

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

SENATE MEMORIAL 48

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Peter Wirth

A MEMORIAL

SUPPORTING EFFORTS TO ELIMINATE THE PRACTICE OF WAGE THEFT IN
THE STATE.

WHEREAS, wage theft, the practice of nonpayment or
underpayment of wages to workers in communities, denies workers
and their families economic prosperity and financial security;
and

WHEREAS, wage theft occurs when employers do not pay the
minimum wage, do not pay overtime, require employees to work
off the clock, fail to disburse final paychecks or misclassify
workers as independent contractors to avoid paying their
portion of payroll taxes, overtime, workers' compensation and
benefits; and

WHEREAS, wage theft is a crime that often goes unreported
or unprosecuted; and

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 WHEREAS, wage theft has a disproportionate impact on low-
2 wage working families that live paycheck to paycheck,
3 especially during tough economic times; and

4 WHEREAS, workers who are victims of wage theft spend less
5 in the local economy, are often forced to choose among basic
6 necessities like food, clothing, health care, transportation
7 and shelter and often need to rely on emergency public services
8 and charities to make ends meet; and

9 WHEREAS, wage theft causes unnecessary stress and
10 financial hardship for workers and their children; and

11 WHEREAS, employers who engage in such unscrupulous
12 behavior undercut ethical businesses that are following the
13 rules, putting them at an unfair advantage; and

14 WHEREAS, the legislature passed a law in 2009 that
15 provides protection against retaliation to workers who are
16 victims of wage theft and additional penalties to employers who
17 do not pay their workers the wages they are owed; and

18 WHEREAS, New Mexico employers must pay workers a minimum
19 wage of seven dollars fifty cents (\$7.50) per hour, which is
20 higher than the federal minimum wage of seven dollars twenty-
21 five cents (\$7.25) per hour; and

22 WHEREAS, wage theft creates a hostile working environment
23 and undermines the ability of workers to promote healthy, safe,
24 respectful and productive working conditions; and

25 WHEREAS, the state supports the dignity of workers in the

underscoring material = new
~~[bracketed material] = delete~~

1 workplace and in its communities;

2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
3 OF NEW MEXICO that it support efforts by community, labor and
4 faith organizations, the New Mexico attorney general, the
5 workforce solutions department and the United States department
6 of labor to eliminate the practice of wage theft in the state;
7 and

8 BE IT FURTHER RESOLVED that copies of this memorial be
9 transmitted to the New Mexico attorney general and the
10 workforce solutions department.