

Certificate & Duties of Certified Teachers

A certified teacher of New Mexico resident children must possess a valid and current teaching certificate issued by the New Mexico Public Education Department. Teachers of non-resident children must possess a valid and current teaching certificate issued by one of the United States.

All teachers, in addition to teaching, and in conjunction with the parent have the responsibility of monitoring and protecting the health, safety, and well being of the child performers they have been hired to teach.

It is the ultimate responsibility of the parent or legal guardian to assure that the child is protected.

Certificate & Duties of Certified Teachers Contd.

The teacher may refuse to allow the engagement of the child performer at the place of employment, if the treatment and conditions are threatening to the health, safety, and well being of the child performer.

A teacher must be present during the time reserved for school. EXCEPTION: A teacher is not required for a child performer under the age of 16, for up to one hour, for wardrobe, make-up, hairdressing, promotional publicity, personal appearances or audio recording.



Go to <http://www.dws.state.nm.us> and select the "Child Labor" section for the complete law and statutes concerning the Employment of Children in the Entertainment Industry.

CHILD

Trust Accounts

- It is the responsibility of the parent or legal guardian to set up a trust account for the child performer if the child performer will be earning \$1000 or more.
- The account needs to be set up within seven business days after the employment contract or Pre-Authorization Certificate is signed.
- The account has to be set up in the child's state residence for the sole benefit of the child.
- The child will not have access to the trust account until the child is 18 years of age or becomes legally emancipated.
- The parent or legal guardian needs to provide the employer with a trustee statement 15 days after the start of employment. The employer must provide the parent with a written acknowledgment upon receiving the statement.
- The employer will deposit not less than 15 percent of the child's gross earning directly into the child's trust account within 15 business days of the work. If the account is not established the employer will withhold 15 percent of the gross income until a trust account is set up.
- The employer will have no obligation to monitor the funds once the 15 percent is deposited into the trust account.
- The parent/legal guardian/trustee will be obligated to monitor the account.
- If the employer does not receive the trust account statement within 90 days after the start of employment, the child's employer shall refer the matter to district court. The district court shall have jurisdiction over the trust. If the child performer is a NM resident the complaint can be referred to the district where the child resides. If the child performer is from out of state the complaint should be referred to the district where the work was performed.

Safety Requirements

- Dressing rooms cannot be occupied by minor and adult performers at the same time.
- Dressing rooms cannot be occupied by minors of the opposite sex at the same time.
- The employer must provide a safe, secure shelter for all child performers under the age of 18 to rest when required to be at the place of employment during non-performance times.
- The employer cannot cause, induce, entice, or permit a child performer to engage in any sexually exploitive material for the purpose of producing a performance.
- No child performer can be depicted in any media as appearing to participate in a sex act.

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Employment Entertainment Law

New Mexico Department of
Workforce Solutions





EMPLOYMENT OF CHILDREN IN THE ENTERTAINMENT INDUSTRY

LAW

Penalties: The Director of the Labor Relations Division may, for cause, refuse to issue a Pre-Authorization Certificate to any project that has violated the provisions the child labor act within a two-year period. Other penalties for violations may be assessed pursuant to section 50-6-12 NMSA 1978 Compilation.

Employment of Children in the Entertainment Industry

Effective June 30, 2008, the New Mexico Department of Workforce Solutions (NMDWS) established new rules for employing and protecting child performers in the entertainment industry, including motion pictures, theatrical, radio, and television productions. The rules will require employers to follow educational and safety requirements stated in rules 11.1.4.1-15 NMAC and the statutes 50-6-1 to 50-6-19 NMSA 1978 Comp. (See "Child Labor" section at www.dws.state.nm.us for complete rules and statutes.)

Employer Responsibilities

The employer is responsible for obtaining a Pre-Authorization Certificate for any child performer under the age of 18 before the employment begins. The Pre-Authorization Certificates can be obtained from the New Mexico Department of Workforce Solutions website at:

<http://www.dws.state.nm.us/dws-CL.html>

The certificate is valid for one year or until the specific project is completed, whichever time period is shorter. The employer must provide a certified teacher for each group of 10 or fewer children. The employer is responsible for providing a New Mexico certified trainer or technician at the place of employment at all times when a child performer may be exposed to potentially hazardous conditions.

Employer Responsibilities Contd.

The following documents must be on file at the New Mexico Department of Workforce Solutions and at the location where the child is working:

1. Pre-Authorization Certificate.
2. Certificate of Compliance for certified teacher(s) must be attached to Pre-Authorization Certificate.
3. Certificate of Compliance for the New Mexico Certified trainer(s) or technician(s) must be attached to the Pre-Authorization Certificate.
4. A written background check on all certified teachers, and certified trainers or technicians on the project must be attached to the Pre-Authorization Certificate.
5. Parent signature indicating their permission for their child to work on the specific project. The parent is also agreeing to be within eyesight or earshot of the child performer at all times other than the time period in which teachers are teaching school.
6. Other applicable records.

Working Hours Including School & Limitations

- Child performers may not work before 5:00 am or after 10:00 pm on evenings preceding a school day. Child performers may not work after 12:00 am on days preceding non-school day.
- All child performers must be given a 12-hour rest break at the end of the workday.
- Child performers 15 days to 6 months of age must have a written approval from a United States licensed physician prior to being employed in the entertainment industry. The approval is necessary to assure that the infant is physically capable of handling the stress of filmmaking.
- The Department of Workforce Solutions 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.

Required School and Rest Times

Age	Work Time	School Time	Rest Period	Total Hours at the Place of Employment
15 days - 6 months with doctors approval	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 school not in session	4 hours 6 hours	3 hours ~	1 hour 2 hours	8 hours 8 hours
9 years - 15 years school not in session	5 hours 7 hours	3 hours ~	1 hour 2 hours	9 hours 9 hours
16 years - 18 years school not in session	6 hours 8 hours	3 hours ~	1 hour 2 hours	10 hours 10 hours

Pre-Authorization Certificate and Other Required Attachments



- Attachments:**
- Other Applicable Records
 - Written Background Check
 - Certificate of Compliance

Pre-Authorization Certificate - <http://www.dws.state.nm.us/dws-CL.html>
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