

IRON WORKERS STABILIZATION FUND

February 5, 2021
3 pm

Senate Committee on Labor Culture and the Arts
Via Videoconference
State Capitol
415 South Beretania Street

Re: SB670 – Relating to the Employment of a Minor

Aloha Chair Taniguchi, Vice-Chair Ihara, and Members of the Senate Committee,

We **SUPPORT** the intent of SB670. The bill, if enacted, would allow minors to work in theatrical employment provided that the employer procures a valid certificate and the minor is accompanied by a parent or guardian and a studio teacher or nurse. Requires a nurse certified in basic life support to accompany, supervise, and advocate on behalf of an infant when an infant under the age one is on set, require a studio teacher to accompany and supervise minors who have attained the age of five years and are required to attend school, and further defines “nurse” and “studio teacher.”

This bill will help require that adults knowledgeable in the trade craft are on site to ensure the safety of young adults and keiki. Further, this bill would provide for the continued education of young adults and keiki even while on set. We support the caring for our young adults and keiki, especially infants, while in a dynamic working environment for productions.

Sincerely,



T. George Paris
Managing Director

TGP: MP



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: February 4, 2021

To: Senate Committee on Labor, Culture and the Arts
Hawaii State Capitol, 415 South Beretania Street, Conference Room 225
Hearing Date/Time: Friday, February 5th, 3:00PM

Aloha, Chair Taniguchi, Vice Chair Ihara, and Members of the Senate Committee –

The IATSE Local 665 **SUPPORTS SB 670** which seeks to require the employment of a Studio Teacher when minors are working in theatrical employment and a Registered Nurse for children under one-year old.

We recommend the following amendments to Page 4:

AMEND Line 3-4, Section 2: The minor shall be accompanied by a parent or guardian and a studio teacher ~~or nurse~~.

AMEND Line 5-9, Section 3: When a minor who is under the age of one year is on set, a nurse certified in basic life support shall **also be hired to** accompany, supervise, and advocate on behalf of the infant to ensure the employer's compliance with this section."

IATSE Local 665 represents the Hawai'i crew who work behind the scenes on TV series, motion pictures and stage, including Studio Teachers and Registered Nurses.

We feel strongly that a Studio Teacher must be present whenever Hawai'i minors are employed for theatrical purposes. Currently, there is no such requirement in Hawaii, and we support the following:

- Require a Studio Teacher be employed **every day** that a child is working for an employer who has a variance and a Registered Nurse for children under one year-old.
- 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**.
- Require a 1:10 Studio Teacher to child ratio.

In addition, California and Georgia Labor Law requires a teacher be hired every day that a minor is working on the set, and we feel Hawai'i minors should receive the same level of education and protection.

A film set is a very fast-paced, sometimes dangerous, adult 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 often treated as adults simply because it is an adult atmosphere. A Studio Teacher is professionally trained to keep the child safe, schedule breaks so the child is rested and provides guidance for the child and their guardians. Now with the onset of the coronavirus, Studio Teachers must ensure the children and their guardians adhere to the rigorous COVID-19 safety protocols.

Please consider the benefits to having a Studio 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.
- 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 school. An on-set teacher will help the child stay on track with missed homework and provide educational activities for the children. 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 Hawai'i 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 Studio Teacher has the authority to intercede and question any situation deemed unsafe or inappropriate.

- The State will not incur any cost 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.

The Screen Actors Guild-American Federation of TV and Radio Artists (SAG-AFTRA) requires a Studio Teacher on set when a child actor works three consecutive days or more. We feel that having a child unsupervised for even one day is unacceptable. At times, production companies have adjusted their schedules to avoid adhering to the three-day rule to circumvent 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 with more information: <http://www.thestudioteachers.com/> and the Hawai'i Child Labor Law checklist that Studio Teachers need in order to comply with the State's variance: https://labor.hawaii.gov/wsd/files/2012/12/eHCLL-3_rev1-13.pdf

In conclusion, we request the employment of a Studio Teacher whenever a Hawai'i minor works, as well as a Registered Nurse for babies under one, to ensure the safety, education and welfare of our keiki.

