



NEW MEXICO

## Early Childhood

Education & Care Department

# Employer's Guide to Supporting Employee Child Care

*The release of this updated guide replaces  
and supersedes the previously released guide.*

*Revised January 6, 2023*





## Table of Contents

<b>How my business can support my employee’s child care needs</b> .....	<b>3</b>
OPTION A: License-Exempt Onsite Child Care Facility .....	3
OPTION B: Licensed Child Care Facility .....	3
OPTION C: Micro-Center .....	4
OPTION D: Contracting of Slots .....	5
<b>Collaborating with ECECD Child Care Services Bureau</b> .....	<b>5</b>
<b>How to implement a license-exempt on-site child care facility</b> .....	<b>6</b>
<b>How to implement a licensed child care facility in my business</b> .....	<b>7</b>
<b>How to implement a micro-center</b> .....	<b>7</b>
<b>How to implement a contract for child care slots</b> .....	<b>8</b>
<b>Employer-Provided Child Care Credit</b> .....	<b>8</b>

## Leadership Contact

---

### **Sandy Trujillo-Medina**

Early Care, Education and Nutrition  
Division Director

1120 Paseo De Peralta  
Santa Fe, NM 87502  
sandy.trujillomedina@state.nm.us  
505-231-3219

### **Kimberly Brown**

Child Care Services Bureau Chief

3401 Pan American Freeway NE  
Albuquerque, NM 87107  
kimberly.brown@state.nm.us  
505-841-4821

### **Patricia Steward**

Child Care Services Assistant  
Bureau Chief

3401 Pan American Freeway NE  
Albuquerque, NM 87107  
patricia.steward@state.nm.us  
505-841-4842

## How my business can support my employee's child care needs:

As a business owner, daily, you are faced with unique challenges when looking to recruit, hire, and retain employees. One of many significant challenges comes from parents needing assurance that they have a safe environment for their children while at work. How can an employee come to work without child care for their children? As a business owner and employer, you have several options to support your employee's child care needs. You can offer onsite child care to employees, partner with child care providers in your community to give preferred placement to your employees or become a licensed provider yourself. These methods each offer their own significant benefits to your business through new revenue streams, community partnerships, and employee recruitment and retention. Below, we outline each of these options, steps to implementation, and how ECECD – Child Care Services Bureau can support you.

### OPTION A: License-Exempt Onsite Child Care Facility

---

As a business owner, you may operate a License Exempt Onsite Child Care Facility at the site location of your business, as outlined in **8.9.4.9 of the New Mexico Administrative Code (NMAC)**. The child care provided may only be offered to your employees, and care for their children may only be provided while the parent/guardian is onsite working. The parent/guardian must physically be on the premises at all times the children are in care. If your business has multiple locations, the children must be in care at the same location as the location the parent is working. This option is not available to employees who frequently change locations throughout the day as part of their normal job duties.

Providing child care for employees who are simultaneously on the premises can be considered an extended benefit to your employees. This could reduce family related sick time, increase productivity, and improve

workplace morale by reducing child care related stressors on employees. This also affords parents the ability to spend more time with their children throughout the day – allowing active engagement in their child's education, monitor the care of their child(ren), assist with any issues arising related to their child, and have more interaction and relationship with the person providing care for the child(ren).

There are some risks associated with this approach since the liability and all associated costs for care are assumed by your business. It is strongly recommended to perform a cost-benefit analysis when considering this option.

**To learn more about implementing this option for your business, please review the [How to Implement a Licensed-Exempt Onsite Child Care Facility](#) section of this document.**

### OPTION B: Licensed Child Care Facility

---

As a business owner, you may operate a Licensed Child Care Facility. The space utilized, either on-site or remotely located, must be dedicated to child care and meet the Child Care Licensing Regulations as outlined in **8.9.4 (NMAC)**. Licensure can support the costs associated with providing child care to your employees. Becoming licensed will open

another revenue stream for your business as it allows you to accept child care subsidies (if parents qualify), grant funding (when available), and the possibility of caring for children whose parents are not on-site during hours of care. As a regulated child care facility, you will need to meet certain quality standards that will afford employees and patrons reassurance their children are in a safe environment. By participating in New Mexico's tiered quality

rating and improvement system, **FOCUS**, you will receive comprehensive consultation to achieve a higher star level - quality of standards based on specific criteria. Participation in the FOCUS program is voluntary and free. You will receive higher rates of reimbursement for each star level attained. The educators employed in the child care facility will have access to many workforce supports such as free early childhood training, [Early Childhood Scholarships and Wage Supplement Program](#), and an [Early Childhood Mentor Network](#). As a licensed child care center, you are also eligible to participate in the [USDA Child Nutrition Program](#).

