EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

LABOR

LAWS

FEDERAL MINIMUM WAGE \$7.25 PER HOUR

BEGINNING JULY 24, 2009 The law requires employers to display this poster where employees can readily see it.

At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers

must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee's

tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from

protections and correctly classified independent contractors are not. Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

UNITED STATES OF

DEPARTMENT OF LABOR

ADDITIONAL INFORMATION

also apply to the pump at work requirements

WAGE AND HOUR DIVISION 1-866-487-9243 UNITED STATES DEPARTMENT www.dol.gov/agencies/whd

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other

violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful

FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury

Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions

Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of

Some employers incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important

to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay

of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits

retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

Some state laws provide greater employee protections; employers must comply with both.

OFTAROR

or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the

NM

FED

DEPARTMENT OF WORKFORCE SOLUTIONS MINIMUM WAGE ACT **EMPLOYEE RIGHTS**

MINIMUM WAGE IN NEW MEXICO

\$12 *per hour* as of **January 1, 2023**

At least $1\frac{1}{2}$ times your regular hourly rate of pay for all hours worked over 40 in a workweek.

view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

Employers must pay tipped employees an hourly rate of at least \$3 per hour. If the tips plus the hourly rate do not equal at least \$12 per hour, the employer must make up the difference. Tipped employees have a right to keep all of their tips. Tip pooling may only be among wait staff. NO SEPARATE RATE FOR STUDENTS OR MINORS

These minimum wage rates apply to all employees regardless of their age or student status.

Employers who violate the minimum wage or overtime requirements are required to pay impacted employees the full amount of their underpaid wages plus interest, plus an additional amount equal to

twice the underpaid wages.

It is unlawful to retaliate against an employee for asserting a wage claim or for informing other employees of their rights.

The Labor Relations Division of the Department of Workforce Solutions investigates claims and recovers back wages for employees who have been underpaid in violation of law, regardless of the dollar value of the claim, going back at least three years, or longer if there was a continuing course of conduct. Violations may result in civil or criminal action.

The City of Santa Fe and Santa Fe County have higher base minimum wage rates. Albuquerque and Las Cruces have higher tipped minimum wage rates.

Certain jobs or employers are exempt from the minimum wage or overtime provisions. Employers must display this poster where employees can easily see it.

For more information or to file a wage claim, contact the Labor Relations Division at 505-841-4400, or online at

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum

FED

Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an imployee or prospective employee for refusing to take a test or for exercising other rights

Federal, State and local governments are not affected by the law. Also, the law does not apply to tests given by the Federal Government to certain private individuals engaged in national The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and quard), and of pharmaceutical manufacturers, distributors and dispensers.

NM

UNITED STATES DEPARTMENT

DEPARTMENT OF WORKFORCE SOLUTIONS

mployees accrue one hour of earned sick leave for every thirt ours worked, starting their first day of work. Up to 64 hours of used earned sick leave can carry over year-to-year. The Act provides minimum requirements; other laws or employe sick leave. The Act does not preempt or override the terms of any

The Act applies to all employees—full-time, part-time, seasonal, and temporary. The Act also applies to employees who are salaried, tipped, or on a per-diem schedule, as well as employees paid on task, piece, or commission basis. Employees may not ontract out of or agree to waive their rights under the Act.

mployees may use up to 64 hours of earned sick leave per twelve-month period, if they work enough hours. Individual mployers may set a higher limit. Employers may select when the

and benefits. The hourly rate must be at least minimum wage ployees may use accrued sick leave for the following reasons

Employee's treatment or diagnosis of illness, injury, or health condition, or preventative medical care. Care of employee's family members for treatment or diagnosis of illness, injury, or health condition, or

preventative medical care Meetings related to employee's child's health or disability. Absence necessary because of and related to domestic abuse, sexual assault, or stalking suffered by the employe

REASONABLE DOCUMENTATION

employees and earned sick leave accrued and taken by employees

or more consecutive workdays of sick leave. Employers must treat all information obtained related to an employee taking sick leave

Employers may not take or threaten an adverse action against an employee that is reasonably likely to deter employees from ising or attempting to exercise their rights under the Act. Employers may not retaliate because an employee raises conce about violations of the Act, exercises their rights under the Act, alleged violations of the Act. Fxamples of retaliation include the following: denying use of delaying payment of earned sick leave, termination, reducing work hours, giving the employee undesirable assignments

