

**RULES
OF
GEORGIA DEPARTMENT OF LABOR
INSPECTION—CHILD LABOR REGULATIONS**

**CHAPTER 300-7-1
CHILD LABOR—MINORS IN ENTERTAINMENT**

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300-7-1-.01 Definitions. Amended.

As used in this part, the following terms shall be in effect:

- (a) Employment - An association through performance or participation with any motion picture production company, theatrical group or association, broadcasting (radio and television) or photographic modeling agency whether or not monetary remuneration is provided.
- (b) Minor - Anyone under the age of 18 performing, participating, or employed in the field of entertainment.
- (c) Performance - Participation by a minor in any public presentation or exhibition.
- (d) Production - The creation of a work to be presented on stage, screen, video tape, audio tape, open air, runway modeling, or in still photographs. Production shall not include any play or production produced exclusively by a church or school.
- (e) Department - The Georgia Department of Labor and authorized representatives thereof.
- (f) Commissioner - The Commissioner of the Department of Labor or the Commissioner's designee.
- (g) Production or performance site - Any facility established by the employer from which minors are at the disposal of, or subject to call by the employer, whether or not physically located on the production set.
- (h) Tutor - a person certified as a tutor by the State Department of Education or who possesses a current certificate to teach in Georgia, or an individual who possesses a bachelor's degree in

education; or who meets the requirements of regulations promulgated by the State Department of Education.

(i) Child Labor Coordinator – a person within the production company on each project who shall be responsible for the coordination and safety of the minor's employment.

Authority O.C.G.A. Secs. 39-2-1, 39-2-18 and 39-2-19.

300-7-1-.02 Intent. Amended.

(1) Any ambiguity or questions of interpretation of rules shall be resolved in a manner providing the minor with the greatest protection possible.

(2) These rules shall apply to all minors employed in Georgia. Any minor from another state working in Georgia will be governed by these rules.

Authority O.C.G.A. Secs. 39-2-1, 39-2-18, and 39-2-19.

300-7-1-.03 Notification Requirements. Amended.

(1) Any person or entity employing or otherwise utilizing the services of a minor in any film production, video tape production, phonographic recording, stage production or other live performance shall notify the Department on an application form prescribed by the Commissioner of its intent to use such minors, in the following manner:

(a) If the employer has knowledge of the intent to use minors at least 5 days prior to production, notice shall be given no less than 5 working days prior to the beginning of the production.

(b) If the employer does not have knowledge of the intent to use minors 5 days prior to the production commencement, then notice must be given on the earliest date thereafter at which the employer has such knowledge.

(2) The application for individual minors shall:

(a) provide a general description of the tasks to be performed by each minor that is sufficient to allow the Department to determine the nature of the task to be performed.

(b) include anticipated length of participation by each minor;

(c) include the employer's valid worker's compensation information;

(d) provide any change of information as required in 300-7-1-.03(4)

(3) The employer will comply with Georgia child labor laws and regulations with the submission of the application.

(a) By submitting this notice, the Employer certifies, as to its employees, that the Child Labor Coordinator is 21 years or older and has completed a security background check ("SBC") to verify the individual has not been convicted of a crime of moral turpitude. This SBC consists of criminal county searches, federal searches, and verification or personally identifiable information. The Department's current SBC standards require that the Child Labor Coordinator's SBC reflects:

1. No felony conviction or “no lo contendere” or “no contest” plea within the preceding seven years for crimes of moral turpitude;
 2. No uncompleted deferred adjudication, probation, or parole for any felony (regardless of whether the conviction is within the preceding seven years);
 3. No identification as an active sex offender using an available sex offender database.
- (3) Upon receipt of the application(s), the Department will review the application for compliance with Georgia child labor laws and if determined necessary, conduct a visual inspection of the worksite(s).
- (4) Should changes occur in the aforementioned information or circumstances after consent has been granted, the employer shall immediately notify the Department of said changes.
- (5) In the specific case of episodic production, the Commissioner or the Commissioner’s designee may waive the notice required by 300-7-1-.03(1) per project to a single notice or the year that provides a sufficient summary of expected work for that year. However, should changes occur in the aforementioned information or circumstances after consent has been granted, the employer shall immediately notify the Department of said changes.

Authority O.C.G.A. Secs. 39-2-1, 39-2-2, 39-2-18 and 39-2-19.

300-7-1-.04 Educational Requirements. Amended.

