within 75 miles of the employee's worksite.

what additional information is required.

• Work at a location where the employer has at least 50 employees

\*Special "hours of service" requirements apply to airline flight crew

**REQUESTING LEAVE:** Generally, employees must give 30-days'

advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon

as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must

provide enough information to the employer so it can determine if

the leave qualifies for FMLA protection. Sufficient information could

include informing an employer that the employee is or will be unable

perform daily activities, or that hospitalization or continuing medical

treatment is necessary. Employees must inform the employer if the

need for leave is for a reason for which FMLA leave was previously

Employers can require a certification or periodic recertification

supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating

**EMPLOYER RESPONSIBILITIES:** Once an employer becomes

Employers must notify its employees if leave will be designated as

FMLA leave, and if so, how much leave will be designated as FMLA

to perform his or her job functions, that a family member cannot

leave;\* and

taken or certified.



Occupational Safety and Health Administration

Job Safety and Health Health Administration

Job Safety and Health Health Health Administration

#### All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and
- speak in private to the inspector. File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for
- See any OSHA citations issued to your employer.

using your rights.

Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

This poster is available free from OSHA.

Contact OSHA. We can help.

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

On-Site Consultation services are available to small and medium-sized employers, without citation or penalty. through OSHA-supported consultation



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov

## **Equal Employment Opportunity**

**Know Your Rights: Workplace Discrimination is Illegal** 

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. Who is Protected?

 Employees (current and former), including managers and temporary employees • Union members and applicants for membership in a union

What Organizations are Covered? Most private employers State and local governments (as employers) Educational institutions (as employers)

 Staffing agencies What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of: Color Religion

National origin Sex (including pregnancy and related conditions, sexual orientation, or gender identity) Age (40 and older) Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or

investigation, or proceeding. What Employment Practices can be Challenged as Discriminatory?

Retaliation for filing a charge, reasonably opposing

discrimination, or participating in a discrimination lawsuit,

family medical history)

All aspects of employment, including: Discharge, firing, or lay-off Harassment (including unwelcome verbal or physical conduct) Hiring or promotion Assignment

 Pay (unequal wages or compensation) • Failure to provide reasonable accommodation for a disability or a sincerelyheld religious belief, observance or practice Benefits Job training Classification

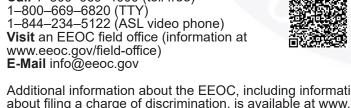
Obtaining or disclosing genetic information of employees Requesting or disclosing medical information of employees Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an

What can You Do if You Believe Discrimination has Occurred? Contact the EEOC promptly if you suspect discrimination. Do not delay, because there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/ work). You can reach the EEOC in any of the following ways:

Submit an inquiry through the EEOC's public portal: https:// publicportal.eeoc.gov/Portal/Login.aspx

Call 1-800-669-4000 (toll free 1-800-669-6820 (TTY) 1-844-234-5122 (ASL´video phone) Visit an EEOC field office (information at

investigation or proceeding.



Additional information about the EEOC, including information about filing a charge of discrimination, is available at www.eeoc.

#### **EMPLOYERS HOLDING FEDERAL CONTRACTS OR** SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from discrimination on the following

## **Employers must:**

programs in every state.



Disability

all aspects of employment.

**Protected Veteran Status** 

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, National Origin Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in

> Asking About, Disclosing, or Discussing Pay Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

> Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans. Retaliation

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these

nondiscrimination or affirmative action obligations under OFCCP's authorities should contact immediately: The Office of Federal Contract Compliance Programs (OFCCP)

Any person who believes a contractor has violated its

U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210 1-800-397-6251 (toll-free) If you are deaf, hard of hearing, or have a speech disability, please

dial 7-1-1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/

#### PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE Race, Color, National Origin, Sex

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

**Individuals with Disabilities** Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such

# **Ombudsman Workers' Compensation**

**ATTENTION EMPLOYERS:** IF YOU HAVE QUESTIONS ABOUT WORKERS' COMPENSATION, CALL THE WCA OMBUDMAN FOR FREE INFORMATION. **New Mexico Workers' Compensation Administration** WCA HELP / HOTLINE 1-866-WORKOMP / (1-866-967-5667)

