

Pre-Employment Training Program (PETP)

PROCESS AND GUIDELINES

The **Pre-Employment Training Program** was developed by the New Mexico Film Office (NMFO) to assist New Mexico's economy by providing reimbursement funds to contractors facilitating short-term intensive workshops and lectures that primarily relate to below-the-line film and television job positions. The program's objective is to increase the hirability of New Mexicans for continual employment in the film and television industry.

This is a reimbursement training program; therefore, the contractor must organize and pay for all aspects of the workshop. The NMFO will reimburse the contractor per the approved application and agreement after the services are rendered. All program forms are available online at www.nmfilm.com/locals/workforce-advancement/pet.php.

PROGRAM PROCESS

1. Submit the completed application, your business's mission statement, a brief objective of the proposed training activities, a syllabus, your resume and a copy of your NM tax identification number (CRS certificate) to:
Rochelle Bussey, Workforce Development Programs Manager
Joseph Montoya Building/Economic Development Department
New Mexico Film Office
1100 St. Francis Drive, 1st Floor, Suite 1213
Santa Fe, NM 87501
2. Within two (2) weeks of receipt of your application, you will receive notification as to whether it was approved. You may be requested to amend the syllabus or provide additional information. If approved, you will also receive the agreement and a NM Substitute W-9 form.
3. Upon application approval, you must meet, either via phone or in person, with the NMFO Workforce Development Programs Manager to review all program details.
4. At this meeting you will be asked to provide the completed NM W-9, a copy of hand-outs and/or books, and the resumes of all subcontractors. If the training activities include demonstrations or participation from attendees, you will also be requested to provide a description of expendable materials and/or the equipment required to conduct training as well as verification of insurance. If you cannot meet in person, you must provide this information prior to this meeting or within one (1) week after the phone meeting.
5. You will then enter into a contractual agreement with the NM Economic Development Department. Two (2) signed copies of the contract must be submitted to NMFO for review/signature. The NMFO then requests approval from the Job Training Incentive Program (JTIP) Chairperson. A copy of the fully executed contract will be emailed/returned to you.
6. The responsibilities of the contractor include but may not be limited to the following:
 - Qualifying any subcontractors
 - Establishing agreements with subcontractors and paying the fees for their services, when relevant
 - Marketing the workshop or lecture to meet the minimum number of attendees required
 - Qualifying and registering attendees
 - Collecting registration fees from attendees when applicable
 - Ensuring attendees complete PETP Trainee Certification Forms
 - Ensuring all attendees are NM residents by requiring proof, such as a NM government issued identification card (i.e. NM driver's license) or a NM voter's registration card
 - Ensuring attendees are at least 18 years of age or unless pre-approved by the NMFO

- Providing the NMFO copies of required liability insurance certificates
 - Determining if equipment insurance is needed by the contractor
 - Ensuring the safety of the training facility and environment
 - Maintaining a file of all receipts of training expenses for a period of at least three years
 - Submitting an invoice, roster and PETP Training Evaluation Forms to the NMFO
7. The invoice is submitted after training services are rendered. The invoice must include your name and address, state vendor number, purchase order number, workshop/lecture title and dates, the facility used for training, the number of attendees, total requested reimbursement minus any nominal fee collected from attendees (plus GRT on services if applicable.)

Utilize the PETP Contractor Checklist to assist with deadlines and paperwork.
Review PETP Frequently Asked Questions (FAQs) which are also available online.

Note: the proposal form and application are now one document.

PROGRAM GUIDELINES

OBJECTIVE OF WORKSHOP AND LECTURES

Workshop and lectures must relate to industry needs as determined by the NMFO. Local film unions and guilds may be consulted regarding workshops that relate to film and television job positions that are most often under their jurisdiction. Workshops that focus on specific technical skills for below-the-line job positions are preferred. For example, a introductory workshop or lecture will most likely not be approved; however, training activities focused on a specific skills utilized by a job position within a department will be considered. (i.e., an introduction workshop for sound may not be approved; however a workshop where participants utilize the boom will be considered.)

