

WHAT IF **MY CO-WORKERS**
ARE OWED WAGES, TOO?

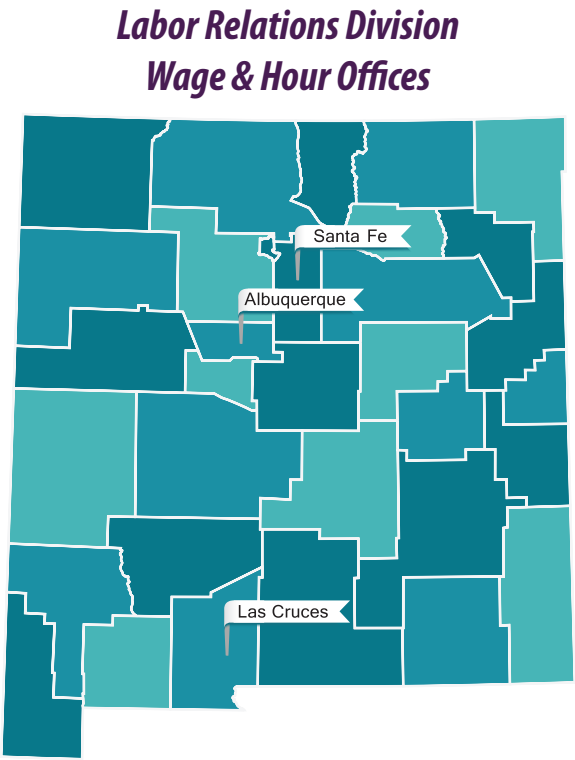
- We may open a workplace-wide investigation into an employer’s wage payment practices when we have information about a systemic violation that affects multiple employees. This is called a directed investigation.
- If you believe other employees in your workplace are affected by an unlawful wage payment practice, please include that information on your wage claim form.
- We will screen your case to decide whether a directed investigation is necessary. We may interview you for more information.

WHAT IF **I EXPERIENCE RETALIATION**
FOR DEMANDING MY WAGES?

- The Minimum Wage Act states that it is unlawful for an employer to retaliate against an employee who demands unpaid wages. For example, it might be unlawful retaliation for an employer to fire or demote you for filing a claim, raising concerns about a wage payment violation, or talking to other employees about their rights.
- If you believe you have experienced retaliation, report it on your wage claim form or to your Labor Relations Division investigator. We will investigate, and may refer the issue to the District Attorney.

For more information, or to file a claim, call or visit one of the Labor Relations Division offices or New Mexico Workforce Connection Centers listed on the back of this brochure or visit us online at

www.dws.state.nm.us



CONTACT INFORMATION

Labor Relations Division – Wage & Hour Offices
Offices are open Monday-Friday, 8am-5pm

Albuquerque Office
121 Tijeras NE, Suite 3000
Albuquerque, NM 87102
Phone: (505) 841-4400 • Fax: (505) 841-4424

Las Cruces Office
226 S. Alameda Blvd
Las Cruces, NM 88005
Phone: (575) 524-6195 • Fax: (575) 524-6194

Santa Fe Office
1596 Pacheco Street, Suite 103
Santa Fe, NM 87505
Phone: (505) 827-6817 • Fax: (505) 827-9676

There are New Mexico Workforce Connection Centers (NMWCC) in Albuquerque, Alamogordo, Artesia, Bernalillo, Carlsbad, Clovis, Deming, Española, Farmington, Gallup, Hobbs, Las Cruces, Las Vegas, Los Lunas, Moriarty, Roswell, Ruidoso, Santa Fe, Silver City, Socorro, and Taos. Their addresses and phone numbers can be found online at www.dws.state.nm.us/Office-Locations. Note that wage claims are not investigated in New Mexico Workforce Connection Centers. However, NMWCC staff can provide the wage claim form, accept the completed wage claim form, offer language assistance services at no cost, and facilitate communications with the Labor Relations Division.

www.dws.state.nm.us/Wage-and-Hour

CONNECT WITH US!

