

U.S. DEPARTMENT OF LABOR  
EMPLOYMENT STANDARDS ADMINISTRATION  
Wage and Hour Division  
WASHINGTON, D.C. 20511

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59CL 201-12



3 1 MAR 1975

This is in response to your letter of March 7, 1975, addressed to [REDACTED] of my staff, in which you request an interpretation on the participation of 15-year-olds in performances commemorating our nation's bicentennial. This effort, sponsored by the [REDACTED] Public Schools in cooperation with [REDACTED], [REDACTED], is planned for a 14-month period from June 1975 through August 1976.

The high schools of [REDACTED] will provide students in grades 10 - 12 to portray historical characters in daily parades at [REDACTED] [REDACTED] for a nine-week period on a rotating basis. During school months, one parade will be held daily at 3 p.m. and, during non-school months, two parades will be held daily, at 3 and 9 p.m. Each student will participate in approximately 23 parades, lasting about 40 minutes, and will be paid \$7.40 per performance.

The program will be supervised by a work experience teacher-coordinator from the [REDACTED] Public Schools; training will be conducted by [REDACTED] at the school. Students will receive 1/2 credit as a high school elective upon satisfactory completion. The program has been approved by the State Education Department and has been determined to be in compliance with the Florida child labor law. The students' exposure to United States history through active participation in a simulated activity is considered to be of primary educational value.

Section 13(c)(3) of the Fair Labor Standards Act provides an exemption from the child labor provisions for any minor employed as "an actor or performer in \* \* \* theatrical productions." From the information you submitted the parade is a dramatic presentation

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which will be performed for an audience, it will be historical in nature, and the minors employed in the parade will be performers. Thus, in our opinion, minors participating in the parades for the periods and under the conditions set forth in this proposed program will be considered as employed as actors or performers in theatrical productions and exempt from the child labor provisions of the Act.

Sincerely,

/s/ Warren D. Landis

Warren D. Landis  
Acting Administrator