- (1) Where any employment responsibilities of minors under 16 years of age require absences from regular school curriculum in excess of 2 consecutive calendar school days, an authorized tutor must be provided at the location of the production or performance.
- (2) The tutor shall be provided by the production or performance company, and neither the minor, nor the minor's family shall incur in part or whole the costs associated with the tutor.
- (3) Each minor shall be provided at least 3 hours of instruction per day. Such instruction shall be administered by the tutor.
- (4) Daily lesson plans shall be developed and maintained by the tutor, along with all assignments completed by the minor and a statement of attendance. These documents shall be turned over to the minor's local school officials no later than the end of the employment period.

Authority O.C.G.A. Secs. 39-2-1, 39-2-18 and 39-2-19.

300-7-1-.05 Hours of Participation. Amended.

- (1) **Infants aged between 15 days to 6 months:**
 - (a) May be at the place of employment for one period of 2 consecutive hours, which must occur
 1. Between 9:30 a.m. and 11:30 a.m. or
 2. Between 2:30 p.m. and 4:30 p.m.
 - (b) Actual work shall not exceed 20 minutes.

- (c) Infants shall not be exposed to light exceeding 100 foot-candles for more than 30 seconds at a time.
- (d) For each three or fewer infants aged 15 days to 6 weeks, a licensed child care provider and a nurse must be present.
- (e) For each ten or fewer infants aged 6 weeks to 6 months, a licensed child care provider and a nurse must be present.
- (2) Minors aged between 6 months to 2 years:**
 - (a) May be at the place of employment for up to 4 hours per day.
 - (b) May work up to 2 hours per day.
 - (c) The remaining time must be reserved for the minor's rest and recreation.
- (3) Minors aged between 2 years to 6 years:**
 - (a) May be at the place of employment for up to 6 hours per day.
 - (b) May work up to 3 hours per day.
 - (c) The remaining time must be reserved for the minor's rest and recreation.
- (4) Minors aged between 6 years to 16 years:**
 - (a) May be at the place of employment for up to 10 hours per day.
 - (b) May work up to 5 hours per day.
 - (c) The remaining time shall include
 1. One hour break for meals; and,
 2. One additional hour for rest and recreation; and,
 3. Three additional hours for tutoring.
- (5) If at any time a minor is present on a performance or production site for greater than 4 hours, one hour of rest and recreation must be provided.
- (6) Such additional breaks as may be required to insure the health, safety and well being of the minor shall be permitted. Any request for a break by a departmental representative, or Child Labor Coordinator, in the interest of the minor, must be granted.
- (7) During significant breaks in production or completion in production there shall be at least eight hours of rest between productions or performances and the minor's attendance of regular school hours.
- (8) In emergency situations the employer may petition the Commissioner of Labor to relax the hours of work limitations provided that consent has been given by the minor's parent or legal guardian.

Authority O.C.G.A. Secs. 39-2-1, 39-2-18, and 39-2-19.

300-7-1-.06 Guardianship and Child Labor Coordinator. Amended.

- (1) Employer shall designate a Child Labor Coordinator on each project or production who shall be responsible for the coordination and safety of the minor's employment.
- (2) All minors under the age of 6 years of age shall have a parent or legal guardian present at all time when the minor is on the site of the production or performance, including all times the minor is in wardrobe, make-up, or dress.

(3) All other minors aged between 6 years to 16 years must have a parent or legal guardian or the Child Labor Coordinator, with the written consent of the parent or legal guardian, present when the minor is on the site of the production or performance.

(4) Should the Commissioner or the Commissioner's designee determine that the employer is not acting in the minor's best interest, such consent may be suspended pending a hearing, upon receipt by employer of a written notice. During this time, the minor shall be removed from the activity until such time as the hearing is concluded. Such hearing will be conducted under the provisions of the Administrative Procedure Act.

Authority O.C.G.A. Secs. 39-2-1, 39-2-18 and 39-2-19.

300-7-1-.07 Safety Inspection of the Work Location. Amended.

(1) Prior to any minor working on a performance or production, the Employer will submit an application which includes a description of the work to be performed, the location and compliance with educational requirements. The Employer shall attest that all information is true and accurate. Upon review of the completed application, the Department will make a determination to approve or disapprove the application and timely notify the Employer, in writing of the determination.

(2) The employer will provide a copy of its valid Georgia Worker's Compensation insurance to the Department with the application.

(3) All performance or production sites in which a minor will be required to perform shall allow access to the following facilities for all minors:

(a) suitable restroom facilities;

(b) dressing rooms or other safe and suitable areas for the minors when not performing. Such dressing rooms may not be shared by members of different genders.

(c) adequate facilities for drinking water and food service;

(d) provisions available for administering first-aid to all minors. Emergency medical personnel must be on site during exterior or potentially hazardous settings in which minors will be participating.