REV. 02/2022

or scheduling, threats, discipline, counting use of earned sick leave hours as an absence that may lead to any adverse action, or any other employment action considered less The New Mexico Department of Workforce Solutions, Labor Relations Division, enforces the Act. Any employee aggrieved by a

violation of the Act may file a complaint with the Labor Relations Division by calling (505) 841-4400, visiting www.dws.state.nm.us or going to a New Mexico Workforce Connections Office. Notice: he Division will disclose complainant's identity as part of the States is not a defense to any action brought pursuant to the Act. Employees must file a complaint with the Division or file a civil action in a court within three years from the date the alleged An employer found to be in violation of the Act will be liable for damages and/or penalties pursuant to the Act.

For more details, see the full text of the law and www.dws.state.nm.us

FED

positions to undertake military service or certain types of service in the National Disaster Medical rstem. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services

you ensure that your employer receives advance written or verbal notice of your service;

you return to work or apply for reemployment in a timely manner after conclusion of service; and you have not been separated from service with a disqualifying discharge or under other than honorable If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

are a past or present member of the uniformed

have applied for membership in the uniformed initial employment: any benefit of employment retention in employmen

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service **HEALTH INSURANCE PROTECTION** If you leave your job to perform military service, you have the right to elect to continue your existing

employer-based health plan coverage for you and your dependents for up to 24 months while in the Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at https://www.dol.gov/agencies/vets/. An interactive online If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: https://www.dol.gov/agencies/vets/programs/userra/poste Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees

> U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel Employer Support of the Guard and Reserve • 1-800-336-4590

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed

you have five years or less of cumulative service in the uniformed services while with that particular

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION are obligated to serve in the uniformed service;

then an employer may not deny you:

your employer's paid leave policy covers the reason for which you need FMI A leave. Am I eligible to take FMLA leave? You are an **eligible employee** if **all** of the following apply: You work for a covered employer. You have worked for your employer at least 12 months,

Read Fact Sheet #28M(c) for more information.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

Your serious mental or physical health condition that makes you unable to work

To care for your spouse, child or parent with a serious mental or physical health condition, and

may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember

The birth, adoption or foster placement of a child with you.

You have at least 1,250 hours of service for your employer during the 12 months before your leave, and Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements. You work for a covered employer if one of the following applies: You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous

YOUR EMPLOYEE RIGHTS UNDER THE

FAMILY AND MEDICAL LEAVE ACT

qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most

Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take

FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week.

FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for

You work for an elementary or public or private secondary school, or You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management. Generally, to request FMLA leave you must:

Follow your employer's normal policies for requesting leave, Give notice at least 30 days before your need for FMLA leave, or If advance notice is not possible, give notice as soon as possible. You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken

or approved for the same reason when requesting additional leave Your employer may request certification from a health care provider to verify medical leave and may request certification of The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective

bargaining agreement that provides greater family or medical leave rights State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. What does my employer need to do?

If you are eligible for FMLA leave, your **employer must**: Allow you to take job-protected time off work for a qualifying reason,

Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation. After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm** whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing: About your FMLA rights and responsibilities, and How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information: Call 1-866-487-9243 or visit dol.gov/fmla to learn more If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD complaint process.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR



Additional information about the EEOC, including information about filing a charge of discrimination,

FED

National origin

Age (40 and older)

What Organizations are Covered?

Staffing agencies

All aspects of employment, including

Discharge, firing, or lay-off

Hiring or promotion

Job training

Classification

Most private employers

sexual orientation, or gender identity)

Retaliation for filing a charge, reasonably opposing discrimination

disability discrimination or pregnancy accommodation

What Employment Practices can be Challenged as Discriminatory

Harassment (including unwelcome verbal or physical conduct)

Failure to provide reasonable accommodation for a disability;

Obtaining or disclosing genetic information of employees

Requesting or disclosing medical information of employees

Conduct that coerces, intimidates, threatens, or interferes with

has Occurred?

