

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

June 2010



Child Labor Violations—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>Ag 1. Under Legal Age for Employment—Ag—Under 12 Years of Age:</u> Applicable only to agriculture employment and includes the employment of any nonexempt minor* <u>under 12 years of age</u> who performs covered work on a farm subject to the minimum wage requirements of the FLSA; or who performs covered work on any farm not subject to the minimum wage requirements of the FLSA pursuant to section 13(a)(6)(A) if (1) the minor’s employer has not obtained the proper parental permission to employ the minor; and/or (2) the minor is employed during school hours; and/or (3) the minor performs work prohibited by an Ag H.O. Only one violation per minor is charged in this category. This amount shall not be reduced by the small business reduction.</p>	<p>\$8,000</p>	<p>\$1150 from 01/20/2010 to 05/31/2010</p> <p>\$990 before 01/20/2010</p>
<p><u>Ag 2. Under Legal Age for Employment—Ag—12 or 13 Years of Age:</u> Applicable only to agriculture employment and includes the employment of any nonexempt minor* <u>12 or 13 years of age</u> who performs covered work on a farm if (1) the minor’s parent or person standing in place of the parent is not also employed on that farm or the minor’s employer has not obtained the proper parental permission to employ the minor; and/or (2) the minor is employed during school hours; and/or (3) the minor performs work prohibited by an Ag H.O. Only one violation per minor is charged in this category. This amount shall not be reduced by the small business reduction.</p>	<p>\$6,000</p>	<p>\$1025 from 01/20/2010 to 05/31/2010</p> <p>\$880 before 01/20/2010</p>
Child Labor Violations—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>Ag 3a. Employment in Ag. During School Hours—Under 12 Years of Age:</u> Applicable only to agriculture employment and includes the employment of any nonexempt minor* <u>under the age of 12</u> who performs covered work on a farm during school hours. This penalty is in addition to those assessed in Ag1 and Ag2.</p>	<p>\$1,450</p>	<p>\$0</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—Agriculture Remaining Violations	Initial Assessment Amounts for Violations on or after January 20, 2010	Initial Assessment Amounts for Violations before January 20, 2010
<u>Ag 3b. Employment in Ag. During School Hours—12 and 13 Years of Age:</u> Applicable only to agriculture employment and includes the employment of any nonexempt minor* <u>12 or 13 years of age</u> who performs covered work on a farm during school hours. This penalty is in addition to those assessed in Ag1 and Ag2.	\$1,025	\$880
<u>Ag 3c. Employment in Ag. During School Hours—14 and 15 Years of Age:</u> Applicable only to agriculture employment and includes the employment of any nonexempt minor* <u>14 or 15 years of age</u> who performs covered work on a farm during school hours. Only one violation per minor may be charged under this category.	\$775	\$660
<u>Ag 4a. Ag H.O.—Under 12 Years of Age:</u> Applicable only to agricultural employment and includes the employment of any nonexempt minor* <u>under 12 years of age</u> who performs a task prohibited by an Ag H.O. as described in Subpart E-1 of Regulations 29 CFR Part 570. Multiple violations involving the employment of a single minor may be made in this category when more than one Ag H.O. was violated. If a violation of the same Ag H.O. occurred when the minor was different ages, that violation is charged only once, using the category reflecting the lowest age.	\$2325	\$1980
<u>Ag 4b. Ag H.O.—12 and 13 Years of Age:</u> Applicable only to agricultural employment and includes the employment of any nonexempt minor* <u>—12 or 13 years of age</u> who performs a task prohibited by an Ag H.O. as described in Subpart E-1 of Regulations 29 CFR Part 570. Multiple violations involving the employment of a single minor may be made in this category when more than one Ag H.O. was violated. If a violation of the same Ag H.O. occurred when the minor was different ages, that violation is charged only once, using the category reflecting the lowest age.	\$1,950	\$1650
<u>Ag 4c. Ag H.O.—14 and 15 Years of Age:</u> Applicable only to agricultural employment and includes the employment of any nonexempt minor* <u>14 or 15 years of age</u> who performs a task prohibited by an Ag H.O. as described in Subpart E-1 of Regulations 29 CFR Part 570. Multiple violations involving the employment of a single minor may be made in this category when more than one Ag H.O. was violated. If a violation of the same Ag H.O. occurred when the minor was different ages, that violation is charged only once, using the category reflecting the lowest age.	\$1,550	\$1320
*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.		

Child Labor Violations—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>Ag 5. 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><u>Ag 6. Shipment of Hot Goods under FLSA Section 12(a):</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. 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.