

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT

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ANNE P. STEVASON, Acting Chief Counsel

January 22, 2002

Billy Damota
Billy Damota Casting
P.O. Box 4635
Glendale, California 91222

Re: Fees Incidental to Casting Director Workshops

Dear Mr. Damota:

Thank you for your letter of August 21, 2001 regarding Casting Director Workshops. Your question is whether the widely pervasive practice of certain organizations of exacting fees from actors or individuals seeking to be actors to meet with and perform before Casting Directors in the entertainment industry at such workshops constitutes a violation of any of the provisions of the California Labor Code.

It is my understanding that the organizations that maintain these workshops require a fee from all actor participants who attend, ranging typically from \$25.00 to \$50.00 dollars per person per session. The actor participants attend the workshop on an appointed date, meet the particular Casting Director provided by the organization, and perform for him or her in short scenes subject to announced time limits. There is little or negligible instruction provided to the actor participants at these workshops, whose sole or primary purpose in attending is to find work in television or films. The Casting Director who attends the workshop receives an honorarium of \$100.00 to \$150.00 from the organization conducting the workshop.

Section 450 of the Labor Code, enacted in 1937, and last amended in 1998, currently provides:

- (a) No employer, or agent or officer thereof, or other person, may compel or coerce any employee, or applicant for employment, to patronize his or her employer, or any other person, in the purchase of anything of value.
- (b) for purposes of this section, to compel or coerce the purchase of anything of value includes but is not limited to, instances where an employer requires the payment of a fee or consideration of any applicant for employment for any of the following purposes:

2002.01.22

- (1) For an individual to apply for employment orally or in writing.
- (2) For an individual to receive, obtain, complete, or submit an application for employment.
- (3) For an employer to provide, accept, or process and application for employment.

This section, even prior to the addition of the provisions of subparagraph (b), has been held to be remedial legislation "which must be liberally construed so as to effectuate its object and purpose, and to suppress the mischief at which it is directed." *California State Restaurant Association v. Whitlow* (1976) 58 Cal. App. 3d 340, 347, 129 Cal. Rptr. 824.

When the provisions of the section are viewed in this contextual setting, the only reasonable interpretation which can be given to this language is that it broadly prohibits employers and/or their agents from exacting any payment from an applicant or employee as a condition to his or her obtaining or continuing employment.

As you describe the process, the fee paid by actor participants of these workshops, is for an interview and/or audition before the particular casting director, and has little to do with the improvement of the actor's craft. Actors who do not pay these fees are not entitled to participate in the workshop, i.e., to interview or audition. As such, the requiring of this fee by these workshop operators is directly in violation of subparagraph (b) of section 450 and, moreover, constitutes a misdemeanor under section 451 of the Labor Code.

I trust you will find the foregoing instructive and helpful.

Very truly yours,



Anne Stevason
Acting Chief Counsel

cc: Arthur Lujan, State Labor Commissioner
Thomas Grogan, Deputy Chief
Assistant Chiefs
Regional Managers
Legal Section

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