Submit an inquiry through the EEOC's public portal:

1-844-234-5122 (ASL video phone)

an EEOC field office (information at

1-800-669-4000 (toll free)

1-800-669-6820 (TTY)

www.eeoc.aov/field-office)

https://publicportal.eeoc.gov/Portal/Login.aspx

State and local governments (as employers)

Educational institutions (as employers)

Pay (unequal wages or compensation)

eligious belief, observance or practice

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**

Employees (current and former), including managers and temporary The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the nondiscrimination and affirmative action commitments of companies doing business with the Federal Government. If you are applying for a Union members and applicants for membership in a union job with, or are an employee of, a company with a Federal contract or subcontract, What Types of Employment Discrimination are Illegal? you are protected under Federal law from discrimination on the following bases: Under the EEOC's laws, an employer may not discriminate against you, regardless of your immigration status, on the bases of:

Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, **National Origin** Executive Order 11246, as amended, prohibits employment discrimination by

Federal contractors based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment **Asking About, Disclosing, or Discussing Pay**

Sex (including pregnancy, childbirth, and related medical conditions, Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, or participating in a discrimination lawsuit, investigation, or proceeding pay, fringe benefits, job training, classification, referral, and other aspects of Interference, coercion, or threats related to exercising rights regarding employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee. barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the

> The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans

Retaliation is prohibited against a person who files a complaint of discrimination, pregnancy, childbirth, or related medical condition; or a sincerely-held

participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact The Office of Federal Contract Compliance Programs (OFCCP)

200 Constitution Avenue, N.W. Washington, D.C. 20210 Conduct that might reasonably discourage someone from opposing 1-800-397-6251 (toll-free) discrimination, filing a charge, or participating in an investigation of 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or

someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding disability discrimination district office, listed in most telephone directories under U.S. Government (including accommodation) or pregnancy accommodation Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contact What can You Do if You Believe Discrimination Contact the EEOC promptly if you suspect discrimination. Do not delay, because

there are strict time limits for filing a charge of discrimination (180 or 300 days, depending on where you live/work). You can reach the EEOC in any of the amended. Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause

discrimination in providing services under such programs. Title IX of the Education $\,$ Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance. Individuals with Disabilities discrimination on the basis of disability in any program or activity which

employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job. Federal agency providing such assistance.

NOTICE ON HUMAN TRAFFICKING

IF YOU OR SOMEONE YOU KNOW IS A VICTIM OF THIS CRIME, CONTACT THE FOLLOWING:

> IN NEW MEXICO, CALL OR TEXT 505-GET-FREE (505-438-3733)

OR CALL THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE TOLL-FREE AT 1-888-373-7888 FOR HELP

"HELP" OR "INFO" TO BEFREE ("233733") YOU MAY REMAIN ANONYMOUS, AND YOUR CALL OR TEXT IS CONFIDENTIAL

505-GET-FREE (505-438-3733)

YOU MAY ALSO SEND THE TEXT

OBTAINING FORCED LABOR OR SERVICES IS A CRIME UNDER NEW MEXICO AND FEDERAL LAW



NM **Department of Workforce**

DISCRIMINATION is against the law.

Office: (505) 827-6838 Fax: (505) 827-6878 NEW MEXICO HUMAN RIGHTS AC The Human Rights Bureau enforces the provisions of the Human Rights Act of 1969. Additionally, the Human Rights Bureau has a work-sharing agreement with the Equal Employment Opportunity Commission

Orientation Gender Identity

Sexual harassment and harassment based on other protected categories is prohibited by the Act. The Human Rights Act prohibits discrimination in the areas of employment, housing, credit, and

lf vou feel vou have been discriminated against The New Mexico Department of Workforce Solutions Human Rights Bureau investigates complaints of

Complaints must be filed with the Human Rights Bureau within 300 days of the last act of discrimination For assistance in filing a complaint, or for any other information on the Human Rights Act, please call (800) 566-9471 (toll-free) or (505) 827-6838, or visit

> DISCRIMINACIÓN es contra la lev.