# **Human Trafficking**

**NOTICE ON HUMAN TRAFFICKING** 



Updated 10/22

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

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

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

("233733"). OBTAINING FORCED LABOR OR SERVICES IS A CRIME UNDER NEW MEXICO AND FEDERAL LAW

# **Payday Notice**

**PAYDAY IS ON** 

☐ MONDAY ☐ TUESDAY ☐ WEDNESDAY ☐ THURSDAY ☐ FRIDAY ☐ SATURDAY ☐ SUNDAY **PAY SCHEDULE IS** 

☐ WEEKLY ☐ BI-WEEKLY ☐ SEMI-MONTHLY ☐ MONTHLY ☐

PAYCHECKS ARE ISSUED ON THE \_\_\_\_\_ OF THE MONTH

HAZARDOUS MATERIAL:

# **Emergency Notice**

**HOSPITAL: ALTERNATE: POLICE** 

ProService HAWAII

TO REORDER, CALL 1-888-488-7678 OR ORDER AT STATEANDFEDERALPOSTER.COM

OSHA:



### **Family Medical Leave Act**

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE • Have at least 1,250 hours of service in the 12 months before taking THE UNITED STATES DEPARTMENT OF LABOR WAGE AND

**≅WH**₹

**LEAVE ENTITLEMENTS:** Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons: • The birth of a child or placement of a child for adoption or foster To bond with a child (leave must be taken within 1 year of the

child's birth or placement); • To care for the employee's spouse, child, or parent who has a qualifying serious health condition: • For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job; For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse,

child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take

leave intermittently or on a reduced schedule. Employees may choose, or an employer may require, use of

accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies. BENEFITS & PROTECTIONS: While employees are on FMLA

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or

**ELIGIBILITY REQUIREMENTS:** An employee who works for a FMLA leave. The employee must: Have worked for the employer for at least 12 months;

military service or, in some cases, a comparable job.

leave, employers must continue health insurance coverage as if the employees were not on leave.

retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. covered employer must meet three criteria in order to be eligible for

aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

> **ENFORCEMENT:** Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave For additional information: 1-866-4-USWAGE (1-866-487-9243)

TTY: 1-877-889-5627 <u>www.dol.gov/whd</u>

U.S. Department of Labor • Wage and Hour Division

## **USERRA**

• FOR USE BY PRIVATE SECTOR AND STATE GOVERNMENT EMPLOYERS YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. **REEMPLOYMENT RIGHTS** 

you ensure that your employer receives advance written or verbal notice of your service; • you have five years or less of cumulative

sérvice in the uniformed services while with that particular employer; • you return to work or apply for reemployment in a timely manner after conclusion of service; and • you have not been separated from service with a disqualifying discharge or under other than honorable If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION f you: • are a past or present member of the uniformed service; • have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may not deny you: • initial employment; • reemployment; • retention in employment; promotion; or • any benefit of employment because of this status.

**HEALTH INSURANCE PROTECTION** If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military. • Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. • For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/ elaws/vets/userra • If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. • You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poster Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.





statement in connection with a proceeding under USERRA, even if that person has no service connection.



for four years.



### **Paid Sick Leave** The employee should notify the employer in advance when use of

PAID SICK LEAVE Notice of Employee Rights

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

Labor Relations Division 401 Broadway NE, Albuquerque, NM 87102 **Albuquerque:** (505) 841-4400

or agree to waive their rights under the Act.

**Santa Fe:** (505) 827-6838 Las Cruces: (575) 524-6195

hours worked, starting their first day of work. Up to 64 hours of unused earned sick leave can carry over year-to-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 any

Employees accrue one hour of earned sick leave for every thirty

collective bargaining agreement. The Act applies to all employees—full-time, part-time, seasonal, and temporary. The Act also applies to employees who are salaried, tipped, or on a per-diem schedule, as well as employees paid on task, piece, or commission basis. Employees may not contract out of

**USE OF PAID SICK LEAVE** Employees may use up to 64 hours of earned sick leave per twelvemonth period, if they work enough hours. Individual employers may set a higher limit. Employers may select when the 12-month period

