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**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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March 13, 2020

To: The Honorable Brian T. Taniguchi, Chair,
The Honorable Les Ihara, Jr., Vice Chair, and
Members of the Senate Committee on Labor, Culture and the Arts

The Honorable Michelle N. Kidani, Chair,
The Honorable Donna Mercado Kim, Vice Chair, and
Members of the Senate Committee on Education

Date: Friday, March 13, 2020
Time: 2:45 p.m.
Place: Conference Room 229, State Capitol

From: Scott T. Murakami, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 1959 H.D. 1 RELATING TO THE EMPLOYMENT OF A MINOR

I. OVERVIEW OF PROPOSED LEGISLATION

This measure proposes to amend subsection 390-2(d), Hawaii Revised Statutes (HRS), of the Child Labor Law, by requiring a studio teacher to accompany, supervise, and advocate on behalf of the minor whenever a minor under fourteen years of age is working in theatrical employment and a variance to the allowable work hours is granted. Studio teacher is defined to not include the minor's parent or guardian.

The Department supports this measure and is working with the stakeholders to refine the language if the measure continues to progress through the legislative process.

II. CURRENT LAW

There is no current law requiring a studio teacher to be present on set when minors are employed in theatrical employment. Section 390-2 Employment of minors under eighteen years of age contains hours and times provisions for minors that are 16-17, 14-15, and under 14 years of age.

III. COMMENTS ON THE HOUSE BILL

The majority of the theatrical employment certificates issued by the DLIR are for television or motion picture productions. The duration of these productions can range from a television commercial shooting for a few hours for one day only, to a television series or motion picture production filming for several hours a day for several months.

Prior to the DLIR issuing a theatrical certificate of employment, the DLIR ensures that the minor is performing satisfactorily in school. Under Section 12-25-22, Hawaii Administrative Rules (HAR), Theatrical employment permitted, whenever a minor under fourteen years of age works during a school year, the employer must submit, to the DLIR, a statement signed by an authorized school official indicating that the minor's attendance and school work are satisfactory. When the minor's schoolwork or attendance is not satisfactory, the DLIR cannot issue the certificate of employment and the application is denied.

Section 12-25-22, HAR, requires that while the minor is working, that the minor be accompanied by and under the immediate and direct control of the minor's parent or a responsible adult designated by the parent. The primary purpose of this is to ensure that the employment does not injuriously affect the minor's health, safety, or well-being.

Further, Section 12-25-23, HAR, Hours and conditions of employment, addresses issues pertaining to adequate rest periods, rest facilities, transportation, compensation, safety, supervision, and tutoring. Section 12-25-23, HAR, also permits variances for "good cause" including practical difficulties and undue hardship by the employer in complying with the work hour restrictions.

Requiring a studio teacher to be present on set whenever a variance from the allowable work hour restrictions is granted, provides supervision for work by a minor that is beyond the standard legal limits.

A production company that is signatory to the union (i.e., Screen Actors Guild) is subject to the union agreement which already requires the employer to provide an on-set teacher only after the third consecutive day of work. The DLIR supports this proposal that requires an on-set teacher be present.

If the concern is that a studio teacher be present to offer tutoring to minors to keep up with their schoolwork, requiring a studio teacher to be present for all theatrical productions, whenever a variance is granted, may be unnecessary for short productions that film and wrap up in one or two days. A suggestion would be to require a studio teacher to be on set whenever a production is granted a variance and the production will take place for three or more days.

The bill, as drafted, requires a studio teacher whenever a minor under fourteen years of age is on set and a variance is granted. Employment certificates are issued for minors as young as newborn babies appearing in a movie or television show. The

DLIR recommends that the bill clarify the age at which a studio teacher is required to minors between the ages of five and under fourteen.



March 11, 2020

Committee on Labor Culture and the Arts
Senator Brian T. Taniguchi, Chair
Senator Les Ihara, Jr., Vice Chair

Committee on Education
Senator Michelle N. Kidani, Chair
Senator Donna Mercado Kim, Vice Chair

The Senate
The Thirtieth Legislature
Regular Session of 2020

RE: HB 1959, HDI - RELATING TO THE EMPLOYMENT OF A
DATE: Friday, March 13, 2020
TIME: 2:45pm
PLACE: Conference Room 229
State Capitol 415 South Beretania Street, Honolulu HI

Aloha Chairs Taniguchi and Kidani, Vice Chairs Ihara and Kim, and the Members of the Committees,

Thank you for the opportunity to testify **supporting the intent** of this measure and offering **comments** in the form of a proposed **amendment**. [SAG-AFTRA](#) represents over 1100 actors, recording artists, and media professionals in our state.

