

DISCRIMINATION is against the law.

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

NEW MEXICO HUMAN RIGHTS ACT

The Human Rights Bureau enforces the provisions of the Human Rights Act of 1968. Additionally, the Human Rights Bureau has a working agreement with the Equal Employment Opportunity Commission (EEOC) to enforce the provisions of federal law under Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission (EEOC) enforces the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA), in all covered, non-unionized, non-educational environments.

- Age
- Color
- National Origin
- Ancestry
- Sex
- Religion
- Genetic Information
- Sexual Orientation
- Physical or Mental Disability
- Pregnancy, Childbirth, or Related Medical Conditions

ENFORCEMENT

The New Mexico Department of Workforce Solutions Human Rights Bureau investigates complaints of discrimination and harassment in employment. Harassment, sexual harassment, retaliation, discrimination, and harassment in employment. Harassment, sexual harassment, retaliation, discrimination, and harassment in employment. Harassment, sexual harassment, retaliation, discrimination, and harassment in employment.

Human Rights Bureau

2600 Carrizillo Rd
Santa Fe, NM 87505
Office: (505) 827-4500
Toll-free: (800) 566-9471
Fax: (505) 827-4578

DISCRIMINACIÓN ES CONTRA LA LEY.

Si siente que ha sido discriminado, visite nuestra página por internet o póngase en contacto con nosotros.

LA LEY DE DERECHOS HUMANOS DE NUEVO MEXICO

El Buró de Derechos Humanos impone las disposiciones de la Ley de Derechos Humanos de 1968. Además, el Buró de Derechos Humanos tiene un acuerdo de trabajo con el Comité de Igualdad de Oportunidades de Empleo (EEOC) para hacer cumplir las disposiciones de la Ley Federal de Derechos Civiles de 1964. El EEOC hace cumplir la Ley Federal de Derechos Civiles de 1964 (ADEA) y la Ley de Estadounidenses con Discapacidades de 1990 (ADA) en todos los entornos laborales no sindicalizados, no educativos y no académicos.

COMPLIMIENTO

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NEW MEXICO JOB HEALTH AND SAFETY POSTER

You Have a Right to a Safe and Healthful Workplace

IT'S THE LAW!



- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request a New Mexico OSHA inspection if you believe that there are unsafe or unhealthy conditions in your workplace. You or your representative may participate in the inspection.
- 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 employer's records or records of your exposure to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all OSHA standards issued under the OSHA Act that apply to your own actions and conduct on the job.

- Employers
- Employers must furnish your employees a place of employment free from recognized hazards.
- Employers must comply with the OSHA standards issued under the OSHA Act.
- The Occupational Safety and Health Act of 1970 (OSH Act), PL 91-595, assures safe and healthful working conditions for working 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) 476-8700 or email at Complaints.OSHA@state.nm.us. 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 this poster.
- The Federal Occupational Safety and Health Administration monitors the operation of the state program to assure its 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 Administration, 525 Griffin Street, Room 602, Dallas, Texas 75202 at (872) 850-4145.

SALUD DE TRABAJO Y CARTEL DE SEGURIDAD

Usted Tiene el Derecho a un Lugar de Trabajo Seguro y Saludable.

¡LO ESTABLECE LA LEY!

- Usted tiene el derecho de notificar a un empleador o a la OSHA sobre peligros en el lugar de trabajo. Usted también puede pedir que la OSHA le revele su nombre.
- Usted tiene el derecho de pedir a la OSHA de Nuevo México que realice una inspección si usted piensa que en su trabajo existen condiciones peligrosas o poco saludables. Usted o su representante pueden participar en esa inspección.
- Usted tiene 30 días para presentar una queja ante la OSHA de Nuevo México si su empleador le ha tomado represalias o discriminar a su contra por haber denunciado la condición de seguridad o salud o por ejercer los derechos congnados bajo la Ley OSH de Nuevo México.
- Usted tiene el derecho de ver las citaciones emitidas por la OSHA a su empleador. Su empleador debe colocar las citaciones en el lugar donde se encontraron las supuestas infracciones o cerca de mismo.
- Su empleador debe corregir los peligros en el lugar de trabajo por la fecha indicada en la citación y debe certificar que dichos peligros se hayan reducido o desaparecido.
- Usted tiene el derecho de recibir copias de su historial o registro médico y el registro de su exposición a sustancias o condiciones tóxicas o dañinas.
- Su empleador debe colocar este aviso en su lugar de trabajo.
- Usted debe cumplir con todas las normas de seguridad y salud ocupacionales expedidas conforme a la Ley OSH que sean aplicables a sus propias acciones y conducta en el trabajo.

