New Mexico’s labor laws cover a wide variety of subjects. But some areas are of particular interest to both management and labor in our state. This pamphlet answers some of the most frequently asked questions relating to payment of wages, hours of employment, and other subjects of mutual interest.

Information in this pamphlet should not be construed as an official interpretation of the complete laws. This is merely a general explanation of what the laws provide. For answers to specific questions, contact the local Labor Relations office in your area.
**WAGES**

**Does an employer have to pay holiday, sick, or severance pay?**

No. There is no statute that requires an employer to pay such wages.

**What is the minimum wage?**

**Can an employer pay young people, under the age of 18, less than a minimum wage?**

Yes. The New Mexico Minimum Wage Act excludes students who are not high school graduates through the age of 18.

**Can an employer reduce an employee’s wage or salary?**

Yes. The employer must advise the employee of the new lower rate before the hours are worked.

**When does an employer have to pay final wages to a terminated employee?**

If the wages owed are a fixed and definite amount, the employer shall pay such wages to the employee within five days of discharge. Task, piece, and commission wages must be paid within ten days of discharge.

**Does an employer have to pay for all hours worked or services rendered?**

Yes.

**What can an employer deduct from wages?**

No deduction can be made except appropriate state, federal, and social security taxes without a written authorization from the employee or a court order. In all cases, the employee must receive the minimum wage.

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**HOURS & OVERTIME**

**Can an employer require an employee to work more than 8 hours a day and/or more than 40 hours a week?**

Yes. If an employee is paid by the hour, an employer can require the employee to work overtime but must pay the rate of time and a half the regular rate of the employee’s pay for any time over 40 hours in a seven-day period.

**Can an employer give compensatory time off rather than pay overtime?**

No.

**Does an employer have to give lunch breaks, coffee breaks, or rest periods?**

No. There is no statute that requires an employer to provide such breaks; however, deductions cannot be made from wages if less than 30 minutes is allowed for the breaks.

**If an employee wants to work overtime and will accept straight time pay, can they waive their right to time and a half?**

No.

**Which employees are exempt from overtime?**

Employees engaged in the ginning of cotton, agriculture, professional, administrative, executive, and outside sales, as determined by the Fair Labor Standards Act.

**Does an employer have to pay overtime compensation to salaried employees?**

Yes, if the employee is not exempt from the overtime provisions.

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**OTHER QUESTIONS**

**How long are employers required to maintain their records?**

Every employer must keep true and accurate records of hours worked and wages paid for each employee. These records must be kept for at least one year after the entry has been made.

**Is an employer required by law to have a time clock?**

No. There is no statute that requires an employer to have a time clock. However, an employer must keep true and accurate records of hours worked.

**Do employers have to sign their time cards?**

If it is a company policy, yes, although there is no statute requiring an employee to sign time cards.

**What are the laws concerning employees who quit their job?**

If an employee quits their job, unless they have a written contract for a definite period, the wages are due on the next succeeding payday.

**Is an employer required to give two weeks’ notice before they quit?**

No. There is no statute that requires an employee to give any notice.