonagricultural employment and includes the employment of youths under <u>14 years of age</u> who are employed in any of the prohibited occupations listed in 29 CFR § 570.33 or perform any of the prohibited occupations/tasks listed in 29 CFR § 570.34 (except HOs which have their own violation categories). Multiple violations may be charged for the same minor if that minor was employed in violation of different Reg. 3 occupations standards, such as <i>employed in construction, employed as a helper on a motor vehicle, employed to operate a golf cart, etc.</i> Identical Reg. 3 occupation violations for the same minor are recorded only once—either in this category or in Category 3. (<i>Reg. 3 Occupations Standards—14 and 15 Years of Age</i>) The violation is charged reflecting the minor’s youngest age when that violation occurred.</p>	\$900	\$770
<p>2. Reg. 3 Hours Standards—14 and 15 Years of Age: Applicable only to nonagricultural employment and includes the employment of youths <u>14 and 15 years of age</u> who work during school hours, work too early in the morning or too late at night, and/or work too many hours on a day or in a week as prohibited by 29 CFR 570.35. Only one hours standards violation is charged per minor, regardless of the number or types of hours violations actually disclosed. If hours standards violations also occurred when the minor was under 14 years of age, record the violation only in category 1c. (<i>Reg. 3 Hours Standards—Under 14 Years of Age</i>). Reg 3 hours standards violations are charged for each minor only once, reflecting the minor’s youngest age when that violation occurred.</p>	\$575	\$495
<p>3. Reg. 3 Occupations Standards—14 and 15 Years of Age: Applicable only to nonagricultural employment and includes the employment of youths <u>14 and 15 years of age</u> who are employed in any of the prohibited occupations listed in 29 CFR § 570.33 or perform any of the prohibited occupations/tasks listed in 29 CFR § 570.34 (except HOs which have their own violation categories). Multiple violations may be charged for the same minor if that minor was employed in violation of different occupations standards while he or she was under 14 years of age; but do not record the same violations for this minor in this category and in Category 1d (<i>Reg. 3 Occupations Standards—Under 14 Years of Age</i>).</p>	\$850	\$715

Child Labor Violations— Non-Agriculture Remaining Violations	Initial Assessment Amounts for Violations on or after January 20, 2010	Initial Assessment Amounts for Violations before January 20, 2010
<p>4. <u>HO—NonAg—Under 16 Years of Age:</u> Applicable only to nonagricultural employment and includes the employment of youths under <u>16 years of age</u> who perform any activity, or are employed in any industry, prohibited by Subpart E of Regulations, 29 CFR Part 570. Multiple violations may be charged regarding the employment of an individual minor who is less than 16 years of age when his or her employment involved the operation of multiple pieces of equipment prohibited by a single HO or when the minor was employed in violation of more than one HO. A separate violation category is provided for HO violations that occurred <u>exclusively</u> when the minor was 16 or 17 years of age. This category (4.) is used to record those HO violations that occurred when the minor was under 16, even if those violations continued past his or her 16th birthday. Each type of violation is charged for each minor only once, reflecting the minor’s youngest age when that violation occurred.</p>	\$1950	\$1650
<p>5. <u>HO—NonAg—16 and 17 Years of Age:</u> Applicable only to nonagricultural employment and includes the employment of <u>16- and 17-year-olds</u> who perform any activity, or are employed in any industry, prohibited by Subpart E of Regulations, 29 CFR Part 570. Multiple violations may be charged regarding the employment of an individual minor when his or her employment involved the operation of multiple pieces of equipment prohibited by a single HO or when the minor was employed in violation of more than one HO. A separate violation category is used to record those HO violation(s) that occurred when the minor was under 16 years of age (<i>see</i> above). Each type of violation is charged for each minor only once, reflecting the minor’s youngest age when that violation occurred.</p>	\$1550	\$1320
<p>6. <u>CL Recordkeeping—Failure to Have Birthdate on File:</u> Applicable to both agricultural and nonagricultural employment. This civil money penalty is assessed on a “per investigation” basis rather than a “per minor/violation” basis. This assessment is not subject to the \$11,000 limitation applicable to the violative employment of any particular minor. Note: there is no requirement that an employer obtain an age certificate. This violation specifically relates to the employer’s failure to have a birthdate on file.</p>	\$350	\$302
<p>7. <u>Shipment of Hot Goods under FLSA Section 12(a):</u> Applicable to both agricultural and nonagricultural and NonAg employment. This civil money penalty is assessed on a “per investigation” basis rather than a “per minor/violation” basis. This assessment is not subject to \$11,000 limitation applicable to the violative employment of any particular minor. The lower figure will be assessed in all cases <i>except</i> when the hot goods were shipped after the Wage and Hour Division investigation began <u>and</u> an aggravating factor of “2” is being used as a multiplier to compute the CMP.</p>	\$775 or \$1550	\$660 or \$1320

The Wage and Hour Division may administratively adjust the initial child labor civil money penalty assessment amounts for such reasons as to accommodate changes in legislation, to comport with the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. No. 101-410), or as part of a strategic effort to increase compliance regarding specific types of violations or within specific

types of industries. When determining the amount of an initial civil money penalty for a violation involving a single minor, the Wage and Hour Division will generally default to the amount of the initial penalty that was in effect on the day that minor's violative employment began. Because the normal Wage and Hour Division period of investigation is two years, it is quite possible that during an investigation, differing civil money penalties will be assessed for the same child labor violation because each minor's violative employment may have begun on different dates.

For example, the Wage and Hour Division administratively increased certain initial child labor civil money penalty amounts on January 20, 2010. The initial assessment amount for a violation of the hours standards of Child Labor Regulation No. 3 regarding the employment of a 14- or 15-year-old (Subpart C of 29 CFR 570) increased from \$495 to \$575. The Wage and Hour Division would compute an initial civil money penalty assessment amount of \$495 for any minor whose employment was in violation of the hours standards prior to January 20, 2010—even if the minor's employment continued to be in violation of the hours standards after January 20, 2010. Likewise, the Wage and Hour Division would compute an initial civil money penalty assessment amount of \$575 for any minor whose violative employment of the hours standards began on or after January 20, 2010.