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JOSH GREEN  
LIEUTENANT GOVERNOR



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

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January 28, 2020

To: The Honorable Aaron Ling Johanson, Chair,  
The Honorable Stacelynn K.M. Eli, Vice Chair, and  
Members of the House Committee on Labor and Public Employment

Date: Tuesday, January 28, 2020  
Time: 9:00 a.m.  
Place: Conference Room 309, State Capitol

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

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

**I. OVERVIEW OF PROPOSED LEGISLATION**

This proposal amends subsection 390-2(d), Hawaii Revised Statutes (HRS), of the Child Labor Law, by requiring an on-set 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. The studio teacher cannot be the parents or guardian of the child. Defines studio teacher.

The Department supports this measure and intends to work with the stakeholders to refine the language if the measure progresses through the legislative process.

**II. CURRENT LAW**

There is no current law requiring an on-set teacher to be present when minors are employed in theatrical employment. §390-2 Employment of minors under eighteen years of age contains hours and times provisions for minors that are 16-18, 14-16, and under 14.

**III. COMMENTS ON THE HOUSE BILL**

A 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 §12-25-22 Theatrical employment permitted, whenever the minor works during a school year, the employer must submit, to DLIR a statement signed by an authorized school official indicating that the minor's attendance and school work are satisfactory. When the minor's school work or attendance is not satisfactory, DLIR cannot issue the certificate of employment and the application is denied.

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

Requiring an on-set child welfare advocate to be present for theatrical productions when the employer requests a variance to permit minors to work beyond the hours and times permitted by law 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. DLIR supports this proposal that requires an on-set teacher be present every day that a minor is working for theatrical purposes for all productions in Hawaii operating with a variance. The purpose of the minimum wage law pursuant to the Fair Labor Standards Act of 1938 was to stabilize the post-depression economy and protect the workers in the labor force. The minimum wage was designed to create a minimum standard of living to protect the health and well-being of employees.



**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

**AMENDED TESTIMONY**

The House of Representatives  
The Thirty-First Legislature  
Regular Session of 2020

To: The Honorable Aaron Ling Johanson, Chair  
The Honorable Stacelynn K.M. Eli, Vice-Chair, and  
Members of the House Committee on Labor and Public Employment

Date: Tuesday, January 28, 2020

Time: 9:00 a.m.

Place: Conference Room 309.

State Capitol, 415 S. Beretania St., Honolulu, HI

**RE: H.B. 1959 – RELATING TO EMPLOYMENT OF A MINOR**

Aloha, Chair Johanson, Vice Chair Eli and Members of the Committee,

Mahalo for the opportunity to testify on this measure. IATSE Local 665 represents the film technicians who work behind the camera on TV series and films, including Studio Teachers. Our local has jurisdiction throughout the State.

We strongly **SUPPORT HB 1959** as it pertains to the requirement for a Studio Teacher whenever a minor is employed for theatrical purposes. Currently, there is no such requirement in Hawaii, and we support amending **HRS 290-2(d)** to reflect the following:

- Require a Studio Teacher be employed every day that a child is working for an employer who has a variance.
- Require that a Studio Teacher be trained and certified in entertainment protocol, child safety and first aid, follow Hawai'i Labor Laws, and be knowledgeable of the show's contracts.
- Raise the age of covered minors to 18.
- Be certified to teach in Hawai'i and be in the database of the Hawaii Teachers Standards Board.

California Labor Law requires a teacher be hired every day that a minor is working on the set. When they bring a show to Hawaii, they hire a Hawaii Set Teacher whenever Hawaii minors are working on the set. This has been the practice for decades. Recently, a show did not have a

Committee on Labor

January 26, 2020

RE: H.B. 1959 – Relating to Minimum Wage

Hawai'i Studio Teacher on the set when minors were present, so we have no idea if anyone on the show was following Hawaii's child labor laws or trained to look out for the child's welfare, education and safety. A film set is a very fast-paced, sometimes dangerous, environment that needs to stay on schedule and on budget. The welfare of the child actor is not always at the forefront of the company's mind, and minors are sometimes treated as adults simply because it is an adult environment. A Studio Teacher is professionally trained to keep the child safe, schedule breaks so the child is sufficiently rested and provides guidance for the child and their guardians.