- Empleadores
- Usted debe proporcionar a sus empleados un lugar de empleo libre de peligros conocidos.
- Usted debe cumplir con las normas de seguridad y salud ocupacionales expedidas conforme a la Ley OSH.
- La Ley de Seguridad y Salud Ocupacionales de 1970 (Ley OSH), P.L. 91-595, garantiza condiciones ocupacionales seguras y saludables para los hombres y las mujeres que desempeñen algún trabajo en todo el Estado de Nuevo México. La Administración de Seguridad y Salud Ocupacionales (OSHA), es la responsable principal de supervisar la Ley. Los derechos que se indican en este documento pueden variar según las circunstancias particulares. Para presentar un reclamo, informar sobre una emergencia o pedir consejo o asistencia gratis de la OSHA, llame 1-877-610-6742 o (505) 476-8700 o envíe un correo electrónico a Complaints.OSHA@state.nm.us. Número de facsimil: (505) 476-8734.
- La Administración de Seguridad y Salud Ocupacional Federal supervisa la operación del programa estatal para asegurar su eficacia continuada. Alguien deseano registrar una queja acerca de la administración de OSHA por parte del Estado, puede hacer así por ponerse en contacto New Mexico Environment Department, Occupational Safety and Health Administration, 525 Griffin Street, Room 602, Dallas, Texas 75202, número de teléfono (872) 850-4145.

NM OSHA The Best Resource for Health and Safety
El Mejor Recurso para la Salud y Seguridad

PAID SICK LEAVE

Notice of Employee Rights

Healthy Workplaces Act • NMSA 10-1-1 to 10-1-12
Effective date: July 1, 2022

Labor Relations Division
625 Broadway, SE, Albuquerque, NM 87102
Phone: (505) 841-4400 • Santa Fe: (505) 827-4508
Fax: (505) 827-4578

ACCURAL

Employee accrues one hour of earned sick leave for every thirty hours worked, starting that first day of work. Up to 60 hours of accrued 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 prohibit or override the terms of any collective bargaining agreement.

The Act applies to all employees, full-time, part-time, seasonal, and temporary. The Act applies to employees who are salaried, hourly, or on a non-annual schedule, as well as employees on call, on task, piece, or commission basis. Employees may not contract out of a scope to waive their rights under the Act.

USE OF PAID SICK LEAVE

Employee may use up to 64 hours of earned sick leave per twelve-month period. If they work enough hours, individual employees may use a higher limit. Employees may waive when the 12-month period begins.

PAY

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

Employee 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.
- Medical needs related to employee's OSHA health or disability.

• Absence necessary because of and related to domestic abuse, including court orders or protective orders, or other court orders.

USE OF ACCRUED LEAVE

Employee must grant use of earned sick leave upon the request of an employee or an employer or an individual who is the employee's family member. When possible, the request must include the employee's request for a substitute to care during the employee's absence. An employer may not require an employee to use other paid leave before the employee can use accrued sick leave.

The employer should notify the employee in advance when use of sick leave is foreseeable and make a reasonable effort to schedule the employee's work so that the employee does not need to use sick leave. If sick leave is not foreseeable, the employee must notify the employer as soon as practicable.

NOTICE

An employer must give written or electronic notice of employee rights and the Act's benefits and provisions to an employee at the start of employment. This notice must be in English, Spanish, or an language that is the first language spoken by at least ten percent of the employees/workers, as requested by the employee/workers.

