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SENATE BILL 487

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Linda M Lopez

AN ACT

RELATING TO LABOR LAW; ENACTING THE PAYCHECK PROTECTION ACT;
PROHIBITING THE DISCHARGE OR DISCIPLINE OF AN EMPLOYEE WITHOUT
JUST CAUSE; PROVIDING A CAUSE OF ACTION AND REMEDIES FOR
VIOLATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Paycheck Protection Act".

Section 2. DEFINITIONS.--As used in the Paycheck
Protection Act:

A. "employee" means an individual who performs a
service for wages or other remuneration under a contract of
hire, written or oral, express or implied, and includes an
individual employed by the state or a political subdivision of
the state;

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1 B. "employer" means a person who has one or more
2 employees and includes an agent of an employer and the state
3 or a political subdivision of the state;

4 C. "just cause" means a reason that is rationally
5 related to an employee's competence or turpitude or the proper
6 performance of his duties and that is not in violation of the
7 employee's civil or constitutional rights; and

8 D. "person" means an individual, partnership,
9 firm, public or private corporation, association, trust,
10 estate, political subdivision or agency or any other legal
11 entity or its legal representatives, agents or assigns.

12 Section 3. DISCHARGE OR DISCIPLINE WITHOUT JUST CAUSE
13 PROHIBITED-- REMEDIES. --

14 A. No employer shall discharge or in any manner
15 discipline an employee without just cause.

16 B. An employee who believes that he has been
17 discharged or disciplined by an employer in violation of
18 Subsection A of this section may bring an action for damages
19 in district court. In an action brought pursuant to this
20 subsection, the burden of proof shall be on the employer to
21 show that the employee was discharged or disciplined with just
22 cause.

23 C. If the employee prevails in an action brought
24 pursuant to Subsection B of this section, the court shall
25 award treble damages, reinstatement, court costs, including

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1 attorney fees, and such other equitable relief as the court
2 deems appropriate.

3 D. The remedies provided for in this section are
4 not exclusive and do not limit rights or remedies that are
5 otherwise available.

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