



## OCCUPATIONAL SAFETY AND HEALTH PROTECTION



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

#### 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:

- 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.*

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

#### Empleados:

- Usted tiene el derecho de notificar a su empleador o a la OSHA sobre peligros en el lugar de trabajo. Usted también puede pedir que la OSHA no revele su nombre.
- Usted tiene el derecho de pedir a la OSHA de Nuevo México que realice una inspección si usted piensa que en su trabajo existen condiciones peligrosas o poco saludables. Usted o su representante pueden participar en esa inspección.
- Usted tiene 30 días para presentar una queja ante la OSHA de Nuevo México si su empleador llama 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 México.
- 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 infracciones o cerca de mismo.
- Su empleador debe corregir los peligros en el lugar de trabajo para la fecha indicada en la citación y debe certificar que dichos peligros se hayan reducido o desaparecido.
- Usted tiene derecho de recibir copias de su historial o registro médico y el registro de su exposición a sustancias o condiciones tóxicas o dañinas.
- Su empleador debe colocar este aviso en su lugar de trabajo.
- Usted debe cumplir con todas las 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 asegurar su eficacia continuada. Alguien deseando registrar una queja acerca de la administración de OSHA por 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 (972) 850-4145.

- NM OSHA -  
The Best Resource for Health and Safety  
El Mayor Recurso para la Salud y Seguridad

Site Address/La Dirección a la Agencia:  
525 Camino de los Marquez, Ste. 3  
Santa Fe, NM 87505

Mailing Address/Dirección de Envío:  
PO Box 5469  
Santa Fe, NM 87502-5469

Telephone No./Número de Teléfono:  
505-476-8700 or 1-877-610-6742

Fax Number/Número de Facsímil:  
505-476-8734

RO22607 MMP  
Rev: 02/02/2010

## WORKERS' COMPENSATION

### 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.
- 2) You have the right** to information and assistance from an information specialist known as an Ombudsman at the Workers' Compensation Administration.
- 3) Claims information** - Contact your employer's Claims Representative.
- 1) Aviso** - En la mayoría de los casos usted debe de avisarle a su empleador del accidente dentro de los primeros 15 días usando las formas de Aviso de Accidente.
- 2) Usted tiene el derecho** a información y ayuda contactándose con un especialista en información conocido como "Ombudsman" en la Administración para la Compensación a los Trabajadores.
- 3) Información acerca de Reclamaciones** - Contáctese con el representante de reclamaciones de su compañía.

#### Employer's Insurer / Claims Representative:

Name: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Address: \_\_\_\_\_

Note: Employer must fill in this insurer/claims representative information.

#### YOUR RIGHTS

- If you are injured in a work-related accident:
- 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 care first.
- If you are off work for more than 7 days, your employer/insurer must pay wage benefits to partially offset your lost wages.
- If you suffer "permanent impairment," you may have the right to receive partial wage benefits for a longer period of time.

#### SUS DERECHOS

- Si se lastima en el trabajo:
- 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.
- 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 derecho a recibir prestaciones parciales de salario por un periodo de tiempo más largo.

#### Ombudsmen are located at the following offices:

Albuquerque:	1-800-255-7965	Farmington:	1-800-568-7310	Las Cruces:	1-800-870-6826
	1-505-841-6000		1-505-599-9746		1-505-524-6246
Las Vegas:	1-800-281-7889	Lovington:	1-800-934-2450	Roswell:	1-866-311-8587
	1-505-454-9251		1-505-396-3437		1-505-623-3997
Sante Fe:	1-505-476-7381				

If You Need HELP Call: Ask for an Ombudsman  
Si Usted Necesita Ayuda Llame Al: Pregunte por un Ombudsman  
1-866-WORKOMP (1-866-967-5667)

Visit our web site at: [www.workerscomp.state.nm.us](http://www.workerscomp.state.nm.us)

For FREE copies of this poster and Notice of Accident Forms call: 1-866-967-5667  
USE A NOTICE OF ACCIDENT FORM TO REPORT YOUR ACCIDENT TO YOUR SUPERVISOR

EMPLOYER: You are required by law to post this poster where your employees can read it and to post. Notice of Accident forms with it. This poster without Notice of Accident forms does not comply with law. You have other rights and duties under the law.

New Mexico Workers' Compensation Administration  
2410 Center Avenue, Albuquerque, New Mexico 87106  
P.O. Box 27198, Albuquerque, New Mexico 87125-7198  
This poster published 3/15/07. It remains valid until reissued and supersedes all prior versions except 3/15/03.

