



GEORGIA DEPARTMENT OF LABOR

148 ANDREW YOUNG INTERNATIONAL BLVD., N.E. ♦ ATLANTA, GEORGIA 30303-1751

MARK BUTLER
COMMISSIONER

NOTICE OF AMENDMENTS TO INSPECTION-CHILD LABOR (Notice 2015—001)

TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4 and pursuant to the authority contained in O.C.G.A. § 34-8-70, the Georgia Department of Labor gives notice that it proposes:

- To amend Rules 300-7-1-.04 Educational Requirements. Amended.; 300-7-1-.09 Withdrawal of Consent. Amended.; and 300-7-1-.10 Exemption Application. Amended. under the authority of O.C.G.A. §§ 39-2-1, 39-2-18 and 39-2-19.
- To amend Rules 300-7-1-.08 Conditions of Employment. Amended. and 300-7-2-.03 Place of Employment. Amended. under the authority of O.C.G.A. §§ 39-2-1, 39-2-2, 39-2-18 and 39-2-19.
- To repeal Rule 300-7-2-.04 Employment Certificates. under the authority of O.C.G.A. § 39-2-19.

Attached with this notice are synopses and exact copies of the proposed amendments to the Rules.

To provide the public an opportunity to comment upon and provide input into the formulations of the amendments, a public hearing will be held at 10:00a.m. on Tuesday, June 30, 2015, in Room 101 A of the Department headquarters at the address below. An exact copy of the synopses and rules are available on the Department's website at dol.state.ga.us.

The Department must receive all comments regarding the amendments of the above referenced Rules from interested persons and parties no later than the closing of the hearing on Tuesday, June 30, 2015. Oral statements presented at the hearing must be concise to permit all interested persons an opportunity to be heard. Written comments must be sent to the Georgia Department of Labor, Attn: Legal Services, Suite 600, 148 Andrew Young International Blvd., NE, Atlanta, Georgia 30303. Electronic comments must be sent to reg-comment@gdol.ga.gov. Facsimile comments must be sent to (404) 232-7398. Please reference AMENDMENTS TO INSPECTION-CHILD LABOR RULES on all comments.

Date: May 29, 2015

BROOKE LUCAS
CHIEF OF STAFF
GEORGIA DEPARTMENT OF LABOR

SYNOPSIS

**RULES
OF
GEORGIA DEPARTMENT OF LABOR**

**CHAPTER 300-7
INSPECTION-CHILD LABOR REGULATIONS**

- Revised Rules to reflect current employment law, workforce conditions, and technology
- **300-7-1-.04 Educational Requirements. Amended.**
 - Amended to reflect that tutors are only required when school is in session.
- **300-7-1-.08 Conditions of Employment. Amended.**
 - Revises language to reflect current laws and standards.
 - Struck all existing language for ease and reordered to clarify the duties of the minor and the employer.
 - Clarifies that the employer has the duty to obtain the minor's certificate for the employment of minors in entertainment.
 - Removes permanent ID cards and permanent employment authorizations to reflect revisions to O.C.G.A. § 39-2-11 in HB 366.
 - Adds provision that Commissioner or Commissioner's designee may in their discretion revoke a certificate for the employment of minors in entertainment.
- **300-7-1-.09 Withdrawal of Consent. Amended.**
 - Amended to allow Commissioner's designee to act on behalf of the Commissioner to withdraw consent.
- **300-7-1-.10 Exemption Application. Amended.**
 - Minor language revisions stipulating that the Department is to be notified immediately if the conditions upon which a permanent certificate exempting nonprofit theatrical organizations from being required to obtain a certificate for employment of minors substantially change.
- **300-7-2-.03 Place of Employment.**
 - Minor language revisions to be consist with Department Rules.
- **300-7-2-.04 Employment Certificates. Repealed.**
 - Repealed because revisions to O.C.G.A. § 39-2-11 in HB 366 made this Rule obsolete.

