

AGENCY #010.14

Mark-up Copy. Stricken language would be deleted from and underlined language would be added to the regulations as effective June 24, 2005

**ARKANSAS DEPARTMENT OF LABOR
CHILD LABOR REGULATIONS
LABOR STANDARDS DIVISION**

SECTION 1. Amend Regulation 2.402, dealing with hours and rest times for children employed in the entertainment industry, to read as follows:

2.402 Hours and Rest Time

(a) No child shall be permitted at the place of employment, except in compliance with the following:

(1) Children who have reached the age of fifteen (15) days, but have not reached the age of six (6) months, may be at the place of employment for a maximum of two (2) hours between the hours of 9:00 A.M. and 4:30 P.M. The day's work shall not exceed twenty (20) minutes, and under no circumstances shall the child be exposed to bright lights for more than thirty (30) seconds at any one time. When children under six (6) weeks of age are used, a nurse must be provided for each three children or fraction thereof. When children from age six (6) weeks to age six (6) months are used, one nurse must be provided for each ten (10) children or fraction thereof.

(2) Children who have reached the age of six (6) months, but have not reached the age of two (2) years may be at the place of employment for a maximum of four (4) hours per workday, with two (2) hours for work and two (2) hours for rest and recreation.

(3) Children who have reached the age of two (2) years, but have not reached the age of six (6) years may be at the place of employment for a maximum of six (6) hours per workday, with three (3) hours for work and three (3) hours for rest and recreation.

(4) Children who have reached the age of six (6) years, or older but have not reached the age of nine (9) years, may be at the place of employment a maximum of eight (8) hours per workday. ~~, with four (4) hours of work and four (4) hours for school, rest and recreation. On days school is not in session, working hours may be increased to six (6) hours with the consent of the child's parent or guardian and the prior approval of the Department. Requests for approval by the Department must be signed by the employer and the parent or guardian and submitted in writing at least two (2) working days prior to the time needed. Such eight (8) hour period shall consist of not more than four (4) hours of work, with four (4) hours for school, rest and recreation. On work days when the child performer's school is not in session, working hours may be increased to six (6) hours.~~

(5) Children who have reached the age of nine (9) years but who have not reached the age of fourteen (14) years, may be at the place of employment for a maximum of nine (9) hours per workday. Such nine (9) hour period shall consist of not more than five (5) hours of work, with four (4) hours for school, rest and recreation. On days when the child performer's school is not in session, working hours may be increased to seven (7) hours.

(6) Children who have reached the age of fourteen (14) years but who have not reached the age of sixteen (16) years, may be at the place of employment for a maximum of nine (9) hours per workday. Such nine (9) hour period shall consist of not more than eight (8) hours of work.

(7) School-age children may not be employed in violation of any state or local school attendance requirement applicable to the child.

(b) No child shall be required to report for work before ~~7:00~~ 5:30 A.M. No child shall be ~~required to work~~ at the place of employment later than ~~6:30~~ 10:00 P.M. The 10:00 P.M. restriction may be extended to 12:30 A.M. on nights preceding non-school days. Special requests for a child to work after 6:30 P.M. other hours may be granted by the Director for night exteriors shot as exteriors and live television, musical or theatrical performances after 6:30 P.M. or for other reasons. Each such request must be submitted in writing at least two (2) working days prior to the time needed.

(c) With the exception of children under six (6) months of age, all of the hours in which a child may be at the place of employment are exclusive of meal periods, which must be of at least one-half (1/2) hour, and no more than one (1) hour duration. In no event may a child be at the place of employment for a period longer than ~~five and one half (5 1/2)~~ six (6) hours without a meal break.

(d) A child shall receive a twelve (12) hour rest break at the end of his or her workday and prior to the commencement of his or her next day of work for the same employment. Special requests for a child to receive a ten (10) hour rest break may be granted by the Director for one-time performances, provided such requests are submitted in writing at least two (2) working days prior to the time needed.

(e) The time spent by children in rehearsals and in learning or practicing any of the arts, such as singing or dancing, for or under the direction of a motion picture studio, theater, or television studio, shall be counted as work time when such learning or practicing is connected with or is in contemplation of particular pictures or shows.

SECTION 2. Adopt Regulation 2.703 to read as follows:

2.703 Effective Date, Repealer, and History

(a) The effective date of these regulations is April 14, 1992.

(b) Regulation 2.501, dealing with hour restrictions for 16 and 17 year olds, was amended effective December 1, 2005.

(c) Regulation 2.402, dealing with hours and rest times for children employed in the entertainment industry was amended by emergency regulation effective September 6, 2011. Emergency regulations are effective for 120 days.

SECTION 3. EMERGENCY CLAUSE. The Arkansas Department of Labor finds that there is an imminent peril to the public health, safety, and welfare which requires the adoption of this amendment to its regulations with less than thirty (30) days notice as provided by Ark. Code Ann. § 25-15-204(b). Specifically, the department finds that the hour restrictions on employment of children ages 9-16 in the entertainment industry are more restrictive than necessary for the protection of the health and safety of the child. This not only restricts employment opportunities for child performers, but also economic development opportunities for Arkansans in general with respect to the motion picture industry. Therefore, an emergency is declared to exist and this regulation being necessary shall be in full force and effect on Tuesday, September 6, 2011.