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LaborLawCenter.com 1-800-745-9970 • Product ID: NM50



Compliance Code: NM-0122-F02 • Check Compliance By Scanning Here •

the employer's usual procedures.

EEOC - EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

NEW MEXICO

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW

PRIVATE EMPLOYERS, STATE AND LOCAL GOVERNMENTS, EDUCATIONAL INSTITUTIONS, **EMPLOYMENT AGENCIES AND LABOR ORGANIZATIONS**

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN Title VII of the Civil GENETICS Title II of the Genetic Information Nondiscrimination Act of Rights Act of 1964, as amended, protects applicants and employees from 2008 protects applicants and employees from discrimination based on impose undue hardship

as amended, protect qualified individuals from discrimination on the basis services by applicants, employees, or their family members. known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men effort, and responsibility, under similar working conditions, in the same establishment.

discrimination in hiring, promotion, discharge, pay, fringe benefits, job genetic information in hiring, promotion, discharge, pay, fringe benefits, training, classification, referral, and other aspects of employment, on the job training, classification, referral, and other aspects of employment. basis of race, color, religion, sex (including pregnancy), or national origin. GINA also restricts employers' acquisition of genetic information and Religious discrimination includes failing to reasonably accommodate an strictly limits disclosure of genetic information. Genetic information employee's religious practices where the accommodation does not includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family **DISABILITY** Title I and Title V of the Americans with Disabilities Act of 1990, members (family medical history); and requests for or receipt of genetic

of disability in hiring, promotion, discharge, pay, fringe benefits, job **RETALIATION** All of these Federal laws prohibit covered entities from training, classification, referral, and other aspects of employment. Disability retaliating against a person who files a charge of discrimination, discrimination includes not making reasonable accommodation to the participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

RETALIATION Retaliation is prohibited against a person who files a

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should benefits, job training, classification, referral, and other aspects of employment. contact EEOC promptly when discrimination is suspected: The U.S. Equal SEX (WAGES) In addition to sex discrimination prohibited by Title VII of Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc. performing substantially equal work, in jobs that require equal skill, gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, including the executive level.

NATIONAL ORIGIN Executive Order 11246, as amended, prohibits **PROTECTED VETERANS** The Vietnam Era Veterans' Readjustment employment discrimination based on race, color, religion, sex, sexual Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment orientation, gender identity, or national origin, and requires affirmative discrimination against, and requires affirmative action to recruit, employ, action to ensure equality of opportunity in all aspects of employment. and advance in employment, disabled veterans, recently separated **PAY SECRECY** Executive Order 11246, as amended, protects applicants veterans (i.e., within three years of discharge or release from active duty), and employees from discrimination based on inquiring about, disclosing, active duty wartime or campaign badge veterans, or Armed Forces service or discussing their compensation or the compensation of other applicants medal veterans. or employees.

INDIVIDUALS WITH DISABILITIES Section 503 of the Rehabilitation Act complaint of discrimination, participates in an OFCCP proceeding, of 1973, as amended, protects qualified individuals with disabilities from or otherwise opposes discrimination under these Federal laws. Any discrimination in hiring, promotion, discharge, pay, fringe benefits, job person who believes a contractor has violated its nondiscrimination or training, classification, referral, and other aspects of employment. affirmative action obligations under the authorities above should contact Disability discrimination includes not making reasonable accommodation immediately: The Office of Federal Contract Compliance Programs to the known physical or mental limitations of an otherwise qualified (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., individual with a disability who is an applicant or employee, barring Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 undue hardship to the employer. Section 503 also requires that Federal (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, contractors take affirmative action to employ and advance in employment or by calling an OFCCP regional or district office, listed in most telephone qualified individuals with disabilities at all levels of employment, directories under U.S. Government, Department of Labor.

If you believe that you have experienced discrimination contact OFCCP: 1-800-397-6251 | TTY 1-877-889-5627 | www.dol.gov.

PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

RACE, COLOR, NATIONAL ORIGIN, SEX In addition to the protections of Federal financial assistance.

Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil INDIVIDUALS WITH DISABILITIES Section 504 of the Rehabilitation Act Rights Act of 1964, as amended, prohibits discrimination on the basis of of 1973, as amended, prohibits employment discrimination on the basis race, color or national origin in programs or activities receiving Federal of disability in any program or activity which receives Federal financial

OMBUDSMAN ACT

ATTENTION **EMPLEADORES Y TRABAJADORES EMPLOYERS AND WORKERS!**

If you have questions about worker's compensation, call the WCA Ombudsman for free information.

 $\star \star \star \star \star \star \star$

New Mexico Worker's Compensation Administration WCA HELP/HOTLINE

1-866-WORKOMP/ (1-866-967-5667)

compensación de los trabajadores, llame a un ombudsman para información gratis. Administración de compensación

Si usted tiene preguntas sobre

ATENCIÓN

De Los Trabajadores Línea De Asisencia Gratuita 1-866-WORKOP/ (1-866-967-5667) WCA 08/2005

PAYDAY NOTICE

Workers' Compensation

ADMINISTRATIO

Regular Paydays for Employees of



DISCRIMINATION

DISCRIMINATION is against the law. If you feel that you have been discriminated against, visit our website or contact us.

DISCRIMINACIÓN es contra la ley. Si siente que ha sido discriminado, visite nuestra página por

Internet o póngase en contacto con nosotros.

NEW MEXICO HUMAN RIGHTS ACT

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 (EEOC) to enforce the provisions of federal law under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA), all as amended. Prohibited discriminatory bases include:

• Race	Physical or Mental Disability
• Color	Serious Medical Condition
 National Origin 	 Sexual Orientation
 Ancestry 	 Gender Identity
• Sex	 Spousal Affiliation
• Age	 Pregnancy, Childbirth, or
 Religion 	Related Condition

LA LEY DE DERECHOS HUMANOS DE NUEVO MÉXICO El Buró de Derechos Humanos impone las provisiones de la Ley de Derechos Humanos de 1969. Adicionalmente, el Buró de Derechos Humanos tiene un acuerdo de reparto de trabajo con la Comisión de Igualdad de Oportunidades en el Empleo (Equal Employment Opportunity Commission, EEOC) para hacer cumplir las provisiones de la ley federal bajo el Título VII de la Ley de Derechos Civiles de 1964 (Civil Rights Act), la Ley de Discriminación por Edad en el Empleo de 1967 (Age Discrimination in Employment Act, ADEA), y la Ley de Americanos con Discapacidades de 1990 (Americans with Disabilities Act, ADA), todas según enmendadas. Las bases discriminatorias prohibidas incluyen:

Raza	• Edad	 Identificación de
Color	 Religión 	Género
Origen	 Discapacidad Mental 	 Afiliación Nupcial
Nacional	o Física o Condiciones	 Embarazo, Parto,
Ascendencia Médicas Graves		o Condición
Sexo	 Orientación Sexual 	Relacionada

FMLA - FAMILY AND MEDICAL LEAVE ACT

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS Eligible employees who work for a covered employer *Special "hours of service" requirements apply to airline flight crew employees. can take up to 12 weeks of unpaid, job-protected leave in a 12-month period **REQUESTING LEAVE** Generally, employees must give 30-days' advance notice

for the following reasons: • The birth of a child or placement of a child for adoption or foster care; • To bond with a child (leave must be taken within 1 year of the child's birth or placement):

To care for the employee's spouse, child, or parent who has a qualifying serious health condition:

For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;

For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child, parent,

or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness. An employee does not need to use leave in one block. When it is medically

necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA eligible, must also provide a notice of rights and responsibilities under the FMLA. leave, the employee must comply with the employer's normal paid leave policies.