Respectfully submitted,



Irish Barber
Business Representative
(808) 479-1770 Mobile
Email/Zoom: alohairish@iatse665.org

mt4hawaii@gmail.com

From: mt4hawaii@gmail.com
Sent: Thursday, February 4, 2021 6:52 AM
To: mt4hawaii@gmail.com
Subject: SB670 Support Testimony

"Aloha Chair Taniguchi, Vice-Chair Ihara, and Members of the Senate Committee.

My name is Mariann Tesauro. I'm a member of IATSE Local 665, the union behind Entertainment. We strongly SUPPORT the intent of the bill that, if enacted, would allow minors to be employed in theatrical work, provided that the employer procures a valid certificate and is accompanied by a parent/guardian and a Studio Teacher and/or Registered Nurse.

It is imperative that minors employed in theatrical work are not only accompanied by their parent or guardian, but also by an advocate - specifically a Set Teacher - who is well versed in the nuances of the industry. Additionally, the need for a Registered Nurse to also accompany infants under the age of 1 (one) year old cannot be overstated. We strongly support the intent of this bill, while also suggesting the following amendments:

"AMEND: 3(2) – The minor shall be accompanied by a parent or guardian and a studio teacher ~~or nurse.~~

*AMEND: 5(3): When a minor who is under the age of one year is on set, a nurse certified in basic life support shall **also be hired to accompany, supervise, and advocate on behalf of the infant to ensure the employer's compliance with this section;**"*

This bill will protect and nurture Hawai'i's child performers by having a certified Studio Teacher with them every step of the way, and a nurse for infants.

Sincerely,

Mariann Tesauro

Member, IATSE Local 665"



MOTION PICTURE ASSOCIATION - AMERICA

Written Testimony of the Motion Picture Association – America

Senate Bill 670 - Support with Amendment

The Motion Picture Association – America (“MPA”), on behalf of its member companies, supports Senate Bill 670 with amendment. MPA’s members¹ are the leading producers and distributors of filmed entertainment content across all platforms, including theatrical motion pictures, broadcast, cable and satellite television, and streaming via the internet.

This bill is the reintroduction of H.B. 1959, which the MPA supported in 2020, along with our entertainment union partners – SAG-AFTRA and IATSE Mixed Local 665. This bill was agreed to and on a path to be enacted, but the COVID-19 global pandemic took priority. Both, S.B. 670 and H.B. 1959, set certain conditions for minors to work in theatrical employment, including motion picture and television production.

MPA’s members place a high priority on the safety of cast and crew, especially when it comes to child performers. The collective bargaining agreement that applies to motion picture and television production provides that a parent or guardian should be within sight and sound of the child performer at all times during production.

S.B. 670, like H.B.1959 from last year, provides some additional requirements to address the safety and education of child performers. For infants, both S.B. 670 and H.B.1959 require the production to provide a nurse for children under 1 year old, in addition to the presence of the parent or guardian. And in both S.B. 670 and H.B.1959, a studio teacher is required for those child performers who are school aged.

However, S.B. 670 differs from last year’s bill by requiring a studio teacher, in addition to a parent or guardian, to be present when a child performer is between the ages of 1 and 5, when there is no requirement of schooling.

MPA is in agreement with the requirement of having studio teachers on set for those child performers who are of school age. The education and well-being of school aged minors on set is extremely important.

¹ MPA-A member companies include: The Walt Disney Studios Motion Pictures; Netflix Studios, LLC; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Universal City Studios LLC; and Warner Bros. Entertainment Inc.

We understand that SAG-AFTRA and IATSE Mixed Local 665 support amending this bill so it reflects the language that was agreed to in H.B. 1959 with regard to parents accompanying minors age one up until school age and not requiring a studio teacher until the child performer is of school age.

With that amendment, MPA will support S.B. 670.

February 4, 2021

SB-670

Submitted on: 2/3/2021 10:44:23 AM

Testimony for LCA on 2/5/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pride at Work - Hawaii	Testifying for Pride @ Work - Hawaii	Support	No

Comments:

Aloha Senators,

Pride at Work - Hawai'i, a state-wide chapter of Pride At Work (a constituency group of the national AFL-CIO) and an affiliate of the Hawai'i State AFL-CIO, fully supports SB 670.

Mahalo,

Pride at Work - Hawai'i

SB-670

Submitted on: 2/3/2021 3:36:23 PM

Testimony for LCA on 2/5/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tuiaana Scanlan	Testifying for IATSE Local 665	Support	No

Comments:

Aloha Chair Taniguchi, Vice-Chair Ihara, and Members of the Senate Committee.

My name is Tuia'ana Scanlan. I'm the President of IATSE Local 665, the union behind Entertainment. We strongly SUPPORT the intent of the bill that, if enacted, would allow minors to be employed in theatrical work, provided that the employer procures a valid certificate and is accompanied by a parent/guardian and a Studio Teacher and/or Registered Nurse.

It is imperative that minors employed in theatrical work are not only accompanied by their parent or guardian, but also by an advocate - specifically a Set Teacher - who is well versed in the nuances of the industry. Additionally, the need for a Registered Nurse to also accompany infants under the age of 1 (one) year old cannot be overstated. We strongly support the intent of this bill, while also suggesting the following amendments:

“AMEND: 3(2) – The minor shall be accompanied by a parent or guardian and a studio teacher ~~or nurse~~.”

AMEND: 5(3): When a minor who is under the age of one year is on set, a nurse certified in basic life support shall **also be hired to** accompany, supervise, and advocate on behalf of the infant to ensure the employer’s compliance with this section;”

This bill will protect and nurture Hawai'i's child performers by having a certified Studio Teacher with them every step of the way, and a nurse for infants.

Sincerely,

Tuia'ana Scanlan, President, IATSE Local 665

SB-670

Submitted on: 2/3/2021 11:14:12 PM

Testimony for LCA on 2/5/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jay Paule	Individual	Support	No

Comments:

Aloha Chair Taniguchi, Vice-Chair Ihara, and Members of the Senate Committee.

My name is Jay Paule. I'm a member of IATSE Local 665, the union behind Entertainment. We strongly SUPPORT the intent of the bill that, if enacted, would allow minors to be employed in theatrical work, provided that the employer procures a valid certificate and is accompanied by a parent/guardian and a Studio Teacher

It is imperative that minors employed in theatrical work are not only accompanied by their parent or guardian, but also by an advocate - specifically a Set Teacher - who is well versed in the nuances of the industry. Additionally, the need for a Registered Nurse to also accompany infants under the age of 1 (one) year old cannot be overstated. We strongly support the intent of this bill, while also suggesting the following amendments:

“AMEND: 3(2) – The minor shall be accompanied by a parent or guardian and a studio teacher.

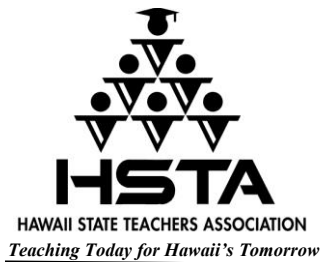
*AMEND: 5(3): When a minor who is under the age of one year is on set, a nurse certified in basic life support shall **also be hired to** accompany, supervise, and advocate on behalf of the infant to ensure the employer’s compliance with this section;”*

This bill will protect and nurture Hawai’i’s child performers by having a certified Studio Teacher with them every step of the way, and a nurse for infants.

