

EMPLOYER 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 a representative of the Labor Relations Division.

ENTERTAINMENT INDUSTRY

The New Mexico Department of Workforce Solutions (NMDWS) 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 stated in rules 11.1.4.1-15 NMAC and the statutes 50-6-1 to 50-6-19 NMSA 1978. Complete rules on children in the entertainment industry can be found at www.dws.state.nm.us under "Labor Relations," and "Child Labor."

PENALTIES FOR VIOLATIONS

State: The Department of Workforce Solutions 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 fines may be imposed for each violation.

Federal: Regulations provide for a civil monetary 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 at:
www.dol.gov/whd/flsa

CONTACT INFORMATION

Labor Relations Division
Labor & Industrial Bureau, Wage & Hour Section

Albuquerque Office

121 Tijeras NE, Suite 3000
Albuquerque, NM 87102

Phone: (505) 841-4400

Fax: (505) 841-4424

Las Cruces Office

226 S. Alameda Blvd
Las Cruces, NM 88005

Phone: (575) 524-6195

Fax: (575) 524-6194

Santa Fe Office

1596 Pacheco Street
Santa Fe, NM 87505

Phone: (505) 827-0091

Fax: (505) 827-9676

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Working As A Teen and Work Permits



WWW.DWS.STATE.NM.US

CHILD LABOR LAW

Teen workers comprise a large percentage of our 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, 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

A work permit is required by state law for the employment of children under 16 years of age at all times.

Work permits are issued to the child and shall be issued only by: school superintendents, school principals, designated school officials, or the director of the Labor Relations Division of the New Mexico Department of Workforce Solutions or the director's designee.

Satisfactory proof of age of the child must be provided at the time of issuance. Examples of proof of age include but are not limited to: birth certificate, BIA records, passport, and government issued identification.

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.

PROHIBITED OCCUPATIONS

For minors age 14-15, 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, and lifting apparatus

Occupations in connection with:

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

Occupations in retail food or 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, 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.*

Hour Limitations

Minors 14-15 years of age may NOT be employed:

- during school hours
- before 7:00 am or after 7:00 pm, except from June 1st through Labor Day when evening hours are extended to 9:00 pm
- 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 day
- more than 40 hours a week—in a non-school week

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

PROHIBITED HAZARDOUS OCCUPATIONS

For minors age 16-17, 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
- 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