**To learn more about implementing this option for your business, please review the [How to Implement a Licensed Child Care Facility](#) section of this document**

Additional benefits to implementing this option, expanding on those outlined in Option A, may include:

- Your employees being available to work more hours by assisting with coverage of child care
- Peace of mind for parent/employee due to oversight by regulatory authority

Details on physical environment and requirements, as well as the process to become Licensed can be found in the [ECECD Child Care Center Welcome Packet](#) for potential providers. Prior to Licensure, ECECD can perform a courtesy visit to assess your building or space in which you would like to provide child care.

## OPTION C: Micro-Center

---

A Micro-Center is a partnership between your business and a local Child Care Center. If you have a space available (in the same building, same property or remotely located) you can contract with a local Licensed Child Care Center to provide care for children at your location. The child care provider, also known as the parent site, must be in good standing with ECECD and recognized as a higher quality program with a 3-Star rating or higher. Also, the child care center must be within 25 miles of your business. The Child Care provider licenses and manages the daily operations utilizing their expertise in the field. This can allow you to diversify without the need to develop and learn a new business model. There are many benefits to your business for creating this partnership:

- Child care subsidy payments of qualifying families are made to parent site, not requiring your business to manage this additional revenue
- Parent site is responsible for the hiring, training, and supervision of educator's providing care to children
- Parent site provides, assists, and advises on necessary equipment for child care center
- Parent site assumes responsibility for health & safety compliance with ECECD Licensing Authority

**To learn more about implementing this option for your business, please review the [How to Implement a Micro-Center](#) section of this document**

## OPTION D: Contracting of Slots

---

As a business owner, you may find value in developing a contract with a local child care facility (licensed childcare home and/or center) to provide child care services to your employees. By contracting a specific number of child care slots, you will ensure availability of child care services for your employees. You may assume all child care fees or pay a percentage of the child care fees with the remaining fees to be paid by the employee. Local child care providers can be found through ECECD's online search portal at [childcare.ececd.nm.gov/search](http://childcare.ececd.nm.gov/search). The specific information available online that is important to selecting a quality child care option for your employees is the star level, hours of operation, ages of children served, and demographic information.

Some of the benefits to your business for contracting slots are as follows:

- Established community partnerships will guarantee preferred child care placements for your employees. If willing, the child care provider may adjust hours of care to accommodate your employees
- Paying all or a portion of your employees child care costs can be considered an extended benefit to your employees. The amount paid may be dependent on whether or not the employee qualifies to receive subsidized child care through the [ECECD's child care assistance program](#):
- Non-qualifying employees – If the employee does not qualify for child care assistance, you as the employer may consider paying all or a percentage of the child care costs. When sharing the cost, you may consider withdrawing from employee's pay check any portion not covered by you, the employer, to ensure child care slot is paid
- Qualifying employees – If the employee qualifies to receive child care assistance, you may consider paying the copayment on behalf of the employee, while ECECD pays the remaining portion of child care costs. This results in all child care costs being paid on behalf of the employee
- Reduces child care related stressors on employees

**To learn more about implementing this option for your business, please review the [How to Implement a Contract for Child Care Slots](#) section of this document.**

## Collaborating with ECECD Child Care Services Bureau:

With implementing any of the child care options described in the guide, ECECD recommends you partner with our Child Care Services Bureau. The Child Care Services Bureau administers the Child Care Assistance Program and Regulatory Oversight of licensed and registered child care providers. There are **regional offices** located throughout the state.

The Child Care Services Bureau can assist with implementing any of the above child care options described above. In addition, the Child Care Services Bureau can offer information about how to help employees qualify for child

care assistance contracts. In collaboration with ECECD, you will be able to offer information about child care assistance qualifications, child care assistance application process, and child care options during the onboarding of new employees who are parents or existing employees who are new parents.

As the employer, you can assist employees with the child care assistance application process by providing the necessary employment verification. A few other ideas for your business are:

- During your onboarding of your new employees, discuss their child care needs. Based on their needs, you can offer a review of qualifications for child care assistance using the [ECECD website](#) or assist them with the submission of their online application through [Am I Eligible](#).
- Offer a list of **local providers** or ones you have partnered with to ensure care is available to your employees

## How to implement a license-exempt on-site child care facility:

If electing to open a licensed-exempt onsite child care facility for your employees, ECECD strongly recommends the following to setup your environment for the children:

- Align hours of operation with employee work schedules
- Recruit, hire, train, or utilize qualified educators who have experience in early childhood development and are background checked
- Child care staff should have First Aid and CPR training for infants and children
- Maintain a safe staff to child ratio for mixed age groups of 1 educator for every 6 children
- Designate a usable space within your business in which child care can be provided on a daily basis. Furnish child care space to include developmentally appropriate furniture and materials
  - Adult size furniture should not be used as larger equipment can pose a hazard to smaller children.
- Designate an enclosed outdoor playground space or separate indoor space to support gross motor development and play
  - Furnish outdoor playground or indoor gross motor play area with developmentally appropriate equipment and toys
- Documentation of children’s allergies or medical conditions should be on file, and communicated with all educators
- Children under five years of age should be provided a rest period during the day and nap equipment available to use. Nap mats should be a minimum of ¾” thick and made from non-absorbent material
- When caring for children 12 months old and younger, provide a crib for their use. Each child should use a separate crib unless cleaning, disinfecting, and sheets are changed between each use
- If providing overnight care, then ensure each child has their own cot or mattress with sheets and pillows that can be washed between each use.
- Determine if meals will be provided on site or if employees will bring their meals, snacks, formula for their own children.
- Consult your local fire department for any special requirements in accordance with their regulations. Their regulations might dictate which room(s) or outdoor areas that can be used to provide care for children on the premises

## How to implement a licensed child care facility in my business:

If electing to license your own child care center to provide child care to your employees, follow the steps outline below:

- Align hours of operation with employee work schedules
- Identify age range of children you wish to provide care
- Identify the space you wish to utilize, either on-site or remotely located
- Request a courtesy visit from the Child Care Services Bureau – Regulatory Oversight Unit to ensure the dedicated space for child care meets the Child Care Licensing Regulations as outlined in **8.9.4 (NMAC)**
- Follow all steps for licensure that are outlined in the [ECECD Child Care Center Welcome Packet](#)
- Read the Child Licensing Regulations (**8.9.4 NMAC**) in its entirety to understand all health and safety requirements that must be adhered to when operating a licensed child care center
- Submit Licensing Application Packet
- Obtain License
- Provide child care

## How to implement a micro-center:

If electing to partner with local child care center to open a micro-center for your employee's child care needs, please follow the steps outline below:

- Identify a space available in the same building, same property or remotely located of your business
- Identify a local Licensed Child Care Center to provide care for children at your location. Local child care providers can be found through ECECD's online search portal at [childcare.ececd.nm.gov/search](http://childcare.ececd.nm.gov/search)
  - The child care provider must be in good standing with ECECD
  - The child care provider must have a 3-Star rating or higher
  - The child care provider must be within 25 miles of your business
- The Child Care provider must be willing to license and manage the daily operations, as outlined in the Child Care Center regulations in **8.9.4 (NMAC)**.
- Determine if there will be any shared costs between the child care provider and your business to incentivize the child care for managing the child care facility for your business (i.e. – child care staff salary, lease of space, supplies, equipment, tuition, etc.)
- Determine how many employees need childcare including the total number of children and their age

## How to implement a contract for child care slots:

If electing to contract for child care slots to secure child care placements with a local child care facility or multiple facilities, you may consider taking the following steps:

- Determine how many employees need child care including the total number of children and their age to determine the number of slots you will need to contract
  - Determine hours in which child care is needed for employees based on employee work schedules
  - Determine how many hours of child care your business will pay for per employee; per child
  - Identify local child care facilities (licensed centers, licensed homes, licensed out-of-school time providers, and registered homes) near your business who have the capacity to provide child care services
- based on your employee's child care needs. Local child care providers can be found through ECECD's online search portal at [childcare.ececd.nm.gov/search](http://childcare.ececd.nm.gov/search)
- Determine if your business will assume all child care fees, or pay a percentage of the child care fees with the remaining fees to be paid by the employee
  - Establish contract with child care provider to include number of children, ages, days and hours of care to be utilized, cost per child, invoicing, billing and payment
  - Review contract periodically to update as employee's needs change

In conclusion, ECECD is committed to providing parents with equal access to quality child care programs. Through our commitment we will develop strong partnerships with business to support their initiatives to eliminating these child care challenges. Please do not hesitate to contact us at one of our regional child care offices **or 1-800-832-1321**.

## Employer-Provided Child Care Credit

To encourage businesses to provide child care to their employees, the federal government offers companies a tax credit to help cover some of the associated costs. The Employer-Provided Child Care Credit, under the **Internal Revenue Code Section 45F**, offers employers a tax credit of up to 25% of qualified child care expenditures and 10% of qualified child care resource and referral expenditure, both detailed below.