Please consider the benefits to having a Set Teacher:

- No one comes to Hawaii to shoot indoors. Our working children are often exposed to rough weather and terrain – in the surf, in the sun, on the beach, in the jungle, trudging through mud, etc. Our Studio Teachers live here, and they know how to adapt to adverse conditions, assess the abilities of the child and deem whether a situation is safe or unsafe.
- Our Studio Teachers are licensed teachers with the State of Hawai'i and are responsible for tutoring the child between scenes. Based on the academic struggles Hawai'i's students often have, our children can't afford to miss even one day of schooling, let alone three. An on-set teacher will help the child stay on track with missed homework and provide educational activities for children, even if they are not in school yet. On one occasion, a child missed a whole week of school to work on set. Because a Studio Teacher was hired, the child studied daily and received the only perfect score for a test when she returned to school.
- Our Studio Teachers are trained in set protocol, knowledgeable in child labor laws, and are adept in anticipating potential problems. They know that our sets are dangerous. For example, California Labor Law prohibits an infant to be exposed to our strong, movie lights for more than 30 seconds at a time. A parent or guardian, and some crew members, wouldn't know that. Studio Teachers act as an intermediary for the guardians and the production company to be sure the family feels safe and informed. They help to temper overzealous parents and help the child to manage ambitious production schedules.
- Due to the recent reports by actors who were sexually abused as children, we want to be proactive in having a Studio Teacher on set whenever Hawaii minors are working. A Studio Teacher is required to escort the child when they go through make-up, hair and wardrobe to ensure that the child's privacy and modesty is considered during wardrobe changes and the placement of microphones into their clothing. The Set Teacher has the authority to intercede and question any situation deemed unsafe or inappropriate.
- The State will not incur any cost that we are aware of by approving this measure. In fact, it reduces the State's and the employer's liability to have a Studio Teacher present to ensure the child is safe – on and off camera.

Committee on Labor

January 26, 2020

RE: H.B. 1959 – Relating to Minimum Wage

There is a requirement by SAG-AFTRA to have a Studio Teacher on set when a child works three consecutive days or more. We do not believe it goes far enough. Sometimes, production companies adjust their schedule to avoid hiring a Studio Teacher. This sends the wrong message about the value we place on our children.

Within our local, we follow the procedures practiced by Hollywood Studio Teachers. Here is their website and a chart of information: <http://www.thestudioteachers.com/>.

In conclusion, a Studio Teacher should be present every day a Hawai'i minor works - for the safety, education and welfare of the child.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Irish Barber". The signature is fluid and cursive, with a large initial "I" and "B".

Irish Barber  
Business Representative

**LATE**

**HB-1959**

Submitted on: 1/27/2020 4:37:31 PM  
Testimony for LAB on 1/28/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alfred Lardizabal	UPW	Support	No

Comments:

The UPW supports this bill to have a child's education continue while on set. The film will be making profits with the help of the child. Their education must continue.

Thank you for allowing this testimony to be submitted.

Al Lardzabal

upw

**HB-1959**

Submitted on: 1/26/2020 8:58:03 PM

Testimony for LAB on 1/28/2020 9:00:00 AM

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

Comments:

*Dear Chair Johanson, Vice Chair Eli and Members of the Labor Committee,*

*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 that requires a certified Studio Teacher present whenever a Hawaii minor is working on a film or TV set.*

*Presently, Hawaii does not require the hiring a Studio Teacher, unlike other states where there have laws in place that mandate a Studio Teacher be hired when minors work on set. Previously, shows always hired Studio Teachers for our local minors however, recently producers realized 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 have 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 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 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*

*Studio Teacher*

*IATSE Local 665*



**HB-1959**

Submitted on: 1/26/2020 9:52:25 AM

Testimony for LAB on 1/28/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clifford Tai	Local 665	Support	No

Comments:

I believe in the safety first on set ! A movie production has a lot of moving parts and at times these parts move is a swift and hectic paces in order to accomplish a usable take . A child actor on set needs guidance,protection and education prior , during and after each take and should be cared for at all times by a professional in this field .

Mahalo for your time

Clifford Tai

**HB-1959**

Submitted on: 1/26/2020 7:55:45 AM

Testimony for LAB on 1/28/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael	Individual	Support	No

Comments:

As a member of I.A.T.S.E. Local 665 I support this issue.

