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U.S. DEPARTMENT OF LABOR  
EMPLOYMENT STANDARDS ADMINISTRATION  
Wage and Hour Division  
WASHINGTON, D.C. 20210



APR 18 1977

This is in reply to your question asking whether it would be permissible to publish in your News Letter a copy of Wage and Hour Form 418, Farm Labor Civil Money Penalty Report.

This form is a work sheet for the assessment of civil money penalties under the Farm Labor Contractor Registration Act. As you know, Section 9 of the Act provides that a civil money penalty of not more than \$1,000 may be assessed for each violation of the Act or any regulations promulgated under the Act. An assessment may be higher (subject to the statutory maximum) or lower than indicated in the list on the form in exercising this discretionary feature of the Act. In other words, there are no fixed amounts to be assessed as a matter of course for a particular violation. The assessment recommendation which is made is based on the nature of the violations in each particular case as discussed in detail in 29 CFR 40.65(b). These include the following factors:

- (1) Previous history of violation or violations.
- (2) The number of migrant workers affected by the violation or violations.
- (3) The gravity of the violation or violations.
- (4) Efforts made in good faith to comply with the Act.
- (5) Explanation of person charged with the violation or violations.
- (6) Assurances of future compliance, taking into account the public health, interest or safety.

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(7) Financial gain on the part of the violator or financial losses to worker or workers.

The publication of this form (copy enclosed) should include the above statement as to its use.

Sincerely,

/s/ Warren D. Landis

Warren D. Landis  
Acting Administrator

Enclosures