



Testimony of Angela Miele
Before the New York State Department of Labor
Potential Regulations Regarding Employee Scheduling
New York City
October 17, 2017

Good morning Commissioner Reardon, my name is Angela Miele. I am Vice President, State Government Affairs, with the Motion Picture Association of America, Inc. Our member companies include: Disney, Paramount, Sony, Fox, Comcast/NBCUniversal, Warner Bros., and our affiliated member company, CBS Corporation. These members - the leading producers and distributors of entertainment content across all platforms – have made New York State their home for many of our television and motion picture projects.

We appreciate the opportunity to provide our comments in advance of proposed state regulations to address "just-in-time," "call-in" or "on-call" scheduling, common practices that allow employers to schedule or cancel workers' shifts just hours before or even after it starts.

Motion picture and television production as well as live entertainment and commercial production in New York have been bright spots in the state's economy over the past decade. Governor Andrew Cuomo's production tax credit programs have made New York competitive with other production centers and the industry has responded by producing

tens of thousands of high paying jobs. Gaffers, grips, wardrobe specialists, carpenters, hair stylists, camera operators, sound technicians, electricians - you name it, we employ them. This year, the industry is in track to produce over 56 television series and 4 major feature films as well as 13 percent of all domestic commercials.

Outside of California, New York is the largest production center in the country.

Gaining employment in the production industry is highly competitive. Our highly sought after jobs offer high pay, interesting work environments, and benefits. But, the longstanding nature of production work is challenging days, long hours and unpredictable schedules. Employees' schedules depend upon a host of variables like weather conditions and talent availability, as well as readiness of key locations and changing script requirements. Common practice is that employees are given a call sheet for the next day's production schedule and shooting location at the end of each production day. On Monday, a production could be shooting on a studio stage in Brooklyn, but Tuesday it may be required to be on location in Hunts Point or Murray Hill.

To continue to attract significant new production to New York, motion picture and television, live entertainment and commercial producers must have broad flexibility with employees' scheduling due to the nature of these shooting schedules. We understand the Department's intent regarding scheduling regulations is to address employees at or near the minimum wage level. In our industry, these people make up a very small fraction of the workforce, and most are in entry level positions, competing for more lucrative positions in future productions. They are subject to the same long hours and scheduling issues as the rest of the crew. In drafting regulations, MPAA and its members and partners

respectfully propose that it is critical that television and motion picture production employment remain outside the scope of the regulations to ensure the growth and development of the entertainment industry in New York State.

We look forward to continuing our partnership with New York to continue growing the motion picture and television industry as a vibrant component of the New York State economy.

Commissioner Reardon, I would be happy to answer any questions.