

# New Mexico State Postings



## DISCRIMINATION is against the law.

If you feel that you have been discriminated against, visit our website or contact us.

### NEW MEXICO HUMAN RIGHTS ACT

The Human Rights Bureau enforces the provisions of the Human Rights Act of 1968. Additionally, the Human Rights Bureau has a working agreement with the Labor Employment Opportunity Commission (LEOEC) to enforce the provisions of federal laws under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990 (ADA).

- Race
- Color
- National Origin
- Ancestry
- Religion
- Age
- Sex
- Sexual Orientation
- Physical or Mental Disability or Disease
- Pregnancy, Childbirth, or Related Condition

Sexual harassment and treatment based on other protected categories is prohibited by the Act.

The Human Rights Act prohibits discrimination in the area of employment, housing, credit, and public accommodations and prohibits retaliation for complaining about discrimination in any of these areas.

If you feel you have been discriminated against, contact the Human Rights Bureau by phone or fill out a complaint form online at:

[www.dws.state.nm.us](http://www.dws.state.nm.us)

## DISCRIMINACION ES CONTRA LA LEY.

Si siente que ha sido discriminado, visite nuestra página por internet o póngase en contacto con nosotros.

### LA LEY DE DERECHOS HUMANOS DE NUEVO MÉXICO

El Buró de Derechos Humanos impone las provisiones de la Ley de Derechos Humanos de 1968. Además, el Buró de Derechos Humanos tiene un acuerdo de trabajo con la Comisión de Oportunidades de Empleo y Empleo Igualitario (COEPI) para hacer cumplir las disposiciones de las leyes federales que prohíben la discriminación en el empleo en virtud de la Ley de Derechos Humanos de 1968, la Ley de Discriminación por Edad de 1967 y la Ley de Estadillo de 1990 (ADA).

- Raza
- Color
- Origen Nacional
- Antecedentes
- Sexo
- Religión
- Edad
- Orientación Sexual
- Discapacidad Física o Mental
- Embarazo, Parto o Condiciones Médicas Vinculadas

El acoso sexual y el acoso basado en otras categorías protegidas están prohibidos por la Ley.

La Ley de Derechos Humanos prohíbe la discriminación en el área de empleo, vivienda, crédito y servicios públicos, y prohíbe la represalia por oponerse o cooperar con una investigación.

Si usted siente que ha sido discriminado, comuníquese con el Buró de Derechos Humanos por teléfono o complete el formulario de quejas por internet en:

[www.dws.state.nm.us](http://www.dws.state.nm.us)

## PAID SICK LEAVE

### Notice of Employee Rights

Healthy Workplace Act - NMSA 50-17-1 to 50-17-12 Effective date: July 1, 2022

**Labor Relations Division**  
310 Broadway, NE, Albuquerque, NM 87102  
Albuquerque: (505) 841-4400 • Santa Fe: (505) 827-0638  
Las Cruces: (505) 325-4400

### ACCRUAL

Employees accrue one hour of earned sick leave for every thirty hours worked, starting their first day of work. Up to 60 hours of accrued earned sick leave carry over year-over-year.

The Act provides minimum requirements, other laws or employer policies may provide for more accrual, use, or carry over of earned sick leave. The Act does not preempt or override the terms of such collective bargaining agreement.

Employees are eligible for all employees—full-time, part-time, seasonal, and temporary. The Act also applies to employees who are released, furloughed, or on a leave of absence, or employees who are on a task, place, or commission basis. Employees may not contract out of or agree to waive their rights under the Act.

### USE OF PAID SICK LEAVE

Employees may use up to 60 hours of earned sick leave per twelve-month period. If they work more hours, individual employees may use a higher total. Employees may request within the 12-month period begins.

### PAY

Used sick leave is compensated at the employer's usual hourly rate and benefits. The hourly rate must be at least minimum wage.

### REASON FOR USE OF LEAVE

Employees may use accrued sick leave for the following reasons:

- Employee's treatment or diagnosis of illness, injury, or disability condition, or preventative medical care.
- Care of employee's family member for treatment or diagnosis of illness, injury, or health condition, or preventative medical care.
- Meeting related to employee's child's health or disability.
- Absence necessary because of and related to domestic abuse, sexual assault, or stalking suffered by the employee or their family member.

### USE OF SICK LEAVE

Employees must grant use of earned sick leave upon the use of or written notification of the employee's illness, injury, or disability condition, or preventative medical care.

Employees may not be subject to discipline for using accrued sick leave for a bona fide reason unless the employee has used the accrued sick leave in violation of the Act. Employees may not be subject to discipline for using accrued sick leave for a bona fide reason and make a reasonable effort to schedule sick leave in advance of the employee's absence. When use of sick leave is not foreseeable, the employer must notify the employee as soon as practicable.

Rev. 03/2022

## New Mexico Minimum Wage Act

### EMPLOYEE RIGHTS

## MINIMUM WAGE IN NEW MEXICO

**\$12 per hour as of January 1, 2023**

### OVERTIME PAY

After 1 1/2 times your regular hourly rate of pay for all hours worked over 40 in a workweek.

### TIPPED WORKERS

Employees must pay tipped employees an hourly rate of at least \$2 per hour. If the tips plus the hourly rate is not equal to at least \$12 per hour, the employer must make up the difference. Tipped employees have a right to keep all their tips. Tip pooling may only be among wait staff.

### NO SEPARATE RATE FOR STUDENTS OR MINORS

These minimum wage rates apply to all employees regardless of their age or student status.

### DAMAGES

Employers who violate the minimum wage or overtime requirements are required to pay impacted employees the full amount of their underpaid wages plus interest, plus an additional amount equal to twice the underpaid wages.

### RETRALIATION PROHIBITED

It is unlawful to retaliate against an employer for asserting a wage claim or for informing other employees of their rights.

### EMPLOYMENT

The Labor Relations Division of the Department of Workforce Solutions investigates claims and recovers back wages for employees who have been underpaid in violation of law, regardless of the dollar value of the claim, going back at least three years, or longer if there was a continuing course of conduct. Violations may result in civil or criminal action.

### LOCAL MINIMUM WAGE RATES

The City of Santa Fe and Santa Fe County have higher base minimum wage rates. Albuquerque and Las Cruces have higher tipped minimum wage rates.

### ADDITIONAL INFORMATION

Certain jobs or employees are exempt from the minimum wage or overtime provisions.

Employers must display this poster where employees can easily see it.

For more information or to file a wage claim, contact the Labor Relations Division at 505-841-4400, or online at [www.dws.state.nm.us](http://www.dws.state.nm.us)

## WORKERS' COMPENSATION

Notice to Employers / Employees  
This is not intended to represent the law, nor does it replace any Workers' Compensation posting requirements within your state.

The State of New Mexico Workers' Compensation Administration requires the Notice of Accident form to be posted alongside the Workers' Compensation Act - If You Are Injured at Work poster. Please contact the Compensation Administration at 505-841-6000 or 1-800-252-7465.

This Posting is for Informational Purposes Only

Rev. 03/2022

## NOTICE ON HUMAN TRAFFICKING

IF YOU OR SOMEONE YOU KNOW IS A VICTIM OF THIS CRIME, CONTACT THE FOLLOWING:

IN NEW MEXICO, CALL OR TEXT 505-GET-FREE (505-438-3733)

OR CALL THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE TOLL-FREE AT 1-888-373-7888 FOR HELP

YOU MAY ALSO SEND THE TEXT "HELP" OR "INFO" TO BEFFRE ("233733")

YOU MAY REMAIN ANONYMOUS, AND YOUR CALL OR TEXT IS CONFIDENTIAL

505-GET-FREE (505-438-3733)

OBTAINING FORCED LABOR OR SERVICES IS A CRIME UNDER NEW MEXICO AND FEDERAL LAW

## NEW MEXICO JOB HEALTH AND SAFETY POSTER

You Have a Right to a Safe and Healthful Workplace

IT'S THE LAW!

## NEW MEXICO OSHA

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request a New Mexico OSHA inspection if you believe that there are unsafe or unhealthy conditions in your workplace. You or your representative may participate in the inspection.
- You can file a complaint with New Mexico OSHA within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the New Mexico Occupational Health and Safety Act.
- You have a right to see OSHA citations issued to your employer. Your employer must post the citations at and near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all OSHA standards issued under the OSHA Act that apply to your own actions and control of the job.

## Employers:

- Employers must furnish your employees a place of employment free from recognized hazards.
- Employers must comply with the OSHA standards issued under the OSHA Act.

The Occupational Safety and Health Act of 1970 (OSHA), P.L. 91-596, assures safe and healthful working conditions for working men and women throughout the Nation. The Occupational Safety and Health Administration, in the U.S. Department of Labor, has the primary responsibility for administering the OSHA Act.

The rights listed here may vary depending on the particular circumstances. To file a complaint, report an emergency, or seek free OSHA advice and assistance, call 1-877-810-6742 or (505) 476-8700 or email at [Complaints.OSHA@state.nm.us](mailto:Complaints.OSHA@state.nm.us). Our fax number is (505) 476-8734. For information or assistance relative to the State Occupational Health & Safety program, please refer to the left side of poster.

The Federal Occupational Safety and Health Administration monitors the operation of the state program to assure its continued effectiveness. Anyone wishing to register a complaint concerning the administration of the New Mexico Occupational Health and Safety Program may do so by contacting U.S. Department of Labor, Occupational Safety and Health Administration, 525 Griffin Street, Room 602, Dallas, Texas 75202 at (972) 850-4145.

## Salud de Trabajo y Cartel de Seguridad

Usted Tiene el Derecho a un Lugar de Trabajo Seguro y Saludable.

¡LO ESTABLECE LA LEY!

