Employees (current and former), including managers and

Union members and applicants for membership in a union

State and local governments (as employers)

What Types of Employment Discrimination are Illegal?

egardless of your immigration status, on the bases of:

orientation, or gender identity)

Under the EEOC's laws, an employer may not discriminate against you,

Sex (including pregnancy and related conditions, sexual

Genetic information (including employer requests for, or purchase

use, or disclosure of genetic tests, genetic services, or family

or participating in a discrimination lawsuit, investigation, or

Harassment (including unwelcome verbal or physical conduct)

Failure to provide reasonable accommodation for a disability or a

sincerely-held religious belief, observance or practice

Obtaining or disclosing genetic information of employees

Conduct that might reasonably discourage someone from

What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay,

https://publicportal.eeoc.gov/Portal/Login.aspx

because there are strict time limits for filing a charge of discrimination (180

or 300 days, depending on where you live/work). You can reach the EEOC in

an EEOC field office (information at www.eeoc.gov/field-office

EMPLOYERS HOLDING FEDERAL CONTRACTS

OR SUBCONTRACTS

Programs (OFCCP) enforces the nondiscrimination and affirmative action

If you are applying for a job with, or are an employee of, a company with a Federal contract or subcontract, you are protected under Federal law from

The Department of Labor's Office of Federal Contract Compliance

Requesting or disclosing medical information of employees

opposing discrimination, filing a charge, or participating in an

What Employment Practices can be Challenged as Discriminatory?

Educational institutions (as employers)

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

LABOR

LAWS

#### FEDERAL MINIMUM WAGE \$7.25 PER HOUR

The law requires employers to display this poster where employees can readily see it.

**BEGINNING JULY 24, 2009** 

**OVERTIME PAY** At least  $1\frac{1}{2}$  times the regular rate of pay for all hours worked over 40 in a workweek.

An employee must be at least 16 years old to work in most non-farm 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.

and the public, which may be used by the employee to express breast milk.

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

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

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.

**ADDITIONAL INFORMATION** 

**ENFORCEMENT** 

**WAGE AND HOUR DIVISION** UNITED STATES DEPARTMENT OF LABOR

retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

Some state laws provide greater employee protections; employers must comply with both.

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

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

FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury

Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of

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

of any minor employee, and such assessments may be doubled when the violations are determined to be willful or repeated. The law also prohibits

or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the

1-866-487-9243 TTY: 1-877-889-5627 www.dol.gov/whd

NM

FED

DEPARTMENT OF WORKFORCE SOLUTIONS MINIMUM WAGE ACT **EMPLOYEE RIGHTS** 

MINIMUM WAGE IN NEW MEXICO

**\$12** *per hour* as of **January 1, 2023** 

At least  $1\frac{1}{2}$  times your regular hourly rate of pay for all hours worked over 40 in a workweek.

do not equal at least \$12 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.

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

It is unlawful to retaliate against an employee for asserting a wage claim or for informing other employees

Employers must pay tipped employees an hourly rate of at least \$3 per hour. If the tips plus the hourly rate

of their rights.

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.

The City of Santa Fe and Santa Fe County have higher base minimum wage rates. Albuquerque and Las Cruces have higher tipped minimum wage rates.

Certain jobs or employers are exempt from the minimum wage or overtime provisions.

Employers must display this poster where employees can easily see it. For more information or to file a wage claim, contact the Labor Relations Division at 505-841-4400, or online at

**NOTICE:** This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum

FED EMPLOYEE RIGHTS — EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from imployers are generally prohibited from requiring or requesting any employee or job applicant

to take a lie detector test, and from discharging, disciplining, or discriminating against an

imployee or prospective employee for refusing to take a test or for exercising other rights 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 private individuals engaged in national

subject to restrictions, to certain prospective employees of security service firms (armored car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers

NM

twice the underpaid wages.