BENEFITS & PROTECTIONS While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same ENFORCEMENT Employees may file a complaint with the U.S. Department of job or one nearly identical to it with equivalent pay, benefits, and other Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate supersede any state or local law or collective bargaining agreement that against someone for using or trying to use FMLA leave, opposing any practice provides greater family or medical leave rights. made unlawful by the FMLA, or being involved in any proceeding under or /H1420a REV 04/16 related to the FMLA.

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 4 ELIGIBILITY REQUIREMENTS An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must: Have worked for the employer for at least 12 months; Have at least 1,250 hours of service in the 12 months before taking leave;* and Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

For additional information or to file a complaint: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 WWW.WAGEHOUR.DOL.GOV J.S. Department of Labor | Wage and Hour Divisior

of the need for FMLA leave. If it is not possible to give 30-days' notice, an

employee must notify the employer as soon as possible and, generally, follow

Employees do not have to share a medical diagnosis, but must provide enough

information to the employer so it can determine if the leave gualifies for FMLA

protection. Sufficient information could include informing an employer that the

employee is or will be unable to perform his or her job functions, that a family

member cannot perform daily activities, or that hospitalization or continuing

medical treatment is necessary. Employees must inform the employer if the need

for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the

need for leave. If the employer determines that the certification is incomplete, it

must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES Once an employer becomes aware that an

employee's need for leave is for a reason that may qualify under the FMLA, the

employer must notify the employee if he or she is eligible for FMLA leave and, if

If the employee is not eligible, the employer must provide a reason for ineligibility.

and if so, how much leave will be designated as FMLA leave.

Employers must notify its employees if leave will be designated as FMLA leave,

The FMLA does not affect any federal or state law prohibiting discrimination or

EMPLOYEE POLYGRAPH PROTECTION ACT

EMPLOYEE RIGHTS | EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers not preempt any provision of any State or local law or any collective bargaining from using lie detector tests either for pre-employment screening or agreement which is more restrictive with respect to lie detector tests. during the course of employment.

requesting any employee or job applicant to take a lie detector test, and from Examinees have a number of specific rights, including the right to a written discharging, disciplining, or discriminating against an employee or prospective notice before testing, the right to refuse or discontinue a test, and the right not employee for refusing to take a test or for exercising other rights under the Act. to have test results disclosed to unauthorized persons. **EXEMPTIONS** 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 violations and assess civil penalties against violators. Employees or job private individuals engaged in national security-related activities. The Act applicants may also bring their own court actions. permits polygraph (a kind of lie detector) tests to be administered in the private THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE sector, subject to restrictions, to certain prospective employees of security EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT. service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers. The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (theft,

EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to PROHIBITIONS Employers are generally prohibited from requiring or numerous strict standards concerning the conduct and length of the test.

ENFORCEMENT The Secretary of Labor may bring court actions to restrain



financial assistance. Employment discrimination is covered by Title VI if	assistance. Discrimination is prohibited in all aspects of employment
the primary objective of the financial assistance is provision of	against persons with disabilities who, with or without reasonable
employment, or where employment discrimination causes or may cause	accommodation, can perform the essential functions of the job. If you
discrimination in providing services under such programs. Title IX of the	believe you have been discriminated against in a program of any
Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive	institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.
on the basis of sex in educational programs of detinies when receive	

EEOC 9/02 and OFCCP 8/08 Versions Useable With 11/09 Supplement

e Federal agency providing such assistance. Mandatory Supplement to EEOC P/E-1(Revised 11/09) "EEO is the Law" Poster

See your employer for a copy of Form W-4 or call the IRS at 1-800-829-3676.

Now is the time to check your withholding. For more details, get Publication

919, How Do I Adjust My Tax Withholding?, or use the Withholding

employees will see it. Please indicate where they can get forms and

Employer: Please post or publish this Bulletin Board Poster so that your

Calculator at www.irs.gov/individuals on the IRS web site.

WITHHOLDING STATUS

YOU MAY NEED TO CHECK YOUR WITHHOLDING

Since you last filed form W-4 with your employer did you... Marry or divorce? Gain or lose a dependent? Change your name?

