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Approved New York State Budget Bolsters Child Labor Protections

Law and the Workplace on **May 12, 2025**

On May 9, 2025, Governor Kathy Hochul signed into law numerous provisions under the FY26 New York State Budget that, among other things, increase the civil penalties for employers that violate state child labor laws and modify existing permitting and reporting requirements for employers and minor employees. Other changes include eliminating the coverage exemption for newspaper carriers, as well as the allowance for "employment of a minor fifteen years old who is found to be incapable of profiting from further instruction available and who presents a special employment certificate" (contained in Part X of the education, labor, housing and family assistance budget bill (the "Bill")).

Child Labor Protections

Under the New York Labor Law and existing New York State Department of Labor ("NYSDOL") guidance, employers are subject to strict requirements when employing minors. Minor employees may not work beyond a maximum number of hours per week, depending on their age and whether school is in session. In addition, minors are limited in working at night, with specific restrictions depending on the time of year, the employee's age, and their specific profession. Minor employees are further restricted in the types of work they can perform.

To work, minor employees are required to obtain "working papers," which they must apply for in-person through either their school or the NYS Department of Education's issuing offices. Employers with minor employees are also required to post a schedule of hours for all minors, including the hours they start and end as well as allotted meal periods.

Civil Penalties

Effective immediately, the New York Labor Law is amended to dramatically increase the civil penalties levied on employers for violating child labor laws (Part W of the Bill). The increases are as follows:

- First violation: up to $10,000 (previously up to $1,000);
- Second violation: between $2,000 and $25,000 (previously up to $2,000); and
- Third and subsequent violations: between $10,000 and $55,000 (previously up to $3,000).

In situations where a violation results in serious injury or death to a minor, the previous penalty was triple the maximum penalty. The amendments enact a new penalty scale for such violations:

- First violation: between $3,000 and $30,000;
- Second violation: between $6,000 and $75,000; and
- Third and subsequent violations: between $30,000 and $175,000.

Permitting for Minor Employees

The amendments also enact several additional and/or revised requirements for employers and minor employees (Part X of the Bill). Among other things, the amendments amend the Labor Law to require the creation a database of both employers and their minor employees and would require employers to provide a certification that they are only allowing minors to work in positions that are permitted by law. In addition, the amendments will allow minor employees to electronically register and apply for their working papers, a departure from the current in-person filing requirement. These changes take effect two years from becoming law.

What's Next? Employers should review their employment practices to ensure compliance with these new provisions. We will continue to report on key developments.

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Related Professionals

- **Allan S. Bloom**
  Partner
- **Laura M. Fant**
  Special Employment Law Counsel
- **Justin Chuang**
  Associate