Si siente que ha sido discriminado, visite nuestra 2600 Cerrillos Rd. Santa Fe. NM 87505

NUEVO MÉXICO

un acuerdo de reparto de trabajo con la Comisión e Igualdad de Oportunidades en el Empleo (Equa acer cumplir las provisiones de la ley federal bajo el Título VII de la Lev de Derechos Civiles de 1964 (Civil Rights Act). Ja Lev de Discriminación por Edad en el mpleo de 1967 (Age Discrimination in Employmer Act, ADEA), y la Ley de Americanos con Discapacidac le 1990 (Americans with Disabilities Act, ADA),

Identificación de Género Afiliación Nupcial

protegidas están prohibidos por la Ley. en las áreas de empleo, alojamiento, el acceso al rédito, y hospedaje público, y prohíbe la represalia p juejas en cualquiera de estas áreas. con el Buró de Derechos Humanos por teléfono o omplete el formulario de quejas por Internet en:

El Buró de Derechos Humanos del Departamento de Soluciones de Fuerza Laboral de Nuevo México

If You Are Injured At Work Si Se Lastima En El Trabajo

tell your employer about the accident within 15 days, using the Notice of Accident Form. You have the right to information and assistance from an information specialist

1) Notice — In most cases you must

Workers' Compensation Administration. Claims information — Contact your employer's Claims Representative (see box below).

known as an Ombudsman at the

2) Usted tiene el derecho a información y ayuda contactándose con un especialista en información conocido como "Ombudsman" en la Administración para la Compensación a los Trabajadores.

Employer's Insurer / Claims Representative: Phone #: _____ Note: Employer must fill in this insurer / claims representative information.

YOUR RIGHTS

If you are injured in a work-related accident: Your employer / insurer must pay all reasonable and necessary medical costs.

You may or may not have the right to choose your health care provider. If your employer / insurer has not given you written instructions about who chooses first, call an ombudsman. In an emergency, get emergency medical care first.

employer / insurer must pay wage benefits to partially offset your lost wages. If you suffer "permanent impairment," you may have the right to receive partial wage benefits for a longer

If you are off work for more than seven days, your

period of time.

Ombudsmen are located at the following offices: Farmington: 1-800-934-2450 1-866-967-5667 1-800-568-7310

1-505-599-9746

SUS DERECHOS

Si se lastima en el trabajo:

Es posible que usted tenga, o no tenga, el derecho de escoger el proveedor de servicios para la salud. Si su empleador / asegurador no le ha dado instrucciones por escrito de quien es él que selecciona primero, pregúntele o llame a un ombudsman. En una emergencia, obtenga asistencia médica de emergencia primero. Si usted está fuera del trabajo por más de siete días,

parcialmente la pérdida de su salario. Si usted sufre "daño permanente," usted puede tener el derecho a recibir prestaciones parciales de salario por un periodo de tiempo más largo.

compensatorio de prestaciones para compensar

su empleador / asegurador debe de hacerle un pago

If You Need HELP Call:

1-800-870-6826

Las Cruces:

Si Usted Necesita Ayuda Llame Al: 1-866-WORKOMP (1-866-967-5667)

Visit our website at: https://workerscomp.nm.gov

EMPLOYER: You are required by law to display this poster where your employees can read it. Post the Notice of Accident forms with it. The poster without the Notice of Accident forms does not comply with law. You have other rights and duties under the law. 0

For FREE copies of this poster and Notice of Accident Forms call: 1-866-967-5667

USE A NOTICE OF ACCIDENT FORM TO REPORT YOUR ACCIDENT TO YOUR SUPERVISOR

POST FORMS HERE

NOTICE: The State of New Mexico requires employers to post Notice of Accident forms with the Workers' Compensation Act posting. The forms can be hung at the bottom of the poster, where indicated. For copies of the forms, contact the Workers

You Have a Right to a Safe and Healthful Workplace

Employees:

You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential. You have the right to request a New Mexico OSHA inspection if you believe that there are unsafe or unhealthful conditions in your workplace. You or your

You can file a complaint with New Mexico OSHA within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the New Mexico Occupational Health and

representative may participate in the inspection.

You have a right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation. Your employer must correct workplace hazards by the date indicated on the

citation and must certify that these hazards have been reduced or eliminated.

You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions. Your employer must post this notice in your workplace.

You must comply with all OSHA standards issued under the OSH Act that apply to your own actions and conduct on the job.