Qualified child care expenditures include costs associated with acquiring, constructing, rehabilitating, or expanding property to be used as part of a child care facility, and for the operating costs of such a facility, including

supporting child care workers through training, scholarships, and wages. Though it is often called the "Child Care Facilities Credit," employers may also contract with licensed child care programs, including home-based providers, in addition to operating on-site child care facilities, to offer child care services to their employees.

Additionally, any amount paid under a contract to help employees find child care is considered a qualified resource and referral expenditure. For more information on what counts towards the credit, read **Form 8882 from the IRS website**.



## Toolkit

Help spread the word about the Child Tax Credit to families in your community by sharing resource toolkit provided by No Kid Hungry. The toolkit includes ready-to-use and customizable resources that you can share on social media, in your newsletter, or by hanging or sending flyers home with children. View the toolkit: [spark.adobe.com/page/pNYILo8N4lyl6](https://spark.adobe.com/page/pNYILo8N4lyl6)

---

## Spanish Webinar:

The Office of Early Childhood Development (ECD), in collaboration with the U.S. Department of Education and the U.S. Department of Treasury, hosted a webinar event regarding the Child Tax Credit. The webinar was conducted in Spanish and included training to become a child tax credit navigator. Watch the recording [here](#).

---

## Comprehensive Background Check Process

ECECD licensed providers are required to obtain a comprehensive background check on all staff and educators. The process can be found here: **Comprehensive Background Check Process**.

Though ECECD only has authority to complete a background check on applicants for licensed providers, a background check is strongly recommended on any staff member and educator who has access to children.

---

## The 45-Hour Entry Level Course Certificate

The 45-Hour Entry Level Course is a basic course created to introduce participants to **New Mexico's Seven Core Competency Content Areas**. All childcare providers working in

licensed childcare centers and family childcare homes are required to complete this course, or its equivalent (3-credit early care and education course), within the first six months of employment.

## Order the 45-Hour Entry Level Course Materials

Statewide training opportunities are available to NM early learning providers, families and interested community members. Training sessions offered meet the **New Mexico Core Competency Areas for Early Care**.

**Click here** to access information on the NM Professional Development System.

---

## Higher Education Opportunities

New Mexico's higher education opportunities to learn about child development span from certified training to Associates through Ph.D. degree programs. **The NM Early Care and Education Professional Development System** is designed for all individuals wanting to work as a teacher, child care provider, home visitor, program administrator, early interventionist, mentor or program development specialist with children with children 0-8 years of age, their families and community programs. ECECD's Division of Policy, Research, and Quality Initiatives issues certificates for individuals completing all requirements. Contact Anita Quintana, ECECD Policy, Research, and Quality Initiatives, 505-901-8236 for more information.

**Click here** for ECECD's Early Childhood Scholarship Application. **Click here** for Training for Early Learning Providers.

## Licensed Staff/Child Ratios and Group Sizes:

Centers where children are grouped by age		
Age Group	Adult to child ratio	Maximum group size
infants	1:6 or fraction of group thereof	12*
toddlers	1:6 or fraction of group thereof	12*
two years	1:10 or fraction of group thereof	20
three years	1:12 or fraction of group thereof	24
four years	1:12 or fraction of group thereof	24
five years	1:15 or fraction of group thereof	30
six years and older	1:15 or fraction of group thereof	30

Centers where children are grouped by age		
Age Group	Adult to child ratio	Maximum group size
infants	1:6 or fraction of group thereof	12*
toddlers	1:6 or fraction of group thereof	12*
two years	1:10 or fraction of group thereof	20
three years	1:12 or fraction of group thereof	24
four years	1:12 or fraction of group thereof	24
five years	1:15 or fraction of group thereof	30
six years and older	1:15 or fraction of group thereof	30

### Non-Licensed Mico-Center Staff/Child Ratios and Group Sizes:

- Six or fewer children, with no more than two children under the age of two years, will have at least one educator at all times
- Six or fewer children, with more than two children under the age of two years, will have at least two educators at all times
- More than six children, but a maximum of 12 children with no more than four under the age of two years, will have at least two educators at all times

### Financial Resources:

- CACFP: [Family Nutrition Bureau | Early Childhood Education & Care Department \(nmececd.org\)](#)

- Child Care Assistance: [Child Care Assistance | Early Childhood Education & Care Department \(nmececd.org\)](#)

- Scholarship and Wage Supplement Program Information: [Home - Scholarship and Wage Supplement Program \(eceedscholarship.org\)](#)

### Self-Assessment Checklists:

Self-assessment checklists to assess facilities health and safety, and record keeping of children and personnel documents can be found in in the General Documents folder of Becoming a Licensed Provider here: [Child Care Services Bureau \(CCSB\) Materials Library](#)

