

## MINUTES OF EMERGENCY MEETING

### Wage and Hour Commission

Wednesday, July 28, 2004  
10<sup>th</sup> Floor, Portland State Office Building  
Room 1045  
800 NE Oregon Street  
Portland, Oregon

#### 1. CALL TO ORDER

The emergency meeting of the Wage and Hour Commission was called to order at 3:00 PM.

#### 2. ROLL CALL

##### Members Present (Via Conference Call):

Jeff Anderson, Chair  
John Fyre  
Kathy Nishimoto

##### Staff Present:

Christie Hammond, Administrator, Wage and Hour Division (WHD)  
Marge Phelps, Operations Support Manager, WHD  
Karen Gernhart, Administrative Specialist, Child Labor Unit, WHD

##### Attendees:

Laure Stevens, @radical.media  
Tom Blinn, Daily & Associates Advertising  
Tony O'Sceiki, Daily and Associates Advertising  
Rick Tavlan, American Honda Advertising  
Colin Fogerty, Oregon Public Broadcasting

#### 3. NEW BUSINESS

##### a. Temporary Rule Pertaining to the Employment of Minors in the Entertainment Industry

Christie Hammond presented the following information as background for the need for an emergency meeting of the commission to consider adoption of a temporary rule:

On July 26, 2004, @radical.media, a California production company, faxed to BOLI an Application for Short Term Employment of Minors in the Entertainment Industry, requesting to employ ten minors ages 8-13 for three days in a "Honda" commercial beginning at 6:00 AM Friday on July 30, 2004. The application listed "riding motorcycles" among the duties to be performed by the minors.

Upon review of the applicable child labor rules pertaining to the employment of minors generally and in the entertainment industry, BOLI determined that the employment of minors under 16 years of age in "motor vehicle" occupations was prohibited. BOLI also concluded that there was no process or ability for the commission to make exceptions to this (or other) prohibited occupations.

Following discussions between Labor Commissioner Gardner, the Governor's Office, and the Oregon Film and Video Office, it was agreed to call an emergency meeting of the Wage and Hour Commission to consider adoption of a temporary rule which would provide the ability for the commission to make exceptions to the prohibited occupations provisions under specific circumstances and conditions in the entertainment industry only.

A draft temporary rule was emailed to Commissioners Fyre and Nishimoto (and was read to Commissioner Anderson over the telephone) prior to the meeting.

After discussion, Commissioner Nishimoto moved that the temporary rule be adopted as presented. Commissioner Fyre seconded the motion, and the draft temporary rule was unanimously adopted.

b. Application for Short Term Employment of Minors in the Entertainment Industry/  
Request for Exemption from Prohibited Occupations

Following adoption of the temporary rule, representatives of @radical.media, Daily and Associates Advertising, and American Honda Advertising described the proposed employment of minors for a Honda commercial. Commissioner Nishimoto asked for information regarding precautions that would be taken to ensure the health and safety of the minors to be employed. Laure Stevens stated that the minors were all experienced in riding and would have full safety gear on at all times during the shoot. Tony O'Sceiki of Daily and Associates Advertising explained that the focus of the commercial would be on small sized recreational bikes used primarily for family riding, and said that the parents of the minors would be present. Ms. Stevens said that they planned to shoot the commercial in three locations; Mountainview Track in Sandy, the Mt. Hood area, and across the Columbia River in Washington. Commission Chair Anderson asked whether the state of Washington had approved

the employment of minors to ride motorcycles in that state. Ms. Stevens responded that they had received approval.

Christie Hammond inquired of Ms. Stevens whether they would need a work hours exception for the proposed employment. Ms. Stevens requested that the hours the minors be allowed to work be extended by one hour.

After discussion, the commission members agreed that it appeared that appropriate measures to ensure the health and safety of the minors to be employed would be provided. Based on the conditions required in the temporary rule previously adopted, the commission unanimously approved the employment of minors ages 8 – 13 to ride motorcycles in the Honda commercial as requested. The commission also unanimously approved the request for an hours waiver, permitting the children to be employed until 9:00 PM.

#### **4. ADJOURNMENT**

The meeting adjourned at approximately 3:45 PM.