



## NEW MEXICO MINIMUM WAGE ACT EMPLOYEE RIGHTS



# MINIMUM WAGE IN NEW MEXICO *\$12 per hour as of January 1, 2023*

### OVERTIME PAY

At least 1½ times your regular hourly rate of pay for all hours worked over 40 in a workweek.

### TIPPED WORKERS

Employers must pay tipped employees an hourly rate of at least \$3 per hour. If the tips plus the hourly rate do not equal at least \$12 per hour, the employer must make up the difference. Tipped employees have a right to keep all of 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.

### RETALIATION PROHIBITED

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

### ENFORCEMENT

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 employers 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)