## Empleados:

- Usted tiene el derecho de notificar a un empleador o a la OSHA sobre peligros en el lugar de trabajo. Usted también puede pedir que la OSHA no revele su nombre.
- Usted tiene el derecho de pedir a la OSHA de Nuevo México que realice una inspección si usted piensa que en su trabajo existen condiciones peligrosas o poco saludables. Usted o su representante pueden participar en esta inspección.
- Usted tiene 30 días para presentar una queja ante la OSHA de Nuevo México si su empleador hace a tomar represalias o discriminar sin su contra por haber denunciado la condición de seguridad o salud o por ejercer los derechos consagrados bajo la Ley OSH de Nuevo México.
- Usted tiene el derecho de ver las citaciones enviadas por la OSHA a su empleador. Su empleador debe colocar las citaciones en el lugar donde se encontraron las supuestas infracciones o cerca de mismo.
- Su empleador debe corregir los peligros en el lugar de trabajo a la fecha indicada en la citación y debe certificar que dichos peligros se han reducido o desaparecido.
- Usted tiene derecho de recibir copias de su historial o registro médico y el registro de su exposición a sustancias o condiciones tóxicas o dañinas.
- Su empleador debe colocar este aviso en su lugar de trabajo.
- Usted debe cumplir con todas las normas de seguridad y salud ocupacionales expedidas conforme a la Ley OSH que usted sea aplicables a sus propias acciones y conducta en el trabajo.

## Empleadores:

- Usted debe proporcionar a sus empleados un lugar de empleo libre de peligros conocidos.
- Usted debe cumplir con las normas de seguridad y salud ocupacionales expedidas conforme a la Ley OSH.

La Ley de Seguridad y Salud Ocupacionales de 1970 (Ley), P.L. 91-596, garantiza condiciones ocupacionales seguras y saludables para los hombres y las mujeres que desempeñan algún trabajo en todo el Estado de Nuevo México. La Administración de Seguridad y Salud Ocupacionales (OSHA), es la responsable principal de supervisar la Ley. Los derechos que se indican en este documento pueden variar según las circunstancias particulares. Para presentar un reclamo o una emergencia o pedir consejos o asistencia gratis de la OSHA, llame 1-877-810-6742 o (505) 476-8700 o envíe un correo electrónico a [Complaints.OSHA@state.nm.us](mailto:Complaints.OSHA@state.nm.us). Número de fax: (505) 476-8734.

La Administración de Seguridad y Salud Ocupacional Federal supervisa la operación del programa estatal para asegurar su eficacia continuada. Alguien deseara registrar una queja acerca de la administración de OSHA por parte del Estado, puede hacer así por ponerse en contacto New Mexico Environment Department, Occupational Safety and Health Administration, 525 Griffin Street, Room 602, Dallas, Texas 75202, número de teléfono (972) 850-4145.

## OSHA The Best Resource for Health and Safety El Mejor Recurso para la Salud y Seguridad

Rev. 03/2022

## YOUR RIGHTS

If you are injured in a work-related accident:  
Your employer / insurer must pay all reasonable and necessary medical costs.  
You may or may not have the right to choose your health care provider. If your employer / insurer has not given you written instructions about who chooses first, call an ombudsman. In an emergency, get emergency medical care first.  
If you are off work for more than seven days, your employer / insurer must pay wage benefits to partially offset your lost wages.  
If you suffer "permanent impairment," you may have the right to receive partial wage benefits for a longer period of time.

Ombudsmen are located at the following offices:

Albuquerque:	Albuquerque:	Hobbs:	Las Cruces:	Las Vegas:	Roswell:	Santa Fe:
1-866-967-5667	1-800-568-7310	1-800-834-2450	1-800-870-6626	1-800-261-7889	1-866-311-6587	1-505-476-7381
1-505-841-6000	1-505-268-9716	1-575-397-3452	1-575-504-6646	1-505-644-9201	1-575-825-3967	

## If You Need Help Call: Si Usted Necesita Ayuda Llame Al:

1-866-WORKOMP (1-866-967-5667)

Visit our website at: [www.workerscomp.nm.gov](http://www.workerscomp.nm.gov)

USE A NOTICE OF ACCIDENT FORM TO NOTIFY YOUR EMPLOYER OF YOUR SUPERVISOR

EMPLOYER: You are required by law to display this poster where your employees can read it. Post the Notice of Accident forms with it. The poster without the Notice of Accident forms does not comply with the law. You have other rights and duties under the law.

New Mexico Workers' Compensation Administration  
2010 Centre Avenue, Albuquerque, New Mexico 87106  
P.O. Box 27196, Albuquerque, New Mexico 87125-1798

POST FORMS HERE

Rev. 11/18

## NEW MEXICO

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ADP logo with tagline 'Always Designing for People'

For additional information on our services, visit our website at [www.adp.com](http://www.adp.com). All other policies and regulations are the property of your employer.

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