The protection of all performers working in front of the camera or behind the microphone is central to our mission. With regard to minors, we take special care to ensure:

- (a) The environment in which the performance is to be produced is proper for the minor;
- (b) The conditions of employment are not detrimental to the health, morals and safety of the minor; and
- (c) The minor's education will not be neglected or hampered by his or her participation in such performance.

The above language and our provisions protecting minors can be found in our SAG-AFTRA Theatrical Basic Agreement, Section 50, accessible [here](#).

We support intent of this measure, and humbly ask for the inclusion of the following amendment:

When an infant under 12 months old is on set, a Basic Life Support (BLS) certified Registered Nurse, shall accompany, supervise, and advocate on behalf of the infant whenever the infant is on set to ensure employers are compliant with this section and applicable rules adopted pursuant to this chapter. For purposes of this paragraph, "registered nurse" means a person who is designated by the employer and who holds a valid license issued by the Hawaii Board of Nursing. The Registered Nurse shall not be the minor's parent or guardian;

Because our state laws are silent with regards to specific safeguards for infants, amending HRS 390, to explicitly provide protection for infants, is a necessary addition to the law, and will truly protect the most vulnerable workers on set, babies.

Thank you again for your continued support and please don't hesitate to contact the SAG-AFTRA Hawaii Local office for more information on this issue.

Respectfully,



Mericia Palma Elmore
Executive Director SAG-AFTRA Hawaii Local



IATSE Mixed Local 665
HAWAII'S TECHNICIANS
for
FILM, TELEVISION, STAGE AND PROJECTION
Since 1937

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED CRAFTS
OF THE UNITED STATES, ITS TERRITORIES AND CANADA, AFL-CIO, CLC

Date: March 11, 2020

To: The Honorable Senator Brian Taniguchi, Chair, LCA
The Honorable Senator Michelle Kidani, Chair, EDU
The Honorable Senator Les Ihara, Vice Chair, LCA
The Honorable Senator Donna Mercado Kim, Vice Chair, EDU and
Members of the House Committees on Labor, Culture and the Arts and Education

Re: HB 1959 HD1: RELATING TO THE EMPLOYMENT OF A MINOR
TESTIMONY BEFORE THE SENATE COMMITTEES ON LABOR, CULTURE, & THE ARTS

HEARING DATE/TIME: FRIDAY, MARCH 13, 2020, AT 2:45 PM
CONFERENCE ROOM: Room: 229, Hawai'i State Capitol

Aloha, Chair Taniguchi, Chair Kidani, Vice Chair Ihara, Vice Chair Kim, and Members of the Committees:

Mahalo for hearing this bill. We **SUPPORT** having a Studio Teacher or Registered Nurse to care for and supervise minors anytime they are working in theatrical employment. Film sets and theaters are adult environments that are often dangerous and fast-moving. The Studio Teacher and Registered Nurse are necessary individuals who are dedicated to the well-being of the child. They will ensure child labor laws and contractual terms are followed. They schedule time for studying, rest, hydration and meals. They are the liaison between parents and the company, explaining set protocol and ensuring the child's safety, especially when working outdoors. Our teachers live here and are familiar with our ocean currents, changing weather, rain, heat, and humidity. They wear many hats – they make sure the children are safe, keep them upbeat so they perform well, run script lines, exercise and calm or counsel the children if they are nervous about something.

Please consider the following amendments:

- Defining a theatrical minor as someone who is 18-years old or younger and still enrolled in school.
- Requiring a registered Basic Life Support (BLS)-certified nurse for children under 12 months old.
- Defining a Studio Teacher as someone chosen by the employer and has a valid license from the Hawai'i Teacher Standards Board (HTSB).
- Agreeing to a 1:10 Teacher to Child ratio.
- Agreeing that the Studio Teacher is not the minor's parent or guardian.

IATSE Mixed Local 665

HAWAI'I'S TECHNICIANS

Currently, there is no law in Hawai'i that requires Studio Teachers, so the company is free to hire children and avoid hiring teachers. California and Georgia have laws that require hiring a Studio Teacher any time a child is working, and we would like the same attention and protection given to the children in Hawai'i.

Long work hours, grueling locations, and demanding work schedules can pose a risk to minors working in the industry. Children need a Studio Teacher dedicated to supervising them, educating them, and following the labor laws for the State.

There is no cost to the teacher for registering, and there is no cost to the State that we are aware of.

Our children need attention, education and protection.

Respectfully,



Irish Barber
Business Representative

HB-1959-HD-1

Submitted on: 3/10/2020 6:54:12 PM

Testimony for LCA on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Dawn	Individual	Support	No

Comments:

Dear Chair Taniguchi, Chair Kidani, Vice Chair Ihara, Vice Chair Kim, and Members of the Committees,

I have been a film and Television Make-up Department head for 40 years. I'm fortunate to be the third generation in my family for this craft. The Dawn family name started back at the turn of the century with my Grandfather, Jack Dawn who was the Make-up Director at MGM studios for 20 years. Jack was responsible for over 100 films while there including "The Wizard of Oz". As head of the Make-up Department I have over 40 film and 300 TV credits. In 1991 I won the Oscar for best make-up on Terminator 2.

With extensive experience in the states of, California, Oregon and Hawaii as well as many other states and countries, I've been shocked to see that Hawaii does not have the same laws and protections for those 18 and under as other states do.

My own wife was a California and Oregon certified Studio Teacher. When my children worked on films and TV shows a certified Studio Teacher was always there. I would not have allowed them to work if this was not the case.

Everyone on a film and TV set is under stress and is pushed for time and efficiency. Without a dedicated and certified Studio Teacher solely responsible for the education and safety of those under 18 a potentially dangerous gap exists. In the future those under 18 must have a certified Studio Teacher with them at all times.

Jeff Dawn

*Hawaii Five-0 Make-up Department Head Seasons 1-10.

*Lost Make-up Artist Seasons 5-6

*Battleship Make-up Department Head.

*The Rundown Make-up Department Head.

*Flight of the Intruder Make-up Artist.

All filmed in Hawaii 1989-2020

Jeff Dawn

Make-up Dept. Head

Hawaii Five-0

Jdawn@mac.com

(818) 414-3851

HB-1959-HD-1

Submitted on: 3/10/2020 2:44:58 PM

Testimony for LCA on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tuiaana Scanlan	Testifying for IATSE Local 665	Support	Yes

Comments:

TESTIMONY BEFORE THE SENATE COMMITTEES ON LABOR, CULTURE, & THE ARTS

RE: HB1959 HD1, RELATING TO THE EMPLOYMENT OF A MINOR

Hearing Date: FRIDAY, MARCH 13, 2020

Hearing Time: 2:45 PM

Conference Room: 229, Hawai'i State Capitol

Aloha, Chair Taniguchi, Chair Kidani, Vice Chair Ihara, Vice Chair Kim, and Members of the Committees:

I work in the film industry, and I am submitting testimony in **SUPPORT** of HB 1959, HD1.

Please require a Studio Teacher be employed any time a Hawai'i minor is working in theatrical employment. Film sets and stages are inherently hazardous work spaces. Long work hours, grueling locations, and demanding work schedules can pose a risk to minors working in the industry. Children need a Studio Teacher dedicated to supervising them, educating them, and advocating on their behalf.

There should be one studio teacher for every 10 children who are enrolled in school or homeschooled, and a registered nurse for infants under 12 months old. The Studio Teacher must be registered in the Hawai'i Teacher Standards Board, and the nurse should be a Basic Life Support (BLS) certified nurse. There is no cost to the teacher for registering and there is no cost to the State that we are aware of.

Our children need attention, education, and protection.

Mahalo,

Tuia'ana Scanlan

President IATSE Local 665

Honolulu, Oahu, HI

HB-1959-HD-1

Submitted on: 3/10/2020 4:50:34 PM

Testimony for LCA on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
marie noelle	Testifying for IATSE 665 / Costumer -Wardrobe	Support	No

Comments:

Honolulu, March 10th 2020

SENATE EDUCATION Committee SENATE LABOR, CULTURE, AND THE ARTS

Re: HB1959 HD1

Chair Tanaguchi, Chair Kiadani, Vice Chair Ihara, Vice Chair Kim and members of the committees:

I work in the film Industry and I am submitting testimony in SUPPORT of HB 1959, HD1

My personal experience as a costumer on movie/production sets has shown me time and time again how crucial it is to have a Studio Teacher aka advocate for children and minors.

There are multiple tasks a teacher does on set. One of them which is of utmost importance is to be present with the child or instructing the parent to be present especially at time of microphone placement. Often the parent is not familiar with the intimidating protocol that goes on on a movie set and might step aside or get distracted.

Often over looked because of the multiple tasks production assistants and assistant directors have to perform, they will forget to instruct the parent to be present with the child at all times while not being either "in the way", interfering or distracting the child. Teachers will help with that process.

