

**COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT  
STATE OF NEW MEXICO**

JOSE OLIVAS, OCTAVIO RIOS OLIVAS,  
BLAKE CAHILL, and ALVARO BRAVO, as  
individuals and class representatives; EL  
CENTRO DE IGUALDAD Y DERECHOS,  
NM COMUNIDADES EN ACCION Y DE  
FÉ, ORGANIZERS IN THE LAND OF  
ENCHANTMENT, and SOMOS UN PUEBLO  
UNIDO, New Mexico membership-based  
organizations representing low-income  
workers;

Plaintiffs,

vs.

No. D-101-CV-2017-00139

Assigned Judge: David K. Thomson

CELINA BUSSEY, Secretary of the New  
Mexico Department of Workforce Solutions,  
JASON DEAN, Director of the Labor  
Relations Division of the Department of  
Workforce Solutions; and the NEW MEXICO  
DEPARTMENT OF WORKFORCE  
SOLUTIONS, an executive agency;

Defendants.

**DECLARATION OF JAVIER CASTILLO CHAVEZ**

1. My name is Javier Castillo Chavez. I am a class member in this lawsuit. I am also a member of *El CENTRO de Igualdad y Derechos*.
2. I have personal knowledge of the facts stated in this declaration.
3. I am providing this declaration to express my support for the settlement in this case. I am unable to appear in person to speak at the hearing because I was not able to obtain time off of work.

4. Last fall I visited with El CENTRO organizers seeking help after many failed attempts to collect wages owed from my previous employer. My employer owed me more than \$1000 in wages when my employment ended. It was stressful not to be able to afford groceries, and I used up all my savings in order to pay rent. This experience interfered with my ability to support my mother, who lives in Mexico, whom I try sending money to every month. She is retired and struggles with her health. The additional money I send helps her to cover her basic needs. The wage theft I experienced brought hardship to my mother and sons who are adults and have their own families to provide for.

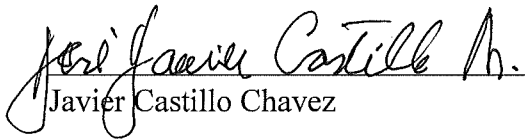
5. When I went to El CENTRO, I wasn't sure of the wage claim process, and they oriented me about how to file a wage claim and shared that I was not alone. On November 7th, 2017, I filed a wage claim with the Department of Workforce Solutions (DWS). Throughout the course of DWS' investigation against my past employer I learned there were many more workers he had ripped off and not paid. This included a recurring scheme of paying workers with fraudulent checks followed by suddenly stopping all communication with a worker once the worker determined the check was not good.

6. My wage claim was investigated under the new process that DWS is implementing under the settlement agreement. After investigating my case, DWS made a decision in my favor. With applicable damages, I am owed over \$7,000. Having gone through DWS' new wage claim process, I can say that it is working much better than what I have heard about their process before the settlement. It is encouraging to learn other workers may have similar success in fighting back against wage theft by coming forward and that my employer may be prevented from continuing to steal wages from other workers. Given the trauma wage theft caused me, it is important the application of the laws against employers who break the law

be strong and applied in full force. The settlement agreement will help ensure this happens, and that is why I support approval of the agreement.

7. I also support approval of the settlement agreement because it requires DWS to provide services in Spanish to workers like me. Wage theft impacts workers of all socioeconomic backgrounds, but our immigrant families and low-wage working families are especially vulnerable. Language barriers should not be a reason why New Mexican workers suffer from wage theft. Under DWS' new investigation process, I was able to speak to my investigator in Spanish. This is important, because people with limited English proficiency should not have additional limitations when filing or pursuing wage theft claims.

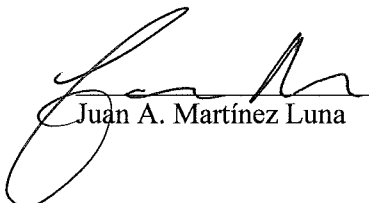
8. I declare under penalty of perjury under the laws of the State of New Mexico that the foregoing statement is true and correct.

  
Javier Castillo Chavez

3/8/2018  
Date

**Interpreter Statement**

I hereby affirm that I speak Spanish and English fluently, and that I have translated the foregoing declaration from English to Spanish to the above-named declarant to the best of my ability. The above-named declarant indicated that he understood and agreed with the statements in this declaration as translated to him.

  
Juan A. Martínez Luna

3/8/18  
Date