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Media Inquiries Only: Tim Bradley, 646-452-5637

New Mexico Passes Model Law Boosting Damages for Minimum Wage Violators

SANTA FE – Governor Bill Richardson today signed a bill that increases the damages that low-wage workers are entitled to collect when they are not paid the minimum wage. In enacting the legislation, New Mexico joins seven other states that allow underpaid workers to collect their back wages plus twice that amount in damages or “treble damages. “New Mexico is part of a national trend to strengthen damages for employers that don’t pay the minimum wage,” said Raj Nayak, a staff attorney at the National Employment Law Project (NELP). NELP advised local advocates in developing the New Mexico law.

A broad coalition of community groups and labor unions backed the bill, including *Somos Un Pueblo Unido*, the New Mexico Conference of Churches, the New Mexico Federation of Labor (AFL-CIO), New Mexico Voices for Children, *Vecinos Unidos*, and the New Mexico Department of Workforce Solutions. “New Mexico has taken an important step toward protecting our state’s working families – ensuring that they get paid the money that they worked hard to earn,” said Brandt Milstein, a local attorney who spearheaded this effort. “We’re proud that New Mexico has become a national leader in terms of worker protections.”

[Recent studies](#) by the U.S. Government Accountability Office (GAO) and congressional hearings have underscored the growing prevalence of wage violations and the importance of reforms like New Mexico’s. “In this economy, employers are looking for new ways to cut costs, but some are going too far and paying less than the law allows,” said Nayak. “Weak damages allow employers to take the calculated risk of not paying the minimum wage.”

New Mexico now becomes the eighth state that allows workers to collect treble damages – a best practice for ensuring better compliance with the minimum wage. Arizona (2006), Idaho (1999), Ohio (2006), and Massachusetts (2008) have all adopted this policy in recent years. The New Mexico law is [HB 489](#).

NELP is a national organization that engages in public education and advocacy on behalf of workers to respond to the core problems of the U.S. labor market in the 21st century – including systemic violations of our country’s fundamental employment and labor laws. More information on enforcement of workplace standards is available on NELP’s website at <http://www.nelp.org/>.