



STATE WAGE AND HOUR LAWS APPLICABLE TO MINORS EMPLOYED IN THE ENTERTAINMENT INDUSTRY

This summary provides general information concerning the application of state wage and hour regulations to minors employed in the entertainment industry. Federal law provides an exemption from the federal child labor provisions for “any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions.” For more detailed information on this exemption, contact the U.S. Department of Labor Wage and Hour Division at (503) 326-3057.

MINIMUM WAGE/OVERTIME REQUIREMENTS

Non-exempt employees are entitled to the state minimum wage and overtime at a rate of at least one and one-half times their regular rate of pay for each hour worked in excess of 40 hours in a work week.

CHILD LABOR PROVISIONS/RESTRICTIONS

Employers who employ minors in the entertainment industry must first obtain an Employment Certificate or Permit from the Child Labor Unit of the Oregon Labor and Industries Wage and Hour Division. The type of Certificate or Permit required is determined by the age of the minor and duration of employment. Employers are required to verify the ages of minors hired, using an appropriate proof of age document (for example, driver's license, passport, or birth certificate). Employers must maintain a record of the birth date of minor employees.

There are additional document requirements for minors under one year of age. Minors under fifteen days of age may not be employed in the entertainment industry.

Minors 14-17 years of age employed in entertainment may work up to 11 hours per day, for no more than 6 consecutive days. Work may not begin before 5:30 a.m. or end after 12:30 a.m. (9:30 p.m. for 14 year-olds, 10:00 p.m. for 15 year-olds on “school nights”). Performers under 14 years of age will be restricted to those hours permitted for their age as prescribed in OAR 839-021-0335. *See chart on page 3.*

Employers may request a Special Hours Waiver when the contemplated employment will exceed the maximum hours permitted.

WORKING CONDITIONS

Meal periods of not less than 30 minutes must be provided to non-exempt employees who work six or more hours in one work period.

Paid rest periods of at least 15 minutes must be provided to minor employees during each four-hour period (or major portion) of work time.

Rest, recreation, and meal periods of up to 3 hours are required for minors under 14 years of age as prescribed in OAR 839-021-0335.

A minor must receive a 12-hour rest break at the end of the minor's working day and prior to the commencement of the minor's next day of work or attendance at regular school.

An average of 3 hours of instruction must be provided to minors under 16 years of age, missing more than 5 days of school (Grade 1 or above).

TYPICAL PROBLEMS

All Permits and Certificates must be obtained before the minor is required to report to work.

Any makeup, hairdress, wardrobe and rehearsal time as required by the employer, as well as transportation between the employer's studio (or location headquarters) and any location, are all hours of work and must be recorded and paid.

The permitted start and end times, length of workday, and rest, recreation, meal and instruction requirements may vary based on the minors age, and if school is in session. These requirements are prescribed in OAR 839-021-0335. *See chart on following page.*

TYPES OF CERTIFICATES AND PERMITS

Annual Employment Certificate – For employers employing minors *14-17 years of age* for any duration.

Short-Term Permit – For employers employing 10 or more minors of *any age* in the entertainment industry, for fewer than 5 days. This replaces the need for an Employment Certificate and other Employment Permits.

Under 14 Permit – For the employment of minors *under 14 years of age* in the entertainment industry, for more than 5 days, or for types of productions not covered by the Registration to Employ Minors.

Annual Registration to Employ Minors – For employers employing minors of *any age* in the entertainment industry, in more than one production, in "short term" employment (5 days or fewer). The registered employer is required to provide 24-hour notice with details of the proposed employment as prescribed in OAR 839-021-0320. This replaces the need for an Employment Certificate or other Employment Permits. Limited to employment in connection with the production of commercial advertising; education, training, or institutional purposes; or documentaries.

PERMIT REQUIREMENTS FOR DURATION AND TYPE OF PRODUCTION (for minors not covered by Annual Employment Certificate for Minors 14-17)

Number of Minors	5 Days or Fewer	More than 5 Days	Registered Employers (5 days or fewer)
Fewer than 10	Individual Under 14 Permits	Individual Under 14 Permits	24-hour notice with details
10 or more	Short Term Permit	Individual Under 14 Permits	24-hour notice with details

PERMITTED HOURS FOR MINORS EMPLOYED IN THE ENTERTAINMENT INDUSTRY

(For general information only. Refer to OAR 839-021-0335 for details.)

School OUT of Session (or minor under school age)									
Ages	Hours	Rest/Rec & Meal	Start	End					
15 Day to 6 Mo	2	1 h 40 m	9:00 a	4:30 p	Minors under 15 days not permitted to work.				
6 Mo to 12 Mo	4	2	7:00 a	6:30 p	Minors under one year with required docs.				
1 year	5	2 h 30 m	7:00 a	6:30 p	School IN Session				
2 years	6	3	7:00 a	6:30 p					
3 years	6	3	7:00 a	6:30 p					
4 years	7 (8 w/trnspt)	3	7:00 a	6:30 p	Hours	Rest & Meal	Start	End	Hours of Instr.**
5 years	7 (8 w/trnspt)	3	7:00 a	6:30 p	7	3 (incl rec)	7:00 a	6:30 p	n/a
5 yrs (Grade 1)	7 (8 w/trnspt)	3	7:00 a	6:30 p	7	1*	7:00 a	6:30 p	3
6 years	9	3	7:00 a	7:30 p	9	1*	7:00 a	7:30 p	3
7 years	9	3	7:00 a	7:30 p	9	1*	7:00 a	7:30 p	3
8 years	9	3	7:00 a	7:30 p	9	1*	7:00 a	7:30 p	3
9 years	9	3	7:00 a	9:00 p	9	1*	7:00 a	9:00 p	3
10 years	10	3	7:00 a	9:00 p	10	1*	7:00 a	9:00 p	3
11 years	10	3	7:00 a	9:30 p	10	1*	7:00 a	9:30 p	3
12 years	10	3	7:00 a	9:30 p	10	1*	7:00 a	9:30 p	3
13 years	10	3	7:00 a	9:30 p	10	1*	7:00 a	9:30 p	3
14 years	11	1*	5:30 a	9:30 p	11	1*	5:30 a	9:30 p	3
15 to 17 years	If School Night →				11	1*	5:30 a	10:00 p	3
15 to 17 years	11	1*	5:30 a	12:30 a	11	1* (if 16+)	5:30 a	12:30 a	3 (if 15)
* One 30 min meal, two 15 min breaks (three breaks if over 10 hour shift) ** If missing more than 5 days of school									

This summary is for general information only and does not represent a complete statement of the wage and hour regulations. For questions regarding how child labor laws apply to your business, contact BOLI Employer Assistance at (971) 361-8400 or employer.assistance@boli.oregon.gov. For questions about child labor permits and certificates, contact BOLI Child Labor at (971) 353-2289 or child.labor@boli.oregon.gov. For information regarding federal regulations, contact the U.S. Department of Labor, Wage and Hour Division at (503)326-3057.