Were there major changes to...

• Your nonwage income (interest, dividends, capital gains, etc.)? Your family wage income (you or your spouse started or ended a job)? Your itemized deductions? • Your tax credits?

If you can answer "YES"...

To any of these questions or you owed extra tax when you filed your last return, you may need to file a new form W-4.

HUMAN TRAFFICKING NOTICE

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

> YOU MAY ALSO SEND THE TEXT "HELP" OR "INFO" TO BEFREE ("233733")

YOU MAY REMAIN ANONYMOUS, AND YOUR CALL OR TEXT IS CONFIDENTIAL

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

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



UNEMPLOYMENT INSURANCE NOTICE

The state of New Mexico requires all employers to post and maintain the Unemployment Insurance Notice in a place readily accessible to individuals in his or her service. To obtain the Unemployment Insurance Notice, please contact:

> **New Mexico Department of Labor Employment Security Division - Tax Section** P.O. Box 2281, Albuquerque, New Mexico 87103

(505) 841-2000 or 8576 FAX (505) 841-8480

ANTI-DISCRIMINATION NOTICE

It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination. For information, please contact The Office of Special Counsel for Immigration Related Unfair Employment Practices Office at 800-255-7688.

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 public accommodations, and prohibits retaliation for complaining about discrimination in any of these areas. If you feel you have been discriminated against, contact the Human Rights Bureau by phone or fill out a complaint form online at:

www.dws.state.nm.us

www.dws.state.nm.us

ENFORCEMENT

harassment.

website at:

Human Rights Bureau

Fax: (505) 827-6878

1596 Pacheco Street, Santa Fe, NM 87505

Office: (505) 827-6838 • Toll-free: (800) 566-9471

Rev. 7/2020

credit, and public accommodations.

El acoso sexual y acoso basado en otras categorías protegidas están prohibidos por la Ley. La Ley de Derechos Humanos prohíbe la discriminación en las

áreas de empleo, alojamiento, el acceso al crédito, y hospedaje público, y prohíbe la represalia por quejas en cualquiera de estas áreas.

Si usted siente que ha sido discriminado, comuníquese con el Buró de Derechos Humanos por teléfono o complete el formulario de quejas por Internet en

www.dws.state.nm.us

CUMPLIMIENTO The New Mexico Department of Workforce Solutions El Buró de Derechos Humanos del Departamento de Soluciones Human Rights Bureau investigates complaints of de Fuerza Laboral de Nuevo México investiga quejas de discrimination and harassment in employment, housing, discriminación y acoso en el empleo, alojamiento, el acceso al crédito, y hospedaje público. Complaints must be filed with the Human Rights Bureau Las quejas deben ser presentadas al Buró de Derechos Humanos within 300 days of the last act of discrimination or dentro de 300 días de que ocurrió el último acto de discriminación o acoso For assistance in filing a complaint, or for any other Para ayuda en completar una queja, o por cualquier otra information on the Human Rights Act, please call información sobre la Ley de Derechos Humanos, por favor llame al (800) 566-9471 (toll-free) or (505) 827-6838, or visit our (800) 566-9471 (gratuitamente) o (505) 827-6838, o visite nuestra página por Internet en

www.dws.state.nm.us

Buró de Derechos Humanos 1596 Pacheco Street, Santa Fe, NM 87505 Oficina: (505) 827-6838 • Línea Gratuita: (800) 566-9471 Fax: (505) 827-6878

WORKERS' COMPENSATION

New Mexico

WORKFORCE .

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

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

1) **Notice** -- In most cases you must tell your employer about the accident within 15 days, using the Notice of Accident Form.

contactándose con un especialista en información conocido como "Ombudsman" en la Administración para la Compensación a los Trabajadores.

Employer's Insurer / Claims Representative:

Name:	
Phone #:	
Address:	
	Note: Employer must fill in this insurer / claims representative information.

SUS DERECHOS

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

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

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.

mbezzlement, etc.) that resulted in economic loss to the employer. The law does

USERRA - UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

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

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

iniuries.

