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AN ACT

RELATING TO LABOR; RAISING THE MINIMUM WAGE; PROVIDING  
EXCEPTIONS.

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. An employer shall pay an employee the minimum  
wage rate of eight dollars fifty cents (\$8.50) an hour,  
except that an employer employing:

(1) ten or fewer employees shall pay an  
employee the minimum wage rate of no less than seven dollars  
fifty cents (\$7.50) an hour; and

(2) a trainee employee shall pay the trainee  
employee a minimum wage rate of no less than seven dollars  
fifty cents (\$7.50) an hour during the training period but  
for no longer than six months from the date of hire.

B. Nothing in Subsection A of this section shall  
be construed to authorize or require an employer to lower the  
hourly wage of an employee.

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

1           D. An employee who customarily and regularly  
2 receives more than thirty dollars (\$30.00) a month in tips  
3 shall be paid a minimum hourly wage of two dollars thirteen  
4 cents (\$2.13). The employer may consider tips as part of  
5 wages, but the tips combined with the employer's cash wage  
6 shall not equal less than the minimum wage rate as provided  
7 in Subsection A of this section. All tips received by such  
8 employees shall be retained by the employee, except that  
9 nothing in this section shall prohibit the pooling of tips  
10 among employees.

11           E. An employee shall not be required to work more  
12 than forty hours in any week of seven days, unless the  
13 employee is paid one and one-half times the employee's  
14 regular hourly rate of pay for all hours worked in excess of  
15 forty hours. For an employee who is paid a fixed salary for  
16 fluctuating hours and who is employed by an employer a  
17 majority of whose business in New Mexico consists of  
18 providing investigative services to the federal government,  
19 the hourly rate may be calculated in accordance with the  
20 provisions of the federal Fair Labor Standards Act of 1938  
21 and the regulations pursuant to that act; provided that in no  
22 case shall the hourly rate be less than the federal minimum  
23 wage."

24           SECTION 2. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is January 1, 2014. \_\_\_\_\_