

TITLE 5 POST-SECONDARY EDUCATION
CHAPTER 5 POST-SECONDARY EDUCATIONAL PROGRAMS
PART 51 DEVELOPMENT EMPLOYMENT FUNDING FOR FILM AND MULTIMEDIA
PRODUCTION COMPANIES

5.5.51.1 ISSUING AGENCY: New Mexico Economic Development Department
[5.5.51.1 NMAC - Rp, 5.5.51.1 NMAC, 6-30-2016]

5.5.51.2 SCOPE: Film and multimedia production companies and New Mexico residents in film and multimedia crew professions.
[5.5.51.2 NMAC - Rp, 5.5.51.2 NMAC, 6-30-2016]

5.5.51.3 STATUTORY AUTHORITY: Section 21-19-7.1 NMSA 1978, established in 2003, directs the industrial training board, also referred to as the job training incentive program (JTIP) board, to consult with the New Mexico film division of the New Mexico economic development department to create and adopt rules for development funding for film and multimedia production companies. The program is administered by the New Mexico film division of the New Mexico economic development department and the training reimbursement of fifty percent of salaries (wages) of qualified participants shall be made by the New Mexico film division without further action or approval of the industrial training board.
[5.5.51.3 NMAC - Rp, 5.5.51.3 NMAC, 6-30-2016]

5.5.51.4 DURATION: Permanent.
[5.5.51.4 NMAC - Rp, 5.5.51.4 NMAC, 6-30-2016]

5.5.51.5 EFFECTIVE DATE: June 30, 2016, unless a later date is cited at the end of a section.
[5.5.51.5 NMAC - Rp, 5.5.51.5 NMAC, 6-30-2016]

5.5.51.6 OBJECTIVE: The object of this rule is to establish standards for an on-the-job development training programs for film and multimedia companies in New Mexico. These training programs are divided into three sub-programs which include: the film crew advancement program (**FCAP for physical production**), intended to provide reimbursement funds to film and television production companies for the training of New Mexico residents working primarily in below-the-line job positions for the preparation and advancement of continual employment in the industry; and for **FCAP for qualifying permanent companies**, intended to provide reimbursement funds to film and multimedia production companies creating new jobs as a result of expansion, startup or relocation to New Mexico. To the extent possible, training shall be technical and directly contribute to the creation of a production as determined by the New Mexico film office (NMFO) and shall not relate to distribution of end product(s); and **FCAP for qualifying permanent emerging media and digital media companies**, intended to provide reimbursement funds to emerging and digital media companies creating new jobs, similar to internships, as a result of expansion, startup or relocation to New Mexico by providing training opportunities. To the extent possible, training shall be technical and directly contribute to the creation of a production as determined by the NMFO and shall not relate to distribution of end product(s).
[5.5.51.6 NMAC - Rp, 5.5.51.6 NMAC, 6-30-2016]

5.5.51.7 DEFINITIONS: For use in this part, the following definitions apply.

A. “Above-the-line” is a film and television industry term derived from where the money is budgeted for creative talent, writers, directors and producers. This term means job positions that are associated with the creative or financial control of a film or multimedia project, generally not the technical aspects.

B. “Below-the-line” is a film and television industry term derived from where the money is budgeted for technical crew that shall work on a film or multimedia project as well as for costs related to the studio, equipment, travel, and location. In regards to job positions, this term means technical crew that does not have direct creative or financial control of the project nor receive residuals.

C. “Company” means the company that either is or creates a temporary film, multimedia and digital media production company to produce one film, multimedia and digital media product, as it applies to FCAP for physical production or a company that is permanently based in New Mexico with full-time employees and creates film, multimedia and digital media production products.