HEALTH INSURANCE PROTECTION

You have the right to be reemployed in your civilian job if you leave that job to • If you leave your job to perform military service, you have the right to elect to perform service in the uniformed service and: continue your existing employer-based health plan coverage for you and your • you ensure that your employer receives advance written or verbal notice of dependents for up to 24 months while in the military. • Even if you don't elect to continue coverage during your military service,

your service; you have five years or less of cumulative service in the uniformed services you have the right to be reinstated in your employer's health plan when you while with that particular employer:

you return to work or apply for reemployment in a timely manner after conclusion of service; and

REEMPLOYMENT RIGHTS

• you have not been separated from service with a disqualifying discharge or **ENFORCEMENT** under other than honorable conditions. • The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA

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.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you: • are a past or present member of the uniformed service; • have applied for membership in the uniformed service; or • are obligated to serve in the uniformed service; then an employer may not deny you: • initial employment; • If you file a complaint with VETS and VETS is unable to resolve it, you may reemployment; • retention in employment; • promotion; or • any benefit of employment, because of this status.

In addition, an employer may not retaliate against anyone assisting in the •You may also bypass the VETS process and bring a civil action against an enforcement of USERRA rights, including testifying or making a statement employer for violations of USERRA. n connection with a proceeding under USERRA, even if that person has no service connection.

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

are reemployed, generally without any waiting periods or exclusions (e.g.,

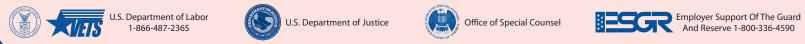
pre-existing condition exclusions) except for service-connected illnesses or

http://www.dol.gov/vets. An interactive online USERRA Advisor can be viewed at http://www.dol.gov/elaws/userra.htm.

request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

Publication Date — April 2017

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: http://www.dol.gov/vets/programs/userra/poster.htm. Federal law requires employers to notify employees of their rights under USERRA, and employers may neet this requirement by displaying the text of this notice where they customarily place notices for employees.



FEDERAL MINIMUM WAGE

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE \$7.25 BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can repeated violation of the minimum wage or overtime pay provisions of the law. readily see it.

OVERTIME PAY At least 1 ½ times your regular rate of pay for all hours worked over 40 in a workweek

CHILD LABOR An employee must be at least 16 years old to work in most nonfarm 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. TIP CREDIT 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 difference.

NURSING MOTHERS The FLSA requires employers to provide reasonable break time for a nursing mother employee who is subject to the FLSA's overtime requirements in order for the employee to express breast milk for her nursing child for one year after the child's birth each time such employee has a need to express breast milk. Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT 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 or

Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child abor violation that results in the death or serious injury 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. ADDITIONAL INFORMATION

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

Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico. Some state laws provide greater employee protections; employers must comply with both.

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 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.



OCCUPATIONAL SAFETY AND HEALTH PROTECTION

2) You have the right to information and assistance from an information specialist known as an "Ombudsman" at the Workers' Compensation Administration.

días usando las formas de Aviso de Accidente. 2) Usted tiene el derecho a información y ayuda

3) Claims information -- Contact your employer's Claims

3) Información acerca de Reclamaciones. -- Contáctese con el representante de reclamaciones de su compañía

1) Aviso. -- En la mayoría de los casos usted debe de avisarle

a su empleador del accidente dentro de los primeros 15

Si se lastima en el trabajo:

If you are injured in a work-related accident:

IRS (Rev. 8-2009) Cat. No. 11047P

Publication 213

WORKFORCE .

