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A Practical Guide to Child Labor Compliance Under the FLSA

Child labor enforcement remains a significant focus for the U.S. Department of Labor's Wage and Hour Division, and employers across industries face heightened scrutiny of their youth employment practices. To help organizations navigate these obligations, Scott Hecker, Senior Counsel in Conn Maciel Carey LLP's national Labor & Employment Practice, recently authored a Child Labor Law Checklist, published by *LexisNexis Practical Guidance*. The resource provides a clear overview of federal child labor requirements under the Fair Labor Standards Act (FLSA) and offers practical guidance for evaluating compliance.

The checklist highlights the core elements employers should review when assessing their youth employment programs, including:

- Age-based hour restrictions for workers under 16
- Agricultural work exceptions
- Oppressive child labor and "hot goods" provisions
- Subminimum wage rules for workers under 20
- Eligibility verification, including age documentation and work permits
- Policy development addressing wage compliance, hour limitations, and restricted duties
- Training for managers and youth workers
- Monitoring working conditions and hazardous occupation restrictions
- Vendor and third-party oversight
- Recordkeeping and documentation obligations under federal and state law

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Child Labor Law Checklist (FLSA)

A Practical Guidance® Checklist by Scott Hecker, Conn Maciel Carey LLP



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This checklist provides guidance to employers on federal child labor law compliance under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 212, and its implementing regulations. It is designed to help employers ensure that work performed by minors is safe and does not jeopardize their health, wellbeing, or educational opportunities.

The checklist addresses age-based hour restrictions for workers under 16, agricultural work exceptions, oppressive child labor and "hot goods" provisions, and subminimum wage exceptions for workers under 20. It covers eligibility verification, including age documentation and work permits, and policy development addressing wage compliance, hour limitations, and restricted duties across jurisdictions.

Additional topics include workplace training on minors' rights and manager supervision, monitoring working conditions and hazardous occupation restrictions, engaging vendors and third parties who may employ minors, and recordkeeping and documentation requirements. The checklist concludes with guidance on compliance reviews and periodic risk assessments of youth labor practices.

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Scott Hecker, Senior Counsel, Conn Maciel Carey LLP

Scott Hecker is a Senior Counsel in Conn Maciel Carey LLP's Washington, DC office supporting the OSHA, MSHA, and Labor and Employment Practices.

Scott brings to the firm nearly two decades of workplace safety and employment legal experience in both the public and private sectors. Before joining CMC, Scott worked at the U.S. Department of Labor for more than a decade, not only as a trial attorney and National Office attorney, but also as an Acting Director of Strategic Planning and Performance in the Wage and Hour Division, which provides him with a unique perspective on agency policy and enforcement. During his legal career, Scott has focused on building relationships across the spectrum of relevant government entities, employers, and employee representatives to ensure open communication that informs prompt identification of concerns and efficient resolution of disputes.

Most recently, Scott worked at an international law firm, counseling and litigating on behalf of employers concerning workplace safety, wage and hour, child labor, government contracting/prevailing wage, and government relations and policy.

Scott's practice includes supporting companies through counseling and litigation under numerous workplace statutes, such as the Occupational Safety and Health Act, the Fair Labor Standards Act, the Service Contract Act, the Davis-Bacon and Related Acts, and the Mine Safety and Health Act.

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As federal enforcement activity continues to rise, and with potential regulatory changes on the horizon, employers should take proactive steps to review their policies, train supervisors, and ensure their youth employment practices align with both legal requirements and best-practice standards.

- Practical Guidance subscribers may access the full Practice Note on LexisNexis.
- Non-subscribers may sign up for a free trial to access the checklist.