

Child Labor Coalition

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2002 Child Labor State Survey

Respondents

39 state labor departments, (or equivalent) child labor contacts

Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, and Wisconsin

Non-Respondents

12 state labor departments including the District of Columbia.

Arkansas, District of Columbia, Georgia, Idaho, Louisiana, Maryland, Mississippi, New Jersey, Virginia, Washington, West Virginia, and Wyoming

Response Rate

75 percent

Date Of Survey

October 2002

The Child Labor Coalition (CLC) is a national network for the exchange of information about child labor. It provides a forum and unified voice on protecting working minors and ending child labor exploitation, educates the public to combat child labor abuses, and promotes progressive initiatives and legislation.

The Child Labor State Survey has been a project of the CLC since 1992. Findings reflect self-reporting from state labor departments or their equivalent enforcement agency. This survey may be reproduced with credit given to the source.

**Prepared by the National Consumers League for the Child Labor Coalition,
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2002 Child Labor State Survey Highlights

State Child Labor Enforcement Personnel in 2002

- 528 compliance officers are responsible for enforcing all state labor laws (including child labor) in 39 states. 26 of the total of 528 are responsible for investigating child labor compliance/violations exclusively.
- 22 states (more than half of survey respondents) have ten or fewer compliance officers who are responsible for enforcing labor laws in the state, including child labor. Only three states have a total number of 25 or more compliance officers. Three states have no compliance officers. Top state with enforcement personnel is New York at 100 compliance officers.
- Average compliance officer presence in reporting states:
 - o 13.5 compliance officers (counting New York)
 - o 11.2 compliance officers (not counting New York)

Child Labor Inspections in 2002

- 33 states responded with numbers of total inspections for labor law compliance (including child labor) and inspections finding child labor violations:
 - o Total Inspections: 62,755
 - o Total Inspections Finding Child Labor Violations: 6,015
 - o Percentage of Total Inspections to Inspections with Violations: 10 percent
- Total illegally employed minors found in 22 reporting states: 5,437 minors
- Only ten states reported conducting inspections targeting child labor compliance in agriculture with five states reporting finding child labor violations. A total of 49 minors were illegally found employed in four states; one state could not provide figures.
- 99 percent of all inspections in agriculture were in the states of CA (1,046 inspections) and FL (3,359 inspections).
- In total, 39 reporting states collected a total of \$2,586,724 for child labor violations. Eleven states reported either the state does not exercise authority to assess/collect civil money penalties or the state does not have the authority to do so.
- The top three child labor violations related to minors engaged in prohibited activities involved: Power machinery/equipment; motor vehicle operations (including delivery driving, forklifts); and construction.
- The ranking of violations involving youth workers (from most prevalent to least prevalent):
 - o hours violations
 - o work permit/paperwork violations
 - o prohibited machinery/activities/industries violations
 - o minimum age violations
 - o minimum wage violations

Other Data

- 28 states require a work permit for working minors in general employment (i.e., restaurant/retail work, etc.)
- Seven states reported occupational deaths among minors under age 18 with a total of 12 deaths.
- Two states reported instances of the worst forms of child labor (as specified in International Labor Organization Convention 182) related to trafficking and slavery/forced labor of youth.
- Eight states reported changes in their child labor laws/regulations.

Child Labor Enforcement In FY 2002

1. How many compliance officers enforce labor laws in your agency? (Count only those actually out conducting inspections). Breaking down the total, how many are responsible to inspect workplaces for child labor compliance/violations exclusively; how many are responsible to inspect workplaces for all labor compliance/violations (of which child labor is included).

State	Total Compliance Officers	Child Labor Exclusively	All Labor Compliance
AL	3	3	0
AK	12	0	12
AZ	1	0	1
CA	68	0	68
CO	1	0	1
CT	4	0	4
DE	15	0	15
FL	17	6	11
HI	10	0	10
IL	13	0	13
IN	6	6	0
IA	20	0	20
KS	5	0	5
KY	23	0	23
ME	4	0	4
MA	18	0	18
MI	18	0	18
MN	6	0	6
MO	15	3	12
MT	0	0	0
NE	6	0	6
NV	8	0	8
NH	10	0	10
NM	9	1	8
NY	100	0	100
NC	14	0	14
ND	7	0	7
OH	15	0	15
OK	1	0	1
OR	14	0	14
PA	32	0	32
RI	3	0	3
SC	8	0	8
SD	0	0	0
TN	12	0	12
TX	7	7	0
UT	0	0	0
VT	8.5	0	8.5
WI	13	0	13

2. How many inspections were conducted by your agency in FY 2002 for labor law compliance (in which child labor would have been included)? Considering the above figure, how many resulted in your state's agency finding child labor violations? How many illegally employed minors?

State	Total Inspections	Inspections showing Violations	Total Illegally Employed Minors Found
AL	967	345	78
AK	7,063	75	263
AZ	1,000	8	10
CA	6,841	344	**
CO	6	2	7
CT	368	**	103
DE	268	103	378
FL	751	372	**
HI	799	**	**
IL*	1,445	60	533
IN	5,409	1,750	**
IA	15,236	0	0
KS	0	0	0
KY	**	322	550
ME	2,596	215	**
MA	**	**	**
MI	8,422	1,314	**
MN	20	20	50
MO*	6,266	11,382*	348
MT	1	1	1
NE	102	6	0
NV	0	0	0
NH	418	110	468
NM	218	**	**
NY	1,239	146	534
NC	1,853	164	467
ND	7	1	1
OH	614	16	**
OK	111	51	**
OR	32	**	58
PA	179	79	211
RI	90	33	33
SC	2,045	102	200
SD	0	**	**
TN	2,062	176	0
TX	2,506	158	643
UT	0	**	**
VT	10	2	2
WI	77	40	499

Notes:

** No response.

IL: Estimated figures

MO: Counted the number of child labor violations within each inspection.

3. How many inspections were conducted by your agency in FY 2002 in which child labor compliance in agriculture was targeted? Considering the above figure, how many resulted in your agency finding child labor violations in agriculture?

State	Total Inspections	Inspections with Violations	Total Illegally Employed Minors Found
AL	0	0	0
AK	0	0	0
AZ	10	2	2
CA	1,046	35	**
CO	0	0	0
CT	1	**	**
DE	0	**	**
FL	3,359	21	27
HI	0	0	0
IL	3	0	0
IN	0	0	0
IA	0	0	0
KS	0	0	0
KY	**	**	**
ME	0	0	0
MA	2	**	**
MI	**	**	**
MN	0	**	**
MO	**	**	**
MT	0	0	0
NE	12	0	0
NV	0	**	**
NH	**	0	0
NM	0	0	**
NY	6	1	2
NC	0	**	**
ND	0	0	0
OH	0	**	**
OK	0	0	0
OR	18	6	18
PA	0	**	**
RI	0	0	0
SC	0	0	0
SD	0	0	0
TN	0	0	0
TX	0	**	**
UT	0	**	**
VT	2	0	0
WI	0	0	0

Notes:

** No response.

Penalties In FY 2002

4. What were your state's top three child labor violations in FY 2002 related to prohibited activities (i.e., operating forklifts, roofing, operating tractors, youth peddling, delivery driving, etc.)?

State	#1 Violation	#2 Violation	#3 Violation
AL	Hours Violations	Work Permits	Slicers
AK	Baking Ovens	Machinery	**
AZ	Cooking	Construction	Manufacturing
CA	**	**	**
CO	**	**	**
CT	**	**	**
DE	Slicers	Forklifts	Motor Vehicle Operations
FL	Power Machinery	Slicing Machines	Using Toxic Substances
HI	Power-driven Equipment	**	**
IL	Power-driven Equipment	Alcohol Serving Establishments	Paint & Exposure to Lead
IN	Cooking	Delivery Driving	Manufacturing Areas
IA	Power-driven Equipment	Roofing	Youth Peddling
KS	**	**	**
KY	Slicers	Motor Vehicle Operations	Forklifts
ME	**	**	**
MA	**	**	**
MI	Break Violations	Hours Violations	Hazardous Conditions
MN	Construction	**	**
MO	**	**	**
MT	Restaurants	**	**
NE	Youth Peddling	Roofing	**
NV	**	**	**
NH	Delivery Driving	Warehousing and Forklifts	Construction
NM	Work Permits	Paperwork	**
NY	Construction	Cleaning, Oiling, and Wiping Machinery	Power-driven Equipment
NC	Alcohol Serving Establishments	Construction	Age Violations
ND	Hours Violations	Machinery	Age Violations
OH	Work Permits	Wages	Break Violations
OK	Construction	Manufacturing	Cooking
OR	Prohibited Employment	No Employer Certificates	Age Violations
PA	**	**	**
RI	Manufacturing	Warehouse	Construction
SC	Age Violations	Roofing	Motor Vehicle Operations
SD	**	**	**
TN	Using Saws	Roofing	Youth Peddling
TX	Delivery Driving	Compacter/Baler	Forklift
UT	Roofing	Youth Peddling	**
VT	Age Violations	Slicers	**
WI	Hours Violations	Work Permits	**

