

**INITIAL CIVIL MONEY PENALTY ASSESSMENT AMOUNTS  
BY VIOLATION (AGRICULTURE)**

Revised February 2017



<b>Child Labor Violations— Agriculture Under Age for Legal Employment</b>	<b>Initial Assessment Amounts on or before August 1, 2016</b>	<b>Initial Assessment Amounts after August 1, 2016, but on or before January 13, 2017</b>	<b>Initial Assessment Amounts after January 13, 2017**</b>
<p><b><u>Ag 1. Under Legal Age for Employment—Ag—Under 12 Years of Age:</u></b> 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; <b>or</b> 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>\$8,786</p>	<p>\$8,930</p>
<p><b><u>Ag 2. Under Legal Age for Employment—Ag—12 or 13 Years of Age:</u></b> 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>\$6,589</p>	<p>\$6,697</p>
<b>Child Labor Violations— Agriculture Remaining Violations</b>	<b>Initial Assessment Amounts on or before August 1, 2016</b>	<b>Initial Assessment Amounts after August 1, 2016, but on or before January 13, 2017</b>	<b>Initial Assessment Amounts after January 13, 2017**</b>
<p><b><u>Ag 3a. Employment in Ag. During School Hours—Under 12 Years of Age:</u></b> 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>\$1,150</p>	<p>\$1,263</p>	<p>\$1,284</p>

<b>Child Labor Violations— Agriculture Remaining Violations</b>	<b>Initial Assessment Amounts on or before August 1, 2016</b>	<b>Initial Assessment Amounts after August 1, 2016, but on or before January 13, 2017</b>	<b>Initial Assessment Amounts after January 13, 2017**</b>
<p><b><u>Ag 3b. Employment in Ag. During School Hours—12 and 13 Years of Age:</u></b> 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.</p>	\$1,025	\$1,126	\$1,144
<p><b><u>Ag 3c. Employment in Ag. During School Hours—14 and 15 Years of Age:</u></b> 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.</p>	\$775	\$851	\$865
<p><b><u>Ag 4a. Ag H.O.—Under 12 Years of Age:</u></b> 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.</p>	\$2,325	\$2,553	\$2,595
<p><b><u>Ag 4b. Ag H.O.—12 and 13 Years of Age:</u></b> 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.</p>	\$1,950	\$2,141	\$2,176
<p><b><u>Ag 4c. Ag H.O.—14 and 15 Years of Age:</u></b> 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.</p>	\$1,550	\$1,702	\$1,730

<b>Child Labor Violations— Agriculture Remaining Violations</b>	<b>Initial Assessment Amounts on or before August 1, 2016</b>	<b>Initial Assessment Amounts after August 1, 2016, but on or before January 13, 2017</b>	<b>Initial Assessment Amounts after January 13, 2017**</b>
<b><u>Ag 5. CL Recordkeeping – Failure to Have Birthdate on File:</u></b> 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 \$12,278 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.	\$350	\$384	\$390
<b><u>Ag 6. Shipment of Hot Goods under FLSA Section 12(a):</u></b> 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 \$12,278 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.	\$775 or \$1,550	\$851 or \$1,702	\$865 or \$1,730

\*For purposes of this document, a *nonexempt minor* 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.

\*\*Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (IAA), the FLSA’s maximum statutory child labor CMP levels have been and annually will be adjusted for inflation (see Pub. L. 114-74, sec. 701). The IAA requires agencies to adjust CMP levels for inflation through an initial adjustment by August 1, 2016, followed by annual adjustments every January thereafter. In accordance with the IAA, on July 1, 2016, the Department of Labor published an Interim Final Rule making the initial adjustments of all CMPs, including child labor CMPs, with the adjustments effective August 1, 2016. Those adjusted child labor CMP levels apply to all penalties assessed after the effective date, August 1, 2016, for associated violations that occurred after November 2, 2015 (the date that the IAA was signed into law). Also in accordance with the IAA, in January 2017, the Department of Labor adjusted CMP levels for inflation for 2017, including child labor CMPs, with the adjustments effective January 13, 2017. Accordingly, for penalties assessed after January 13, 2017, whose associated violations occurred after November 2, 2015, the higher penalty amounts will apply.

The Wage and Hour Division has also administratively adjusted its initial, baseline child labor CMP assessment amounts, which are set forth in this chart. The Wage and Hour Division will annually adjust these initial child labor CMP assessment amounts in proportion to the annual adjustment to the maximum child labor CMP levels. For more information about the IAA and to view current maximum child labor CMP levels, please visit <https://www.dol.gov/whd/flsa/>.

When determining the amount of an initial civil money penalty for a violation involving a single minor, the Wage and Hour Division will generally consider the “date of violation” to be 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 initial child labor civil money penalty amounts on August 1, 2016. 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 \$575 to \$631. The Wage and Hour Division would compute an initial civil money penalty assessment amount of \$575 for any minor whose employment was in violation of the hours standards on or prior to November 2, 2015—even if the minor’s employment continued to be in violation of the hours standards after that date and regardless of the date of the CMP assessment. Likewise, the Wage and Hour Division would compute an initial civil money penalty assessment amount of \$631 for a CMP assessment made after August 1, 2016 but before January 14, 2017, for a 14- or 15-year-old minor whose violative employment of the hours standards began on or after November 3, 2015.