Sincerely,

Jay Paule

Member, IATSE Local 665”



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

RE: SB 670 - RELATING TO THE EMPLOYMENT OF A MINOR

FRIDAY, FEBRUARY 5, 2021

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Taniguchi and Members of the Committee:

The Hawaii State Teachers Association **supports SB 670**, relating to the employment of a minor. This bill allows minors to work in theatrical employment provided that the employer procures a valid certificate and the minor is accompanied by a parent or guardian and a studio teacher or nurse. Requires a nurse certified in basic life support to accompany, supervise, and advocate on behalf of an infant when an infant under the age one is on set. Requires a studio teacher to accompany and supervise minors who have attained the age of five years and are required to attend school. Defines "nurse" and "studio teacher". Takes effect 1/1/2022.

Among other safety precautions, this bill requires a studio teacher, who is licensed in the state of Hawaii, through HTSB, or by the equivalent teacher-credentialing agency in the minor's home state, 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.

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

"Aloha Chair Taniguchi, Vice–Chair Ihara, and Members of the Senate Committee.

My name is Chane Makita. I'm a member of IATSE Local 665, the union behind Entertainment. We strongly SUPPORT the intent of the bill that, if enacted, would allow minors to be employed in theatrical work, provided that the employer procures a valid certificate and is accompanied by a parent/guardian and a Studio Teacher and/or Registered Nurse.

It is imperative that minors employed in theatrical work are not only accompanied by their parent or guardian, but also by an advocate – specifically a Set Teacher – who is well versed in the nuances of the industry. Additionally, the need for a Registered Nurse to also accompany infants under the age of 1 (one) year old cannot be overstated. We strongly support the intent of this bill, while also suggesting the following amendments:

"AMEND: 3(2) – The minor shall be accompanied by a parent or guardian and a studio teacher or nurse.

AMEND: 5(3): When a minor who is under the age of one year is on set, a nurse certified in basic life support shall also be hired to accompany, supervise, and advocate on behalf of the infant to ensure the employer's compliance with this section;"

This bill will protect and nurture Hawai'i's child performers by having a certified Studio Teacher with them every step of the way, and a nurse for infants.

**Sincerely,
Chane Makita**

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
www.labor.hawaii.gov

ANNE PERREIRA-
EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY

February 5, 2021

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

Date: Friday, February 5, 2021
Time: 3:00 p.m.
Place: Conference Room 225, State Capitol

From: Anne Eustaquio, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 670 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, and add a new subsection to section 390-2, which:

- Permits minors to be employed in theatrical employment,
- Requires a parent or guardian to accompany all minors under the age of 17 while on set,
- Requires a nurse certified in basic life support to accompany, supervise, and advocate on behalf of a minor under the age of one,
- Requires a studio teacher to accompany and supervise minors ages 5 through 17,
- Requires that a studio teacher not supervise more than ten minors whenever a variance to the allowable work hours is granted.

A nurse is defined to not include the minor's parent or legal guardian and is a person who is a registered nurse or advance practice registered nurse licensed under chapter 457, HRS. A Studio teacher is defined to not include the minor's parent or guardian and is a person designated by the employer and who holds a valid license issued by the Hawaii Teacher Standards Board (HTSB) or by the equivalent teacher-credentialing agency in the minor's home state.

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 registered nurse, advance practice registered nurse, or 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 employed in theatrical employment.

§12-25-23 Hours and conditions of employment, Hawaii Administrative Rules (HAR), allows variances to work hours upon the employer demonstrating good cause, which includes practical difficulties and undue hardship by the employer in complying with the work hour restrictions.

A certificate of employment is required for 14- and 15-year-old minors as well as for minors under 14 years old before employment in theatrical employment under circumstances and conditions prescribed by the Director in the HAR (§12-25-22, 12-25-23, and 12-25-24).

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, 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 schoolwork are satisfactory. When the minor's schoolwork or attendance is not satisfactory, DLIR cannot issue the certificate of employment and the application is denied.

