

KNOW YOUR RIGHTS AS A WORKER

New Mexico's Minimum Wage Laws

IMPORTANT UPDATE: Equal work = equal pay!

As of June 18, 2021, the sub-minimum wage for youth workers is eliminated. Workers that are 18 years of age or younger and/or in high school have a right to New Mexico's full minimum wage! Thanks to legislation passed in 2019, statewide minimum wage is increasing annually until 2023.

- ▼ In 2021, employees must earn at least \$10.50/hr.
- ▼ In 2022, employees must earn at least \$11.50/hr.
- ▼ In 2023, employees must earn at least \$12.00/hr.

IMPORTANT DISTINCTION:

Employees working in the City or County of Santa Fe have a right to 12.32/hr.

Tipped Minimum Wages

Employees that receive tips have the right to \$2.55/hr. HOWEVER, after adding tips to this hourly wage, a tipped employee must take home at least \$10.50/hr.

In Albuquerque, the tipped minimum wage is \$6.30/hr.

In Las Cruces, the tipped minimum wage is \$4.20/hr.

In Santa Fe County, the tipped minimum wage is \$3.69/hr.



IMPORTANT NOTE:

If tips plus the tipped hourly wage does not come out to at least \$10.50/hr, the employer must pay the employee the difference to ensure they take home at least that amount.

New Mexico's Overtime Law

Most employees should receive *at least* 1.5 times their hourly wage for every hour worked over 40 hours per week.

Example: If the hourly wage is \$12/hour, the overtime wage is \$18/hour (12+6).

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New Mexico's Worker Protections

Damages – Minimum Wage and Overtime Violations

Employers who violate these minimum wage or overtime requirements are required to pay **three times the number of wages owed, plus interest.**

Retaliation Prohibited:

Employers may not treat badly or fire any employee that seeks to enforce their minimum wage or overtime rights. If the employer does act against an employee for demanding minimum wage or overtime, they will suffer further legal consequences, such as further damages owed to the employee.

Collective Action:

Employees have the right to join with co-workers to ask for better treatment at work.

Immigration Status:

Employment laws protect EVERYONE, regardless of immigration status.

Workers' Compensation:

Most business with 3 or more employees must provide workers' compensation benefits to all their employees.

Anyone who works for a covered business under this law has the right to receive reasonable compensation to address workplace injuries.

Right to be paid on time:

Generally, employees must be paid twice a month.

- If an employee quits, they must get all their remaining wages paid by the next pay day.
- If an employee is fired, they must be paid all their remaining wages on or before the 5th day after their termination.

Workers may report a violation to the Labor Relations Division of the N.M. Department of Workforce Solutions if any of their wage rights are violated. The Department of Workforce Solutions investigates workers' complaints, enforces their rights, and tries to recover wages owed. **505-841-4400**

For more info or help, contact the following organizations:

El Centro De Igualdad y Derechos:
505-246-1627

New Mexico Immigrant Law Center:
505-247-1023

UNM Law – Economic Justice Clinic:
505-277-9958

NM Center on Law and Poverty:
505-255-2840