

## **100. GUIDELINES – EMPLOYMENT OF MINORS**

The parties hereto, recognizing the special situation that arises when minors are employed, have formulated the following guidelines with respect to minors employed under this Code, to ensure that: 1) The performance environment is proper for the minor; and 2) the conditions of employment are not detrimental to the health, education, safety and morals of the minor.

It is the intent of this provision that the best interests of the minor be the primary consideration of the parent/guardian and the adults in charge of production, with due regard to the age of the minor.

The term "minor," as used herein, means any performer under the age of eighteen (18) years, except that it shall not include any such performer if (1) the performer has satisfied the compulsory education laws of the state governing the performer's employment; (2) the performer is married; (3) the performer is a member of the Armed Forces; or (4) the performer is legally emancipated, in which case it is agreed that both the Producer and the minor shall comply fully with the legal terms of the minor's emancipation.

### **A. Interviews and Tests:**

Calls for interviews and individual voice and photographic tests, fittings, wardrobe tests, make-up tests, production conferences, publicity and the like for children of school age shall be after school hours, provided such calls are completed prior to 8:00 p.m. Producer shall use its best efforts to assure that calls for such interviews and tests normally shall be limited to one (1) hour. Two (2) adults must be present at and during any such call involving a minor. Calls for actual production shall not be so limited.

### **B. Engagement:**

(1) Producer shall advise the parent/guardian of the minor of the terms and conditions of the employment (studio, location, estimated hours, hazardous work, special abilities required, etc.), to the extent they are known, at the time of the hiring.

(2) Prior to the first date of the engagement, parent/guardian shall obtain, complete and submit to the Producer or his representative the appropriate documents required by state and local law related to the employment of the minor. Producer agrees to cooperate with AFTRA in an effort to secure a more efficient handling of the issuance of working permits for children from the N.Y. Society for the Prevention of Cruelty to Children, and the Mayor's Office of the City of New York.

### **C. Work Hours:**

(1) The workday for a minor shall begin no earlier than 5:00 a.m. and shall end no later than 10:00 p.m. on evenings preceding school days. On evenings preceding non-school days the minor's workday shall end no later than 1:00 a.m. on the morning of the non-school day(s).

(a) Exceptions to "work hours":

(i) Where the Producer has obtained a waiver of the minor's work hours from the applicable state agency, AFTRA will be deemed to have granted an automatic waiver of this provision, in accordance with such state waiver.

(ii) AFTRA agrees to grant Producer's reasonable requests for waivers of the work hours provision.

#### D. Supervision:

- (1) The parent/guardian must be present at all times while a minor is working, and shall have the right, subject to production requirements, to be within sight and sound of the minor. The presence of the parent/guardian will not interfere with the production. The parent/guardian will not bring other minors not engaged by Producer to the studio or location.
- (2) The parent/guardian will accompany the minor to wardrobe, make-up, hairdressing and dressing room facilities. No dressing room shall be occupied simultaneously by a minor and an adult performer of the opposite sex. This restriction shall not apply to minors under three (3) years old.
- (3) Producer will provide a safe and secure place for minors to rest and play. The Producer agrees to supply cots during rehearsal for minor performers.
- (4) No minor shall be required to work in a situation which places the child in clear and present danger to life or limb. If a minor believes he or she to be in such a dangerous situation after having discussed the matter with his or her guardian or the stunt coordinator, if one is present, then the minor shall not be required to perform in such situation regardless of the validity of his or her belief.
- (5) When a Producer engages a minor, Producer must designate one (1) individual on each set to coordinate all matters relating to the welfare of the minor and shall notify the minor's parent/guardian of the name of such individual.
- (6) If a minor is at location, the minor must leave the location as soon as reasonably possible following the end of his or her working day.
- (7) Guardian, as that term is used in this Section, must be at least eighteen (18) years of age and be the minor's legal guardian or have the written permission of the minor's parent(s) to act as guardian.
- (8) Producer will comply with all applicable child labor laws governing the employment of the minor in broadcasting, and will keep a summary of said laws in the production office, if such summary is readily available.

#### E. Education:

Producer shall use its best efforts to ensure that the minor's education will not be neglected or hampered by the performer's employment and will comply with all applicable education laws.

If a minor is scheduled to work in the studio two (2) or more weekdays in a given week and on these days his or her work schedule is at least eight (8) hours each day and interferes with the performer's attendance at his/her regular school in a manner that precludes the performer from attending school for at least three (3) hours, then Producer shall provide the performer with sufficient study time, in periods of no less than twenty (20) minutes at any one time, so that performers will have had the opportunity to be in school and/or study for a total combined period of three (3) hours on each such day.

Any provision of this Paragraph which is inconsistent and less restrictive than any child labor law or regulation in applicable state or other jurisdiction shall be deemed modified to comply with such laws or regulations.

The provisions of this Paragraph shall prevail over any inconsistent and less restrictive terms contained in any other Paragraphs of this Code which would otherwise be applicable to the employment of the minor, but such terms shall be ineffective only to the extent of such inconsistency without invalidating the remainder of such Paragraphs.