

The Legislature  
of the  
State of New Mexico

50th Legislature, 2nd Session

LAWS 2012

CHAPTER \_\_\_\_\_

HOUSE MEMORIAL 19

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Introduced by

REPRESENTATIVE MIGUEL P. GARCÍA

REPRESENTATIVE W. KEN MARTINEZ  
REPRESENTATIVE SHERYL WILLIAMS STAPLETON  
REPRESENTATIVE ELEANOR CHAVEZ  
REPRESENTATIVE RICK MIERA



1 A MEMORIAL

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

4  
5 WHEREAS, wage theft, the practice of nonpayment or  
6 underpayment of wages to workers in communities, denies  
7 workers and their families economic prosperity and financial  
8 security; and

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

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

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

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

25 WHEREAS, wage theft causes unnecessary stress and

1 financial hardship for workers and their children; and

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

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

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

13 WHEREAS, wage theft creates a hostile working  
14 environment and undermines the ability of workers to promote  
15 healthy, safe, respectful and productive working conditions;  
16 and

17 WHEREAS, the state supports the dignity of workers in  
18 the workplace and in its communities;

19 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
20 REPRESENTATIVES OF THE STATE OF NEW MEXICO that it support  
21 efforts by community, labor and faith organizations, the New  
22 Mexico attorney general, the workforce solutions department  
23 and the United States department of labor to eliminate the  
24 practice of wage theft in the state; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

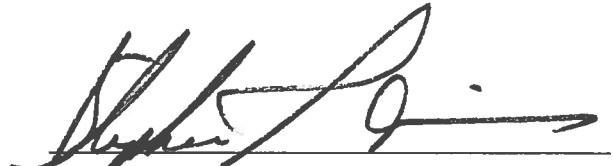
1 transmitted to the New Mexico attorney general and the  
2 workforce solutions department.

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BEN LUJAN, SPEAKER  
HOUSE OF REPRESENTATIVES



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STEPHEN R. ARIAS, CHIEF CLERK  
HOUSE OF REPRESENTATIVES