



Somos Un Pueblo Unido

1804 Espinacitas St., Santa Fe, NM 87505

Tel. 505-424-7832 · somos@somosunpueblounido.org

www.somosunpueblounido.org

HB 489 protects New Mexico's workers from wage theft.

BACKGROUND

Millions of workers are not getting paid what they're owed by their employers in the United States. Between two and three million are paid less than the minimum wage, and companies steal close to 19 billion dollars annually in unpaid overtime (Economic Policy Foundation).

New Mexico is no exception. Our state's Wage and Hour Bureau investigates about 2,400 wage claims every year—and those are the ones that get reported. Many workers don't file claims for unpaid wages or overtime because they fear retaliation. Others can't recuperate their full pay because New Mexico's wage and hour laws don't adequately protect them.

In these times, workers can't afford not to get paid. Wage theft hurts workers, honest businesses and local economies. *Somos* worked to pass a law during the 2009 legislative session that provides stronger protections in state law against retaliation and stiffens penalties for unscrupulous employers who steal wages from their workers.

HB 489, Sponsored by Rep. Miguel García (Dist. 14-Bernalillo):

1. **Prevents Retaliation**—HB 489 makes it illegal for employers to discharge or discriminate against any person in retaliation for asserting their right to unpaid wages, for assisting any other person in doing so, or for informing any person about their rights.
2. **Extends the statute of limitation for wage claims**—Previously New Mexico law permitted workers to recover just one year's worth of unpaid overtime wages even in cases where a workers' wages were stolen over the course of multiple years. HB 489 extends the statute of limitation so that workers would have up to three years to file a claim and they'd be able to recuperate all wages stolen from them.
3. **Penalizes the bad employers**—Previously the state law only provided only for double damages, rather than treble (triple) damages when minimum and overtime violations occur. In contrast, the New Mexico Day Laborer Act provides for treble damages for wage violations committed by day labor service agencies, while various other states, including Arizona, Ohio and Massachusetts do as well. HB489 creates stronger disincentives for employers to steal wages from their workers by making them pay triple what they owe.
4. **Requires employers to post at the workplace a notice describing wage violations found and including a cease and desist order.** All workers should know they have the right to recuperate unpaid wages and overtime.

If you have any questions, please call *Somos Un Pueblo Unido*