Used sick leave is compensated at the employee'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 health

condition, or preventative medical care. • Care of employee's family members for treatment or diagnosis of illness, injury, or health condition, or preventative medical care. Meetings related to employee's child's health or disability. Absence necessary because of and related to domestic abuse, exual assault, or stalking suffered by the employee or their family

**USE OF SICK LEAVE** Employers must grant use of earned sick leave upon the oral or written request of an employee or an individual acting on the employee's behalf. When possible, the request must include the expected duration of the absence. An employer may not condition an employee's taking earned sick leave on the employee searching for or finding a replacement worker to cover during the employee's absence. An employer may not require an employee to use other

paid leave before the employee uses sick leave pursuant to the Act.

The Employee Polygraph Protection Act prohibits most

private employers from using lie detector tests either for pre-

employment screening or during the course of employment.

the leave so it does not disrupt business operations. When use of sick leave is not foreseeable, the employee must notify the employer as soon as practicable. An employer must give written or electronic notice of employee rights and the Act's terms and provisions to an employee at the start

sick leave is foreseeable and make a reasonable effort to schedule

REASONABLE DOCUMENTATION An employer may require reasonable documentation verifying the sick leave was used for a covered purpose if the employee uses two or more consecutive workdays of sick leave. Employers must treat all information obtained related to an employee taking sick leave as

of employment. This notice must be in English, Spanish, or any

the employer's workforce, as requested by the employee.

language that is the first language spoken by at least ten percent of

confidential. **DOCUMENT RETENTION** Employers must keep records documenting hours worked by employees and earned sick leave accrued and taken by employees

**RETALIATION PROHIBITED** Employers may not take or threaten an adverse action against an employee that is reasonably likely to deter employees from exercising or attempting to exercise their rights under the Act. Employers may not retaliate because an employee raises concerns about violations of the Act, exercises their rights under the Act, or

participates in investigations or legal proceedings related to alleged

violations of the Act. Examples of retaliation include the following: denying use or delaying payment of earned sick leave, termination, reducing work hours, giving the employee undesirable assignments or scheduling, threats, discipline, counting use of earned sick leave hours as an absence that may lead to any adverse action, or any other employment action considered less favorable.

**COMPLAINT PROCESS** The New Mexico Department of Workforce Solutions, Labor Relations Division, enforces the Act. Any employee aggrieved by a violation of the Act may file a complaint with the Labor Relations Division by calling (505) 841-4400, visiting www.dws.state.nm.us, or going to a New Mexico Workforce Connections Office. Notice: ision will disclose complainant's identity as part of the investigation. An employee's legal status for presence in the United States is not a defense to any action brought pursuant to the Act.

Employees must file a complaint with the Division or file a civil action

in a court within three years from the date the alleged violation An employer found to be in violation of the Act will be liable for damages and/or penalties pursuant to the Act.

For more details, see the full text of the law and regulations, available at www.dws.state.nm.us Updated 5/22

# **Polygraph Protection**

**PROHIBITIONS** Employers are generally prohibited from requiring or requesting

any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

Federal, State and local governments are not affected by the

law. Also, the law does not apply to tests given by the Federal

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of

resulted in economic loss to the employer.

Discrimination is against the law.

1596 Pacheco Street, Santa Fe, NM 87505

**Human Rights Bureau** 

Office: (505) 827-6838

• **Fax**: (505) 827-6878

Color

Sex

Ancestry

AgeReligion

National Origin

Sexual Orientation

**Anti-Discrimination Notice** 

Gender Identity

Spousal Affiliation

• Toll-free: (800) 566-9471

**New Mexico Human Rights Act** 

involvement in a workplace incident (theft, embezzlement, etc.) that

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

The Human Rights Bureau enforces the provisions of the Human Rights

Act of 1969. Additionally, the Human Rights Bureau has a work-sharing

Civil Rights Act of 1964, the Age Discrimination in Employment Act of

1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA), all

agreement with the Equal Employment Opportunity Commission (EEOC) to enforce the provisions of federal law under Title VII of the

as amended. Prohibited discriminatory bases include:

Physical or Mental Disability or Serious Medical Condition

Pregnancy, Childbirth, or Related Condition

Government to certain private individuals engaged in national security-related activities. The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, SEE IT. 1-866-487-9243 • TTY: 1-877-889-5627 www.dol.gov/whd and guard), and of pharmaceutical manufacturers, distributors and

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

#### **EXAMINEE RIGHTS** Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to

a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized **ENFORCEMENT** The Secretary of Labor may bring court actions to restrain violations

and assess civil penalties against violators. Employees or job applicants may also bring their own court actions. THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY

WAGE AND HOUR DIVISION **UNITED STATES DEPARTMENT OF LABOR** 









Sexual harassment and harassment based on other protected

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:

employment, housing, credit, and public accommodations, and prohibits

The Human Rights Act prohibits discrimination in the areas of

www.dws.state.nm.us The New Mexico Department of Workforce Solutions Human Rights

categories is prohibited by the Act.

Bureau investigates complaints of discrimination and harassment in employment, housing, credit, and public accommodations. Complaints must be filed with the Human Rights Bureau within 300 days of the last act of discrimination or harassment.

For assistance in filing a complaint, or for any other information on the Human Rights Act, please call (800) 566-9471 (toll-free) or (505) 827-6838, or visit our website at: www.dws.state.nm.us

### **Anti-Discrimination** It is illegal to discriminate against any work-authorized individual in hiring, discharge, recruitment or referral for a fee, or in the

**Discrimination** 

employment eligibility verification process based on that individual's citizenship status, immigration status or national origin. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documentation presented has a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration-Related

Unfair Employment Practices (OSC) at 1-800-255-7688 www.justice.gov/crt/about/osc MAKING UNAUTHORIZED COPIES IS AGAINST THE LAW AND MAY SUBJECT YOU TO CIVIL AND CRIMINAL LIABILIT **State Minimum Wage** 

**\$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

NO SEPARATE RATE FOR STUDENTS OR MINORS These minimum wage rates apply to all employees regardless of their age or student status.

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.

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 Labor Relations Division of the Department of Workforce Solutions investigates claims and recovers back wages for employees who

minimum wage rates. **ADDITIONAL INFORMATION** 

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

Certain jobs or employers are exempt from the minimum wage or overtime provisions. Employers must display this poster where employees can easily see it.

**Federal Minimum Wage** Employers subject to the state minimum wage law are obligated to pay the higher rate

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

\$7.25 PER HOUR BEGINNING JULY 24, 2009 The law requires employers to display this poster where employees can readily see it.

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

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, nonhazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees.

wage, the employer must make up the difference. The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from

Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties

• Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions.

view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

• Some state laws provide greater employee protections; employers must comply with both. Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.

• Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under

1-866-487-9243 • TTY: 1-877-889-5627 • www.dol.gov/whd WAGE AND HOUR DIVISION • WAGE AND HOUR DIVISION • UNITED STATES DEPARTMENT OF LABOR

• Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of

## **IRS Withholding**

Marry or divorce? Gain or lose a dependent? Change your name?

Since you last filed Form W-4 with your employer did you...

Your nonwage income (interest, dividend, capital gains, etc.)?

Your family wage income (you or your spouse started or

special certificates issued by the Department of Labor.

YOU MAY NEED TO CHECK YOUR WITHHOLDING

**ADDITIONAL INFORMATION:** 

Were there major changes to...

Your itemized deductions?

If You Are Injured At Work

ended a job)?

Address:

Your tax credits?

Puerto Rico.

If you can answer "yes"... To any of these or you owed extra tax when you filed your last return, you may need to file a new Form W-4. See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676. Now is the time to check your withholding. For more details, get Publication 919, How Do I Adjust My Tax Withholding?, or use the Withholding Calculator at www.irs.gov/individuals on the IRS website.

**Employer:** Please poster or publish this Bulletin Board Poster so that your employees will see it. Please indicate where they can get forms

and information on this subject.

## **Workers Compensation Act**

**State of New Mexico Workers' Compensation Administration WORKERS' COMPENSATION ACT** 

1) Notice -- In most cases you must tell your employer about the accident within 15 days, using the Notice of Accident Form. 2) You have the right to information and assistance from an information specialist known as an "Ombudsman" at the Workers' Compensation Administration.