D. “Craft” means the specialized area or department in which a film technician works.

- E.** “**Crew**” means the employees hired by a company to complete a film or multimedia project(s).
- F.** “**Deal memo**” means the film industry contract that defines the exact terms of a crew member’s employment including but not limited to position title and pay rate.
- G.** “**Digital media company**” refers to a company engaged in the business of producing digital media intended for: (i.) film, special effects, holography, computer vision, virtual reality, television, and online web based production; (ii.) video game production and immersive or augmented reality industries; (iii.) aiding in education, defense, disaster relief, medical, health care, or scientific visualization.
- H.** “**Emerging media**” includes, but is not limited to: (i.) video game industries that develop technology and content intended for online-multiplayer, console, mobile, and social environments; (ii.) immersive and augmented reality industries focused on the display of imagery and information in three dimensional and holographic form, video-mapping, multi-touch surfaces, and other forms of advanced visualization; (iii.) the design of new platforms and display environments for data and information visualization of social, medical, scientific and industrial information through the use of creative computing; and (iv.) the production of images using special effects, and software developed for the exclusive use of a special effects production company, as approved by the New Mexico film division. Emerging media does not include: software development designed and developed primarily for internal or operational purposes of the digital media production company; however, this exclusion does not apply to software developed for the exclusive use of a New Mexico company producing images using special effects where the software makes the company uniquely competitive; nor (v.) largely static Internet sites designed to provide information about a person, business, company, or firm.
- I.** “**FCAP**” means film crew advancement program.
- J.** “**Film**” for this program means work on a film or television production.
- K.** “**Film or television credit**” for this program means work on a film or television production for more than one week which was not a student film, internship, unpaid position, documentary, commercial, nor on a project where the budget was under five hundred thousand dollars (\$500,000.00) and the company did not participate in this program.
- L.** “**Film technician**” means a crew member working in a below-the-line job position who often is a member of an international alliance of theater and stage employee (IATSE) film union or guild.
- M.** “**General safety certified**” means a crew member has completed a class or course that meets Occupational Safety and Health Administration standards for general safety associated with working on a film and multimedia project.
- N.** “**JTIP**” means job training incentive program.
- O.** “**Intern**” means a trainee who is enrolled in, or has graduated within the past twelve months from a post-secondary training or academic program as it relates to the film, television and emerging media and meets the FCAP for qualifying permanent emerging media and digital media company eligibility requirements. The intern is a student or trainee who is supervised and monitored in order to learn a new skill set or while investing practical applications of academically learned skill sets.
- P.** “**Non-union**” means the job position is not in the contractual jurisdiction of a film union or film guild.
- Q.** “**Mentor**” means the go-to person for questions and direction or the supervisor of a program participant and has a stronger skill set in relation to the job position in which that participant was hired.
- R.** “**NM**” means New Mexico.
- S.** “**Open hours**” means a trainee that qualified for FCAP during a production did not use all 1,040 hours available. Hours that remain are considered “open” and may be used for that job position on another production upon qualification.
- T.** “**On-the-job training**” means gaining experience in a hired position increasing job opportunities for continual employment in the film and multimedia industry.
- U.** “**Payroll report**” means the report generated from a payroll company hired by the company to act as the crew’s payment agent for the film and multimedia project.
- V.** “**Physical production**” means companies that produce a project or series on location or at a temporary location.
- W.** “**Principal photography**” means the cameras have started filming and the majority of preparation for a film and multimedia project has been completed; call sheets are now issued to crew members and production reports are completed daily.
- X.** “**Production**” means the film or multimedia project preparation, principal photography and set break down periods while creating a film or television project.

Y. “Reserve component members” refers to a New Mexico member who served in the army, naval, marine corps, air force and coast guard reserves and the national and air national guard of the United States.

Z. “Resident” means an individual who is domiciled in New Mexico. This domicile is the individual's permanent home; it is a place to which the individual intends to return after any temporary absence. An individual shall have only one domicile. A change in domicile is established only by establishing a physical presence in a new location with intent to abandon the old domicile and make a home in the new location permanently or indefinitely.

AA. “Salaries” means wages or the hourly pay rate for hours physically worked by trainee during a production.

BB. “Trainee” means an applicant that shall be learning a new skill set or graduating to a higher job classification through FCAP and is synonymous with the term “program participant” or “crew member”.

CC. “Veterans” means a New Mexico resident who is registered with the New Mexico workforce connection, and who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable.