Employers must furnish your employees a place of employment free from

Employers must comply with the OSHA standards issued under the OSHA Act. The Occupational Safety and Health Act of 1970 (OSH Act). P.L. 91-956, assures safe and healthful working conditions for working men and women throughout the Nation. The Occupational Safety and Health Administration, in the U.S. Department of Labor, has the primary responsibility for administering the OSHA Act. The rights listed here may vary depending on the particular circumstances. To file a complaint, report an emergency, or seek free OSHA advice and assistance, call 1-877-610-6742 or (505) 476-8700 or email at Complaints. OSHA@state.nm.us. Our fax number is (505) 476-8734. For information or assistance relative to the State Occupational Health & Safety program, please refer to address below.

The Federal Occupational Safety and Health Administration monitors the operation of the state program to assure its continued effectiveness. Anyone wishing to register a complaint concerning the administration of the New Mexico Occupational Health and Safety Program may do so by contacting U.S. Department of Labor, Occupational Safety and Health Administration, 525 Griffin Street, Room 602, Dallas, Texas 75202 at (972) 850-4145.

JOB HEALTH AND SAFETY POSTER SALUD DE TRABAJO Y CARTEL DE SEGURIDAD

> Usted Tiene el Derecho a un Lugar de Trabajo Seguro y Saludable. ¡LO ESTABLECE LA LEY!

Empleados: Usted tiene el derecho de notificar a sun empleador o a la OSHA sobre peligros en el lugar de trabajo. Usted también puede pedir que la OSHA no revele su

Usted tiene el derecho de pedir a la OSHA de Nuevo Mexicó que realize una inspección si usted piensa que en su trabajo existen condiciones peligrosas o poco saludables. Usted o su representante pueden participar en esa Usted tiene 30 dias para presentar una queja ante la OSHA de Nuevo Mexicó

si su empleador llaga a tomar represalias o discriminar en su contra por haber

denunciado la condición de seguridad o salud o por ejercer los derechos

consagrados bajo la Ley OSH de Nuevo Mexicó. Usted tiene el derecho de ver las citaciones enviadas por la OSHA a su empleador. Su empleador debe colocar las citaciones en el lugar donde se encontraron las supuestas infracciones o cerca de mismo.

indicada en la citación y debe certificar que dichos peligros se hayan reducido Usted tiene derecho de recibir copias de su historial o registro médico y el

Su empleador debe corregir los peligros en el lugar de trabajo para la fecha

registro de su exposición a sustancias o condiciones tóxicas o dañinas. Su empleador debe colocar este aviso en su lugar de trabajo.

Usted debe proporcionar a sus empleados un lugar de empleo libre de peligros

Usted debe cumplir con las normas de seguridad y salud ocupacionales

expedidas conforme a la Ley OSH.

Usted debe cumplir con todas la normas de seguridad y salud ocupacionales

expedidas conforme a la Ley OSH que sean aplicables a sus propias acciones y

La Ley de Seguridad y Salud Ocupacionales de 1970 (la Ley), P.L. 91-596, garantiza condiciones ocupacionales seguras y saludables para los hombres y las mujeres que desempeñen algún trabajo en todo el Estado de Nuevo México. La Administración de Seguridad y Salud Ocupacionales (OSHA), es la responsable principal de supervisar la Ley. Los derechos que se indican en este documento pueden variar según las circunstancias particulares. Para presentar un reclamo, informar sobre una emergencia o pedir consejos y asistencia gratis de la OSHA, llame 1-877-610-6742 or (505) 476-8700 o email Complaints. OSHA@state.nm.us. Número de facsímil -(505) 476-8734.

La Administración de Salud y Seguridad Ocupacional Federal supervisa la operación del programa estatal para asegurar su eficacia continuada. Alguien deseando registrar una queja acerca de la administración de OSHA por parte del Estado, puede hacer así por ponerse en contacto New Mexico Environment Department, Occupational Safety and Health Administration, 525 Griffin Street, Room 602, Dallas, Texas 75202, numero de telefono (972) 850-4145.

El Major Recurso para la Salud y Seguridad **New Mexico OSHA** TELEPHONE No./Numero de Telefono:

NM OSHA The Best Resource for Health and Safety

1-877-610-6742 FAX NUMBER/NÚMERO DE FACSÍMIL: 505-476-8734

505-476-8700 or

To update your labor law posters contact J. J. Keller & Associates, Inc. JJKeller.com/laborlaw 800-327-6868

This poster is in compliance with federal and state posting requirements.

