

Frequently Asked Questions (FAQs) - Youth

Question: What hours can youth work?

Answer: Under the Fair Labor Standards Act (FLSA), the minimum age for employment is **14**. Hours worked by 14- and 15-year-olds are limited to:

- Non-school hours;
- 3 hours in a school day;
- 18 hours in a school week;
- 8 hours on a non-school day;
- 40 hours on a non-school week; and
- Hours between 7 a.m. and 7 p.m. (except from June 1 through Labor Day, when evening hours are extended to 9 p.m.)

Youth **14 and 15 years old** enrolled in an approved Work Experience and Career Exploration Program (WECEP) may be employed for up to 23 hours in school weeks and 3 hours on school days (including during school hours).

The FLSA does not limit the number of hours or times of day for workers **16 years and older**.

Question: What is the youngest age at which a person can be employed?

Answer: The Fair Labor Standards Act (FLSA) sets 14 as the minimum age for work. However, at any age, youth may deliver newspapers; perform in radio, television, movie, or theatrical productions; work in businesses owned by their parents except in mining, manufacturing or hazardous jobs); and perform babysitting or perform minor chores around private home.

In accordance with the New Mexico rules children working in the entertainment industry (radio, television, movies or theatrical) need to obtain a pre-authorization certificate.

Question: Must young workers be paid the minimum wage?

Answer: The state minimum wage is \$7.50. The federal minimum wage is \$7.25 per hour effective July 24, 2009. Some cities also have minimum rates like Albuquerque (\$7.50) and Santa Fe (\$9.85). However, a special minimum wage of \$4.25 per hour applies to employees under the age of 20 during their first 90 consecutive calendar days of employment with an employer. After 90 days, the Fair Labor Standards Act (FLSA) requires employers to pay the full federal minimum wage.

Other programs that allow for payment of less than the full federal minimum wage apply to workers with disabilities, full-time students, and student-learners employed pursuant to sub-minimum wage certificates. These programs are not limited to the employment of young workers.

Question: Must a youth have a work permit to work?

Answer: Work permit certificates are required for students under 16 years of age at all times. Children working in the entertainment industry do not need a work permit but must obtain a pre-authorization certificate. School superintendents, principals, designated issuing school officers and Representatives of the Labor and Industrial Division issue work permit certificates.

Question: Are there prohibited occupations for students under 16? Under 18?

Answer: Yes, there are prohibited occupations for minors ages 14 and 15, and there are hazardous occupations for minors age 16 and 17.

FLSA - Prohibited occupations for minors ages 14 and 15

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 or persons or property, warehousing/storage, communications, public utilities, and construction. Occupations in retail food and 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.

FLSA - Hazardous occupations for minors age 16 and 17

Occupations involving or in connection with; explosives, motor-vehicle drivers, mining, logging including sawmill, power-driven wood working machinery, radioactive substances, hoisting apparatus', elevators, cranes derricks, hoists, and high lift trucks, 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.

State Law prohibits the following for under the age of 16:

- Around belted machines while in motion
- Power driven wood working machines
- Around plants or establishments containing explosive components
- Around plants or establishments where malt or alcoholic beverages are manufactured, packed, wrapped or stored
- Around electrical hazards
- Municipal firefighting
- In any employment dangerous to lives and limbs or injurious to the health or morals of children
- Door to door sales – except for non-profit activities with the parent's approval.

State Law prohibits the following for under the age of 18:

Children under the age of 18 may NOT be employed in any quarry or mine underground or at or about any place where explosives are used.

Question: What is required to obtain a work permit?

Answer: The student must show proof of age 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. The issuing officer must also verify that the type of work to be performed is not dangerous to the child or injurious to the child's health or morals.

Question: Are there laws or rules for children working in the performing arts or entertainment industry?

Answer: Yes. New Mexico adopted rules effective June 30, 2008. For a complete copy of the new rules you can visit the DWS webpage under child labor – new rules. Or contact the child labor specialist 505-827-0091.