DD. “Wages” means the hourly pay rate for hours physically worked by trainee during production. It does not include film payments to trainees such as kit rental, holiday pay, travel time, mileage reimbursements, or any payment to employee due to penalties incurred by company during production of the project.

[5.5.51.7 NMAC - Rp, 5.5.51.7 NMAC, 6-30-2016]

5.5.51.8 PROGRAM OUTLINE:

A. The following shall apply for FCAP for physical production:

(1) The applicable hours of the qualifying trainees shall only be for the hired position as approved by the New Mexico film division and as noted on the FCAP application and the responsibilities for the qualifying position shall meet the industry standards for that position.

(2) Trainee's pay rate shall be consistent with the trainee's job position per this crew member's contract with company, and trainee's pay rate shall be higher than the positions in the lower tier of positions under trainee per union contractual agreement where applicable.

(3) Any requests for a different job position or mentor to qualify for the program shall be considered by the New Mexico film division and if approve, noted in file.

(4) Each trainee qualifies for a maximum of 1,040 hours. As the trainee works on a film or television project, the hours shall be deducted accordingly.

(5) Trainees shall work at least 80 hours in their hired position in order to qualify.

(6) Trainees may qualify for an additional 1,040 hours if the training received through this program is used to progress from their current job to a higher job classification or to move laterally into a new skill set and the individual meets program qualifications.

(7) Qualifying participants may apply any unused hours to future on-the-job training work opportunities in the specified job position until the 1,040 hours are exhausted.

(8) Unused training hours in a lower level position are forfeited once a trainee moves to a higher level within that skill set and department.

(9) Qualifying trainees shall work in standard industry job positions as listed in the New Mexico film division FCAP job titles list for individual projects produced by companies.

(10) The number of film and television production credits and the amount of experience required for a participant to qualify shall be determined by the New Mexico film division based on the total budget of the project and the extent to which the participant is adding to their skill set.

(11) The number of trainees allowed to participate in each craft department shall be determined by the New Mexico film division based on the total budget of the project, department crew size and the company location.

B. The following shall apply to FCAP for qualifying permanent companies:

(1) The applicable hours of the qualifying trainees shall only be for the hired position as approved by the New Mexico film division and as noted on the FCAP application and the responsibilities for the qualifying position shall meet the industry standards for that position.

(2) Trainee's pay rate shall be consistent with trainee's job position per this crew member's contract with company, and trainee's pay rate shall be higher than the positions in the lower tier of positions under trainee per contractual agreement where applicable.

(3) Any requests for a different job position or mentor to qualify for the program shall be considered by the New Mexico film division and if approved, noted in file.

- (4) Trainees shall complete a minimum of 80 hours and up to 1,040 hours to qualify.
- (5) Qualifying job positions shall be technical and directly contribute to the creation of a product as determined by the New Mexico film division and shall not relate to distribution of end product(s).
- (6) Qualifying trainees shall work in standard industry job positions as determined by New Mexico film division for permanent companies creating products.
- (7) Qualifying participants may only participate one time in the program as an employee of this company; however, where the trainee has completed all 1,040 hours in the original hired position, requests to participate again will be considered upon written documentation submitted by the company and by the trainee that verifies the trainee will be advancing to a higher job classification.