Tally:

In compiling the top three responses from all responding states, the following rank is established:

- #1 Power Machinery/Equipment/Manufacturing — 12 responses
- #2 Motor Vehicle Operations (including delivery driving, forklifts) – 11 responses
- #3 Construction – 7 responses

Notes:

** No response.

KS: No child labor investigations in FY 2002.

MO: Prohibited activities are not broken down into these categories.

MT: Chinese immigrants are used in the restaurant industry and there are problems with minimum wage and amount/pay of overtime.

NH: Violations in construction refer to workers under 16 years old.

OR: Prohibited employment not specified.

VT: The two activities listed refer to two specific events because they were the only two violations found in 2002. Both violations were solved.

WI: Long hours are referring to the restaurant industry.

5. Rank the following for prevalence of violations involving youth workers in FY 2002.
 (1= Most Prevalent to 5 = Least Prevalent)

State	Minimum Age Violations	Hours Violations	Prohibited Machinery/Activities/Industries Violations	Work Permit/Paperwork Violations	Minimum Wage Violations
AL	5	1	4	2	N/A
AK	5	2	3	1	4
AZ	**	1	2	**	**
CA	5	2	3	1	4
CO	2	1	3	5	4
CT	3	1	4	2	5
DE	5	3	2	1	4
FL	3	1	2	**	**
HI	3	2	**	1	**
IL	3	1	4	2	5
IN	4	1	3	2	5
IA	4	2	3	1	5
KS	**	**	**	**	**
KY	3	1	2	4	5
ME	3	1	5	2	4
MA	3	1	3	2	3
MI	4	1	2	3	5
MN	3	1	2	**	**
MO	3	2	4	1	**
MT	**	**	**	**	1
NE	**	2	**	3	1
NV	**	**	**	**	**
NH	3	1	4	2	5
NM	5	5	5	1	5
NY	5	2	3	1	4
NC	2	4	3	1	5
ND	4	1	2	3	5
OH	2	3	4	1	5
OK	4	1	3	2	5
OR	3	**	1	2	**
PA	4	1	3	2	5
RI	2	3	1	4	5
SC	2	1	3	**	**
SD	2	3	4	5	1
TN	4	2	3	1	**
TX	3	1	2	**	**
UT	2	1	4	3	2
VT	1	2	3	5	4
WI	4	2	3	1	**
Average	3.32	1.71	3	2.16	4.08

Notes:

** No response.

The average was calculated by disregarding the states with **.

6. What is the total amount your state collected for child labor violations in FY 2002?

State	Civil Money Penalties Collected for Child Labor Violations (\$)	State Does Not Exercise Authority to Assess/Collect CMPs	State Does Not Have Authority to Assess/Collect CMPs
AL	1,000		
AK	**		X
AZ	21,000		
CA	148,298		
CO	0		
CT	140,800		
DE	67,175		
FL	26,425		
HI	0		
IL	222,030		
IN	93,800		
IA	0		X
KS	0		
KY	74,250		
ME	388,300	X	
MA	464,000		
MI	0		X
MN	9,750		X
MO	144,324		
MT	0		X
NE	0	X	
NV	0		
NH	173,207		
NM	0	X	
NY	135,036		
NC	74,087		
ND	0		
OH	0	X	
OK	21,850		
OR	0		
PA	2,064		
RI	0		X
SC	30,450		
SD	0		
TN	195,300		
TX	85,885		
UT	0		X
VT	0		
WI	67,693		

Notes:

** No response.

CT: The figure refers to the money collected for all violations, majority is for child labor violations.

