



Linda M Coronado-Arvizo
Child Labor Law Compliance Supervisor
Labor Relations Division
Wage and Hour Bureau
505-841-4406

Working as a Teen and Entertainment Industry Work Permits

NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS

TOPICS FOR DISCUSSION

- **Conditions of Employment**
- **Minimum Wage**
- **Deductions from Wages**
- **Payday!**
- **Breaks/Lunches**
- **Work Permits**
- **Hour Limitations**
- **Prohibited & Hazardous Occupations**
- **Children in the Entertainment Industry**

CONDITIONS OF EMPLOYMENT

*Do you know what
“Conditions of Employment”
means?*



EXAMPLES:

- Do you have to wear a uniform?
- Are you going to work for free?
- What are your job duties?
- Do you clock-in and clock-out?

CONDITIONS OF EMPLOYMENT

**Conditions of Employment is
what your employer expects from you
and what you expect from your employer.**

- You need to know how much you are going to be paid
- Are you going to be paid weekly or bi-weekly
- You need to know if you have to wear a uniform
- Are you going to be fired if you are late?
- Are you required to work overtime
- Are you going to be paid for working overtime (OT rate)

CONDITIONS OF EMPLOYMENT

- Most employers provide an employee handbook with employer expectations.
- It is important to **ACTUALLY** read these guides, especially when the employer asks you to sign a form stating that you read and understand all the rules and regulations.
- Don't be afraid to ask questions.



MINIMUM WAGE

What is Minimum Wage?

Minimum wage is the minimum hourly wage an employer can pay an employee for work.

Currently, the federal minimum wage is \$7.25 an hour
(part of the Fair Labor Standards Act).

NM State and cities have raised their
minimum wage even **higher** than that.



MINIMUM WAGE

2020 State Minimum:

— \$9.00/hour

2021 State Minimum:

— \$10.50/hour

2022 State Minimum:

— \$11.50/hour

2023 State Minimum:

— \$12.00/hour

**What do you think the minimum wage is for
individuals under the age of 18
according to state law?**

Same as Adults !!

Eff 6-18-2021

NOTE: The city you live in may have a different approved minimum wage.

EXAMPLES:

- Albuquerque
- Las Cruces
- Santa Fe

MINIMUM WAGE

Tipped employees

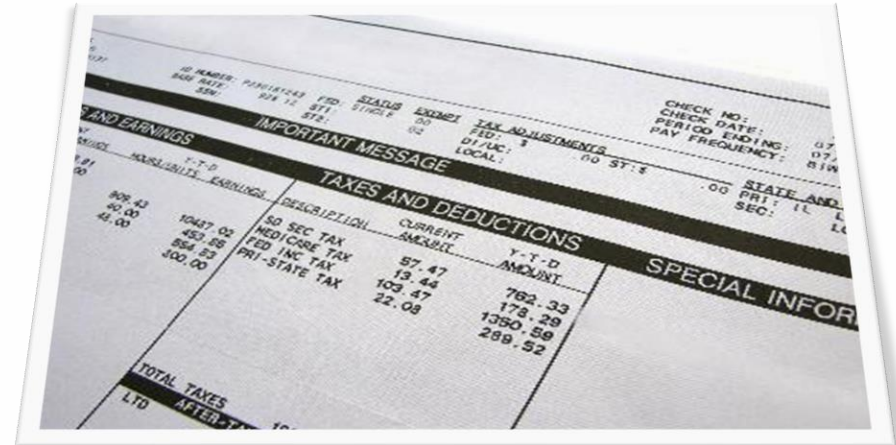
- Tipped employees are those who typically receive more than \$30 per month in tips.
- Tips are the property of the employee. The employer is not allowed to use employee's tips for any reason other than as a credit against its minimum wage obligation to the employee ("tip credit") or in a valid tip pool.
- Only tips actually received by the employee may be counted in determining whether the employee is a tipped employee and in applying the tip credit.
- An employer of a tipped employee is only required to pay
 - 2020 \$2.35 per hour
 - 2021 \$2.55 per hour
 - 2022 \$2.80 per hour
 - 2023 \$3.00 per hour

in direct wages if that amount combined with the tips received at least equals the state or federal minimum wage.