C. The following shall apply for FCAP for qualifying permanent emerging media and digital media companies:

- (1) The applicable hours of the qualifying trainees shall only be for the hired position as approved by the New Mexico film division and as noted on the FCAP application and the responsibilities for the qualifying position shall meet the industry standards for that position.
 - (2) Trainee's pay rate shall be consistent with trainee's job position per this crew member's contract with company, and trainee's pay rate shall be higher than the positions in the lower tier of positions under trainee per union contractual agreement where applicable.
 - (3) Any requests for a different job position or mentor to qualify for the program shall be considered by the New Mexico film division and if approved, noted in file.
 - (4) Trainees shall complete a minimum of 80 hours and up 640 hours to qualify.
 - (5) Qualifying job positions shall be technical and directly contribute to the creation of a product as determined by the New Mexico film division and shall not relate to distribution of end product(s).
 - (6) Qualifying trainees shall work in standard industry job positions as determined by New Mexico film division for permanent companies creating products.
 - (7) Qualifying participants may only participate one time in the program as an intern of this company; however, where the trainee has completed all 640 hours in the original hired position, requests to participate again will be considered upon written documentation submitted by the company and by the trainee that verifies the trainee will be advancing to a higher job classification.
 - (8) The New Mexico film division shall contract qualified companies to provide training opportunities, similar to internships, to students currently enrolled in a higher education institution or a graduate who has recently graduated within one year from a higher education institution that relates to digital or post-production technology (emerging or digital media) for the multi-media and entertainment-related industries as approved by the New Mexico film division.
- [5.5.51.8 NMAC - Rp, 5.5.51.8 NMAC, 6-30-2016]

5.5.51.9 TRAINEE ELIGIBILITY:

- A. The following shall apply for FCAP for physical production:**
 - (1) Training applicants shall be certified as a film and multimedia trainee by the New Mexico film division.
 - (2) Trainee applicants shall be at least 18 years of age.
 - (3) Qualifying trainees shall not be permitted to participate in JTIP manufacturing.
 - (4) Trainee applicants shall be New Mexico residents.
 - (5) Trainee applicants shall raise their film or television position to a higher classification or add a completely new skill set.
 - (6) Applicants shall not have a film or television credit as defined by this program in a higher position in that department to qualify for a maximum 1,040 training hours for that position. However, exceptions may be considered by the New Mexico film division if the participant's credits are from a project's budget that did not exceed two million dollars (\$2,000,000.00) and the participant is applying to the program again on a qualifying production with a larger total budget and a higher degree of complexity.
 - (7) Trainee shall not be a mentor simultaneously.
 - (8) Additional positions are available for veterans and or reserve component members.
 - (9) Qualifying trainees shall be approved as such by the New Mexico film division.
- B. The following shall apply to FCAP for qualifying permanent companies:**
 - (1) Training applicants shall be certified as a film and multimedia trainee by the New Mexico film division.
 - (2) Trainee applicants shall be at least 18 years of age.

- (3) Trainee applicants shall be New Mexico residents.
- (4) Qualifying trainees shall be approved as such by the New Mexico film division.

C. The following shall apply for FCAP for qualifying permanent emerging media and digital media companies:

- (1) Training applicants shall be certified as a film, multimedia and digital media trainee by the New Mexico film division.
- (2) Trainee applicants shall be at least 18 years of age.
- (3) Company shall ensure all trainees have resided in the state of New Mexico for a minimum of one continuous year at any time before beginning training or qualified for in-state tuition by their higher educational institution during at least two of their most recent semesters in which they were enrolled in the emerging/digital media-related program.
- (4) Qualifying trainees shall be approved as such by the New Mexico film division.

[5.5.51.9 NMAC - Rp, 5.5.51.9 NMAC, 6-30-2016]

5.5.51.10 MENTOR ELIGIBILITY AND QUALIFICATIONS:

- A.** Mentors shall be certified as a film or television and multimedia mentor by the New Mexico film division.
- B.** A mentor shall not be a trainee simultaneously during a production on projects produced by temporary companies.
- C.** Mentors shall work in the same or directly related department with the trainees that they supervise for this program.

[5.5.51.10 NMAC - Rp, 5.5.51.10 NMAC, 6-30-2016]