**RULES
OF
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INSPECTION – CHILD LABOR REGULATIONS**

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

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300-7-1-.04 Educational Requirements. Amended.
300-7-1-.08 Conditions of Employment. Amended
300-7-1-.09 Withdrawal of Consent. Amended.
300-7-1-.10 Exemption Application. Amended

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 from the regular school curriculum that the minor attends, then the minor shall receive at least 3 hours of instruction per day from 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)~~(3) 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-.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.~~

(1) A minor, as defined in O.C.G.A. § 39-1-1, shall not:

(a) begin entertainment work until a certificate for the employment of minors in entertainment has been issued by the Department;

(b) work in any location deemed hazardous under Georgia Law or Department Rules;

(c) work where the atmosphere, location, or place of employment is hostile or offensive to the generally accepted standards of Georgia or the community in which the minor is expected to perform;

(d) 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.

(2) It shall be the responsibility of the employer:

(a) to obtain the certificate for the employment of minors in entertainment from the Department specifying the certificate's validity periods prior to the minor working.

(b) to ensure compliance with Georgia Law and Department Rules with regard to minors in entertainment;

(c) to permit the Commissioner of Labor or the Commissioner's designee be on the site during all times in which any minor is employed to verify employer's compliance with Georgia Law and Department Rules with regard to minors in entertainment.

(3) Within the discretion of the Commissioner of Labor or the Commissioner's designee the Commissioner or the Commissioner's designee may:

(a) issue a certificate for the employment of minors in entertainment upon determining that the provisions enumerated in all subparts herein have been met;

(b) revoke a certificate for the employment of minors in entertainment;

(c) grant, upon written request of the employer, an extension of participation if the conditions upon which the consent was initially granted have not materially changed;

(d) be on the site during any time in which any minor is employed to verify employer's compliance with Georgia Law and Department Rules.

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, or the Commissioner's designee, relied in granting consent, deteriorate to the detriment of a minor in the Commissioner's opinion of the Commissioner or the Commissioner's designee, ~~deteriorate to the detriment of a minor,~~ such consent may be rescinded by the Commissioner or the Commissioner's designee by ~~upon~~ notifying the employer, in writing, of the effective date of such actions and the basis thereof.

(2) The Commissioner or the Commissioner's designee may, upon request by the employer or any other aggrieved party, consent to an informal hearing by telephone, ~~in the Commissioner's~~

~~office~~ or any appropriate place selected by the Commissioner or the Commissioner's designee 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 or her 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~~ Nonprofit 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~~ certificate for 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~~ O.C.G.A. 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 discussed in paragraph 1 of this Rule.

(4) If the exemption certificate is granted, the organization shall be relieved of compliance responsibilities with the portions of ~~the Official Rules of Georgia-Georgia Law or Department Rules~~ 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 and the Department is not immediately notified of the changes or if as a result of an investigation by the Department of ~~Labor~~, the organization should be found in violation of ~~OCGA~~ O.C.G.A. 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. Administrative

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**CHAPTER 300-7-2
CHILD LABOR – HAZARDOUS OCCUPATIONS**

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- 300-7-2-.03 Place of Employment. Amended.**
300-7-2-.04 Repealed. Employment Certificates.

300-7-2-.03 Place of Employment.

(1) No minor ~~in~~ shall be allowed to work for a firm, person or corporation at any location or job deemed hazardous under ~~Official Rules and Regulations of the State of Georgia~~ Georgia Law or Department Rules.

(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.

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

300-7-2-.04 Repealed. Employment Certificates.

~~No Minors between 12 and 16 years of age shall be employed or permitted to work, unless, pursuant to O.C.G.A. § 39-2-11 a certificate is issued by the appropriate issuing officer school administration, or as provided under O.C.G.A. § 20-2-690(e)(6) for minors in an approved home study course.~~

Authority O.C.G.A. Sec. 39-2-19.