**Section 250.305 Applying for a Section 8.1(b) Work Hours Waiver**

a) No employer subject to the provisions of the Act shall employ, permit or allow a child performer to work in a television, motion picture, or a related entertainment production (as defined in Section 250.105) between 7 p.m. and 7 a.m. from Labor Day to June 1 or between 9 p.m. and 7 a.m. from June 1 until Labor Day, without first obtaining a certificate for a work hours waiver from the Department of Labor.

b) An official application form for a work hours waiver shall be provided by the Department. The employer shall answer all questions contained on the form, including, but not limited to: the name, address and birth date of the child performer at issue; the specific work hours during a particular date for which the employer requests the waiver; the name, address and telephone number of the person that the employer has assigned and authorized to supervise the child performer during the work hours covered by the application for a waiver; a specific description of the child performer's performance, including information concerning the plot of the movie or television series and, if a commercial or music video, its essential lyrics; and a description and address of the exact place(s) where the child performer will work during the hours covered by the waiver request, including information concerning the surrounding physical set or physical environment.

c) The employer shall attach to the application for a work hours waiver a copy of the child performer's valid employment certificate, issued pursuant to Sections 9 - 12 of the Act.

d) The application must be signed and dated by a parent or legal guardian of the child performer, the employer, and an authorized representative of a collective bargaining unit, if a union represents the child performer upon employment.

e) The Department will evaluate the application to consider whether the waiver would be detrimental to the health or welfare of the child performer, whether the child performer would be supervised adequately; and whether the education of the child performer would be neglected. For purposes of a nighttime waiver evaluation, work hours between 12:30 a.m. and 5:00 a.m. will generally be presumed to be detrimental to the welfare of the child performer.

f) Any employer seeking a work hours waiver shall submit an application to the Department as soon as is practicable, but no less than 48 hours prior to any nighttime hours to be worked between Monday night and Thursday night/Friday morning at 9:00 a.m.

Waiver requests for nighttime hours to be worked over the weekend (between Friday evening at 7:00 p.m. or 9:00 p.m. as established in subsection (a), until 9:00 a.m. on the following Monday) must be submitted to the Department no later than 5:00 p.m. on the Thursday prior.

Alternatively, the employer may submit a combined request for a work hours waiver for up to one work week at a time. Such weekly waivers must be submitted to the Department by no later than 5:00 p.m. on the Thursday prior.

(Source: Amended at 45 Ill. Reg. 14174, effective November 1, 2021)