ME: Uses The AG vs. assessing CMPs, although they could. Received the money using consent decrees.

MN: No authority to assess or collect monetary penalties, but received \$9,750 using other means.

RI: No authority. They will only collect money in the event that the case is brought before a judge.

7. In cases where an employed minor is fatally injured in the workplace while working illegally, check all of your state's options which could apply:

State	Civil Offense/ Action	Explanation	Criminal Offense/Action	Explanation
AL	Yes		No	
AK	No		Yes	Misdemeanor
AZ	Yes		No	
CA	Yes		Yes	If warrants, the local D.A. would file a criminal prosecution
CO	Yes		No	
CT	Yes	Monetary Penalty	Yes	Arrest
DE	Yes		No	
FL	Yes		Yes	2 nd Degree Felony
HI	No		Yes	Misdemeanor
IL	Yes		Yes	
IN	Yes		No	
IA	Yes		Yes	Misdemeanor; 30 days jail and/or up to \$500 fine
KS	Yes		Yes	County attorney prosecutes
KY	**		**	
ME	Yes		No	
MA	No		Yes	Criminal Prosecution
MI	No		Yes	Prosecution
MN	Yes		Yes	Gross Misdemeanor
MO	Yes		Yes	Local Prosecutor Class C Misdemeanor
MT	No		Yes	Misdemeanor Offense
NE	Yes		Yes	Federal Child Labor Laws in conjunction with State criminal or negligence code may apply.
NV	**		**	
NH	Yes		No	
NM	Yes		No	
NY	Yes		Yes	Misdemeanor
NC	Yes		No	
ND	No		Yes	County attorney would prosecute
OH	Yes		No	
OK	**		**	
OR	Yes		Yes	Referred to the D.A. for prosecution
PA	No		Yes	Summary Offense
RI	No		Yes	
SC	Yes		No	
SD	No		Yes	Misdemeanor
TN	Yes		Yes	Depends on the violation
TX	Yes		Yes	Misdemeanor

Continued

7. In cases where an employed minor is fatally injured in the workplace while working illegally, check all of your state's options which could apply:

State	Civil Offense/ Action	Explanation	Criminal Offense/Action	Explanation
UT	Yes	Occupational Health & Safety Violations	Yes	Misdemeanor
VT	Yes		Yes	Fact dependent, fines, & jail time available
WI	Yes		No	

Notes:

** No response.

Work Permits

8. Does your state require a general work permit for minors?

Yes: AL, AK, CA, CT, DE, HI, IL, IN, IA, KS, ME, MA, MI, MO, NE, NV, NH, NM, NY, NC, ND, OH, OK, PA, RI, SD, UT, WI

No: AZ, CO, FL, KY, MN, MT, OR, SC, TN, TX, VT

Notes:

NV: Work permits are not processed through the Labor Commissioner.

NH: Only for 12 to 15 year olds. Written parental permission for 16/17 year olds is required to be kept on file by the employer.

OR: Work permits are only required for minors under age 14.

UT: Variance permits used.

VT: No work permits required unless work is to be performed during school hours by a child under 16.

If yes, what is the age range for which the work permit is required?

State	Minimum Age	Maximum Age
AL	14	17
AK	14	19
CA	12	17
CT	15	17
DE	14	17
HI	14	17
IL	**	15
IN	14	**
IA	14	15
KS	14	15
ME	No Minimum	16
MA	14	17
MI	14	**
MO	14	15
NE	14	15
NV	14	**
NH	12	15
NM	14	15
NY	14	17
NC	14	18
ND	14	15
OH	14	17
OK	14	15
PA	14	17
RI	14	15
SD	**	15
UT	14	**
WI	12	**

Notes:

** No response.

RI: Special limited permit to work at ages 14-15; certificate of age required for ages 16-17.

If yes, has your state developed an electronic process for 1) applications for work permits; 2) issuance of work permits; or 3) tracking of work permits?