(4) At the Department's sole and exclusive discretion the Department shall conduct on-site inspection as needed, without notice to Employer, to ensure the safety and well-being of the minor(s).

Authority O.C.G.A. Secs. 39-2-1, 39-2-2, 39-2-18 and 39-2-19.

300-7-1-.08 Conditions of Employment. Amended

(1) No minor in any production or performance shall be allowed to work in any location deemed hazardous under Official Rules and Regulations of the State of Georgia.

- (2) No minor shall be employed where the atmosphere, location, or place of employment is hostile or offensive to the generally accepted standards of this State or the community in which the minor is expected to perform.
- (3) No minor may be required, coerced, or otherwise permitted to pose or perform nude or partially nude in acts which are sexually explicit as defined by the Georgia Criminal Code, nor shall any minor be present on a set while adults are posing or performing nude or partially nude in acts which are sexually explicit as defined by the Georgia Criminal Code.
- (4) No scene involving minors may begin until a certificate for the employment of minors or permanent I.D. card has been issued.
- (5) At the time of application minors 16 and 17 years of age may request a permanent employment authorization valid until their 18th birthday. The cardholder shall be exempt from future "minors in entertainment application" filings and shall present said card to the employer as verification of age and authorization for employment. However, this shall not relieve the employer of notification requirements to the Department of Labor.
- (6) Upon determination by the Commissioner of Labor or the Commissioner's designee that provisions enumerated in all subparts herein have been met, a certificate of consent or permanent I.D. card shall be issued. Certificates or permanent I.D. cards shall be issued for each minor to be employed and shall specify validity periods.
- (7) It shall be the responsibility of the employer to insure compliance with the Official Code of Georgia Annotated and Official Rules and Regulations of the State of Georgia with regard to minors in entertainment.
- (8) At the discretion of the Commissioner or his the Commissioner's designee, an extension of participation may be granted upon written request of the employer if the conditions upon which the consent was initially granted have not materially changed.
- (9) The Commissioner or the Commissioner's designee shall be permitted to be on the site for verification during all times in which any minor was employed.

Authority O.C.G.A. Secs. 39-2-1, 39-2-2, 39-2-18 and 39-2-19.

300-7-1-.09 Withdrawal of Consent. Amended.

- (1) Should the conditions upon which the Commissioner relied in granting consent, in the Commissioner's opinion, deteriorate to the detriment of a minor, such consent may be rescinded upon notifying the employer of the effective date of such actions and the basis thereof.
- (2) The Commissioner may, upon request by the employer or any other aggrieved party, consent to an informal hearing in the Commissioner's office or any appropriate place selected by the Commissioner where the employer or any other aggrieved party may present evidence in support of a contrary position. The Commissioner may, based upon evidence so presented, reverse the original position and reissue consent for such minor to continue in the performance of his employment.

Authority O.C.G.A. Secs. 39-2-1, 39-2-18, and 39-2-19.

300-7-1-.10 Exemption Application. Amended.

(1) Non-profit theatrical organizations exempt from the payment of federal taxes under the Internal Revenue Code of 1954, as amended, may file a written petition with the Commissioner of Labor for a certificate to allow the organization to utilize minors within their productions without the necessity of a Certificate of Consent for the Employment of Minors.

(2) The petition shall include at a minimum:

(a) a description of the activities and types of productions in which minors will be involved;

(b) attestation of tax exempt status;

(c) assurance that the conditions for participation of minors in entertainment set forth in OCGA Section 39-2-18(b) shall be observed.

(3) In the sole discretion of the Commissioner or the Commissioner's designee, a permanent blanket certificate may be issued to the organization, based upon an evaluation of the petition.

(4) If the exemption certificate is granted, the organization shall be relieved of compliance responsibilities with the portions of the Official Rules of Georgia related to the notification requirements and the certificate for employment of minors. Exemptions granted to organizations relieving them of the requirement relative to certificates of consent are not to be construed as relieving said organizations from compliance with any State or local laws, rules and ordinances under which they are subject or may become subject at a subsequent date.

(5) If at any time thereafter the conditions upon which the certificate was granted should substantially change or if as a result of an investigation by the Department of Labor, the organization should be found in violation of OCGA Section 39-2-18 (b), the certificate shall be revoked for a period of not less than one year during which time the employer shall be subject to the full application and certification process for each minor employed or otherwise engaged in any theatrical production by the organization.

Authority O.C.G.A. Secs. 39-2-1, 39-2-18, and 39-2-19.