

Labor Laws

NEW MEXICO CHILD LABOR GUIDELINES

Children in New Mexico may be employed by production companies under special guidelines. It is the responsibility of the employer to obtain a child performer pre-authorization certificate before the employment begins. The employer must be able to provide a copy at the work site when requested to do so.

NEW RULES FOR CHILDREN IN THE ENTERTAINMENT INDUSTRY

- Child Employment Entertainment Law
- Child Performer Pre-Authorization Certificate
- Pre-Authorization Certificate Minor Extras
- Rules 11.1.4 NMAC: Title II, Chapter 1, Part 4

WHEN SCHOOL IS IN SESSION:

All child performers ages 6 years to 18 years must be provided with a teacher for each group of 10 or fewer child performers.

No child performer shall begin work before 5:00 am or continue work after 10:00pm on evenings preceding school days. The time the child performer can be permitted at the place of employment may be extended by one-half hour for a meal period.

Seven months - 2 years: 2 work hours, 2 hours of rest and recreation = 4 total hours

3 years - 5 years: 3 work hours, 3 hours of rest and recreation = 6 total hours

6 years - 8 years: 4 work hours, 3 school hours, 1 hour of rest and recreation = 8 total hours

9 years - 15 years: 5 work hours, 3 school hours, 1 hour of rest and recreation = 9 total hours

16 years - 18 years: 6 work hours, 3 school hours, 1 hour of rest and recreation = 10 total hours

WHEN SCHOOL IS NOT IN SESSION:

Child performers shall not work later than 12:00am on days preceding non-school days. The time the child performer can be permitted at the place of employment may be extended by one-half hour for a meal period.

6 years - 8 years: 6 work hours, 2 hours of rest and recreation = 8 total hours

9 years - 15 years: 7 work hours, 2 hours of rest and recreation = 9 total hours

16 years - 18 years: 8 work hours, 2 hours of rest and recreation = 10 total hours

It is the responsibility of the employer to provide 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. Potentially hazardous conditions include but are not limited to special effects and any situation which could be physically hazardous to the child.

The employer must provide a certification of compliance for the certified teacher with appropriate teaching credentials for grade levels kindergarten through 12 or to teach the level of education required for the child performer at the place of employment to the department of workforce solutions prior to issuance of the pre-authorization certificate.

It is the responsibility of the employer to provide a New Mexico certified trainer or technician accredited in a United States department of labor occupational safety and health administered-certified safety program at the place of employment at all times when a child performer may be exposed to potentially hazardous conditions. Hazardous conditions are special effects, which potentially could be physically dangerous to the child performer.

For more information, contact Tiffany Starr-Salcido at the New Mexico Department of Workforce Solutions, (505) 827-0091 or tiffany.starr-salcido@state.nm.us

INCOME TAX WITHHOLDING

Every resident and non-resident employer doing business for more than 15 days in New Mexico is required to withhold New Mexico income tax from wages paid to an employee for services rendered in the state. This tax is withheld as the wages are paid. For more information, contact the Taxation & Revenue Department, 505-827-0700 .

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UNEMPLOYMENT INSURANCE

Employers liable under the Federal Unemployment Tax Act are also liable for New Mexico Unemployment Tax when hiring New Mexico employees. Out-of-state employers bringing workers to New Mexico for a temporary job are subject to the reporting requirements of their base state. For more information go to www.dol.state.nm.us

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WORKERS' COMPENSATION INSURANCE

Workers' Compensation Insurance is required in New Mexico. All employers, with limited exceptions, are required to cover all of their employees, including full-time, part-time, seasonal or occasional employees. For more information contact the Workers' Compensation Administration, 505-841-6074 .

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UNION GUILD INFORMATION

New Mexico law respects a valid written agreement requiring membership in a labor organization as a condition of employment. Generally in the United States "union shop" provisions requiring membership in a union after 30 days' employment are common. These provisions are authorized under the National Labor Relations Act so long as a company operates in a state that does not have a right-to-work law. New Mexico does not have a right-to-work law. Cooperative relationships between labor and management have preserved New Mexico's reputation both as a labor-peace state as well as a "right to negotiate" state.

IATSE LOCAL 480

IATSE Studio Mechanics Local 480

PO Box 5351

Santa Fe, NM 87502

505-986-9512

Business Agent: Jon Hendry (cell) 505-670-7381

Expanded Production Zone

In New Mexico, Local IATSE 480 allows an expanded "Drive-To" Zone (30 mile radius) as well as an expanded, 60-mile radius Production Zone (a.k.a "Local Hire" Zone.)

SCREEN ACTORS GUILD

The New Mexico Branch of the Screen Actors Guild is overseen by the regional office in Denver, CO.

Julie Crane, Executive Director

1400 16th Street

Denver, CO 80202

Tel: (800) 724-0767

Cell: (303) 884-8343

www.sag.org

New Mexico Branch President is Tammy Decker: 505-265-2127 or tdecker@sag.org.

TEAMSTERS LOCAL 492

Contact: Moises Ortega

4269 Balloon Park Rd. NE

Albuquerque NM 87109

505-344-1925