REASONABLE DOCUMENTATION

Employer may require reasonable documentation verifying the sick leave was used for a covered purpose if the employee uses a more than consecutive workday of sick leave. Employees must treat all information obtained related to an employee taking sick leave as confidential.

DOCUMENT RETENTION

Employers must keep records concerning hours worked by employees and accrued sick leave accrued and used by employees for 180 days.

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. Employees 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 work or denying payment of earned sick leave benefits; reducing work hours; giving the employee undesirable assignments or assignments, threats, discipline, cutting off earned sick leave benefits so an employee 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 or (800) 566-9471 or by mail to the Labor Relations Division, 625 Broadway, SE, Albuquerque, NM 87102.

Employees may file a complaint with the Division or file a lawsuit in court within three years from the date the alleged violation occurred.

The employee's work file in violation of the Act will be liable for damages and/or reinstatement to the Act.

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

New Mexico Minimum Wage Act

EMPLOYEE RIGHTS

MINIMUM WAGE IN NEW MEXICO

\$12 per hour as of January 1, 2023

VERTIME PAY

After 1 1/2 times their regular hourly rate of pay for all hours worked in excess of a workweek.

TIPPED WORKERS

Employees must pay tipped employees a hourly rate of at least \$12 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

Employees 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.

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

WORKERS' COMPENSATION

This is not intended to represent the law, nor does it replace any New Mexico's Compensation posting requirements within your state.

The State of New Mexico's Workers' Compensation Administration requires the Notice of Accident Act to be posted conspicuously in the workplace. If you are injured at work posting, please contact your local unemployment office.

This Posting is for Informational Purposes Only

UNEMPLOYMENT INSURANCE
Notice to Employers / Employees

Employees: You must be a registered employer in this state in order to receive the Unemployment Insurance posting. If you have any questions concerning the mandatory posting, please contact your local unemployment office.

This Posting is for Informational Purposes Only

Notice to Employers / Employees
New state law has new minimum wage requirements posting a notice regarding the aspects of that law.

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NOTICE ON HUMAN TRAFFICKING

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 ("233733")

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

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

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

WHAT TO DO IF YOU'RE INJURED AT WORK QUÉ HACER SI SE LES LESIONA EN EL TRABAJO

Notice
In most cases you must tell your employer about the accident within 15 days, using the Notice of Accident Form.

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.

Support Services
You have the right to information and assistance from an information specialist known as an Ombudsman at the Workers' Compensation Administration.

Servicios de Apoyo
Usted tiene el derecho a información y ayuda con confidencialidad con un especialista en información conocido como "Ombudsman" en la Administración para la Compensación a los Trabajadores.

Claims Information
Contact your employer's Claims Representative.

Información acerca de Reclamaciones
Contáctese con el representante de reclamaciones de su compañía.

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 to see, 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 give 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 lesiona en el trabajo: Su empleador / asegurador debe de pagar por los gastos médicos necesarios y razonables. Es posible que usted tenga, o no tenga, el derecho de escoger el proveedor de servicios para su salud. Si su empleador / asegurador no le ha dado instrucciones por escrito de quien es el 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 período de tiempo más largo.

Employer's Insurer / Claims Representative:
Aseguradora del Empleador / Representante de Reclamaciones:

Name: _____
Phone #: _____

If You Need HELP
Call: 1-866-967-5667
Ask for an Ombudsman

SU Necesita Ayuda
Llámele Al: 1-866-967-5667
Pregúntele por un Ombudsman

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

For FREE copies of this poster and Notice of Accident Form call: 1-866-967-5667

EMPLOYER: You are required by law to display this poster where your employees can read it. Post the Notice of Accident forms too.

The poster without the Notice of Accident forms does not comply with law. You have other rights and duties under the law.

Address: _____
Employer must fill in / empleador proporcionar información.

El empleador debe completar la información del representante de reclamaciones.

Workers' Compensation Administration

POST FORMS HERE

NEW MEXICO

SP-NM-E

These files may not be printed out and posted to meet legal compliance posting requirements. Required posters to meet legal compliance posting requirements are physically posted at all CarMax locations.

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