



The Legislature
of the
State of New Mexico

50th Legislature, 2nd Session

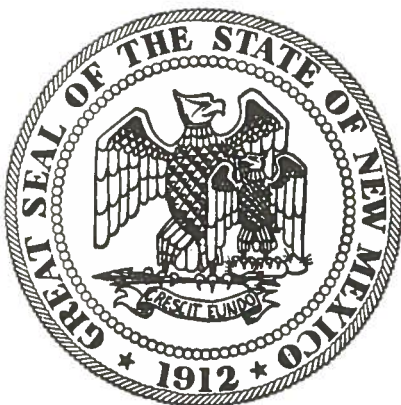
LAWS 2012

CHAPTER _____

SENATE MEMORIAL 48

Introduced by

SENATOR PETER WIRTH



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
12 misclassify workers as independent contractors to avoid
13 paying their portion of payroll taxes, overtime, workers'
14 compensation and 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
24 emergency public services and charities to make ends meet;
25 and

1 WHEREAS, wage theft causes unnecessary stress and
2 financial hardship for workers and their children; and

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

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

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

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

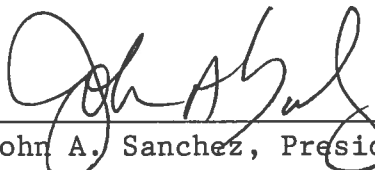
18 WHEREAS, the state supports the dignity of workers in
19 the workplace and in its communities;

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

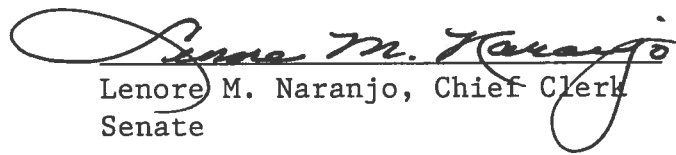
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BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico attorney general and the workforce solutions department.

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John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate