

THEATRICAL EMPLOYMENT UNDER THE HAWAII CHILD LABOR LAW, CHAPTER 390, HRS

"Theatrical employment" means gainful occupation as a model, dancer, singer, musician, entertainer or motion picture, television, radio or theatrical performer.

General Checklist:

For theatrical employment of a minor **under 16**:

- A completed Form CL-1, Application for Minor's Certificate of Employment, with written consent by parent or guardian, is submitted to DLIR for review
- The employment does not injuriously affect the health, safety, or well-being of the minor or contribute to the minor's delinquency
- Where liquor is sold for consumption on the premises, the licensee shall comply with the rules of the appropriate county liquor commission relating to employment of minors as entertainers
- The work is performed during periods when the minor is not legally required to attend school or when the minor is excused by school authorities from attending school
- The employer procures from the DLIR and keeps on file a valid Certificate of Employment

Additional conditions for a minor **under 14**:

- The employer submits to DLIR a statement signed by an authorized school official indicating that attendance at school and school work of the minor are satisfactory (whenever employment occurs during school year)
- The minor is accompanied by and is under the immediate and direct control of the parent or a designated responsible adult

Hours Allowed

§12-25-23(a), Hawaii Administrative Rules (HAR), restricts the times and number of hours minors under 16 are allowed to work in theatrical employment:

Age	Time Restriction §12-25-23(a)(1) & (2)		Work Hours Restriction §12-25-23(a)(5)
	¹ School	² Non-School	
Under 6	<u>Not later than</u> 7:00 p.m.		<u>Not more than</u> 2 hours per day
6 - 9	8:30 p.m.	7:00 p.m.	3 hours per day
10 - 13		10:30 p.m.	4 hours per day
14 - 15	9:30 p.m.	11:30 p.m.	8 hours per day
Under 16	The combined hours of work and hours in school may not exceed 10 per day. §12-25-23(a)(3)		
Under 16	The employment may not exceed 4 nights in any calendar week. §12-25-23(a)(4)		

¹School: any night before a day when the minor is legally required to attend school.

²Non-school night: any night before a day when the minor is not legally required to attend school.

Variance §12-25-23(c)

A variance is needed if the employer schedules work hours later than or in excess of the above. Theatrical employment hours include learning, practicing, or rehearsing, such as singing or dancing, if in connection with a public performance. Time spent waiting to appear in a performance must also be counted.

To apply for a variance, the employer must submit a written request addressed to the Director of Labor, c/o the Wage Standards Division, showing good cause, such as undue hardship and practical difficulties, in complying with the time and work hour restrictions. The Director may grant an extension of the time, hours, and/or days to be worked subject to prescribed terms and conditions.



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