

FILM CREW ADVANCEMENT PROGRAM (FCAP): POLICY AND GUIDELINES

PROCESS

PHASE ONE DURING PREP

1. Company submits FCAP Company Application Part One to New Mexico State Film Office (NMFO), available online. Company then receives all paperwork required from the NMFO along with an assigned project number.
2. Company sends notification of Company's participation in FCAP to department heads/keys.
3. Company provides information to crew interested in program (which must be readily available in the production office).
4. Company submits NM W-9 and top sheet of budget to NMFO.
5. Company schedules a meeting either in-person or via phone with the Unit Production Manager or Line Producer, Production Accountant and Production Office Coordinator and NMFO Workforce Programs Manager as soon as the local production office opens.
6. Company determines estimate of the reimbursement per FCAP Company Application Part Two (contract amount to be encumbered). The estimate is determined by adding the totals from the number of hours that will most likely be worked times the average wage for each potential position then dividing the grand total by two. Positions and totals will change once participants are qualified. Note: it is better to add all potential positions than the company may fill for the estimate.
7. Company submits two (2) signed copies of the contract with the NM Economic Development Department to the NMFO for review and approval before principal photography commences (include FCAP Company Application Part Two).
8. Company receives fully-executed contract and a purchase order number from NMFO upon final approval most often before the end of principal photography.

Note: A Company may participate in the program after principal photography has begun; however, the only crew that may apply are crew hired one week prior to the date the FCAP Company Application Part One was received by the NMFO and crew that changed job positions a week prior to the submission of this application.

PHASE TWO DURING PRINCIPAL PHOTOGRAPHY

1. Copies of the FCAP Participant Applications completed by crew members must be faxed to the NMFO at 505.476.5601 or mailed to Attention: NMFO, 1600 St. Michael's Dr., c/o Santa Fe University of Art & Design, Santa Fe, NM 87505 by Company before the end of the first week of principal photography.
 - a. The company must verify the NMFO has received all applications by emailing the NMFO the FCAP Applications List Exhibit B. (This document will replace the FCAP Application Part Two submitted with the contract.)
 - b. No more FCAP Participant Applications will be accepted after principal photography has ended.
2. Company must ensure applicants and applications meet all of the following requirements prior to submission:
 - a. Applicant is a New Mexican resident and has presented proof of residency to the company.
 - i. Acceptable forms of proof are a NM state issued picture ID, NM voter's registration card or a copy of last year's state tax return.

- ii. NMFO may request additional information for crew applicants that have resided in NM less than one year such as proof of residency.
 - b. The job title on the application corresponds with FCAP Job Titles List.
 - i. Exceptions for positions not listed may be considered by the NMFO upon request.
 - ii. The company or applicant must email justification for the requested exception.
 - c. The job title on the application is consistent with start paperwork, call sheets and the crew list.
 - d. All contractual obligations with unions/guilds are met by the company for applicants applying for FCAP job positions under that union or guild's jurisdiction.
 - e. The application is completely filled out and the form is signed; and all contact information for both the applicant and mentor are included.
3. Company must submit the preliminary crew list and one call sheet from the first week of principal photography to the NMFO.
 4. Company may submit additional applications for new hires and crew that change position during principal photography.

Note: the NMFO will a) send the company a list of the applications the NMFO received from production noting as to whether those crew members have qualified for the program; b) schedule a set visit during production; and, c) email all crew participants and designated mentors notifying them of the receipt of their application and as to whether the crew member qualified for the program.

PHASE THREE *DURING NM WRAP*

1. Company submits originally signed FCAP Participant Applications and resumes to NMFO.
2. Company submits call sheet from the last day of principal photography to NMFO.
3. Company submits final crew list to NMFO.
4. Company submits a detailed earnings report for each participant listed on the invoice to the NMFO generated from the production's payroll company.
5. Company submits notarized invoice per template to NMFO.
 - a. NMFO will draft a preliminary invoice upon request for the company to review and sign on approval.
 - b. Only wages from hours physically worked by participants apply towards the reimbursement, i.e. straight, time-and-a-half, double, golden, 6th and 7th day hours.
 - c. Hours and wages where participant did not physically work in their position do not qualify, i.e. benefits, fringes, kit rental, per diem, travel, holiday, meal penalties, idle time, forced time, mileage, etc.
 - d. Hours worked out-of-state do not qualify.

Note: a company typically invoices approximately 60-70% of the estimated contract amount (Exhibit B).

6. Company submits updated post-production contact information to NMFO.

Note: The NMFO will a) email each participant their final hours applied to the participating production which will be copied to their mentors; b) conduct an internal audit to ensure the amount of the reimbursement is correct; and, c) mail the check and a copy of the invoice to the production company per the information submitted on the NM W-9.

COMPANY QUALIFICATIONS

1. The company must be a temporary film or television production company that was formed to produce (one) film or multimedia product.
2. The minimum total budget of the project must be \$200,000.00 (two hundred thousand dollars).
3. For qualifying projects that have a total budget over \$2,000,000 (two million dollars) additional requirements apply: eight New Mexican residents must be employed in key level positions or higher level positions in a minimum of six different craft departments. These crew members are not required to be program participants or mentors.
4. Post-production companies and digital production projects do not qualify for FCAP; however, if a company in these areas of specialty operates year-round and has full-time employees, contact the Job Training Incentive Program Manager at 505.827.0323 or visit www.edd.state.nm.us/businessAssistance/jobTraining/whoQualifies/index.html to determine if the company qualifies for JTIP under the manufacturing category.
5. The NMFO will request FCAP participation is added to information provided by company for the NMFO website.
6. The NMFO will request confirmation from production that all NM Vendors with outstanding obligations have been paid prior to reimbursement.