Twitter: www.twitter.com/nmdws

YouTube: www.youtube.com/nmdws

Instagram: www.instagram.com/nmdws

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Didn't Get Paid?



LABOR RELATIONS DIVISION

The New Mexico Department of Workforce Solutions (NMDWS) Labor Relations Division enforces payment of wages, minimum wage, and overtime laws under the Wage Pay Act and Minimum Wage Act.

WHAT IS A WAGE CLAIM?

A wage claim is a request filed by an employee to attempt to recover unpaid wages or other compensation from their current or former employer. Examples include failure to pay the minimum wage or overtime, non-payment of all hours worked, off-the-clock work, or independent contractor misclassification. A wage claim may be limited to the individual employee’s situation, or it may cover violations that affect multiple employees.

WHO CAN FILE A CLAIM?

Any employee who has not been paid earned wages may file a wage claim, as long as the last non-payment or underpayment of wages occurred within the last three years.

HOW DO I FILE A WAGE CLAIM?

- To file a wage claim, download the wage claim form from the NMDWS website at www.dws.state.nm.us/Wage-and-Hour, ask for a wage claim form at any Labor Relations Division office or New Mexico Workforce Connection Center, or call a Labor Relations Division office to have a staff member fill out the form and mail it to you to sign. Locations of the Labor Relations Division offices and New

Mexico Workforce Connection Centers are on the back of this brochure. Staff at these offices can also provide language assistance services and accept the completed form. If you choose to email your wage claim, send it to:

wage.claimssubmit@state.nm.us.

- A wage claim should include any information regarding hours worked and rate of pay promised to you. Incomplete information will delay the processing of the wage claim.
- If you would like to report a violation of the wage and hour laws without filing a wage claim, please contact a Labor Relations Division office.

Language assistance services are available free of charge at any of the Labor Relations Division offices or New Mexico Workforce Connection Centers.

WHAT HAPPENS IN A WAGE CLAIM INVESTIGATION?

- We will investigate your wage claim by following the procedures in the Labor Relations Division Investigations Manual, which is available on our website.
- We will accept your completed wage claim form or assist you in completing it.
- We will provide you a free interpreter in any language you need.
- We will interview you to find out more about your wage claim.
- We will obtain records and testimony from your employer.

- After investigating, we will send you and your employer a letter explaining our decision and reasoning. If your employer owes you wages, the letter will state the dollar amount. The letter will also state the amount of any additional damages your employer owes you.
- 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.
- We will try to collect your wages. This will generally include sending a demand letter to your employer, and helping you reach a settlement agreement with your employer, but in some circumstances may also include filing your case in court, referring it to a district attorney, or collecting on a court judgment.

STATUS OF A CLAIM

- We will make every reasonable effort to contact you in a timely manner to inform you of the status of your wage claim.
- If you have been paid in the meantime, please be sure to contact us as soon as possible.
- If you do not hear from us within 15 days from the date you filed your wage claim, please contact us to check on the status.
- It is your responsibility to keep us informed of any changes in your address, telephone number, and email address. This will allow us to gather information from you and inform you about the status of your claim.

- If we cannot locate you, we may be unable to conduct a complete investigation into your wage claim.

WILL MY CASE GO TO COURT?

- If your employer does not pay the amount you are owed during the investigation phase, you may assign your wage claim to us in order to file an enforcement case in court.
- Depending on the wage claim amount, we may file your case in the Magistrate Court, Metropolitan Court, District Court, or refer it to the District Attorney for the county where you worked.
- You will then be notified of the court date, and you will be asked to testify on your behalf.

A judgment is a legal document that says the employer owes you a specific amount of wages and damages, if applicable.

WHAT HAPPENS AFTER LEGAL ACTION?

- If the court decides in your favor, a judgment will be entered against your employer.
- If we receive a judgment in your favor, the employer is required to pay it, including all wages, damages, and interest owed. If the employer does not, we will take enforcement action. This process is explained in more detail in the Labor Relations Division Investigations Manual.