

Employers Records

Whenever any child is employed at any gainful occupation permitted by law, it is the responsibility of the employer of such child to keep on file the work permit and to keep posted in a conspicuous place about the premises where such child is employed. All work permits and records and the premises where children are employed are subject to inspection by representative of the Labor and Industrial Division.



The minimum age for employment is fourteen (14) in specified occupations outside school hours for limited periods of time. The mentioned occupations listed are prohibited for anyone under the age of eighteen (18). This minimum age applies even when the minor is employed by a parent / guardian.



Hazardous Occupations for Minors Age 16 and 17

(established by the Fair Labor Standards Act (FLSA))

Occupations involving or in connection with:

- explosives
- motor-vehicle drivers
- mining, including coal mining
- logging including sawmill
- power-driven wood working machinery
- radioactive substances
- radioactive substances
- hoisting apparatus
- elevators, cranes, derricks, hoists, and high-lift trucks
- roofing occupations and excavation operations
- metal forming, punching, shearing machines
- slaughtering / meat packing
- power-driven bakery machines
- paper product machines
- manufacture of brick, tile and kindred products
- circular saws, band saws, and guillotine shears
- wrecking, demolition, and ship breaking
- roofing occupations and excavation operations

Labor Law

For more information or if you have questions about child labor law contact:

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ChildLabor

LAW

Minor workers comprise a large percent of our labor workforce today. Young people are ready to work and anxious to obtain work experience. In an effort to provide work experience and protect our youth from exploitation, certain laws have been enacted which establish standardized working conditions for minors. When both state and federal laws apply, the law setting the more stringent standard must be observed.

Issuance of Work Permits

Work permits shall be issued only by school superintendents, school principals, designated school officials, the Director of the Labor Relations Division of the NM Department of Workforce Solutions or the Director's Designee.

Satisfactory proof of age of the child at the time of issuance must be furnished.

A work permit will be in force for a period of one year from the date of issuance. The work permit may be renewed at expiration by the official authorized to issue such certificates for a period not exceeding one year.

Certificates

A work permit certificate is required by state law, for the employment of children under sixteen (16) years of age AT ALL TIMES.

There is no provision in the law for age certificates for children sixteen (16) and older. An age certificate can be issued upon request to verify the child's age.

Work permits and age certificates are proof of age only and do not authorize prohibited employment.

Penalties for Violations

STATE: The Labor and Industrial Bureau investigates complaints against employers who may be violating the child labor laws. Whoever is in violation of any of the provisions of sections 50-6-1 - 50-6-16 NMSA 1978, may be guilty of a misdemeanor and monetary fine imposed for each violation.

FEDERAL: Regulations provide for a civil money penalty of up to \$10,000 for each violation of child labor provisions.

More detailed information on the Fair Labor Standards Act (FLSA) is available from the U.S. Department of Labor.

Hour Limitations

Minor 14 and 15 years of age may NOT be employed:

- during school hours
- before 7 a.m. or after 7 p.m., except from June 1 through Labor Day when evening hours are extended to 9 p.m.
- more than 3 hours a day - on a school day
- more than 18 hours a week - in a school week
- more than 8 hours a day - on a non-school week
- more than 40 hours a week in a non-school week

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

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

Prohibited Occupations for Minors Ages 14 and 15

(Established by the Fair Labor Standards Act (FLSA))

Occupations involving:

- mining
- manufacturing
- processing including laundry and dry cleaning
- duties in workrooms
- public messenger service
- Hoisting apparatus' or any power driven machinery
- power driven mowers / cutters
- the use of auto pits, racks lifting apparatus

Occupations in connection with:

- transportation of persons or property
- warehousing and storage
- Communications
- public utilities
- Construction

Occupations in retail food/gas service establishment:

- work in boiler/engine rooms
- Maintenance/repair of machines and equipment
- outside window washing
- cooking and baking
- operating, setting up, adjusting, cleaning, oiling or repairing power-driven food slicers, grinders, choppers and mixers
- work in freezers / coolers
- loading and unloading goods

And, any occupations found and declared hazardous by FLSA.