Be sure to include:

- Your name, title and organization.
- Committee to which comments are directed – House Labor Committee
- Date and Time of Hearing: 1/28/20 at 9:00AM
- Bill Number: HB 1959

Here are some points to make in your testimony (**try to use your own words**):

Aloha, Chair Johanson, Vice Chair Eli and Members of the Labor Committee,

Mahalo for allowing me to testify. My name is Christopher Librie, and I work in the film industry as a Layout Lead Tech. I STRONGLY support HB 1959 that requires a trained and certified Studio Teacher be hired whenever a Hawai'i child is working on a film and TV set.

Currently, Hawai'i does not require the hiring of a Studio Teacher although states like California and Georgia have laws in place that require a Studio Teacher when minors are working on set. In the past, shows hired Hawai'i Studio Teachers anytime a minor is working. Recently, producers discovered that Studio Teachers are not required in our state and chose not to have a Studio Teacher when Hawai'i children were working. Our children should have the same level of protection and attention as children in other states.

We would like to enhance the existing Hawai'i Child Labor Laws (HRS 12-25: Theatrical Employment) with language that requires a Studio Teacher whenever a child is working and raise the covered age of a minor to 18-years old. Adding this requirement to the waiver would be ideal.

- A film set is an adult environment. It is very fast-paced and often dangerous. There are electrical cables on the ground, strong lights that could harm a child's sensitive skin or eyes, chemicals that are used in the paint or hair products. The workers are pushed to stay on schedule to finish the day's work and aren't always paying attention to children on set.
- No one comes to Hawaii to shoot indoors. Our working children are often exposed to rough weather and terrain – in the surf, in the sun, on the beach, in the jungle, trudging through mud, etc. Our Studio Teachers live here, and they know how to adapt to adverse conditions, assess the abilities of the child and deem whether a situation is safe or unsafe.
- Our Studio Teachers are licensed teachers with the State of Hawai'i and are responsible for tutoring the child between scenes. Based on the academic struggles some Hawaii's students have, our children can't afford to miss even one day of schooling. One child that was working missed a whole week of school. A Studio Teacher was with her the entire time. When she returned to school, she didn't miss a beat – she was the only one in her class who got 100% on her test.

- Our Studio Teachers are trained in set protocol, knowledgeable in child labor laws, and are adept in anticipating potential problems. They also act as an intermediary for the guardians and the production company to be sure the family feels safe and informed. They also help to temper overzealous parents.
- Due to the reports by actors who were sexually abused as children, we want to be proactive in having a Studio Teacher on set whenever Hawaii minors are working. Sometimes, there is a need to “wire” a child by putting a small microphone under the child’s clothing. Often, the Studio Teacher can do this or ensures the child is safe and comfortable when they are being mic’ed.
- The State will not incur any cost that I am aware of by approving this measure. In fact, it reduces the State’s and the employer’s liability to have a Studio Teacher present to ensure the child is safe – on and off camera.

Please amend the language in the bill to:

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

**Be licensed with the Hawai’i Teachers Standards Board.**

**Be certified by the IATSE Local 665 in set protocol, contract knowledge, labor laws and Hawai’i educational requirements.**

Within our local, we follow the procedures practiced by Hollywood Studio Teachers. Here is their website for more information:

<http://www.thestudioteachers.com/>.

In conclusion, it is our belief that allowing a Hawaii minor to be without a Studio Teacher, even for one day, goes counter to the value we place on their welfare.

Signed,

A handwritten signature in black ink, appearing to be 'Chhl', written over a horizontal line.

**HB-1959**

Submitted on: 1/26/2020 4:17:17 PM

Testimony for LAB on 1/28/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kamakani de dely	Individual	Support	No

Comments:

Aloha, Chair Johanson, Vice Chair Eli and Members of the Labor Committee,

Mahalo for allowing me to testify. My name is Kamakani De Dely, and I work in the film industry as an actor and special effects makeup artist. I STRONGLY support HB 1959 that requires a trained and certified Studio Teacher be hired whenever a Hawai'i child is working on a film and TV set.

Currently, Hawai'i does not require the hiring of a Studio Teacher although states like California and Georgia have laws in place that require a Studio Teacher when minors are working on set. In the past, shows hired Hawai'i Studio Teachers anytime a minor is working. Recently, producers discovered that Studio Teachers are not required in our state and chose not to have a Studio Teacher when Hawai'i children were working. Our children should have the same level of protection and attention as children in other states.

We would like to enhance the existing Hawai'i Child Labor Laws (HRS 12-25: Theatrical Employment) with language that requires a Studio Teacher whenever a child is working and raise the covered age of a minor to 18-years old. Adding this requirement to the waiver would be ideal.