3) Claims information -- Contact your employer's Claims Representative. Si Se Lastima En El Trabajo

1) Aviso. -- En la mayoría de los casos usted debe de avisarle a su empleador del accidente dentro de los primeros 15 días usando las formas de Aviso de Accidente. 2) Usted tiene el derecho a información y ayuda contactándose con un especialista en información conocido como "Ombudsman" en la Administración para la Compensación a los Trabajadores.

3) Información acerca de Reclamaciones. -- Contáctese con el representante de reclamaciones de su compañía. **Employer's Insurer / Claims Representative:** 

Note: Employer must fill in this insurer / claims representative information.

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.

**SUS DERECHOS** Si se lastima en el trabajo: Su empleador / asegurador debe de pagar por los gastos médicos necesarios y razonables.

le ha dado instrucciones por escrito de quien es él que selecciona primero, pregúntele o llame a un ombudsman. En una emergencia, obtenga asistencia médica de emergencia primero. Si usted está fuera del trabajo por más de siete días, su empleador / asegurador debe de hacerle un pago compensatorio de prestaciones para compensar parcialmente la pérdida de su salario. Si usted sufre "daño permanente," usted puede tener el derecho a recibir prestaciones parciales de salario por un periodo de tiempo

Es posible que usted tenga, o no tenga, el derecho de escoger el proveedor de servicios para la salud. Si su empleador / asegurador no

Ombudsmen are located at the following offices: **Albuquerque**: 1-866-967-5667 • 1-505-841-6000 **Farmington**: 1-800-568-7310 • 1-505-599-9746 **Hobbs:** 1-800-934-2450 • 1-575-397-3425

> If You Need HELP Call: Ask for an Ombudsman Si Usted Necesita Ayuda Llame Al: Pregunte por un Ombudsman 1 - 8 6 6 - W O R K O M P (1-866-967-5667)

Visit our website at: https://workerscomp.nm.gov

**Las Cruces**: 1-800-870-6826 • 1-575-524-6246

Las Vegas: 1-800-281-7889 • 1-505-454-9251

Roswell: 1-866-311-8587 • 1-575-623-3997

Santa Fe: 1-505-476-7381

For FREE copies of this poster and Notice of Accident Forms call: 1-866-967-5667 USE A NOTICE OF ACCIDENT FORM TO REPORT YOUR ACCIDENT TO YOUR SUPERVISOR

**State OSHA** 

## **NEW MEXICO JOB HEALTH AND SAFETY POSTER**

 You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name

You Have a Right to a Safe and Healthful Workplace

IT'S THE LAW!

 You have the right to request a New Mexico OSHA inspection if you believe that there are unsafe or unhealthful conditions in your workplace. You or your representative may participate in the 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 or 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.

free from recognized hazards.

the OSHA Act.

• You must comply with all OSHA standards issued under the OSH Act that apply to your own actions and conduct on the job. · Employers must furnish your employees a place of employment

Telephone No./Numero de Telefono: 505-476-8700 or 1-877-610-6742

505-476-8734

Ste. 3 Santa Fe, NM 87505

Santa Fe, NM 87502-5469

Fax Number/Número de Facsímil:

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The Occupational Safety and Health Act of 1970 (OSH Act). P.L. 91-956, assures safe and healthful working conditions for working

476-8700. Our fax number is (505) 476-8734. For information or assistance relative to the State Occupational Health & Safety program, please refer to address to the left side of poster. The Federal Occupational Safety and Health Administration

Administration, 525 Griffin Street, Room 602, Dallas, Texas 75202 at (972) 850-4145. Site Address / La Dirección a la Agencia: 525 Camino de los Marquez,

monitors the operation of the state program to assure its

PO Box 5469

Employers must comply with the OSHA standards issued under

EMPLOYER: You are required by law to post this poster where your employees can read it and to post Notice of Accident forms with it. This poster without Notice of Accident forms does not comply with law. You have other rights and duties under the law. New Mexico Workers' Compensation Administration 2410 Centre Avenue, Albuquerque, New Mexico 87106 PO Box 27198, Albuquerque, New Mexico 87125-7198

> 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 1-877-610-6742 or (505)

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

Mailing Address / Dirección de Envío: