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Living Wage Ordinance

On February 25, 2014, the Board of County Commissioners passed Ordinance #2014-1 so "...that citizens can better support and care for their families through their own efforts."

On May 27, 2014 the Board of County Commissioners passed Ordinance 2014-5, amending section 5.B (tipped employees provision)

[Living Wage Ordinance \(English\) »](#)

QUICK INFO

The County Living Wage will increase to \$10.91 on March 1, 2016, based on last year's increase of CPI for western region Urban Wage Earners and Clerical Workers.

Tipped wages will also increase to \$3.27, also effective March 1, 2016.

[\(/documents/ordinances/Ordinance2014-1.pdf\)](#)

[Living Wage Ordinance Amendment for Base Wage for Tipped Employees »](#)

[\(/documents/ordinances/Ordinance2014-5.pdf\)](#)

Amended Living Wage Ordinance (Spanish)* » (/userfiles/AmendedLivingWageOrdinanceSpanish6-2014.pdf)

**The Ordinance adopted was the English version, the Spanish translation is provided as a courtesy and its accuracy is not certified.*

- **Effective Date:** Saturday, April 26, 2014
- **Affected Area:** For businesses located throughout Santa Fe County, outside of the incorporated boundaries of the City of Santa Fe, City of Española and the Town of Edgewood.
- **Affected Businesses and Other Employers:**
 - Businesses required by Santa Fe County to have a business license.
 - Santa Fe County government
 - Contractors that enter into a contract after April 26, 2014 with Santa Fe County government for services, including construction services.
 - Businesses who undertake an economic development project and execute a project participation agreement with Santa Fe County.
- **Applies to:** All employees of these affected businesses whether employed on a full-time, part-time or temporary basis, including contingent or contracted workers and those working through a temporary service or an employment agency.
- **Living Wage Rate as of March 1, 2015 (non-tipped employees):** \$10.84 per hour minimum – subject to a Consumer Price Index-based inflationary adjustment on March 1 of each year.
- **Base Wage for Tipped Employees:** \$3.25 per hour as of March 1, 2015.
- **Certain Employers and Types of Employees Are Exempt from the Living Wage:** (see list below)

Noticing Requirement

Employers are required to post, in a prominent location next to its business license, a notice of compliance with Living Wage Ordinance in both English and Spanish.

- **Living Wage Posting Notice for the Amended Ordinance**
(/userfiles/LivingWageNoticeSection10.pdf)

The County living wage posting notice will not be updated annually. The most current Living Wage information will be posted on this webpage.

File A Complaint (Three Ways to File a Complaint)

If you believe you are not being paid the minimum wage required by this Ordinance or that your employer is in violation of this Ordinance, please use one these three ways to file an official complaint.

1. Contact Erika Garcia at eagarcia@santafecountynm.gov

(mailto:eagarcia@santafecountynm.gov) or 986-6225

1. **Download a complaint form**

(/userfiles/LivingWageComplaintForm.pdf) and email it to

eagarcia@santafecountynm.gov (mailto:eagarcia@santafecountynm.gov) or deliver it to the Land Use Division located at 102 Grant Ave., Santa Fe, NM 87501

1. **Fill out the online complaint form »**

(/livingwage/living_wage_online_complaint_form)

Living Wage Ordinance Additional Information

Prohibits Retaliation Against an Employee

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

Violations, Penalties and Enforcement

A person violating the Living Wage Ordinance shall be guilty of a misdemeanor and, upon conviction, may be punished in accordance with NMSA 1978, Section 4-37-3 (1975), as amended. This Ordinance may be enforced by a duly authorized code enforcement officer. Violations of this Ordinance shall be investigated and prosecuted consistent with the process established in the Sustainable Land Development Code. A complaint form for use in reporting violations of this Ordinance is available on the County's webpage.

Employers and Types of Employees Exempt from the Living Wage

- Employees of the United States, State of New Mexico or any political subdivision of the state (e.g. local government) other than Santa Fe County.
- An individual engaged in the activities of an educational, charitable, religious or nonprofit organization, where the employer-employee relationship does not, in fact, exist, including where the services are rendered on a voluntary basis.
- Apprentices in a registered apprentice program recognized by the New Mexico Apprenticeship and Training Committee or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by a 501C (3) non-profit organization.
- G.I. bill trainees during training.
- Temporary employees of an educational, charitable or religious youth camp or retreat where room and board is provided to the employee or if a day camp, where board only is provided (requires a valid seasonal employee exemption certificate from the NM Dept. of Workforce Solutions.)

- Any employee that is the parent, spouse, child or other member of the employer's immediate family.
- Interns working for a business for academic credit from an accredited educational institution.
- Persons working for a business in connection with a court-ordered community service program.

Note: With respect to the exemptions to the County's Living Wage Ordinance listed above, the federal minimum wage requirements under the Fair Labor Standards Act remain applicable.

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Santa Fe County 102 Grant Ave Santa Fe, NM 87501-2061 phone (505) 986-6200

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