

# New York Child Labor Laws A-Z

Current as of 10/1/2021

**Babies:** One Registered Nurse must be present for every 3 babies age 15 days to 6 weeks; One for every 10 babies 6 weeks to 6 months. Nurses should have pediatric experience. Infants under 15 days old may not be employed.

**Max Light:** 100 Ft. Candlelight, 30 second exposure.

**Max Sound:** No more than 80 decibels at any time or 70 decibels for more than 30 min. §186-4.7; §186-6.5(d)

**Banking School:** Up to 5 hours of teaching time may be banked and carried week to week. §186-5.1(7)

**Blanket Permits:** Employers may apply for a "Certificate of Group Eligibility" for large groups of minors working no more than 2 days. A list of children covered by the permit shall be available for inspection on site. **\*Fee Applies** §186-2.1(l); §186-4.2 (f-g)

**Child Performer Employment:** Any child under 18 who provides 'Artistic or Creative Services' as a model, actor, actress, singer, dancer, musician, comedian, stunt person, V.O. artist, writer, director, producer, composer, conductor, designer, or in a realityTV appearance, regardless of whether fees are paid. §186-2.1(a)(1); §186-2.1 (j)

**Educational Requirements:** Children must fulfill the minimum academic and attendance requirements of their local school district. Employers shall provide school time during the work day averaging at least 3 hours per school day on a weekly basis, 1 hour minimum daily. §186-5.1 (b)(e)(6)

**Exemptions:** Live Performances or broadcasts of regular activities from religious, civic or educational institutions, or from private homes unless recorded for motion picture film, radio or television, including reality programming. Additionally, non professional work that is not associated with a trade, business or service and not compensated beyond a small stipend and does not occur during school hours. §186-1.3(c)(1-4)

**Extensions/Waivers:** Max time at workplace on 1-day jobs may be increased by 2 hours for minor's age 6 months -17 years. No work is allowed the following day. Beyond this, an application for a variance can be made with 2 business days notice. Application must demonstrate significant hardship in compliance. §186-6.2 (d); §186-8.1

**Meal & Rest Periods:** Meal periods are included in hours of rest and recreation and may not occur more than 6 hours after arrival or a preceding meal period. A minimum of 10 minutes rest is required every 4 hours. §186-6.3; §186-6.4

**Notice of Use:** Employers must file a "Notice of Use of Child Performers" with the Dept. of Labor at least 2 business days prior to use unless minors are working under a blanket permit. §186-4.3 (a-d)

**Outside New York:** Employers who have offices or do business in New York who contract with NY resident minors for work out-of-state, are required to comply with the education and trust provisions of the law. §186-1.2; §186-2.1(c)

**Parent/Guardian Presence:** Parent or other assigned responsible person over 18 must accompany children under age 16 and monitor safety and well being at all times. For large groups working under blanket permits, 1 parent/guardian is required for every 20 children or fraction thereof. Guardians may be responsible for more than 1 child. Parent/Guardians may monitor children electronically when physical presence is not possible. §186-3.6 (a-e); §186-4.1(b)(2)

**Permit to Employ:** Employers are required to obtain a "Certificate of Eligibility" to employ child performers, regardless of whether or not the minor is being paid. Certificates are valid for 3 years. **\*Fee Applies** §186-4.1; §186-4.2

**Record Keeping:** Production records (permits, contracts, payroll, school reports, guardianship forms and trust deposits) must be kept for 6 years. §186-7.2

**Regular School Attendance and Work:** If a minor attends regular school prior to reporting to work, 3 hours shall be deducted from the work day and no more than 3 hours per day can be counted as school time. §186-5.1(6), §186-6.2 (e)

**School Room:** Employers must provide a clean, well-lit school room with necessary supplies. This space shall be used exclusively for school purposes and no other persons shall be allowed in this space without prior approval. §186-5.1 (e) (2) (3)

**Teachers:** Employer's are required to provide a teacher from the 3rd day of missed instruction. However, if the minor is guaranteed 3 or more consecutive days, a teacher must be provided from the 1st day. Parents who homeschool their children and are available to teach may remain their child's teacher on set. §186-5.1(e)(4)(i)(ii)