**WAGE AND HOUR DIVISION** 

1-866-487-9243 TTY: 1-877-889-5627

private firms who are reasonably suspected of involvement in a workplace incident (theft,

The law does not preempt any provision of any State or local law or any collective bargaining

the conduct and length of the test. Examinees have a number of specific rights, including the

right to a written notice before testing, the right to refuse or discontinue a test, and the right

The Secretary of Labor may bring court actions to restrain violations and assess civil penalties

AND JOB APPLICANTS CAN READILY SEE IT.

against violators. Employees or job applicants may also bring their own court actions

agreement which is more restrictive with respect to lie detector tests.

not to have test results disclosed to unauthorized persons.

DEPARTMENT OF WORKFORCE SOLUTIONS

PAID SICK LEAVE Notice of Employee Rights

Healthy Workplaces Act | NMSA 50-17-1 to 50-17-12 | Effective date: July 1, 2022

Employers must grant use of earned sick leave upon the oral or

written request of an employee or an individual acting on the

employee's behalf. When possible, the request must include the

expected duration of the absence. An employer may not condition

for or finding a replacement worker to cover during the employee

absence. An employer may not require an employee to use other

paid leave before the employee uses sick leave pursuant to the Act

The employee should notify the employer in advance when use of

sick leave is foreseeable and make a reasonable effort to schedule

the leave so it does not disrupt business operations. When use

of sick leave is not foreseeable, the employee must notify the

rights and the Act's terms and provisions to an employee at the

start of employment. This notice must be in English, Spanish,

an employee's taking earned sick leave on the employee searching

401 Broadway NE, Albuquerque, NM 87102 Albuquerque: (505) 841-4400 · Santa Fe: (505) 827-6838 · Las Cruces: (575) 524-6195

mployees accrue one hour of earned sick leave for every thirt ours worked, starting their first day of work. Up to 64 hours of used earned sick leave can carry over year-to-year. The Act provides minimum requirements; other laws or employe

olicies may provide for more accrual, use, or carry over of earned sick leave. The Act does not preempt or override the terms of any The Act applies to all employees—full-time, part-time, seasonal, and temporary. The Act also applies to employees who are salaried, tipped, or on a per-diem schedule, as well as employees paid on task, piece, or commission basis. Employees may not

ontract out of or agree to waive their rights under the Act. twelve-month period, if they work enough hours. Individual mployers may set a higher limit. Employers may select when the

and benefits. The hourly rate must be at least minimum wage

ployees may use accrued sick leave for the following reasons Employee's treatment or diagnosis of illness, injury, or health condition, or preventative medical care.

Care of employee's family members for treatment or diagnosis of illness, injury, or health condition, or preventative medical care Meetings related to employee's child's health or disability.

Absence necessary because of and related to domestic abuse, sexual assault, or stalking suffered by the employe

or any language that is the first language spoken by at least ten percent of the employer's workforce, as requested by the REASONABLE DOCUMENTATION An employer may require reasonable documentation verifying the sick leave was used for a covered purpose if the employee uses two or more consecutive workdays of sick leave. Employers must treat

employer as soon as practicable.

all information obtained related to an employee taking sick leave

employees and earned sick leave accrued and taken by employees

The New Mexico Department of Workforce Solutions, Labor Relations Division, enforces the Act. Any employee aggrieved by a violation of the Act may file a complaint with the Labor Relations Division by calling (505) 841-4400, visiting www.dws.state.nm.us or going to a New Mexico Workforce Connections Office. Notice: he Division will disclose complainant's identity as part of the States is not a defense to any action brought pursuant to the Act. Employees must file a complaint with the Division or file a civil

alleged violations of the Act.

Employers may not take or threaten an adverse action against

an employee that is reasonably likely to deter employees from ising or attempting to exercise their rights under the Act.

Employers may not retaliate because an employee raises conce

about violations of the Act, exercises their rights under the Act,

Fxamples of retaliation include the following: denying use of

delaying payment of earned sick leave, termination, reducing

sick leave hours as an absence that may lead to any adverse

work hours, giving the employee undesirable assignments

or scheduling, threats, discipline, counting use of earned

action, or any other employment action considered less

An employer found to be in violation of the Act will be liable for damages and/or penalties pursuant to the Act. For more details, see the full text of the law and www.dws.state.nm.us

action in a court within three years from the date the alleged

REV. 07/2016

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. FED

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

positions to undertake military service or certain types of service in the National Disaster Medical rstem. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services

you ensure that your employer receives advance written or verbal notice of your service;

you have five years or less of cumulative service in the uniformed services while with that particular you return to work or apply for reemployment in a timely manner after conclusion of service; and you have not been separated from service with a disqualifying discharge or under other than honorable If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION are a past or present member of the uniformed

are obligated to serve in the uniformed service; have applied for membership in the uniformed initial employment:

retention in employmen In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including

