

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



SCOTT T. MURAKAMI
DIRECTOR

ANNE E. PERREIRA-EUSTAQUIO
DEPUTY DIRECTOR

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

830 PUNCHBOWL STREET, ROOM 321

HONOLULU, HAWAII 96813

www.labor.hawaii.gov

Phone: (808) 586-8844 / Fax: (808) 586-9099

Email: dlir.director@hawaii.gov

February 24, 2020

To: The Honorable Sylvia Luke, Chair,
The Honorable Ty J.K. Cullen, Vice Chair, and
Members of the House Committee on Finance

Date: Monday, February 24, 2020

Time: 11:00 a.m.

Place: Conference Room 308, 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 proposal amends 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. The studio teacher shall not be the minor's parent or guardian, and 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 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, DLIR cannot issue the certificate of employment and the application is denied.

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 health, safety or well-being of the minor.

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. DLIR supports this proposal that requires an on-set teacher be present.

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



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

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

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
FINANCE

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

MONDAY, FEBRUARY 24, 2020

COREY ROSENLEE, PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Luke and Members of the Committee:

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.



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: February 22, 2020

To: The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair and
Members of the House Committee on Finance

Re: HB 1959: Relating to the Employment of a Minor

Aloha, Chair Luke, Vice Chair Cullen and Committee Members –

Mahalo for hearing this bill. We SUPPORT having a Studio Teacher or Registered Nurse to care for and supervise minors who 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 the 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 lines, exercise and calm or counsel the children if they are nervous about something.

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 a Studio Teacher every day a child is working, and we would like the same attention and protection given to the children in Hawai'i.

We have worked with DLIR, SAG-AFTRA, and MPAA on agreeable language – to include:

- Defining a theatrical minor as someone who is 18-years old or younger.
- Requiring a certified registered 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.

There is no cost to the teacher to register with HTSB, and there is no cost to the State that we are aware of. We appreciate your help in keeping our children safe. Please pass HB 1959.

Respectfully,

Irish Barber
Business Representative
(808) 479-1770 Mobile

501 SUMNER STREET #605 • HONOLULU, HAWAII 96817 • 808-596-0227 • FAX 808-591-8213 • www.IATSE665.org

HB-1959-HD-1

Submitted on: 2/22/2020 11:47:22 AM

Testimony for FIN on 2/24/2020 11:00:00 AM

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

Comments:

Aloha, Chair Luke, Vice Chair Cullen and Members of the Committee:

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. A film set and stage is a very adult and dangerous environment. There are electrical cables running on the ground, vehicles moving, set pieces hanging overhead, and large cases and equipment being moved around the work site. Children need a Studio Teacher dedicated to supervising and educating them and adhering to the labor laws for minors.

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. 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,

Waipakawiwoole Parker

Honolulu

Oahu

HB-1959-HD-1

Submitted on: 2/22/2020 10:24:10 PM

Testimony for FIN on 2/24/2020 11:00:00 AM

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

Comments:

Aloha, Chair Luke, Vice Chair Cullen and Members of the Committee:

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

We implore you to require a Studio Teacher be employed any time a Hawai'i minor is working in theatrical employment. Film sets are inherently hazardous work environments. Varying climate/weather, heavy equipment, grueling hours, and a demanding pace make for a potentially dangerous work space. On set Studio Teachers are dedicated to the supervision and education of young actors. They are there to advocate on the child's behalf and to keep them safe. We merely ask that you to make it a requirement in our State.

On set, 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. There is no cost to the teacher for registering as "On Set". There is no cost to the State that we are aware of.

Our children deserve attention, education, and protection.

Submitted respectfully,

Tuia'ana Scanlan

President, IATSE Local 665

Honolulu, O'ahu

HB-1959-HD-1

Submitted on: 2/22/2020 6:24:54 AM

Testimony for FIN on 2/24/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kengy Gramberg	Union Local 665 IASTE	Support	No

Comments:

February 22, 2020

I've seen many children come in and when they are sitting on the side waiting to do their rolls. They are either on their phones, laptops or some kind of tablet playing video games or other non-educational topics. Knowledge is key here and I support this bill. These kids need to be studying on their down time and to have a instructor with them on set will at least keep them up to par on what they're actually missing in an education facility/school.

Mahalo,

Kengy Gramberg

HB-1959-HD-1

Submitted on: 2/23/2020 12:39:47 PM

Testimony for FIN on 2/24/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Jeppeson	Local 665	Support	No

Comments:

HB-1959-HD-1

Submitted on: 2/22/2020 7:18:15 AM

Testimony for FIN on 2/24/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
justin anderson	IATSE 665	Support	No

Comments:

Aloha, Chair Luke, Vice Chair Cullen and Members of the Committee:

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. A film set and stage is a very adult and dangerous environment. There are electrical cables running on the ground, vehicles moving, set pieces hanging overhead, and large cases and equipment being moved around the work site. Children need a Studio Teacher dedicated to supervising and educating them and adhering to the labor laws for minors.