5.5.51.11 COMPANY ELIGIBILITY AND ADMINISTRATIVE REQUIREMENTS:

- A.** The following shall apply for FCAP for physical production:
 - (1) Company shall submit the JTIP for film and multimedia application part one for FCAP prior to when training begins.
 - (2) Company shall enter into a contract as outlined by the New Mexico film division; the term of the contract shall be based on a time period which shall allow the contractor (company) to complete its obligation to hire and provide on-the-job training opportunities for the qualified individuals and complete paperwork involved.
 - (3) The approval of this contractual agreement from the New Mexico film division and the chairperson of the job training incentive program (JTIP) board shall grant funding to the contractor for the purpose of conducting this training.
 - (4) Company shall have a local office where claims and paperwork shall be processed or a designee shall be available to conduct the appropriate paperwork.
 - (5) The company shall provide a proposal and application to the New Mexico film division and the documents noted within to be considered for the training reimbursement.
 - (6) Company entering into a contractual agreement with the New Mexico film division shall return the program contractual agreement and program application to the New Mexico film division. This contract will be requested by the New Mexico film division prior to principal photography.
 - (7) Completed FCAP trainee applications shall be submitted to the New Mexico film division by the company.
 - (8) Company is subject to compliance reviews throughout the term of the contract; the compliance review shall consist of program and fiscal surveys.
 - (9) Company reimbursement shall not exceed fifty percent of the trainees' rates for up to 1,040 hours per participant.
 - (10) Company shall submit time records and reimbursement invoices as established by the New Mexico film division, which is the payment agent.
 - (11) The participating company shall submit forms and reports as established by the New Mexico film division which may include:
 - (a) JTIP for film & multimedia application part one for FCAP;
 - (b) department of finance and administration (DFA) tax information form or federal tax information form;
 - (c) JTIP for film & multimedia application part two for FCAP;
 - (d) JTIP for film & multimedia agreement for FCAP;

- (e) industry top sheet of budget;
- (f) FCAP participant applications and resumes;
- (g) a production's crew list or production report or equivalent as determined by the New Mexico film division;
- (h) a minimum of one call sheet or production report or equivalent as determined by the New Mexico film division;
- (i) payroll reports for each qualified trainee that verify hours worked and all rates per hours; and
- (j) a claim or invoice.

(12) All paperwork and forms shall be submitted to the development training program administrator or manager of the New Mexico film division.

(13) Companies that fail to comply with all established operating requirements and closeout procedures are not eligible for funding and may not be eligible to apply for future participation.

(14) The company shall submit paperwork including the claim or invoice to the development training program administrator or manager of the New Mexico film division.

(15) Total project budget shall be equal to or greater than two-hundred thousand dollars (\$200,000.00), but shall not exceed two million dollars (\$2,000,000.00); or

(16) Where the total project budget exceeds two million dollars (\$2,000,000.00), companies shall employ eight New Mexico residents in standard first level or key job positions or higher level job positions in a minimum of six different craft departments as determined by the New Mexico film division.

B. The following shall apply to FCAP for qualifying permanent companies:

(1) Company shall submit the JTIP for film & multimedia application part one for FCAP prior to when training begins.

(2) Company shall enter into a contract as outlined by the New Mexico film division of the New Mexico economic development department; the term of the contract shall be based on a time period which shall allow the contractor (company) to complete its obligation to hire and provide on-the-job training opportunities for the qualified individuals and complete paperwork involved.

(3) The approval of this contractual agreement from the New Mexico film division and the chairperson of the job training incentive program (JTIP) board shall grant funding to the contractor for the purpose of conducting this training.

(4) Company shall have a local office where claims and paperwork shall be processed or a designee shall be available to conduct the appropriate paperwork.

(5) The company shall provide a proposal and application to the New Mexico film division and the documents noted within to be considered for the training reimbursement.

(6) Company entering into a contractual agreement with the New Mexico film division shall return the program contractual agreement and program application to the New Mexico film division. This contract will be requested by the New Mexico film division prior to training begins.

(7) Completed FCAP trainee applications shall be submitted to the New Mexico film division by the company.

(8) Company is subject to compliance reviews throughout the term of the contract; the compliance review shall consist of program and fiscal surveys.

(9) Company reimbursement shall not exceed fifty percent of the trainees' rates for up to 1,040 hours per participant.

(10) Company shall submit time records and reimbursement invoices as established by the New Mexico film division, which is the payment agent.