**HEALTH INSURANCE PROTECTION** If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the Even if you don't elect to continue coverage during your military service, you have the right to be

reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries. The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to

**1-866-4-USA-DOL** or visit its website at https://www.dol.gov/agencies/vets/. An interactive online If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation. You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA. 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: https://www.dol.gov/agencies/vets/programs/userra/poste Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees

U.S. Department of Labor • 1-866-487-2365 U.S. Department of Justice Office of Special Counsel Employer Support of the Guard and Reserve • 1-800-336-4590

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed

had not been absent due to military service or, in some cases, a comparable job.

then an employer may not deny you: any benefit of employment

testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service

investigate and resolve complaints of USERRA violations.

For assistance in filing a complaint, or for any other information on USERRA, contact VETS at

### **EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT**

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period 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 For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse,

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 <mark>employee does not n</mark>eed 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 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

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with

equivalent pay, benefits, and other employment terms and conditions An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to

**ELIGIBILITY REQUIREMENTS** An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The

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.

\*Special "hours of service" requirements apply to airline flight crew employees.

Generally, employees must give 30-days' advance notice 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 the employer's usual procedures. Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies 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 p<mark>erform daily activiti</mark>es, 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. 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 eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

**ENFORCEMENT** Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA (1-866-487-9243) TTY: 1-877-889-5627

U.S. Department of Labor • Wage and Hour Division • WH1420

For additional information or to file a complaint:

1-866-4-USWAGE

REV. 04/2016

FED

Who is Protected?

temporary employees

Job applicants

What Organizations are Covered?

Staffing agencie

National origin

Age (40 and older)

medical history)

All aspects of employment, including:

Discharge, firing, or lay-off

Pay (unequal wages or compensation)

Hiring or promotion

Job training

Classification

any of the following ways

investigation or proceeding

**Submit** an inquiry through the EEOC's public portal:

1-844-234-5122 (ASL video phone)

1-800-669-4000 (toll free)

1-800-669-6820 (TTY)

Additional information about the EEOC,

discrimination on the following bases

including information about filing a charge of

discrimination, is available at www.eeoc.gov

Most private employers

#### U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Know Your Rights: Workplace Discrimination is Illegal The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in

employment. If you believe you've been discriminated against at work or in applying for a job, the EEOC may be able to help. Race, Color, Religion, Sex, Sexual Orientation, Gender Identity, **National Origin** Executive Order 11246, as amended, prohibits employment discrimination by Federal contractors based on race, color, religion, sex, sexual orientation. gender identity, or national origin, and requires affirmative action to ensure

equality of opportunity in all aspects of employment. **Asking About, Disclosing, or Discussing Pay** 

Executive Order 11246, as amended, protects applicants and employees of Federal contractors from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer, Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all

levels of employment, including the executive level. Protected Veteran Status The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled Retaliation for filing a charge, reasonably opposing discrimination, veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans,

or Armed Forces service medal veterans.

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination by Federal contractors under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under OFCCP's authorities should contact

The Office of Federal Contract Compliance U.S. Department of Labor

Washington, D.C. 20210 1-800-397-6251 (toll-free If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services. OFCCP may also be contacted by submitting a question online to OFCCP's Help Desk at https://ofccphelpdesk.dol.gov/s/, or by calling an OFCCP regional or

district office, listed in most telephone directories under U.S. Government, Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/agencies/ofccp/contac PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE Race, Color, National Origin, Sex In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or

activities receiving Federal financial assistance. Employment discrimination

is covered by Title VI if the primary objective of the financial assistance is

provision of employment, or where employment discrimination causes or

may cause discrimination in providing services under such programs. Title IX

of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance. Individuals with Disabilities Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities

who, with or without reasonable accommodation, can perform the essential If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance

# 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



NM

**Department of Workforce** 

DISCRIMINATION is against the law.