EMPLOYEE RIGHTS-EMPLOYEE POLYGRAPH PROTECTION ACT embezzlement, etc.) that resulted in economic loss to the employe The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests. Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right

> against violators. Employees or job applicants may also bring their own court actions THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND IOR APPLICANTS CAN READILY SEE IT

Human Riahts Bureau 2600 Cerrillos Rd, Santa Fe, NM 87505

Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and Serious Medical

public accommodations, and prohibits retaliation contact the Human Rights Bureau by phone or fill out a

Oficina: (505) 827-6838 Línea Gratuita: (800) 566-9471 LA LEY DE DERECHOS HUMANOS DE provisiones de la Ley de Derechos Humanos de 1969 Adicionalmente, el Buró de Derechos Humanos tiene

Discapacidad Mental o Física o Condiciones

La Ley de Derechos Humanos prohíbe la discriminaciór i usted siente que ha sido discriminado, comuníquese

Las quejas deben ser presentadas al Buró de Derechos Humanos dentro de 300 días de que ocurrió el último Para ayuda en completar una queja, o por cualquier otra información sobre la Ley de Derechos Humanos, por favor llame al (800) 566-9471 (gratuitamente) o

REV. 7/2023

Rev. 11/18

1-505-841-6000

1-575-524-6246 1-575-397-3425

Ask for an Ombudsman

1-800-281-7889

1-505-454-9251

1-866-311-8587

1-575-623-3997

New Mexico Workers' Compensation Administration 2410 Centre Avenue, Albuquerque, New Mexico 87106 P.O. Box 27198, Albuquerque, New Mexico 87125-7198

FED-NM-ENG 69438

Copyright 2023 J. J. Keller & Associates, Inc. • Neenah, WI • Printed in the USA

PAID SICK LEAVE Notice of Employee Rights Healthy Workplaces Act | NMSA 50-17-1 to 50-17-12 | Effective date: July 1, 2022 401 Broadway NE, Albuquerque, NM 87102 Albuquerque: (505) 841-4400 · Santa Fe: (505) 827-6838 · Las Cruces: (575) 524-6195 Employers must grant use of earned sick leave upon the oral or written request of an employee or an individual acting on the employee's behalf. When possible, the request must include the expected duration of the absence. An employer may not condition an employee's taking earned sick leave on the employee searching policies may provide for more accrual, use, or carry over of earned for or finding a replacement worker to cover during the employee absence. An employer may not require an employee to use other paid leave before the employee uses sick leave pursuant to the Act The employee should notify the employer in advance when use of sick leave is foreseeable and make a reasonable effort to schedule

employer as soon as practicable.

rights and the Act's terms and provisions to an employee at the start of employment. This notice must be in English, Spanish, or any language that is the first language spoken by at least ten percent of the employer's workforce, as requested by the An employer may require reasonable documentation verifying the sick leave was used for a covered purpose if the employee uses two

the leave so it does not disrupt business operations. When use of sick leave is not foreseeable, the employee must notify the

State of New Mexico Workers' Compensation Administration **WORKERS' COMPENSATION ACT**

> 1) Aviso. — En la mayoría de los casos usted debe de avisarle a su empleador del accidente dentro de los primeros 15 días usando las formas de Aviso de Accidente.

3) Información acerca de Reclamaciones. —

Contáctese con el representante de

reclamaciones de su compañía.

Su empleador / asegurador debe de pagar por los gastos médicos necesarios y razonables.

Santa Fe:

1-505-476-7381

SITE ADDRESS / LA DIRECCIÓN A LA AGENCIA: 525 CAMINO DE LOS MARQUEZ, STE. 3 SANTA FE, NM 87505 Mailing Address / Dirección de Envío:

R022607 MMP

TWO ways to verify poster compliance! QR CODE Scan with phone camera: Go to: JJKeller.com/LLPverify **ONLINE** Enter this code: 69438-072023

PO Box 5469

SANTA FE, NM 87502-5469

JUL2023 65830F

Protected Veteran Status

U.S. Department of Labor

If you are deaf, hard of hearing, or have a speech disability, please dial

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Rights Act of 1964, as

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment receives Federal financial assistance. Discrimination is prohibited in all aspects of If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the