CONTRACTORS

1. Crew professionals and specialized industry vendors are preferred as contractors and instructors.
2. Industry vendors may apply as a contractor. If they represent a certain brand of equipment or product name, the information taught during the training must apply to the job position regardless of that brand or product and may not be limited to the brand or product. Applications will not be approved nor will contractors be reimbursed for directly advertising or marketing a product or brand. Information and/or skills taught in the PETP workshops and lectures must have a broad application regarding the craft and job position of focus. The program objective is to increase the hirability of New Mexicans in the film and television industry. Contractors must be able to demonstrate their contribution to that end.
3. Educational institutions, educational organizations, guilds and unions are not eligible contractors for PETP workshops; however, individual members may be eligible.
4. A training company specializing in a craft can apply as a contractor; however, may only be approved for lectures and/or demonstrations. Applications will not be approved or a contractor may not be reimbursed if the purpose of the lecture is to market or register attendees for their "school". In addition, contractors may also be required to inform the attendees of other local training opportunities.

INSTRUCTOR QUALIFICATIONS

Workshop instructors are preferred as contractors and they must have direct experience relating to the workshop subject as determined by the NMFO.

1. Head instructors must meet one (1) of the following criteria:
 - a. Currently or formerly worked for or owned a film/television/multimedia business or educational entity for five (5) years;
 - b. Currently work in the film/television industry for at least five (5) years and have ten (10) or more feature film and/or television credits;
 - c. Have been teaching in the industry for over (5) years.
 - d. Exceptions may be considered by the NMFO for those in specialty areas and where the training still meets the objective of the program. In addition, the NMFO determined the exception in writing before training is conducted.
2. Subcontracted assistant instructors must meet one (1) of the following criteria:
 - a. Currently or formerly worked for or owned a film/television/multimedia business or educational entity for two (2) years; or
 - b. Currently work in the film/television industry for at least two (2) years and have five (5) or more feature film and/or television credits; or
 - c. Have been teaching in the industry for over (2) years.
 - d. Exceptions may be considered by the NMFO for those in specialty areas and where the training still meets the objective of the program. And, the NMFO determined the exception in writing before training is conducted.

AUDIENCE

Some workshops may require additional pre-requisites, however all attendees must be NM residents. In addition, the attendee either 1) is a film industry union or guild member; 2) has experience from commercials, shorts, documentaries, features, Indies or television; 3) is a college student in a film or television program 4) holds a degree in a film craft related to training activities; 5) is an employee or the owner of a film-related company; or 6) is experienced in a trade that relates to the workshop/lecture and aspires to translate that skill to the film and television industry. However, periodically, lectures may be offered for those with no industry experience.

All attendees must be 18 years of age or older to participate in “hands-on” workshops. Minors must be accompanied by a guardian for lectures and demonstrations.

SYLLABUS AND HAND-OUTS

1. The approved syllabus and application will be exhibits to this contract. If the contractor or any subcontractors do not follow the approved syllabus, or adds training activities not previously approved per the contract, the contractor may not be fully reimbursed for training services. This is particularly important in regards to “hands-on” workshops and for demonstrations. The contractor is responsible for knowing what training activities the insurance covers and all their liabilities in general, including training activities by subcontractors.

2. Workshops and lectures must begin with a review of the syllabus. Attendees must be made aware of all training activities, including any materials or equipment that will be utilized as well as the corresponding safety practices.
3. Instructional materials, including hand-outs or reproductions of hand-outs, from workshops and lectures may be used by the State of New Mexico.

TAXES

Contractor must have a NM tax identification number also referred to as a CRS number. (To apply for a CRS number, visit http://www.tax.state.nm.us/trd_form.htm.) CRS or Combine Reporting System number is an eleven (11) digit number that equates to your NM Tax and Revenue Department (TRD) number. All persons supplying services in New Mexico (i.e. sole proprietors, limited liability companies, etc.) require a CRS number. For PETP, a CRS number is needed in order for the contractor to report Gross Receipts Tax and therefore it is required by any person paid through this process whether or not contracted directly or subcontracted.