Human Riahts Bureau 2600 Cerrillos Rd, Santa Fe, NM 87505

Office: (505) 827-6838 Fax: (505) 827-6878 NEW MEXICO HUMAN RIGHTS AC 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

Title VII of the Civil Rights Act of 1964, the Age

Discrimination in Employment Act of 1967 (ADEA), and

Orientation

or Related The Human Rights Act prohibits discrimination

for complaining about discrimination in any of these If you feel you have been discriminated against, contact the Human Rights Bureau by phone or fill out a omplaint form online at: www.dws.state.nm.u

liscrimination 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 discriminat For assistance in filing a complaint, or for any other

nformation on the Human Rights Act, please call (800) 566-9471 (toll-free) or (505) 827-6838, or visit our www.dws.state.nm.us

DISCRIMINACIÓN es contra la lev. Si siente que ha sido discriminado, visite nuestra

2600 Pacheco Street Santa Fe NM 87505 Oficina: (505) 827-6838 Línea Gratuita: (800) 566-9471

LA LEY DE DERECHOS HUMANOS

DE NUEVO MÉXICO El Buró de Derechos Humanos impone las rovisiones de la Ley de Derechos Humanos de 1969. . Adicionalmente, el Éuró de Derechos Humanos tien un acuerdo de reparto de trabajo con la Comisión de Igualdad de Oportunidades en el Empleo (Equa mployment 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 Discapacidad

de 1990 (Americans with Disabilities Act, ADA),

todas según enmendadas. Las bases discriminatoria

Origen Nacional Discapacidad Mental o Física o Condiciones

Afiliación Nupcial Embarazo, Parto, o Condición Relacionada El acoso sexual y acoso basado en otras categorías protegidas están prohibidos por la Ley La Ley de Derechos Humanos prohíbe la discriminació en las áreas de empleo, alojamiento, el acceso al crédito, v hospedaje público, v prohíbe la represalja po quejas en cualquiera de estas áreas. Si usted siente que ha sido discriminado, comuníques

con el Buró de Derechos Humanos por teléfono o

complete el formulario de queias por Internet en

Orientación Sexual Identificación de Género

El Buró de Derechos Humanos del Departamento

Las quejas deben ser presentadas al Buró de Derechos lumanos dentro de 300 días de que ocurrió el último acto de discriminación o acoso. Para ayuda en completar una queja, o por cualquier otra información sobre la Ley de Derechos Humanos, por favor llame al (800) 566-9471 (gratuitamente) o

(505) 827-6838, o visite nuestra página por Internet en

**REV. 7/2020** 

www.dws.state.nm.us.

State of New Mexico Workers' Compensation Administration

## **WORKERS' COMPENSATION ACT** If You Are Injured At Work Si Se Lastima En El Trabajo

tell your employer about the accident within 15 days, using the Notice of Accident Form. You have the right to information and assistance from an information specialist

Workers' Compensation Administration.

your employer's Claims Representative

1) Notice — In most cases you must

known as an Ombudsman at the

Claims information — Contact

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

en información conocido como "Ombudsman" en la Administración para la Compensación a los Trabajadores. 3) Información acerca de Reclamaciones. —

Su empleador / asegurador debe de pagar por los gastos

Es posible que usted tenga, o no tenga, el derecho de

empleador / asegurador no le ha dado instrucciones por

escrito de quien es él que selecciona primero, pregúntele

escoger el proveedor de servicios para la salud. Si su

obtenga asistencia médica de emergencia primero.

Si usted está fuera del trabajo por más de siete días,

compensatorio de prestaciones para compensar

su empleador / asegurador debe de hacerle un pago

Si usted sufre "daño permanente," usted puede tener

o llame a un ombudsman. En una emergencia,

Contáctese con el representante de

reclamaciones de su compañía.

SUS DERECHOS

Si se lastima en el trabajo:

médicos necesarios y razonables.

ayuda contactándose con un especialista

Employer's Insurer / Claims Representative: Phone #: \_\_\_\_\_

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

YOUR RIGHTS

(see box below).