POST FORMS HERE

## UNEMPLOYMENT COMPENSATION

### 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

## NEW MEXICO MINIMUM WAGE



### OFFICIAL NOTICE New Mexico Minimum Wage Act



Minimum Wage - Every employer shall pay to each employee wages not less than the following:  
Effective January 1, 2009

**\$7.50** per hour

#### MINIMUM WAGES

- A.** An employer shall pay an employee the minimum wage rate of six dollars fifty cents (\$6.50) an hour. As of January 1, 2009, an employer shall pay the minimum wage rate of seven dollars fifty cents (\$7.50) an hour.
- B.** An employer furnishing food, utilities, supplies or housing to an employee who is engaged in agriculture may deduct the reasonable value of such furnished items from any wages due to the employee.
- C.** An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid a minimum hourly wage of two dollars thirteen cents (\$2.13).
- D.** An employee shall not be required to work more than forty hours in any week of seven days, unless the employee is paid one and one-half times the employee's regular hourly rate of pay for all hours worked in excess of forty hours. **50-4-22.**

#### TEMPORARY STATE PREEMPTION; SAVING CLAUSE

A local law or ordinance, whether advisory or self-executing, in effect on January 1, 2007 that provides for a higher minimum wage rate than that set forth in the Minimum Wage Act shall continue in full force and effect until repealed. **50-4-22.1.**

#### EMPLOYERS EXEMPT FROM OVERTIME PROVISIONS FOR CERTAIN EMPLOYEES

- A.** An employer of workers engaged in the ginning of cotton for market, is exempt from the overtime provisions of Subsection D of Section **50-4-22** NMSA 1978 if each employee is employed for a period of not more than fourteen weeks in the aggregate in a calendar year.
- B.** An employer of workers engaged in agriculture is exempt from the overtime provisions set forth in Subsection D of Section **50-4-22** NMSA 1978.
- C.** An employer is exempt from the overtime provisions set forth in Subsection D of Section **50-4-22** NMSA 1978 if the hours worked in excess of forty hours in a week of seven days are: (1) worked by an employee of an air carrier providing scheduled passenger air transportation, (2) not required by the employer, and (3) arranged through a voluntary agreement among employees to trade scheduled work shifts. **50-4-24.**

#### POSTING OF SUMMARY OF THE ACT

Every employer subject to the Minimum Wage Act [**50-4-20** NMSA 1978] shall keep a summary of it, furnished by the labor commissioner [director of the labor and industrial division] without charge, posted in a conspicuous place on or about the premises wherein any person subject to the Minimum Wage Act is employed, and the summary shall clearly and conspicuously set forth the current minimum wage. **50-4-25.**

#### ENFORCEMENT; PENALTIES; EMPLOYEES' REMEDIES

- A.** An employer who violates any of the provisions of the Minimum Wage Act is guilty of a misdemeanor and upon conviction shall be sentenced pursuant to the provisions of Section **31-19-1** NMSA 1978.
- B.** The director of the labor relations division of the workforce solutions department shall enforce and prosecute violations of the Minimum Wage Act.
- C.** In addition to penalties provided pursuant to this section, an employer who violates any provision of Section **50-4-22** NMSA 1978 shall be liable to the employees affected in the amount of their unpaid or underpaid minimum wages plus interest, and in an additional amount equal to twice the unpaid or underpaid wages. **50-4-26.**

#### RETALIATION PROHIBITED

It is a violation of the Minimum Wage Act [50-4-20 NMSA 1978] for an employer or any other person to discharge, demote, deny promotion to or in any other way discriminate against a person in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to the Minimum Wage Act or assisting another person to do so or for informing another person about employment rights or other rights provided by law. **50-4-26.1**

The full version of the New Mexico Minimum Wage Act is available at [www.dws.state.nm.us](http://www.dws.state.nm.us)

Any suspected VIOLATIONS can be reported anonymously to the  
New Mexico Department of Workforce Solutions, Labor Relations Division at:  
Albuquerque Office 121 Tijeras NE, Suite 3000, Albuquerque, NM 87102 (505) 841-4400  
Las Cruces Office 226 South Alameda Blvd, Las Cruces, NM 88005 (575) 524-6195  
Santa Fe Office 1596 Pacheco Street, Suite 201, Santa Fe, NM 87501 (505) 827-6817

## 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



## OMBUDSMAN ACT

### ATTENTION EMPLOYERS AND WORKERS!

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

New Mexico Worker's Compensation Administration  
WCA HELP/HOTLINE  
1-866-WORKOMP/ (1-866-967-5667)



### ATENCIÓN EMPLEADORES Y TRABAJADORES

Si usted tiene preguntas sobre compensación de los trabajadores, llame a un  
ombudsman para información gratis.

Administración de compensación  
De Los Trabajadores Línea De Asistencia Gratuita  
1-866-WORKOMP/ (1-866-967-5667)

WCA 08/2005

## DISCRIMINATION

### DISCRIMINATION is against the law.

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

#### 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 or Serious Medical Condition |
| • Color           | • Sexual Orientation   |
| • National Origin | • Gender Identity  |
| • Ancestry        | • Spousal Affiliation  |
| • Sex             | • Religion   |
| • Age             |  |

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](http://www.dws.state.nm.us)

#### ENFORCEMENT

The New Mexico Department of Workforce Solutions Human Rights Bureau investigates complaints of discrimination and harassment in employment, housing, credit, and public accommodations. Complaints must be filed with the Human Rights Bureau within 300 days of the last act of discrimination or harassment. For assistance in filing a complaint, or for any other information on the Human Rights Act, please call (800) 566-9471 (toll-free) or (505) 827-6838, or visit our website at:

[www.dws.state.nm.us](http://www.dws.state.nm.us)

Rev. 12/2015

Human Rights Bureau  
1596 Pacheco Street, Santa Fe, NM 87505  
Office: (505) 827-6838 • Toll-free: (800) 566-9471  
Fax: (505) 827-6878



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