

## FLSA-138

September 25, 1975

This is in response to your letter in which you ask whether the position of no employment relationship stated in our March 21, 1975, letter with regard to court ordered programs for children for purposes of restitution or retribution for offenses would apply to Conference Committees set up by \*\*\* under the \*\*\* Act. We regret the delay in replying.

The twenty-two Conference Committees are empowered to order hours of community service in lieu of punishment and amount of restitution owing to a victim as part of the youth's diversion agreement. The youth, ages 8 through 18, would be working in community development and ground maintenance activities for the \*\*\* and Public Works Department as well as local municipalities and private nonprofit agencies.

Should the Conference Committees perform their responsibilities under the jurisdiction of and as an adjunct to the Court with the performance of the work pursuant to the order and subject to the protection of the Court, with the consent of minor's parent, and without displacing regular workers or impinging on employment opportunities of others, the Department would not assert an employment relationship. This position would apply to such work performed for the \*\*\* Public Works and Parks Department as well as local municipalities and private non-profit agencies.

Should the Conference Committees act independently of the Court, however, we would need to know what protection and control would be provided the children and how the Committees would insure that the minor's work was not displacing regular workers or impinging on employment opportunities of others.

You may wish to follow the child labor standards of the Act as set forth in the enclosed Child Labor Bulletin No. 101 as guidelines for these programs.

Sincerely,

Herbert J. Cohen  
Assistant Administrator  
Wage and Hour Division

C. Lamar Johnson  
Deputy Administrator