**Teacher Certification:** Teachers provided must either be certified or have teaching credentials recognized by the state of New York and must pass an NYS and national sex offender registry check. Employers shall ensure that the teacher is competent to teach applicable grade levels and subject areas. §186-5.1(5)(8)



**Teachers during Hiatus:** Employers are required to continue providing teachers during hiatus periods of 6 days or less if school is in session and the minor is working more than 100 miles from home, unless the minor returns to attend. §186-5.1 (f)

**Teacher Ratio:** One teacher per 10 kids. §186-5.1(8)

**Trust Account:** Parents are required to open a child performer trust account within 15 days of the start of employment and notify child's employer with account information. Employers are required to deposit a minimum of 15% of gross earnings directly into trust within 30 days of final employment unless employment is contracted for more than 30 days, in which case payments shall be made every payroll period. Employers must also provide parents with deduction/deposit records. Trust accounts are not required for unpaid performers working under a blanket permit. §186-3.5(a-g); §186-4.5

**TurnAround:** 12 hours must elapse (9 hours for live theatre) between minor's dismissal time and next day call time or school start time otherwise minor must be schooled the following day at the employer's place of business. Parents may choose to opt out of this requirement. §186-5.1(12) (i) (iii)

**Report Cards:** Teachers shall prepare written reports for each student covering dates, hours, lesson plans and grades. Reports should be given to parents and schools as needed and at the end of employment. Teachers shall work together with parents and schools to carry out education plan. §186-5.1(9)(10) \*\*Teachers must also provide employers with a record of instruction, but shall not disclose academic progress without written parental consent. §186-5.1(11)

**Work Day:** No earlier than 5:00 am or later than 10:00 pm (12:00 am for Live Theater) on a night before a school day; No later than 12:30 am on a night before a non-school day. §186 6.2(a) (b)

**Work Permits:** Minors under the age of 18 are required to obtain and provide employer proof of either a one-time only, 15-day Temporary Permit or an Annual Child Performer Employment Permit unless working under a producer's blanket permit. Annual permits are not valid without trust account documentation attached. Permits are required regardless of whether or not the minor is being paid. Permits must be available in the workplace for inspection. §186-3.1, 3.2 (a-c)(e), §186-4.4

**Questions?** Call us at 800.902.9001

## Working Hours of Child Performers

[§186-6.2(a-n)]

Age	Max Work Time	Education	Rest & Recreation	Total Time
<b>ALL EMPLOYMENT TYPES</b> <i>(infants under 15 days may not be employed)</i>				
<b>15 days to 5 months</b>	20 minutes	n/a	100 Minutes	2 hours
<b>6 months to 1 year</b>	2 hours	n/a	2 hours	4 hours
<b>2-5 years</b>	3 hours	n/a	3 hours	6 hours
<b>ENTERTAINMENT PRODUCTION</b> <i>(school time may be averaged on a weekly basis, one hour minimum daily)</i>				
<b>6-8 years</b>				
School Day	4 hours	3 hours	1 hour	8 hours
Non-School Days	6 hours	0 hours	2 hours	8 hours
<b>9-15 years</b>				
School Day	5 hours	3 hours	1 hour	9 hours
Non School Days	7 hours	0 hours	2 hours	9 hours
<b>16-17 years</b>				
School Day	6 hours	3 hours	1 hour	10 hours
Non School Days	9 hours	0 hours	1 hour	10 hours
<b>LIVE THEATRICAL PRODUCTION ONLY</b>				
<b>Ages 6-17 years</b>				
<b>Rehearsal, Opening Day or Duration of Run</b> <i>(sufficient education hours must be banked)</i>				
School Day	8 hours	1 hour min	1 hour	10 hours
Non School Days	9 hours	0 hours	1 hour	10 hours
<b>Technical Rehearsal or Preview Performance</b> <i>(banking opportunity*)</i>				
School Day	7 hours	1 hour min (3 hours*)	1 hour	12 hours
Non School Days	9 hours	0 (1 hour*)	2 hours	12 hours