If you are injured in a work-related accident: Your employer / insurer must pay all reasonable and necessary medical costs.

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 seven days, your

employer / insurer must pay wage benefits to partially

You may or may not have the right to choose your

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.

Ombudsmen are located at the following offices:

1-866-967-5667

1-505-841-6000

Rev. 11/18

Farmington:

1-800-568-7310

1-505-599-9746

el derecho a recibir prestaciones parciales de salario por un periodo de tiempo más largo. Las Cruces:

1-800-870-6826

1-575-524-6246

1-800-934-2450

1-575-397-3425

1-866-311-8587 1-800-281-7889 1-505-454-9251 1-575-623-3997

parcialmente la pérdida de su salario.

Santa Fe: 1-505-476-7381

If You Need HELP Call: Ask for an Ombudsman Si Usted Necesita Ayuda Llame Al:

1-866-WORKOMP (1-866-967-5667) Visit our website at: https://workerscomp.nm.gov

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 display this poster where your employees can read it. Post the

Notice of Accident forms with it. The poster without the Notice of Accident forms does not comply with law. You have other rights and duties under the law. New Mexico Workers' Compensation Administration 0 2410 Centre Avenue, Albuquerque, New Mexico 87106

**POST FORMS HERE** 

P.O. Box 27198, Albuquerque, New Mexico 87125-7198

NOTICE: The State of New Mexico requires employers to post Notice of Accident forms with the Workers' Compensation Act posting. The forms can be hung at the bottom of the poster, where indicated. For copies of the forms, contact the Workers

You Have a Right to a Safe and Healthful Workplace

**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

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

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

exposure to toxic and harmful substances or conditions.

to your own actions and conduct on the job.

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

Your employer must post this notice in your workplace. You must comply with all OSHA standards issued under the OSH Act that apply

Employers must furnish your employees a place of employment free from

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 or email at Complaints. OSHA@state.nm.us. Our fax number is (505) 476-8734. For information or assistance relative to the State Occupational Health & Safety program, please refer to address below.

(972) 850-4145.

R022607 MMP

ONLINE

Employers must comply with the OSHA standards issued under the OSHA Act.

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

525 CAMINO DE LOS MARQUEZ, STE. 3

SANTA FE, NM 87505

Go to: JJKeller.com/LLPverify

**JOB HEALTH AND SAFETY POSTER** 

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 sun empleador o a la OSHA sobre peligros

en el lugar de trabajo. Usted también puede pedir que la OSHA no revele su

Usted tiene 30 dias para presentar una queja ante la OSHA de Nuevo Mexicó

that there are unsafe or unhealthful conditions in your workplace. You or your 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 representante pueden participar en esa

> 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

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

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

encontraron las supuestas infracciones o cerca de mismo.

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 la normas de seguridad y salud ocupacionales expedidas conforme a la Ley OSH que sean aplicables a sus propias acciones y

Usted debe proporcionar a sus empleados un lugar de empleo libre de peligros

Usted debe cumplir con las normas de seguridad y salud ocupacionales expedidas conforme a la Ley OSH.

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 o email Complaints. OSHA@state.nm.us. Número de facsímil -(505) 476-8734.

La Ley de Seguridad y Salud Ocupacionales de 1970 (la Ley), P.L. 91-596, garantiza

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, numero de telefono (972) 850-4145.

El Major Recurso para la Salud y Seguridad **New Mexico OSHA** SITE ADDRESS / LA DIRECCIÓN A LA AGENCIA: TELEPHONE No./Numero de Telefono:

NM OSHA The Best Resource for Health and Safety

Mailing Address / Dirección de Envío: PO Box 5469 SANTA FE, NM 87502-5469

1-877-610-6742 FAX NUMBER/NÚMERO DE FACSÍMIL: 505-476-8734

505-476-8700 or

**TWO** ways to verify poster compliance!

JJKeller.com/laborlaw QR CODE Scan with phone camera: 800-327-6868 Enter this code: 69438-012023 JAN2023 65830F

To update your labor law posters contact

J. J. Keller & Associates, Inc.

FED-NM-ENG 69438

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