



State Representative Lauren McNally

November 3, 2023

Director Sherry Maxfield
Ohio Department of Commerce
77 South High Street, 23rd Floor
Columbus, OH 43215-6133

RE: Child labor law violations

Dear Director Maxfield:

It has come to our attention that federal agents recently found more than two dozen minors, mainly from Guatemala, working illegally in a poultry plant run by Gerber's Poultry in Kidron, Ohio¹. This unfortunately has not been an isolated incident in the state.

Some recent examples, but not limited to, include:

- An incident on the Ohio-Kentucky border where a child as young as 11 years old was allowed to operate a forklift at the same distribution center that employed a 13-year-old².
- A McDonald's in Cincinnati was one of 62 McDonald's franchises across Kentucky, Indiana, Maryland, and Ohio that was fined for employing, "305 children to work more than the legally permitted hours and perform tasks prohibited by law for young workers."³
- A mill in Dundee was fined over \$22k in child labor penalties after a 15-year-old, who was illegally hired, suffered serious injury when he became entangled in the gears of a powered wood processing machine⁴.
- A 17-year-old in Canton, Ohio had his leg torn off at the knee while cleaning a Case Farms plant⁵.

¹ <https://www.nbcnews.com/news/us-news/federal-agents-found-two-dozen-minors-working-ohio-poultry-plant-rcna121502>

² <https://www.whio.com/news/local/child-worker-young-11-allowed-operate-forklift-warehouse-near-ohio-border-feds-say/BY7O3QHIABFEBMHFVM34JGYGNE/>

³ <https://www.dol.gov/newsroom/releases/whd/whd20230502-0>

⁴ <https://www.dol.gov/newsroom/releases/whd/whd20230405-0>

⁵ <https://www.dol.gov/newsroom/releases/osha/osha20150929-2>

These are serious transgressions that call for heightened oversight and intervention by the Ohio Department of Commerce. Exploitation of children should never be tolerated, and I take these incidents very seriously, which I believe you and your department do as well.

Ohio is not alone in this national crisis. In FY 2023,⁶ The U.S. Department of Labor's Wage and Hour Division (WHD) concluded 955 investigations that found child labor violations, a 14% increase from the previous year. WHD found nearly 5,800 children employed in violation of the law, an 88% increase since 2019, and assessed more than \$8 million in penalties, an 83% increase from the previous year. From fiscal year 2017-2021, the department identified child labor violations in more than 4,000 cases, finding more than 13,000 minor-aged workers employed in violation.

I fear Ohio, and the nation, lack the resources to properly handle this issue. Since November 2022, the US Labor Department's Wage and Hour division **lost** 16 more investigators, leaving the agency with 794 employees to police more than 9.8 million workplaces across the US⁷. Ohio's Department of Commerce's Bureau of Wage and Hour Administration, which enforces minor labor laws, has effectively continued to be funded at the same level since Fiscal Year 2012. This troubles me because our state and local agencies rely on the cooperation and coordination with the federal government. As child labor violations continue to increase, we need funding for enforcement.

We have a series of questions that we respectfully request the Ohio Department of Commerce to provide detailed answers to. Specifically, we would appreciate answers to the following:

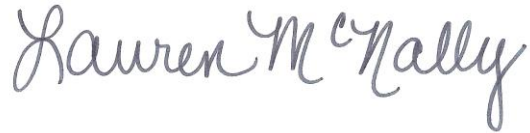
1. How many Wage and Hour enforcement staff are employed by the Department?
2. Over the past 5 years, how many of the following child labor violations have:
 - a. Been received and verified?
 - b. Been referred for criminal penalties in the court?
3. What continued oversight occurs once civil penalties are paid? Is there a corrective action plan required as follow up?
4. What are the ways in which violations have been brought to your attention, such as surprise visits, preventative training, referrals, and more?
5. Can you provide a detailed overview of your department's legal authority when it comes to enforcing and investigating child labor law violations?
6. How much has been collected in civil penalties in the past 5 years and what industry was each incident associated with?
7. What are you doing departmentally to adjust in response to the increase in child labor violations?
 - a. What legislative support(s) would you need to respond more effectively?

I look forward to your timely response to this urgent matter.

Sincerely,

⁶ <https://www.dol.gov/agencies/whd/data/child-labor>

⁷ <https://news.bloomberglaw.com/daily-labor-report/wage-and-hour-staff-crunch-may-hinder-dol-child-labor-crackdown>



Lauren McNally
State Representative
Ohio House District 59



Dontavious L. Jarrells
Assistant Minority Leader
Ohio House District 1



Juanita O. Brent
Ohio House District 22



Richard Dell'Aquila
Ohio House District 15



Elliot Forhan
Ohio House District 21

CC:
House Speaker Jason Stephens
House Minority Leader Allison Russo
Chairman Mark Johnson
Vice-Chair Susan Manchester