The income acquired from these services is reportable for income tax purposes. Income is the amount left after subtracting reimbursed expenses (such as room/equipment rental, approved expendable materials, subcontractor fees, etc.) The contractor should receive a 1099 Miscellaneous from the State after the year's end for the full amount of the PETP contract. Contractors and subcontractors are responsible for reporting income whether or not a 1099 was issued or received. (We highly recommend your contact NM TRD and your accountant with questions.)

ELIGIBLE COSTS

1. Within the application, the contractor requests a total reimbursement fee to conduct all aspects of training. This fee may include outside registration fees, certification and licensing fees, instructional literature, expendable supplies, instructor and facilitator fees (where these individuals are not employee of the contractor's business), qualifying insurance (if required and approved), facility rental, equipment rental, and pre-approved travel expenses (based on DFA rule 2.42.2 NMAC, Regulations Governing Per Diem and Mileage Act.)
2. Eligible expenses do not include non-expendable property such as training equipment, tools, computer hardware, and software.
3. Eligible expenses do not include new or amended annual insurances policies.
4. Eligible expenses do not include food or beverages such as craft service.
5. Facilitators and subcontractors fees and travel expenses will not be approved where these individuals are employees of the contractor's business.
6. Workshops cannot directly supplement the budget of a project nor take place on a project's location.

REIMBURSEMENT & ATTENDANCE

1. The contract amount is the maximum amount that can be reimbursed to the contractor for the training services. Payment is also based on the number of attendees. The minimum number of attendees required for the workshop/lecture is established in the application. It is highly recommended that the contractor have individuals interested in attending the workshop or lecture pre-register and pre-pay a nominal fee to meet this minimum

requirement. This way the contractor can ensure they meet their contractual obligations regardless of the actual number of individuals that attend the workshop/lecture.

2. All attendees must be charged the same amount and pay the contractor directly.
3. The number of attendees X the registration fee = the total that will be subtracted from the reimbursement amount on the invoice. (It will be assumed if an individual signed the roster, they paid the contractor.)
4. If the contractor conducts the training without meeting the minimum number of attendees in actuality and the minimum number of attendees did not pre-pay and pre-register, the reimbursement will be based on the cost per individual that actually attended the training (as established in the application.)

INSURANCE

If any person involved in the training activities, including contractor or attendees, participates in a workshop or demonstration and handles material, equipment, tools, chemicals, etc., an insurance certificate naming the State as the additionally insured is required. The contractor must maintain insurance coverage required by New Mexico law. This includes “without limitation, Commercial General Liability Insurance with a limit of liability not less than one million dollars (\$1,000,000.00) per occurrence for bodily injury and property damage; and when applicable, Automobile Liability Insurance for owned, rented or non-owned vehicles not less than five hundred thousand dollars (\$500,000.00.)” The State shall not be responsible for insurance coverage for any aspect of the workshop or lecture. The contractor is responsible for knowing what training activities their insurance covers and all liabilities in general, including activities by subcontractors and participants. The State will be held “harmless from all actions, proceedings, claims, demands, costs, damages, reasonable attorney’s fees and all other liabilities and expenses of any kind from any source which may arise out of” the contract or any amendments “if caused by the tortuous act or omission by contractor, its officers, employees, servants, additional instructors, facilitators or other assistants.”

The NMFO must receive a certificate of insurance a week prior to the commencement of training naming the State of New Mexico as an additional insured party. The certificate must be made to the attention of the NM Film Division, Economic Development Department, 1100 St. Francis Drive, 1st Floor, Suite 1213., Santa Fe, New Mexico, 87505. **All insurance certificates must have the name of the contractor, instructor(s) and workshop/lecture title on it.** EDD Legal Counsel will review all certificates.

If the contractor is teaching a lecture only (no demonstrations or attendee participation), an insurance certificate is not a program requirement (per contract). However, it is the responsibility of the contractor to verify that the facility where the lecture will take place has the appropriate insurance.