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. 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,

Justin Anderson

Kailua

Oahu

From: [Tiffany Tavares](#)
To: [FINtestimony](#)
Subject: SUPPORTIVE testimony for HB1959 HD1 on Mon, 2/24/20, 11AM, Room 308"
Date: Saturday, February 22, 2020 2:49:50 PM

ALoha Chair Luke, Vice Chair Cullen and members of the committee,

I am Tiffany Tavares, The script Supervisor on the even episodes on Magnum P.I. . Please require a studio teacher to be present on set whenever a minor is working. Film sets are a very adult environment and can be a very dangerous place. There are often electrical cables running, moving set pieces, lots of heavy equipment and long hours. A studio teacher should be present to supervise, educate and make sure the labor laws pertaining to children are upheld. One studio teacher should be present for every 10 children on set.

Our children need attention, protection and education.

Sincerely,

Tiffany T. Tavares
IATSE Local 871 & IATSE Local 161 & Local 665
Script Supervisor
808-845-1465

HB-1959-HD-1

Submitted on: 2/21/2020 1:56:44 PM

Testimony for FIN on 2/24/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mariann Tesauro	Individual	Support	No

Comments:

Dear Chair Luke, Vice Chair Cullen and Members of the Finance 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, 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 a Studio Teacher, unlike other states where there are laws in place that mandate a Studio Teacher 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

Studio Teacher

IATSE Local 665

HB-1959-HD-1

Submitted on: 2/22/2020 8:33:24 AM

Testimony for FIN on 2/24/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael	Individual	Support	No

Comments:

I support HB1959 HD1

HB-1959-HD-1

Submitted on: 2/21/2020 3:02:24 PM

Testimony for FIN on 2/24/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Natasha Boteilho	Individual	Support	No

Comments:

Aloha Senators,

I am writing on behalf of my two younger daughters who recently were used as background actors on a recently filmed movie and who are new to the business.

I approve this bill because it will protect the interest and safety of my children and other minors on the show when their parents such as myself get separated from them, they need an advocate on their side.

My daughter was chosen as a background actor on Dec 12 for a motion picture filming on location at Nanakuli Beach Park. Being new to movie world, I didn't know what to expect. We checked in as well as other adults and young children about the same age as my 8-year-old daughter. We were told to sit around the area and wait until we were needed. There were two 12x12 pop up tents with windbreakers that were labeled dressing rooms. After standing around for an hour someone gave us permission to use those tents, there were no chairs. Mind you, the tents were situated near the road on hard coral ground. This is where about 10 children and 10-15 adults waited with no chairs or floor mats to sit on. Fortunately had a beach chair that my daughter sat on but other kids just stood or sat on their bags. About 2 hrs after check in we were moved closer to the beach/restrooms. At this new location there was 1 picnic table which was a first come, first used. Not one of our kids were offered a chair, bench or beach mat to sit on. Luckily the area offered shade and some of the adults offered their personal lavalavas (pareos) for the kids to use.

The movie production did offer clean working portable restrooms, lunch and security and were really nice and helpful and I am grateful for the experience. I just feel that the production company should provide a safe environment for the kids at all times. A designated safe place with table, chairs and outlet would go a long way for these kids working 8 hrs.

Mahalo for your time on this matter. Safety first and foremost. Please approve this bill.

Natasha Boteilho

HB-1959-HD-1

Submitted on: 2/22/2020 7:42:08 PM

Testimony for FIN on 2/24/2020 11:00:00 AM

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

Comments:

Dear Chair Luke, Vice Chair Cullen and Members of the Finance 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 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

TESTIMONY BEFORE THE HOUSE COMMITTEE ON FINANCE
RE: HB1959 HD1, RELATING TO THE EMPLOYMENT OF A MINOR

LATE

Aloha, Chair Luke, Vice Chair Cullen and Members of the Committee:

I work in the film industry as a paramedic, 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. A film set and stage is a very adult and dangerous environment. There are electrical cables running on the ground, vehicles moving, set pieces hanging overhead, and large cases and equipment being moved around the work site. Children need a Studio Teacher dedicated to supervising and educating them and adhering to the labor laws for minors.

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. 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 time and serious consideration.

Laurie Ann Opuulani Grace

Mililani Town

Oahu



LATE

February 22, 2020

Committee on Finance
Rep. Luke, Chair
Rep. Cullen, Vice Chair

The House of Representatives
The Thirtieth Legislature
Regular Session of 2020

RE: HB 1959, HDI - RELATING TO THE EMPLOYMENT OF A MINOR
DATE: Monday, February 24, 2020
TIME: 11:00 AM
PLACE: Conference Room 308
State Capitol 415 South Beretania Street, Honolulu HI

Aloha Chair Luke, Vice Chair Cullen, and the Members of the Committee,

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