(11) The participating company shall submit forms and reports as established by the New Mexico film division, which may include:

- (a) JTIP for film & multimedia application part one for FCAP;
- (b) department of finance and administration (DFA) tax information form or federal tax information form;

- (c) JTIP for film & multimedia application part two for FCAP;

- (d) JTIP for film & multimedia agreement for FCAP;

- (e) industry top sheet of budget;

- (f) FCAP participant applications and resumes;

- (g) a production's crew list or production report or equivalent as determined by the New Mexico film division;

(h) a minimum of one call sheet or production report or equivalent as determined by the New Mexico film division;
(i) payroll reports for each qualified trainee that verify hours worked and all rates per hours;

(j) a claim or invoice;
(k) company shall submit financials for the period for which they are available to include: company business plan, pro forma financial statements, tax returns, evidence of operating capital and investment funding, evidence of signed contracts, and sales projections which would substantiate their business expansion and sustainability;

(l) company shall submit overview documents to include: background/history, target markets, NM operations summary, equal employment statement and supplemental information; and

(m) a training plan, job description of duties and responsibilities for each applicant and estimated job wage per JTIP manufacturing job zone and job description.

(12) All paperwork and forms shall be submitted to the development training program administrator or manager of the New Mexico film division.

(13) Companies that fail to comply with all established operating requirements and closeout procedures are not eligible for funding and may not be eligible to apply for future participation.

(14) The company shall submit paperwork including the claim or invoice to the development training program administrator or manager of the New Mexico film division.

(15) Each trainee shall complete 1,040 hours to qualify.

C. The following shall apply for FCAP for qualifying permanent emerging media and digital media companies:

(1) Company shall submit the JTIP for film & multimedia application part one for FCAP prior to when training begins.

(2) Company shall enter into a contract as outlined by the New Mexico film division of the New Mexico economic development department; the term of the contract shall be based on a time period which shall allow the contractor (company) to complete its obligation to hire and provide on-the-job training opportunities for the qualified individuals and complete paperwork involved.

(3) The approval of this contractual agreement from the New Mexico film division and the chairperson of the job training incentive program (JTIP) board shall grant funding to the contractor for the purpose of conducting this training.

(4) Company shall have a local office where claims and paperwork shall be processed or a designee shall be available to conduct the appropriate paperwork.

(5) The company shall provide a proposal and application to the New Mexico film division and the documents noted within to be considered for the training reimbursement.

(6) Company entering into a contractual agreement with the New Mexico film division of the New Mexico economic development department shall return the program contractual agreement and program application to the New Mexico film division. This contract will be requested by the New Mexico film division prior to principal photography.

(7) Completed FCAP trainee applications shall be submitted to the New Mexico film division by the company.

(8) Company is subject to compliance reviews throughout the term of the contract; the compliance review shall consist of program and fiscal surveys.

(9) Company reimbursement shall not exceed fifty percent of the trainees' rates for up to 640 hours per participant.

(10) Company shall submit time records and reimbursement invoices as established by the New Mexico film division of the New Mexico economic development department, which is the payment agent.

(11) The participating company shall submit forms and reports as established by the New Mexico film division of the New Mexico economic development department which may include:

(a) JTIP for film & multimedia application part one for FCAP;
(b) department of finance and administration (DFA) tax information form or federal tax information form;

(c) JTIP for film & multimedia application part two for FCAP;

(d) JTIP for film & multimedia agreement for FCAP;

(e) industry top sheet of budget;

(f) FCAP participant applications and resumes;