NOTE: City of Albuquerque is different - \$5.50

DEDUCTIONS

- State taxes
- Federal taxes
- Social Security
- Worker's Compensation
- Anything court ordered



The image shows a close-up of a pay stub with several sections. At the top, there is a header with fields for ID NUMBER, STATUS, EXEMPT, and CHECK NO. Below this is an 'IMPORTANT MESSAGE' section. The main body of the stub is divided into two columns: 'EARNINGS' and 'DEDUCTIONS'. The 'EARNINGS' column lists 'GROSS PAY' as 10467.02 and 'NET PAY' as 802.00. The 'DEDUCTIONS' column lists 'SOC SEC TAX' (57.47), 'MEDICARE TAX' (13.44), 'FED INC TAX' (103.47), and 'STATE TAX' (22.08). At the bottom, there is a 'TOTAL TAXES' section showing 'TOTAL TAXES' as 196.46 and 'AFTER TAX' as 605.54. A 'SPECIAL INFO' section is also visible on the right side.

EARNINGS		DEDUCTIONS	
DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT
GROSS PAY	10467.02	SOC SEC TAX	57.47
		MEDICARE TAX	13.44
		FED INC TAX	103.47
		STATE TAX	22.08
NET PAY	802.00		

Any other deductions should be with written authorization
You need to check your pay stub each payday to verify
that all deductions are correct.

PAYDAY

- Your employer must pay you at least every 16 days.
- Pay days can be weekly or bi-weekly, but NOT more than 16 days apart



PAYDAY

When should you be paid if you are fired, or if you quit?

If you are fired?

**Your employer has five 5
to 10 (working) days to
pay you your final wages.**



If you quit?

**Your employer has until
the next regular pay day
to pay you.**



BREAKS AND LUNCHES

Do you think that your employer has to provide you with a break or a lunch period?

There is no state law that requires your employer to provide you with a break or lunch period.

That is why most employers set a work schedule (part of your conditions of employment).

Example: If you work an 8 hour shift you can get a 1 hour un-paid lunch period and within a four hour period you could receive a paid 15 minute rest break.

****The employer can assign the times as they see fit.**

WORK PERMITS

- **A work permit is for proof of age ONLY.**
It does not authorize prohibited occupations for employment.
- **Work permits shall be issued only by designated school officials, NM Department of Workforce Connections staff member, and or by the office of Labor Relations Division.**
- **Proof of age must be provided at the time of issuance.**
 - Anything that shows their date of Birth: Birth Certificate, State Issued ID, School records) Parent VUE, Medical Card, Passport, and government issued IDs
- **Work permits are good for one year.**
- **A separate work permit is required for each organization youth under the age of 16 are seeking employment with.**



RESTRICTIONS AND LIMITATIONS

*For students under
16 sixteen years of age.*



HOUR LIMITATIONS

Minors 14 and 15 years of age may NOT work:

- 1. During school hours of the district in which they reside**
- 2. Before 7 am or after 7 pm**
(during the school year – hours extended to 9pm during school breaks)
- 3. More than 3 hours a day – on a school day**
- 4. More than 18 hours a week – in a school week**
- 5. More than 40 hours a week – in a non-school week.**

These time restrictions are consistent with the Fair Labor Standards Act (FLSA).

There are no hour or time restrictions for minors age 16 and older.

PROHIBITED AND HAZARDOUS OCCUPATIONS

Occupations involving:

- **Mining**
- **Manufacturing**
- **Processing including laundry and dry cleaning**
- **Duties in workrooms**
- **Public messenger service**
- **Hoisting apparatus' or any power driving machinery**
- **Power driven mowers/cutters**
- **The use of auto pits, racks, lifting apparatus**

These time restrictions are consistent with the Fair Labor Standards Act (FLSA).

PROHIBITED AND HAZARDOUS OCCUPATIONS

Occupations in connection with:

- **Transportation of persons or property**
- **Warehousing and storage**
- **Communications**
- **Public utilities**
- **Construction**



These time restrictions are consistent with the Fair Labor Standards Act (FLSA).

PROHIBITED AND HAZARDOUS OCCUPATIONS

Occupations in retail food/gas service establishments:

- **Work in boiler/engine rooms**
- **Maintenance/repair of machines and equipment**
- **Outside window washing**
- **Cooking and baking**
- **Operating, setting up, adjusting, cleaning, oiling and repairing power-driven slicers, grinders, choppers, and mixers.**
- **Work in freezers/coolers**
- **Loading and unloading goods**

These time restrictions are consistent with the Fair Labor Standards Act (FLSA).

