

1 AN ACT
2 RELATING TO PUBLIC WORKS; PROTECTING THE CONFIDENTIALITY OF
3 AN EMPLOYEE WHO REPORTS A VIOLATION OF THE PUBLIC WORKS
4 MINIMUM WAGE ACT.

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

7 SECTION 1. Section 13-4-13 NMSA 1978 (being Laws 1965,
8 Chapter 35, Section 3, as amended) is amended to read:

9 "13-4-13. FAILURE TO PAY MINIMUM WAGE--TERMINATION OF
10 CONTRACT--CONFIDENTIALITY OF REPORT.--

11 A. Every contract within the scope of the Public
12 Works Minimum Wage Act shall contain further provision that
13 in the event it is found by the director that any laborer or
14 mechanic employed on the site of the project has been or is
15 being paid as a result of a willful violation a wage rate or
16 fringe benefit rate less than the rates required, the
17 contracting agency may, by written notice to the contractor,
18 subcontractor, employer or person acting as a contractor,
19 terminate the right to proceed with the work or the part of
20 the work as to which there has been a willful failure to pay
21 the required wages or fringe benefits, and the contracting
22 agency may prosecute the work to completion by contract or
23 otherwise, and the contractor or person acting as a
24 contractor and the contractor's or person's sureties shall be
25 liable to the state for any excess costs occasioned thereby.

1 Any party receiving notice of termination of a project or
2 subcontract pursuant to the provisions of this section may
3 appeal the finding of the director as provided in the Public
4 Works Minimum Wage Act.

5 B. Without the prior consent of the employee, the
6 director shall not disclose the name or other identifying
7 information of an employee of a contractor or subcontractor
8 when that employee reports a violation of the Public Works
9 Minimum Wage Act."

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