

1 SENATE BILL 646

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Peter Wirth

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10 AN ACT

11 RELATING TO LABOR; PROTECTING WORKER RIGHTS TO WAGES AND LEAVE.

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

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

16 "50-4-1. DEFINITIONS.--~~(a)~~ Whenever used in ~~[this act]~~
17 Chapter 50, Article 4, unless otherwise provided:

18 A. "employer" includes every person, firm,
19 partnership, association, corporation, receiver or other
20 officer of the court of this state and any agent or officer of
21 any of the above-mentioned classes employing any person in this
22 state, except employers of domestic labor in private homes and
23 employers of livestock and agricultural labor. In determining
24 whether a person is an employer, the workforce solutions
25 department and courts shall consider all relevant evidence,

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1 including informal handwritten documentation, audio or video
2 recordings, statements and other evidence of the existence of
3 an employer-employee relationship; and

4 [~~(b)~~] B. "wages" [shall mean] means all amounts at
5 which the labor or service rendered is recompensed, including
6 cash payment, whether the amount is fixed or ascertained on a
7 time, task, piece or commission basis or other method of
8 calculating such amount. For the purpose of amounts due to an
9 employee pursuant to Sections 50-4-4 and 50-4-5 NMSA 1978,
10 "wages" shall include an employee's vacation, holiday, sick and
11 other leave accrued, but unused as of the date that the
12 employee quits or is discharged from employment, and shall be
13 paid at the employee's final rate of pay."

14 **SECTION 2. EFFECTIVE DATE.--**The effective date of the
15 provisions of this act is July 1, 2015.

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