Department of the Treasury Internal Revenue Service www.irs.gov

information on this subject

NEW MEXICO MINIMUM WAGE



NEW MEXICO MINIMUM WAGE ACT EMPLOYEE RIGHTS



MINIMUM WAGE IN NEW MEXICO

\$11.50 *per hour*

OVERTIME PAY	At least 1½ times your regular hourly rate of pay for all hours worked over 40 in a workweek.	
TIPPED WORKERS	Employers must pay tipped employees an hourly rate of at least \$2.80 per hour. If the tips plus the hourly rate do not equal at least \$11.50 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.	
DAMAGES	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.	
RETALIATION PROHIBITED	It is unlawful to retaliate against an employee for asserting a wage claim or for informing other employees of their rights.	
ENFORCEMENT	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.	
LOCAL MINIMUM WAGES	There are higher minimum wages in Santa Fe City and County. There are higher tipped minimum wages in Albuquerque, Las Cruces and Santa Fe City and County.	
ADDITIONAL INFORMATION	Certain jobs or employers are exempt from the minimum wage or overtime provisions.	

Employers must display this poster where employees can easily see it.

care first.

YOUR RIGHTS

Representative.

If you are off work for more than seven days, your employer / insurer must pay wage benefits to partially offset your lost wages.

Si usted está fuera del trabajo por más de siete días, su empleador / asegurador debe de hacerle un pago compensatorio de prestaciones para compensar parcialmente la pérdida de su salario. Si usted sufre "daño permanente," usted puede tener el

If you suffer "permanent impairment," you may have the right derecho a recibir prestaciones parciales de salario por un periodo de tiempo más largo. to receive partial wage benefits for a longer period of time.

Ombudsmen are located at the following offices:

Albuquerque: Farmington: Hobbs: Las Cruces: Santa Fe: Las Vegas: Roswell 1-866-967-5667 1-800-568-7310 1-800-934-2450 1-800-870-6826 1-800-281-7889 1-866-311-8587 1-505-476-7381 1-505-841-6000 1-505-599-9746 1-575-397-3425 1-505-524-6246 1-505-454-9251 1-505-623-3997



NOTICE OF ACCIDENT OR OCCUPATIONAL DISEASE DISABLEMENT

NOTICE OF ACCIDENT OR OCCUPATIONAL DISEASE DISABLEMENT NOTIFICACIÓN DE ACCIDENTE O ENFERMEDAD DE OFICIO

In accordance with New Mexico law, Section 52-1-29, Section 52-3-19 and Section 52-1-49, NMSA 1978; NMAC 11.4.4.11 Conforme a la Ley de la Compensación de los Trabajadores, Sección 52-1-29, Sección 52-3-19 y Sección 52-1-49, NMSA 1978; NMAC 11.4.4.11

Ι,	(yo)	
I,was involved in an on-the-job accident or was disabled	(yo)	
on , 20 .	por enfermedad de oficio aproximadamente (time/a la(s) hora(s)) el	
, 20 by an occupational disease at approximately	por enfermedad de oficio aproximadamente (time/a la(s) hora(s)) el (date/fecha)	
Employee's social security number:		
	Número de seguro social del empleado:	
Where did the accident occur?		
	¿Dónde ocurrió el accidente?	
What happened?	¿Qué ocurrió?	
To be completed by Employer:	Completado por el empleador:	
Worker will choose health care provider. Yes No	Trabajador elegirá proveedor de atención médica. Yes No	
If Yes, Employer has right to change health care provider after 60 days. If No, Worker has the right to change health care provider after 60 days.	En caso afirmativo, el empleador tiene derecho a cambiar de proveedor de atención médica después de 60 dias. En caso que no elige, el trabajador tiene derecho a cambiar de proveedor de atención médica después de 60 dias.	
WORKER'S INITIALS	_ INICIALES DEL TRABAJADOR	
Signed:		
Firma: (employee/empleado)		
Signed/Notice Received: Firma/Notificación recibida: (employer or representative/empleador o repr	resentante)	
Date/Fecha:		
ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDUL	ENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY	

PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO CIVIL FINES AND CRIMINAL PENALTIES. PREVIOUS NOA FORMS ARE STILL VALID FOR USE

----SEE BACK OF THIS FORM----Form NOA-1 Employer/employee: Each keep one copy. Empleador/empleado: Retener una copia. ----VER AL REVERSO DE ESTA FORMA--

