SENATE BILL 459

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO LABOR; REMOVING THE REQUIREMENT THAT DIRECT DEPOSITS OF WAGES BE VOLUNTARILY AUTHORIZED BY THE EMPLOYER, EMPLOYEE AND FINANCIAL INSTITUTION.

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

Section 1. Section 50-4-2 NMSA 1978 (being Laws 1937, Chapter 109, Section 2, as amended) is amended to read:

"50-4-2. SEMIMONTHLY AND MONTHLY PAY DAYS.--

A. Every employer in this state shall designate regular pay days, not more than sixteen days apart, as days fixed for the payment of wages to all employees paid in this state. The employer shall pay for services rendered from the first to the fifteenth days, inclusive, of any calendar month by the twenty-fifth day of the month during which services are rendered, and for all services rendered from the sixteenth to

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the last day of the month, inclusive, of any calendar month by the tenth day of the succeeding month. Where computation of earnings and of amounts due, preparation of payrolls and issuance of paychecks are at a central location outside New Mexico, the employer shall pay for services rendered from the first to the fifteenth days, inclusive, of any calendar month by the last of the month during which services are rendered, and for all services rendered from the sixteenth to the last day of the month, inclusive, of any calendar month by the fifteenth day of the succeeding month.

B.   Employers shall pay such wages in full, less lawful deductions and less payroll deductions authorized by the employer and employee, in lawful money of the United States or in checks, payroll vouchers or drafts on banks, convertible into cash on demand at full face value or [with the voluntary authorization of the employer, employee and financial institution] by deposit to the account of the employee in any bank, savings and loan association, credit union or other financial institution authorized by the United States or one of the several states to receive deposits in the United States, without any reduction or deduction, except such as may be specifically stated in the written contract of hiring entered into at the time of hiring. Every employer shall provide his employee with a written receipt that identifies the employer and sets forth the employee's gross pay, the number of hours

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1   worked by the employee, the total wages and benefits earned by

2   the employee and an itemized listing of all deductions withheld

3   from the employee's gross pay. Nothing contained in Sections

4   50-4-1 through 50-4-12 NMSA 1978 shall in any way limit or

5   prohibit the payment of wages or compensation at more frequent

6   intervals than those set forth in this section. Where the

7   labor or service to be rendered to an employer is recompensed

8   on a task, piece or commission basis or other method of

9   calculating the amount of wages to be paid, other than a

10   definite and fixed amount in cash, the employer and the

11   employee may agree in writing at the time of hiring that the

12   wages shall be paid on a monthly basis, but in all such cases,

13   payment shall be made on or before the tenth day of the

14   succeeding calendar month.

15   C.   Notwithstanding the provisions of Subsection A

16   of this section, every employer may pay professional,

17   administrative or executive employees or employees employed in

18   the capacity of outside salesman, as those terms are defined

19   under the federal Fair Labor Standards Act, one time per month,

20   excluding those employees whose salaries are subject to

21   provisions of collective bargaining agreements."

22   Section 2. EFFECTIVE DATE.--The effective date of the

23   provisions of this act is July 1, 2004.

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