Teachers will make sure the child is supported while she is getting dressed, if she needs a change of clothes, if she needs comfort clothes such as rain gear or dry shoes and sox. The teacher will speak up while the parent might want to remain silent for fear of intruding. Teachers know the right timing and the right person to address.

Last but not least, the process of applying a microphone to a actor's body and clothes is ALWAYS a delicate process for adults as well as children and needs to be supervised when it comes to minors!!

I can't stress this enough.

As a costumer I always advise the parents and teacher to be present for this process where both costume and sound department work together to make sure the microphone is clearly heard, in place and comfortable to the actor. These instruments can become hot, often straps or other equipment are hidden under the clothes to keep the battery pack in place and invisible. Teachers need to be present for the process and let the parent know as well. Never leave a child alone on a production set.

Thank-you for your time. Hope this piece of information will make its way to the right ears.

HB-1959-HD-1

Submitted on: 3/10/2020 6:25:23 PM

Testimony for LCA on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mariann Tesauro	Individual	Support	Yes

Comments:

Dear Chair Taniguchi, Chair Kidani, Vice Chair Ihara, Vice Chair Kim, and Members of the Committees,

My name is Mariann Tesauro and I thank you for allowing me to testify. I am a Hawaii State licensed teacher and School Psychologist who steadfastly supports HB 1959, requiring that a certified Studio Teacher be present whenever a Hawaii minor is working on a film or TV set.

Presently, Hawaii does not require hiring Studio Teacher's, unlike other states where there are laws in place mandating that a Studio Teacher must be hired whenever minors work on set. Previously, Hawaii productions always hired Studio Teachers for our local minors, however recently producers realized that they are not required to do so in our State, and they now have children working without proper supervision. Our local keiki deserve the same level of protection and education that children are provided in other states.

We are requesting that you strengthen the Hawaii Child Labor Laws (HRS 12-25: Theatrical Employment) with language that requires a Studio Teacher anytime a child is working, and raise the covered age of a minor to 18 years old. By appending this requirement to the waiver we could properly protect our local children.

Having worked as a Studio Teacher for many years I can attest to the multitude of precarious situations that a child is faced with while working on productions. The moment they step on set minors are immediately enveloped in an extremely fast paced and often dangerous adult environment. Children require the supervision of a Studio

Teacher who tutors them with their school work, and is adept at anticipating potential problems before they occur. Minors need to feel safe within the various departments of hair/make-up, wardrobing, and sound wiring which often requires that a small microphone be taped underneath their clothing.

Most parents are of the belief (as they've told me) that their children are under the care of a certified teacher while working on set, when in fact they are often not when filming in Hawaii. It is well past time for our Legislature to step up to enact a law that properly protects and educates our local minors while working on set.

Please amend the language in the bill to:

Raise the level of covered minors to the age of 18.

Be licensed with the Hawaii Teachers Standards Board.

Be certified by the IATSE Local 665 in set protocol, contract knowledge, labor laws, and Hawaii educational requirements.

Thank you for your time, concern, and consideration.

Aloha,

Mariann Tesauro

Hawaii State Licensed Teacher

Studio Teacher

IATSE Local 665

HB-1959-HD-1

Submitted on: 3/11/2020 10:20:16 PM

Testimony for LCA on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Keahi Kuikahi	Testifying for IATSE LOCAL 665	Support	No

Comments:

Aloha, Chair Taniguchi, Chair Kidani ,Vice Chair Ihara, Vice Chair Kim, and Members of the Committees:

I work in the film industry, and I am submitting testimony in **SUPPORT** of HB 1959, HD1.

Please require a Studio Teacher be employed any time a Hawai'i minor is working in theatrical employment. Film sets and stages are inherently hazardous work spaces. Long work hours, grueling locations, and demanding work schedules can pose a risk to minors working in the industry. Children need a Studio Teacher dedicated to supervising them, educating them, and advocating on their behalf.

There should be one studio teacher for every 10 children, and a registered nurse for infants under 12 months old. The Studio Teacher must be registered in the Hawai'i Teacher Standards Board, and the nurse should be a Basic Life Support (BLS) certified nurse. There is no cost to the teacher for registering and there is no cost to the State that we are aware of.

Our children need attention, education and protection.

