

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO LABOR; RAISING THE MINIMUM WAGE; PROVIDING FOR A
TRAINEE EMPLOYEE MINIMUM WAGE.

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

SECTION 1. Section 50-4-22 NMSA 1978 (being Laws 1955,
Chapter 200, Section 3, as amended) is amended to read:

"50-4-22. MINIMUM WAGES.--

A. Except as provided in Subsection B of this
section, an employer shall pay to an employee a minimum wage
rate of:

(1) prior to October 1, 2017, seven dollars
fifty cents (\$7.50) an hour;

(2) beginning October 1, 2017 and prior to
April 1, 2018, eight dollars twenty-five cents (\$8.25) an
hour; and

(3) on and after April 1, 2018, nine dollars
(\$9.00) an hour.

B. Beginning October 1, 2017, an employer
employing trainee employees shall pay a trainee employee
during the training period a training minimum wage rate of
eight dollars (\$8.00) an hour. The training period shall not
exceed sixty days from the date of hire. As used in this
subsection, "trainee employee" means an employee who is being
trained to perform the job for which the employee was hired.

1 C. An employer furnishing food, utilities,
2 supplies or housing to an employee who is engaged in
3 agriculture may deduct the reasonable value of such furnished
4 items from any wages due to the employee.

5 D. An employee who customarily and regularly
6 receives more than thirty dollars (\$30.00) a month in tips
7 shall be paid a minimum hourly wage as follows:

8 (1) prior to October 1, 2017, two dollars
9 thirteen cents (\$2.13) an hour;

10 (2) beginning October 1, 2017 and prior to
11 April 1, 2018, two dollars thirty-eight cents (\$2.38) an
12 hour;

13 (3) on and after April 1, 2018, two dollars
14 sixty-three cents (\$2.63) an hour; and

15 (4) the employer may consider tips as part
16 of wages, but the tips combined with the employer's cash wage
17 shall not equal less than the minimum wage rate as provided
18 in Subsection A of this section. All tips received by such
19 employees shall be retained by the employee, except that
20 nothing in this section shall prohibit the pooling of tips
21 among employees.

22 E. An employee shall not be required to work more
23 than forty hours in any week of seven days, unless the
24 employee is paid one and one-half times the employee's regular
25 hourly rate of pay for all hours worked in excess of forty

1 hours. For an employee who is paid a fixed salary for
2 fluctuating hours and who is employed by an employer a
3 majority of whose business in New Mexico consists of providing
4 investigative services to the federal government, the hourly
5 rate may be calculated in accordance with the provisions of
6 the federal Fair Labor Standards Act of 1938 and the
7 regulations pursuant to that act; provided that in no case
8 shall the hourly rate be less than the federal minimum
9 wage."

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25