State	Applications	Issuance	Tracking
AL	No	Yes	No
AK	No	No	No
CA	No	No	No
CT	No	No	No
DE	No	No	No
HI	Yes	Yes	Yes
IL	No	No	Yes
IN	No	Yes	Yes
IA	Yes	Yes	Yes
KS	No	No	No
ME	No	Yes	Yes
MA	No	No	No
MI	No	No	No
MO	No	No	No
NE	No	No	No
NV	**	**	**
NH	No	No	No
NM	No	No	No
NY	No	No	No
NC	Yes	No	No
ND	No	Yes	Yes
OH	Yes	Yes	Yes
OK	No	No	No
PA	No	No	No
RI	No	No	No
SD	No	No	No
UT	No	No	No
WI	No	No	No

Notes:

** No response.

CA: Issues work permits in the entertainment industry only. No electronic process in place. Working on putting the application for permit on the Web site.

IN: Electronic Issuance is in the "pilot" stage

MO: All three processes are in development

NE: The Workforce Development issues work permits to school districts according to IAW state policy and child labor law provisions. Then they forward these permits to the Department of Labor.

NV: Completed in the Juvenile Court Services.

9. To your knowledge, how many occupational deaths among working minors under age 18 have occurred in your state in FY2002?

State	Number of Deaths	Industry
AZ	1	construction
CA	5	(unspecified)
IN	2	agriculture; amusement park/recreational facility
NY	1	agriculture
OH	1	agriculture
PA	1	volunteer fire
WI	1	National Guard

10. Were there any deaths among working minors (under age 18) in your state in FY 2002 due to:

Working on an Elevated Surface (above 6 feet off of ground)

Yes: AZ, OH

Tractors (riding on; hit or run over by)

Yes: NY

Working Illegally (in prohibited occupation or with prohibited task)

Yes: AZ

No states reported deaths among working minors in these occupations/industries:

- Occupational Violent Crime
- Paper Balers
- Forklifts
- Woodworking Machines
- Saw mills

ILO Convention 182

In 1999, the U.S. ratified International Labor Organization Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor (i.e., slavery, forced labor, trafficking, prostitution, pornography, drug trafficking, and work that is likely to jeopardize the health, safety, or morals of children).

11. Identify (check) the worst forms of child labor that your state agency has investigated and/or uncovered in FY 2002:

	<u>Agricultural Setting</u>	<u>Non-Agricultural Setting</u>
Slavery and forced labor		MT
Trafficked children		MT, NM
Commercial sexual exploitation		

Notes:

MT: The worst forms of child labor found included slavery and forced labor and trafficked children and both of them occurred in non-agricultural settings. One of the incidents involved a minor who worked in a Chinese restaurant as a forced laborer. The violations included, unpaid wages and overtime and minimum wage violations. At the state level, they notified the Revenue and Workers Compensation. On the federal level, Montana informs the IRS, Immigration, and the FBI.

NM: The worst form of child labor found was trafficked children who were used to sell candy door-to-door. Students were transported to different street corners and told to sell candy door-to-door. They worked at this job beginning in the morning and they were picked up in the afternoon/evening. The U.S. Department of Labor was notified.

UT: If an incident did occur, it would be referred to the Utah Occupational Safety & Health. If Utah notified the Federal government, then it would be OSH and the Fair Labor Standards.

FY 2000 Legislation & Regulation

12. Were changes made to your child labor laws/regulations in FY 2002?

State	Legislation	Regulation
AL	No	No
AK	Yes	Yes
AZ	No	No
CA	No	No
CO	No	No
CT	No	No
DE	No	No
FL	No	No
HI	No	No
IL	Yes	No
IN	No	No
IA	Yes	Yes
KS	No	No
KY	No	Yes
ME	No	No
MA	Yes	**
MI	No	No
MN	No	No
MO	Yes	**
MT	No	No
NE	No	No
NV	No	No
NH	No	No
NM	No	No
NY	No	No
NC	Yes	No
ND	No	No
OH	No	No
OK	No	No
OR	No	No
PA	Yes	No
RI	No	No
SC	No	**
SD	No	No
TN	No	No
TX	No	No
UT	No	No
VT	No	No
WI	No	No

Notes:

** No response.

13. Were any changes made in hours regulations in your state during FY 2002? If yes, were they relaxed or made more stringent?