Mahalo for your help,

Keahi S Kuikahi

Waianae

Oahu

HB-1959-HD-1

Submitted on: 3/12/2020 10:32:10 AM

Testimony for LCA on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Waipakawiwoole Parker	Testifying for IATSE Local 665	Support	No

Comments:

Aloha, Chair Taniguchi, Chair Kidani ,Vice Chair Ihara, Vice Chair Kim, and Members of the Committees:

I work in the film industry, and I am submitting testimony in **SUPPORT** of HB 1959, HD1.

Please require a Studio Teacher be employed any time a Hawai'i minor is working in theatrical employment. Film sets and stages are inherently hazardous work spaces. Long work hours, grueling locations, and demanding work schedules can pose a risk to minors working in the industry. Children need a Studio Teacher dedicated to supervising them, educating them, and advocating on their behalf.

There should be one studio teacher for every 10 children, and a registered nurse for infants under 12 months old. The Studio Teacher must be registered in the Hawai'i Teacher Standards Board, and the nurse should be a Basic Life Support (BLS) certified nurse. There is no cost to the teacher for registering and there is no cost to the State that we are aware of.

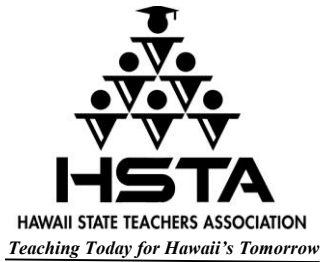
Our children need attention, education and protection.

Mahalo for your help,

Waipa Parker

Honolulu

Oahu



Corey Rosenlee
President
Osa Tui, Jr.
Vice President
Logan Okita
Secretary-Treasurer
Wilbert Holck
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON
LABOR, CULTURE & THE ARTS and THE COMMITTEE ON EDUCATION

RE: HB 1959, HD1 - RELATING TO THE EMPLOYMENT OF A MINOR

FRIDAY, MARCH 13, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Taniguchi, Chair Kidani, and Members of the Committees:

The Hawaii State Teachers Association **supports HB 1959, HD1**, relating to the employment of a minor.

This bill requires a studio teacher, who is licensed in the state of Hawaii, through HTSB, to accompany, supervise, and advocate on behalf of a minor whenever the minor is on set and a variance from the work hour restrictions to allowable theatrical employment is granted, when employed for theatrical purposes

Hawaii State Teachers Association asks your committee to **support** this bill.

Aloha, Chair Taniguchi, Chair Kidani ,Vice Chair Ihara, Vice Chair Kim, and Members of the Committees:

I work in the film industry, and I am submitting testimony in **SUPPORT** of HB 1959, HD1.

Please require a Studio Teacher be employed any time a Hawai'i minor is working in theatrical employment. Film sets and stages are inherently hazardous work spaces. Long work hours, grueling locations, and demanding work schedules can pose a risk to minors working in the industry. Children need a Studio Teacher dedicated to supervising them, educating them, and advocating on their behalf.

There should be one studio teacher for every 10 children, and a registered nurse for infants under 12 months old. **The Studio Teacher must be registered in the Hawai'i Teacher Standards Board, and the nurse should be a Basic Life Support (BLS) certified nurse. There is no cost to the teacher for registering and there is no cost to the State that we are aware of.**

Our children need attention, education and protection.

Mahalo for your help,

Jeannine Freitas

Honolulu

Oahu

HB-1959-HD-1

Submitted on: 3/12/2020 2:38:06 PM

Testimony for LCA on 3/13/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laura Mellow Art	Individual	Support	No

Comments:

My name is Laura Mellow and I have been an actress on Hawaii Five-0, playing Nalani Lukela, wife of Sgt Duke Lukela. I am submitting this testimony in support of House Bill: HB-1959-HD-1.

Hawaii Five-0 actor Dennis Chun who plays Sgt Lukela had an episode with a storyline about his family. Cidni Joy Romias, 9 years old, was cast as our granddaughter Akela. In the script she was kidnapped requiring much acting on her part. She worked long hours, many days, with special effects going on around her. Her mother & studio teacher were with her the entire time.

The film set is a very busy stressful place and no place for a child under 18 to be without adult supervision. Someone to look out for them, keep them safe from huge equipment, electric cables, lights, props, sound equipment, filmed in the studio or on location which can be anywhere on our island.

As the film industry hopefully is not taxed, it can then grow bringing money into our state with worldwide viewers. There would be more & more young actresses & actors needed from Hawaii. Being on the set when filming is a lot for an adult, let alone a child. They need someone looking out for their education & well being. Actors have agents, who do children have?

Those under 18 should have a certified studio teacher with them at all times. This will be a very important step forward & I strongly urge that it pass.