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Division of Labor Standards

## **Guidelines Civil Penalties Effective September 1, 1991 for Child Labor Violations**

Section 141 of the New York State Labor Law, effective September 1, 1991, provides for the imposition of civil penalties of not more than \$1,000 for a first violation, \$2,000 for a second violation and \$3,000 for a third or subsequent violation of Article 4 governing the employment of minors under 18 years of age by an employer.

The following guidelines establish a range of monetary assessments for various types of violations. They are general in nature and may not cover every specific situation. In determining the appropriate monetary amount within the range shown, consideration will be given to the criteria enumerated in the statute, namely "the size of the employer's business, the good faith of the employer, the gravity of the violation, the history of previous violations and the failure to comply with record keeping or other requirements." For example, the penalty for a larger firm (25 or more employees) would tend to be in the higher range since such firms should have knowledge of the laws. The gravity of the violation would depend on such factors as the age of the minor, whether required to be in school, and the degree of exposure to the hazards of prohibited occupations. Failure to keep records of the hours of work of the minors would also have a bearing on the size of the penalty.

### **Penalties**

First Violation	\$0	-	\$1,000
Second Violation	\$500	-	\$2,000
Third and Subsequent Violation	\$2,000	-	\$3,000

### **Penalties May Be Assessed for Violations Pertaining to:**

1. Employment of minors under fourteen years of age. (Sec. 130)
2. Employment of minors fourteen or fifteen years of age. (Sec. 131)
3. Employment of minors sixteen or seventeen years of age. (Sec. 132)
4. Prohibited employment of minors. (Sec. 133)
5. Placement of minors by employment agencies. (Sec. 134)
6. Duties of Employers. (Sec. 135)
7. Employment of persons apparently under eighteen years of age. (Sec. 138)
8. Enforcement of violations relating to child performers, child models, street-trades and newspaper carriers. (Sec. 140) (ACAL 35.01) (Ed. L. 3227, 3228)
9. Hours of work for minors fourteen and fifteen years of age. (Sec. 142)
10. Hours of work for minors sixteen and seventeen years of age. (Sec. 143)
11. Posting of hours. (Sec. 144)

**Right to Appeal**-If the employer is aggrieved by the assessment of a civil penalty, the employer has the right to appeal to the Industrial Board of Appeals (Harriman State Office Campus, Building 12, Room 136, Albany, New York 12240) within 60 days of the date of issuance of an Order to Comply as prescribed by the Board's Rules of Procedure.