ENTERTAINMENT INDUSTRY

The New Mexico Department of Workforce Solutions enforces rules for employing and protecting child performers in the entertainment industry, including motion pictures, theatrical, radio, and television productions. The rules require employers to follow educational and safety requirements.



For more information and the complete rules please visit:

<https://www.dws.state.nm.us/Labor-Relations/Labor-Information/Child-Labor>

**Or Contact Linda Coronado-Arviso the Child Labor Compliance Supervisor at 505-841-4406
And Jolene Jenkins Child Labor Compliance Officer at 505-239-2057**

ENTERTAINMENT INDUSTRY



The “movie rules” went in effect June 30, 2008

It all started because of a reality show called
“KID NATION”.

Now employers a.k.a. “movie makers” are required to follow educational and safety guidelines as set in the NMAC.

ENTERTAINMENT INDUSTRY

Moving on to the
movie rules.....
and the
Pre-Authorization
Certificates



ENTERTAINMENT INDUSTRY

Employer Responsibilities

The *employer is responsible* for obtaining a

- ☐ Pre-Authorization Certificate (PAC) for any child performer under the age 18 **BEFORE** the employment begins.

The PAC can be obtained from our website www.dws.state.nm.us or by contacting our office at 505-841-4406

Once the PAC is complete and approved by the Labor and Industrial it is good for one year from the date it was issued or the length of the project whichever is shorter

ENTERTAINMENT INDUSTRY

Employer Responsibilities

- The employer must provide one certified teacher for every 10 child performers when school is in session. The teacher's certification must be attached to the PAC.
- The employer must provide a NM certified trainer or technician at the place of employment at all times when a child may be exposed to a potentially hazardous condition. Certifications must be attached
- The employer must have the parents/guardians permission to employ a child.
- The parent/guardian signature must be on the PAC. The parent is also agreeing to be within eyesight or earshot of the child at all times other than when school time is in session for the child.

ENTERTAINMENT INDUSTRY

Working Hours

- Child performers may NOT work before 5:00am or after 10:00pm on evenings preceding a school day.
- Child performers may not work after 12:00am on days preceding non-school days.
- All child performers must be given a 12 hour rest break at the end of their work day.

ENTERTAINMENT INDUSTRY

Working Hours

NMDWS may grant a waiver of the mandatory hours and start to finish times, in exceptional circumstances due to unusual performance requirements. This waiver must be granted prior to the performance

ENTERTAINMENT INDUSTRY

Required School & Rest Times

AGE	WORK TIME	SCHOOL TIME	REST PERIOD	TOTAL HOUR AT THE PLACE OF EMPLOYMENT
15 days - 6 months <i>with doctors approval</i>	20 minutes	~	1 hour and 40 minutes	2 hours
7 months - 2 years	2 hours	~	2 hours	4 hours
3 years - 5 years	3 hours	~	3 hours	6 hours
6 years - 8 years	4 hours	3 hours	1 hour	8 hours
school not in session	6 hours	~	2 hours	8 hours
9 years - 15 years	5 hours	3 hours	1 hour	9 hours
school not in session	7 hours	~	2 hours	9 hours
16 years - 18 years	6 hours	3 hours	1 hour	10 hours
school not in session	8 hours	~	2 hours	10 hours

CONTACT INFORMATION

For any Child Labor Law questions please contact

**Linda M Coronado-Arvizo-MBA
Child Labor Law Compliance Supervisor**

Office: 505-841-4406

Linda.Coronado-Arvi@dws.nm.gov

**Jolene Jenkins
Child Labor Law Compliance Officer**

Office: 505-239-2057

Jolene.Jenkins@dws.nm.gov



The Mexico Human Rights Bureau

Discrimination is against the law. If you believe you have been discriminated against in employment, a public accommodation, housing or credit, please contact us at:

www.dws.state.nm.us/Filing-a-Charge-of-Discrimination

Or by phone at (505) 827-6838, or toll free at (800) 566-9471

Discrimination is prohibited on the basis of:

- Race, Color, National Origin, and Ancestry
- Sex (includes pregnancy and childbirth)
- Disability (serious medical condition/physical or mental disability)
- Religion
- Age (only 40+)
- Spousal Affiliation
- Sexual Orientation
- Gender Identity
- Gender
- Retaliation ***