QUALIFICATIONS: PARTICIPANTS

1. Applicants must be New Mexico residents.
2. Applicants must be raising their film or television position to a higher classification or be adding a new skill set in the hired job position.
3. Applicants must work in standard crew positions as listed in the NMFO FCAP Job Titles List and perform the job responsibilities associated with these job positions per industry standards. Exceptions for job positions not listed *may* be considered by the NMFO upon request. The company or applicant must include justification for this request.
4. Applicants must have previous experience in the department for advanced positions.
5. For applicants to qualify in an advanced position within a department, at least one crew member must be employed in the job level directly under the FCAP participant. For instance, participants that will be working in the Best Boy position must have a third tier crew member consistently working in the department. Exceptions *may* be considered for certain crafts.
6. Applicants are allowed to have a maximum of one previous film or television credit¹ in the hired position as defined by this program. Exceptions may be requested for those with two credits depending on the complexity of the new job position and the total budget of the previous productions from which those credits were accrued.

¹ A film or television credit for the purpose of this program is defined as work on a film or television production for more than one week where the project was not a student film, an internship, an unpaid position, a documentary, a commercial or film where the budget was under \$500,000 (five hundred thousand) and the production company did not participate in this program.

7. Applicants must not have a film or television credit in a higher position within the department of employment. Exceptions may be made for participants who have worked on projects whose total budgets did not exceed \$2,000,000 (two million dollars) each and the project on which they would participate has a total budget exceeds \$2,000,000 (two million dollars); and, the participant would be adding to their skill set.
8. If the applicant has participated in FCAP previously and did not exceed the one thousand and forty (1040) hours available per position, the applicant, mentor or company representative may call the NMFO at 505.476.5600 to check on the number of available, unused hours ("open hours") of a specific person in a specified job position. Note: the NMFO is not permitted to give out a list of previous program participants.
9. If a crew member has previous film or television credits that are more than five years old in the hired position and they do not have a film or television credit in a higher position within that department, they may apply. (See number seven for additional exceptions.)
10. For positions that are under the jurisdiction of a film union or guild, the FCAP applicant must supply a copy of their membership card to the company. If they do not have a copy of their card or are an applicant of the union/guild, membership status will be verified through the union or guild by the NMFO.
11. If the resume of an applicant or mentor is not available or additional information is needed, the union/guild, applicant, mentor and/or any other available individuals may be contacted by the NMFO in order to determine if the applicant qualifies as a training participant and therefore is certified as such by the NMFO.

PROGRAM INFORMATION FOR PARTICIPANTS

1. There is a maximum of one thousand and forty (1040) hours for each person who qualifies in a specified position. As they work on a film or television project, the hours are deducted accordingly.
2. Participants must work at least eighty (80) hours in their hired position in order to qualify.
3. The hours of the qualifying participants only apply to their hired position as approved by the NMFO per their application.
4. Participants can not be mentors simultaneously on a production.
5. The responsibilities for the qualifying position must meet the industry standards.
6. No more than two (2) crew members may participate in the FCAP per department. Exceptions *may* be made upon approval by the NMFO if, for example, a department has more than ten crew members or company is based in a rural location.
7. In departments where a crew member participates in FCAP, only one crew member may have the title of and work in the capacity of the following job positions: Supervisor, Head, Key and Best. (This does not apply to multi-unit or multi-camera situations.)
8. The qualifying participant's hourly pay rate must be consistent with their job position per their contract or deal memo with the company. And, the participant's pay rate must be higher in comparison to the job positions in the lower tier within that department. Union/guild contract agreements with the company may be referenced when applicable.

9. Participants may qualify for an additional thousand and forty (1040) 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.
10. Participants may apply any unused hours to future on-the-job training work opportunities in the specified job position until the thousand and forty (1040) hours are exhausted. (Unused hours are also referred to as having “open hours” in the job position.)
11. Unused training hours in a lower level position are forfeited once a trainee moves to a higher level within that skill set and that department.
12. If only one additional film or television credit is obtained after opening hours in the qualified position, and the company or applicant did not participate in the program during this previous production, *and* the participant still does not have a higher film or television credit in that department, then the participant may still take part in the program with the condition that up to three hundred (300) hours are subtracted from the current number of available hours.
13. Participants and their mentors are recommended to be safety certified.

MENTOR INFORMATION

1. Mentors must be certified as qualified mentors by the NMFO.
2. New Mexico residents are preferred as mentors.
3. Mentors can not be participants simultaneously during the production. In the case where the supervisor of a participant is also in the program, an additional “go-to” person, upon their agreement, must be listed as the mentor.
4. A mentor must work in the same or directly related department as their participant (trainee) and have previous experience in their participant’s position of employment. Exceptions may be considered by the NMFO. Approval will be based on the benefit to the participant as it relates to their job position.