A certificate of age is valid only when accompanied by an approved proof of age document, which are both presented to the employer at the time of hire. No promise of a job is needed to obtain this certificate.

III. COMMENTS ON THE SENATE BILL

Page 4, lines 1-2, requires employers of minors engaged in theatrical employment to procure and keep on file a valid certificate of employment. Section 390-2(b), HRS, permits minors ages 16 to 17 to be employed under certain circumstances provided the employer records and keeps on file the number of a valid certificate of age. Section 390-2(c), HRS, permits minors ages 14 to 15 to be employed under certain hours and employment restrictions provided the employer procures and keeps on file a valid certificate of employment.

This bill, as drafted, requires minors ages 16 and 17 to obtain a certificate of employment when engaged in theatrical employment, and a certificate of age when engaged in non-theatrical employment. Employers, parents, and minors may be confused as to which type of child labor certificate is required for the minor's employment situation.

The DLIR suggests inserting “under sixteen years of age” after “A minor” (page 3, line 19) to clarify theatrical provisions for minors under sixteen years of age.

Page 4, lines 19-21 states that the purpose of the studio teacher is to ensure the employer’s compliance with this section and applicable rules adopted by the department. The enforcement authority of Chapter 390, HRS, is the Director of Labor and Industrial Relations, and labor law enforcement specialists designated by the Director to ensure compliance with the law. Therefore, the department suggests the following language for substitution in the proposed (4)(B):

A studio teacher shall accompany, teach, and attend to the health, safety, and well-being of the minor, and

This bill, as drafted, requires a studio teacher to accompany and supervise a minor whenever a minor who is required to attend school is engaged in theatrical employment. Under section 390-1, HRS, “theatrical employment” means gainful occupation as a model, dancer, singer, musician, entertainer or motion picture, television, radio, or theatrical performer.

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. The DLIR also issues theatrical employment certificates for minors engaged in other types of theatrical performances. For example, a company may hire a minor as a model to appear in a print ad, or a luau company may hire keiki dancers to perform in their dinner luau show. These minors may work 1 to 2 hours then leave to go home.

The bill also requires a studio teacher to hold a valid license issued by the HTSB or by the equivalent teacher-credentialing agency in the minor’s home state. DLIR has concerns that it may be difficult for the department to verify the validity of licenses issued by out-of-state teacher-credentialing agencies.

Section 12-25-22, HAR, requires that while the minor is working, 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. The DLIR supports adding this requirement to the statute.

February 4, 2021

Committee on Labor, Culture and the Arts
Chair Taniguchi
Vice Chair Ihara

The Senate
The Thirtieth-First Legislature
Regular Session of 2021

RE: SB 670 - RELATING TO THE EMPLOYMENT OF A MINOR
DATE: Friday, February 5, 2021, TIME:3:00 PM, PLACE: Conference Room 325
State Capitol 415 South Beretania Street, Honolulu HI
VIA Videoconference

Aloha Chair Taniguchi, Vice Chair Ihara, and members of the Committee,

We support the goals of this measure, and thank the committee for incorporating our proposed amendments from the last legislative session. We support the proposed amendments suggested by our industry partners and defer to the department of labor and their recommendations.

[SAG-AFTRA](#) represents over 1100 actors, recording artists, and media professionals in our state. We are the professional performers working in front of the camera and behind the microphone.

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](#). Additionally, here is a link to our [Young Performer's Handbook](#).

Mericia Palma Elmore, Executive Director
SAG-AFTRA Hawaii Local
mericia.palmaelmore@sagaftra.org
201 Merchant St. Suite 2301
Honolulu, HI 96813
Ph: 808-596-0388 Fax: 808-593-2636

SCREEN ACTORS GUILD - AMERICAN FEDERATION OF
TELEVISION AND RADIO ARTISTS
SAGAFTRA.org
Associated Actors & Artistes of America / AFL-CIO

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. We are grateful this measure addresses that issue.

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