- (g) a production's crew list or production report or equivalent as determined by the New Mexico film division;
- (h) a minimum of one call sheet or production report or equivalent as determined by the New Mexico film division;
- (i) payroll reports for each qualified trainee that verify hours worked and all rates per hours;
- (j) a claim or invoice;
- (k) company shall submit financials for the period for which they are available to include: company business plan, pro forma financial statements, tax returns, evidence of operating capital and investment funding, evidence of signed contracts, and sales projections which would substantiate their business expansion and sustainability;
- (l) company shall submit overview documents to include: background/history, target markets, NM operations summary, equal employment statement and supplemental information; and
- (m) a training plan, job description of duties and responsibilities for each applicant and estimated job wage per JTIP manufacturing job zone and job description.
- (12) All paperwork and forms shall be submitted to the development training program administrator or manager of the New Mexico film division.
- (13) Companies that fail to comply with all established operating requirements and closeout procedures are not eligible for funding and may not be eligible to apply for future participation.
- (14) The company shall submit paperwork including the claim or invoice to the development training program administrator or manager of the New Mexico film division.
- (15) Each trainee shall complete up to 640 hours to qualify.
- (16) Qualifying companies must be creating new jobs as a result of expansion, startup or relocation to the state of New Mexico. The company shall be financially stable to ensure training opportunities as determined by the New Mexico film division.
- (17) An approved company may participate more than once in this program if the company is able to show expansion of employees or has hired a recent participating trainee.
- (18) Company shall ensure that the trainee's pay rate shall be consistent throughout training and meet applicable minimum wage ordinances per JTIP job zone and job descriptions.
- (19) Company shall qualify trainees based on additional criteria required by the company.
- (20) Number of trainees permissible:
- (a) Companies with five or fewer full-time employees at a given time may train two participants for up to 640 hours.
- (b) Companies with five or more full-time employees at a given time may train four participants for up to 640 hours.
- (21) Training of each participant shall not exceed one semester or 16 weeks.
- (22) Company shall only allow a trainee to participate one time in the program. A trainee who has participated in the program previously for any company shall not be approved unless the company and trainee can demonstrate to the satisfaction of the New Mexico film division, which the training applies to a new skill set and a new job position.
- (23) Companies approved for reimbursement through this program shall not be approved for any other JTIP for film and multimedia programs; however, they may apply to JTIP manufacturing if they meet that program's requirements.

[5.5.51.11 NMAC - Rp, 5.5.51.11 NMAC, 6-30-2016]

5.5.51.12 REIMBURSEMENT OF TRAINING COSTS:

- A.** Reimbursement shall be made to the participating company in accordance with the terms of JTIP for film and multimedia agreement for FCAP.
- B.** Failure to fully and accurately complete administrative requirements may delay reimbursement payment.
- C.** The claim or invoice for reimbursement may be submitted during the agreement period, when trainees complete the number of agreement hours.
- D.** Trainee wages shall be reimbursed upon completion of the training project, not to exceed 1,040 hours for (FCAP) for physical production and FCAP for qualifying permanent companies and not to exceed 640 for FCAP for qualifying permanent emerging media and digital media companies, at the conclusion of the production in New Mexico.

- E.** Reimbursement from the state shall be based on the FCAP agreement.
- F.** Reimbursements shall be based upon the number of trainees who have qualified for the training program.
- G.** Reimbursement shall not exceed fifty percent of the trainees' rates.
- H.** Training costs shall be reimbursed to the company based on the number of qualified participants and their wages from hours physically worked.
- I.** The agreement amount established shall remain the same for the length of the agreement.
- J.** Trainee wages shall be reimbursed upon completion of training with the company which shall not exceed 1,040 hours per approved trainee application at the conclusion of training in New Mexico and when company qualifications and requirements have been met.
- K.** The New Mexico film division shall make arrangements to have an audit at the end of the agreement that may be facilitated by and completed at the New Mexico film division to verify program compliance by either an independent accountant or a representative of the New Mexico film division.
- L.** In the case where overpayment has been made by the state of New Mexico to the company, the company shall refund the department the difference of the correct reimbursement payment from the paid reimbursement amount.
- M.** The New Mexico film division may not issue reimbursement payment until all obligations the company has incurred have been paid in New Mexico as related to the New Mexico film credit program.
[5.5.51.12 NMAC - Rp, 5.5.51.12 NMAC, 6-30-2016]

HISTORY OF 5.5.51 NMAC:

History of Repealed Material:

5.5.51 NMAC, Development Employment Funding for Film and Multimedia Production Companies, filed 5-28-2008 is repealed effective 4-30-2009.

5.5.51 NMAC, Development Employment Funding for Film and Multimedia Production Companies, filed 4-30-2009 - Repealed effective 6-30-2014.

5.5.51 NMAC, Development Employment Funding for Film and Multimedia Production Companies, filed 6-16-2014 - Repealed effective 6-30-2016.