Worker -- For emergency medical care, go to any emergency Trabajador Para emergencias médicas vaya a cualquier clinica / hospital. medical facility. Trabajadores y empleadores con preguntas acerca de la compensación Workers and Employers with questions about workers' de los trabajadores pueden comunicarse con un asesor ("ombudsman", compensation may contact an Ombudsman at any New Mexico a cualquier oficina de la Administración de la Compensación de los Trabajadores para información y asistencia. Las oficinas están abiertas Workers' Compensation Administration office for information and assistance. The offices are open Monday through Friday, 8 a.m. to 5 desde las ocho de la mañana hasta las cinco de la tarde de lunes a viernes, con la excepción de dias festivos. p.m., except holidays.

Statewide Helpline -- Linea de Asistencia

NEW MEXICO JOB HEALTH AND SAFETY POSTER You Have a Right to a Safe and Healthful Workplace **IT'S THE LAW!**

NEW MEXICO **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 representative may participate in the inspection.
- 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 Safety Act.
- 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:

Empleados:

• Employers must furnish your employees a place of employment free from recognized hazards.

• 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. Our fax number is (505) 476-8734. For information or assistance relative to the State Occupational Health & Safety program, please refer to address to the left side of poster.

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.

• Usted tiene el derecho de notificar a sun empleador o a la OSHA sobre peligros en el lugar

• 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

• 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

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

• Usted tiene derecho de recibir copias de su historial o registro médico y el registro de su

citación y debe certificar que dichos peligros se hayan reducido o desaparecido.

de trabajo. Usted también puede pedir que la OSHA no revele su nomber.

SALUD DE TRABAJO Y CARTEL DE SEGURIDAD Usted Tiene el Derecho a un Lugar de Trabajo Seguro y Saludable. **¡LO ESTABLECE LA LEY!**

representante pueden participar en esa inspección.

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

infracciones o cerca de mismo.

Site Address/La Dirección a la

525 Camino de los Marquez,

Mailing Address/Dirección de

Santa Fe, NM 87502-5469

Telephone No./Número de

Fax Number/Número de

505-476-8700 or 1-877-610-6742

Santa Fe, NM 87505

Agencia:

Ste. 3

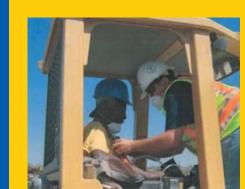
Envío:

Teléfono:

Facsímil:

505-476-8734

PO Box 5469





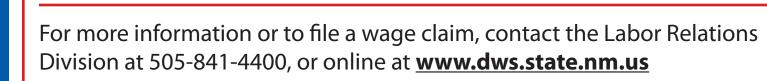
https://workerscomp.nm.gov

• 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 conducta en el trabajo. Empleadores: • Usted debe proporcionar a sus empleados un lugar de empleo libre de peligros conocidos. Usted debe cumplir con las normas de seguridad y salud ocupacionales expedidas conforme a la Ley OSH. 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. Número de facsímil · (505) 476-8734.

La Administración de Salud y Seguridad Ocupacional Federal supervisa la operación del programa estatal para





1-866-WORKOMP / 1-866-967-5667 toll free -- llamada sin costo de larga distancia New Mexico Workers' Compensation Administration PO Box 27198, Albuquerque, NM 87125

Las Cruces: (575) 524-6246 - 1 (800) 870-6826 Albuquerque: (505) 841-6000 - 1 (800) 255-7965 Santa Fe: (505) 476-7381 Las Vegas: (505) 454-9251 - 1 (800) 281-7889 Farmington: (505) 599-9746 - 1 (800) 568-7310 Hobbs: (575) 397-3425 - 1 (800) 934-2450 oswell: (575) 623-3997 - 1(866) 311-8587

Rev. 11/18



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, número de teléfono The Best Resource for Health and Safety El Major Recurso para la Salud y Segurídad

NM-0122-F02