

## ■ MINIMUM WAGE ACT

**TERMS:** In general, farmworkers employed on a farm or other establishment that used more than 500 worker-days of agricultural labor during any calendar quarter in the preceding calendar year (for example, 50 workers employed for 10 days, 20 workers employed for 25 days, or any other such combination) are entitled to the state minimum wage of \$7.50 an hour.

Employers who provide food, supplies, housing or utilities to a worker may count the reasonable value of those items as wages in meeting their minimum wage obligation.

*Exceptions* — The minimum wage *does not apply* to any of the following:

- (1) Workers who are employed as hand-harvest laborers paid on a piecework basis in a crop activity traditionally considered a piecework operation in the local region.
- (2) Workers who commute daily from home to the worksite.
- (3) Workers who were employed in agriculture for less than 13 weeks during the preceding year.
- (4) Workers 16 years of age or younger who are employed as hand-harvest workers in traditionally piecework operations, employed on the same farm as their parents or guardian, and paid the same piece rate as adult workers on the same farm.

**ENFORCEMENT:** *Wage and Hour Section, New Mexico Department of Workforce Solutions, Albuquerque, New Mexico 87103 (505-841-4400).*

Instead of filing a claim with the Department, a worker may recover wages, damages, court costs and reasonable attorney's fees in a private civil suit against the employer, using a private attorney or public legal service provider.

**SPECIAL NOTE:** An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.