



DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
45 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0045

LAURA A. FORTMAN
COMMISSIONER

JANET T. MILLS
GOVERNOR

WAGE & HOUR DIVISION

DR. JASON MOYER-LEE
DIRECTOR

February 2, 2024

Rhonda Farrar
and
Dignity Care LLC
1 Cumberland Place
Bangor, ME 04401

RE: Violations of Title 26 MRS. Inspection #484765

Dear Rhonda Farrar,

When the Wage and Hour Division investigated a complaint against you and your place of business on November 9, 2023, the following violations of Maine Labor Law were found:

26 MRS §774 (7) Record of work hours of minors. Every employer shall keep a time book or record for every minor employed in any occupation, except household work or the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances, stating the number of hours worked by each minor on each day of the week. The time book or record must be open at all reasonable hours to the inspection of the director, a deputy of the director or any authorized agent of the bureau. An employer who fails to keep the time book or record required by this subsection or who makes any false entry to the time book or record, refuses to exhibit the time book or record or makes any false statement to the director, a deputy of the director or any authorized agent of the bureau in reply to any question in carrying out this section is liable for a violation of this section and is subject to penalties specified in section 781.

In this case, the employer failed to keep daily time records on her two minor children on the following occasions in 2023:

- █ worked 6 days in September; 7 days in October; and 5 days in November.
- █ worked 7 days in September; 7 days in October; and 5 days in November.

37 violations

Note: The employer paid her children once each month. Their rate of pay was \$25.00 per hour. The number of days worked was calculated by dividing their monthly pay by their rate of pay to determine the total hours worked. The total hours worked was then divided by the maximum number of hours allowed for a minor of their age to work in a single day, in this case that number was 8 hours. The resulting number is the minimum number of days that the minor worked.

26 MRS §775 Work Permit requires that an employer obtain an approved Work Permit before allowing a minor under the age of 16 to perform any work.

In this case, the employer allowed her two minor children, under the age of 14, to work on 37 separate days between September and November 2023 without an approved work permit.

37 violations

26 MRS §53 Additional penalties In addition to any penalties provided in chapter 7, subchapters I to IV, the director may assess a forfeiture against any employer, officer, agent or other person who violates any provision of chapter 7, subchapters I to IV for each violation of those subchapters. The forfeiture may not exceed \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less. The Attorney General, upon complaint of the director, shall institute a civil action to recover the forfeiture. Any amount recovered must be deposited with the Treasurer of State. The director shall adopt rules to govern the administration of the civil money forfeiture provisions. The rules must include a right of appeal by the employer and a range of monetary assessments with consideration given to the size of the employer's business, the good faith of the employer, the gravity of the violation and the history of previous violations.

BLS Rules, Chapter 9, Rules Governing Administrative Civil Money Penalties for Labor Law Violations, sections II and III defines terms and how penalties are calculated respectively, including multipliers.

26 MRS §781 PENALTIES An employer who employs, permits or suffers any minor to be employed or to work in violation of this article or Title 20-A, section 5054 is subject to the following forfeiture or civil penalty, payable to the State and recoverable in a civil action:

- A. For the first violation or a violation not subject to an enhanced sanction under paragraph B or C, a forfeiture or penalty of not less than \$250 nor more than \$5,000;
- B. For a 2nd violation occurring within 3 years of a prior adjudication, a forfeiture or penalty of not less than \$500 nor more than \$5,000; or
- C. For a 3rd and subsequent violation occurring within 3 years of 2 or more prior adjudications, a penalty of not less than \$2,000 nor more than \$10,000.

37 violations of §774(7) x \$250.00 = \$9,250.00

37 violations of §775 x \$250.00 = \$9,250.00

The total penalty for the above violation(s) is \$18,500.00.

Make checks payable to “Treasurer, State of Maine”.

You may file a formal appeal of any violation or penalty within fifteen (15) business days of receipt of this notice. The appeal must be submitted in writing to the Deputy Director of the Bureau, at the address listed above. If you file an appeal, be specific as to what violation(s) or penalty you wish to appeal. If a request for a formal appeal is received timely, a hearing will be scheduled. The Deputy Director will serve as the hearing officer or may assign the appeal to a qualified hearing officer. The hearing will be at the headquarters of the Bureau or at a place

mutually agreeable to the parties. The hearing may be held telephonically or by remote video, at the discretion of the Deputy Director. All proposed penalties will be stayed until after the formal appeal is heard.

If no response is received within the designated timeframe you accept all citations and any penalties assessed. The notice will become a final order and payment will be due at that time. Checks should be made payable to **“Treasurer, State of Maine” and mailed to the address at the top of this citation.**

We strongly recommend that any correspondence be sent by certified mail. Failure to correct violations may result in additional penalties for each violation that is not corrected.

You may approach the Bureau to negotiate a settlement to waive the violations or penalties at any time during this process. However, settlement negotiations will not affect the deadline to appeal.

If you have questions regarding this notice, you may contact the Bureau of Labor Standards, Wage & Hour Division at (207) 623-7900.

Respectfully,



Scott Cotnoir, Director
Wage and Hour Division
Inspection #484765