State	Hours Regulation Changes?	Relaxed or More Stringent?
AL	No	
AK	No	
AZ	No	
CA	No	
CO	No	
CT	No	
DE	No	
FL	No	
HI	No	
IL	No	
IN	No	
IA	No	
KS	No	
KY	Yes	More Stringent
ME	No	
MA	Yes	Relaxed; minors are now able to legally operate golf carts on a golf course if the minor is licensed to operate a motor vehicle.
MI	No	
MN	No	
MO	No	
MT	No	
NE	No	
NV	No	
NH	No	
NM	No	
NY	No	
NC	No	
ND	No	
OH	No	
OK	No	
OR	No	
PA	No	
RI	No	
SC	No	
SD	No	
TN	No	
TX	No	
UT	No	
VT	No	
WI	No	

14. For inquiries by teen workers and/or parents in your state regarding child labor laws and/or to file a complaint of child labor violations, call:

State	Telephone Number For Inquiries/Complaints
AL	(334) 242-3460
AK	(907) 269-4900
AZ	(602) 542-4515
CA	(213) 897-9856
CO	(303) 318-8448
CT	(860) 263-6791
DE	(302) 761-8200; (302) 422-1134
FL	1-800-226-2536 in state calls only
HI	(808) 586-8777
IL	1-800-645-5784
IN	1-888-833-6967
IA	(515) 281-6374; 1-800-562-4692 ext. 1-6374
KS	(785) 296-4062
KY	(502) 564-3070
ME	(207) 624-6400
MA	(617) 727-3465 or 3476
MI	(517) 322-1825
MN	(651) 284-5005
MO	1-800-475-2130 - ext. 0
MT	(406) 444-5600
NE	NE Workforce Development: (402) 595-3095 (Omaha); (402) 471-9926 (Lincoln) Federal Department of Labor Omaha Office: (402)471-221-4682
NV	(702) 486-2650 or (702) 455-5235
NH	(603) 271-6294 or 1492 or 0127 or 3176
NM	(505) 827-6830
NY	(518) 457-1380
NC	1-800-NCLABOR (625-2267) or (919) 807-2796
ND	(701) 328-2660
OH	(614) 644-2239
OK	1-888-269-5353
OR	(503) 731-4689
PA	1-800-932-0665
RI	(401) 462-8550
SC	(803) 734-4295
SD	(605) 773-3682
TN	(615) 741-2858
TX	**
UT	(801) 530-6802
VT	(802) 828-2157
WI	(608) 266-6860

Notes:

** No response.

Check which of the following apply: This office will act upon written complaints; telephone complaints; and/or anonymous complaints. This office will protect the privacy of the person filing a complaint.

State	Written Complaints	Telephone Complaints	Anonymous Complaints	Protect Privacy
AL	X	X	X	X
AK	X	X	X	X
AZ	X	X	X	X
CA	X	**	**	**
CO	X	X	X	X
CT	X	X	X	X
DE	X	X	X	X
FL	X	X	X	**
HI	X	X	X	X
IL	X	X	X	X
IN	X	X	X	X
IA	X	X	X	X
KS	X	**	**	**
KY	X	X	X	X
ME	X	**	X	X
MA	X	X	X	X
MI	X	X	X	**
MN	X	X	X	X
MO	X	X	X	X
MT	X	X	**	X
NE	X	X	X	X
NV	X	X	X	X
NH	X	X	X	X
NM	X	X	X	X
NY	X	X	X	X
NC	**	X	X	**
ND	X	**	**	**
OH	X	**	**	**
OK	X	X	X	X
OR	X	X	X	**
PA	X	X	**	X
RI	X	X	X	**
SC	X	X	X	**
SD	X	**	**	X
TN	X	X	X	X
TX	X	X	X	**
UT	X	X	**	X
VT	X	X	X	**
WI	X	**	**	**

Notes:

** No response.

CT; UT: Protects privacy only if the complainant specifically states the desire to remain unidentified.

MO: Protects privacy only when a child is the complainant. Other complainant information is available under the Sunshine Law once a case is closed.

NM: For written and telephone complaints, visit job site; for anonymous complaints, send a letter; will protect privacy if the complaint is not a wage claim.