- A film set is an adult environment. It is very fast-paced and often dangerous. There are electrical cables on the ground, strong lights that could harm a child's sensitive skin or eyes, chemicals that are used in the paint or hair products. The workers are pushed to stay on schedule to finish the day's work and aren't always paying attention to children on set.

- No one comes to Hawaii to shoot indoors. Our working children are often exposed to rough weather and terrain – in the surf, in the sun, on the beach, in the jungle, trudging through mud, etc. Our Studio Teachers live here, and they know how to adapt to adverse conditions, assess the abilities of the child and deem whether a situation is safe or unsafe.
- Our Studio Teachers are licensed teachers with the State of Hawai'i and are responsible for tutoring the child between scenes. Based on the academic struggles some Hawai'i's students have, our children can't afford to miss even one day of schooling. One child that was working missed a whole week of school. A Studio Teacher was with her the entire time. When she returned to school, she didn't miss a beat – she was the only one in her class who got 100% on her test.
- Our Studio Teachers are trained in set protocol, knowledgeable in child labor laws, and are adept in anticipating potential problems. They also act as an intermediary for the guardians and the production company to be sure the family feels safe and informed. They also help to temper overzealous parents.
- Due to the reports by actors who were sexually abused as children, we want to be proactive in having a Studio Teacher on set whenever Hawaii minors are working. Sometimes, there is a need to “wire” a child by putting a small microphone under the child's clothing. Often, the Studio Teacher can do this or ensures the child is safe and comfortable when they are being mic'ed.
- The State will not incur any cost that I am aware of by approving this measure. In fact, it reduces the State's and the employer's liability to have a Studio Teacher present to ensure the child is safe – on and off camera.

Please amend the language in the bill to:

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

**Be licensed with the Hawai'i Teachers Standards Board.**

**Be certified by the IATSE Local 665 in set protocol, contract knowledge, labor laws and Hawai'i educational requirements.**

Within our local, we follow the procedures practiced by Hollywood Studio Teachers. Here is their website for more information: <http://www.thestudioteachers.com/>.

In conclusion, it is our belief that allowing a Hawaii minor to be without a Studio Teacher, even for one day, goes counter to the value we place on their welfare.

Signed,

Kamakaniolu J. De Dely

**HB-1959**

Submitted on: 1/26/2020 6:47:17 PM

Testimony for LAB on 1/28/2020 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeff Dawn	Individual	Support	No

Comments:

Dear Chair Johansson, Vice Chair Eli and Members of the Labor Committee,

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 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

Aloha, Chair Johanson, Vice Chair Eli and Members of the Labor Committee,

Mahalo for allowing me to testify. My name is Tuia'ana Scanlan, and I work in the film industry as a Best Boy Grip and President of IATSE Mixed Local 665. I STRONGLY support HB 1959 that requires a trained and certified Studio Teacher be hired whenever a Hawai'i child is working on a film and TV set.

Currently, Hawai'i does not require the hiring of a Studio Teacher although states like California and Georgia have laws in place that require a Studio Teacher when minors are working on set. In the past, shows hired Hawai'i Studio Teachers anytime a minor is working. Recently, producers discovered that Studio Teachers are not required in our state and chose not to have a Studio Teacher when Hawai'i children were working. Our children should have the same level of protection and attention as children in other states.

We would like to enhance the existing Hawai'i Child Labor Laws (HRS 12-25: Theatrical Employment) with language that requires a Studio Teacher whenever a child is working and raise the covered age of a minor to 18-years old. Adding this requirement to the waiver would be ideal.

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under the child's clothing. Often, the Studio Teacher can do this or ensures the child is safe and comfortable when they are being mic'ed.

- The State will not incur any cost that I am aware of by approving this measure. In fact, it reduces the State's and the employer's liability to have a Studio Teacher present to ensure the child is safe – on and off camera.

Please amend the language in the bill to:

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**Be certified by the IATSE Local 665 in set protocol, contract knowledge, labor laws and Hawai'i educational requirements.**

Within our local, we follow the procedures practiced by Hollywood Studio Teachers. Here is their website for more information: <http://www.thestudioteachers.com/>.

In conclusion, it is our belief that allowing a Hawaii minor to be without a Studio Teacher, even for one day, goes counter to the value we place on their welfare.

Sincerely,

Tuia'ana Scanlan