• Follow your employer's normal policies for requesting leave,

• Give notice at least 30 days before your need for FMLA leave, or

• If advance notice is not possible, give notice as soon as possible

EMPLOYEE RIGHTS MINIMUM WAGE IN NEW MEXICO

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

OVERTIME PAY At least 11/2 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 \$3 per hour. If the tips plus the hourly rate 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

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 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.

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 WAGE RATES 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.

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.

For more information or to file a wage claim, contact the Labor Relations Division at 505-841-4400, or online at www.dws.state.nm.us

Equal Employment Opportunity

aspects of employment

against at work or in applying for a job, the EEOC may be able to help. · Employees (current and former), including managers and temporary employees Job applicants Union members and applicants for membership in a union What Organizations are Covered?

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

State and local governments (as employers) Educational institutions (as employers) What Types of Employment Discrimination are Illegal? Under the EEOC's laws, an employer may not discriminate against you, regardless of your mmigration status, on the bases of:

Most private employers

Job training

Referral

 Sex (including pregnancy and related conditions, sexual orientation, or gender identity) Age (40 and older) Genetic information (including employer requests for, or purchase, use, or disclosure of genetic tests, genetic services, or family medical history)

Retaliation for filing a charge, reasonably opposing discrimination, or participating in a

Interference, coercion, or threats related to exercising rights regarding disability discrimination or pregnancy accommodation What Employment Practices can be Challenged as Discriminatory? All aspects of employment, including: Discharge firing or lay-off Harassment (including unwelcome verbal or physical conduct)

discrimination lawsuit, investigation, or proceeding.

Obtaining or disclosing genetic information of employees

 Hiring or promotion Failure to provide reasonable accommodation for a disability or a sincerelyheld religious Benefits

Requesting or disclosing medical information of employees Conduct that might reasonably discourage someone from opposing discrimination, filing a charge, or participating in an investigation or proceeding. · Conduct that coerces, intimidates, threatens, or interferes with someone exercising their rights, or someone assisting or encouraging someone else to exercise rights, regarding What can You Do if You Believe Discrimination has Occurred?

Contact the EEOC promptly if you suspect discrimination. Do not delay, 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 any of the following ways: Submit an inquiry through the EEOC's public portal:

Call 1–800–669–4000 (toll free) I-800-669-6820 (TTY) 1-844-234-5122 (ASL video phone)

Visit an EEOC field office formation at www.eeoc.gov/field-office) **È-Mail** info@eeoc.gov Additional information about the EEOC, including information about filing a charge of iscrimination, is available at www.eeoc.gov.

EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP)

business with the Federal Government. 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 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

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 individua

with disabilities at all levels of employment, including the executive level.

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 recrui employ, and advance in employment, disabled 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 immediately

The Office of Federal Contract Compliance Programs (OFCCP) U.S. Department of Labor 200 Constitution Avenue, N.W. Washington, D.C. 20210 If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access elecommunications relay services. OFCCP may also be contacted by submitting a questic

Department of Labor and on OFCCP's "Contact Us" webpage at https://www.dol.gov/ PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

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,

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. 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

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.

may need to file a new Form W-4. 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 Calculator at www.irs.gov/individuals on the IRS

Employer: Please poster or publish this Bulletin Board Poster so that

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

financial assistance. Discrimination is prohibited in all aspects of employment against

persons with disabilities who, with or without reasonable accommodation, can perform the

IRS Withholding If you can answer "yes"... Since you last filed Form W-4 with your employer did you... To any of these or you owed extra tax when you filed your last return, you

Marry or divorce? Gain or lose a dependent? Change your name?

Were there major changes to... Your nonwage income (interest, dividend, capital gains, etc.)? Your family wage income (you or your spouse started or ended a job)? Your itemized deductions? Your tax credits?

YOU MAY NEED TO CHECK YOUR WITHHOLDING

information on this subject.

State of New Mexico Workers' Compensation Administration

Workers Compensation Act

WORKERS' COMPENSATION ACT

If You Are Injured At Work

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.

Si Se Lastima En El Trabajo

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:

YOUR RIGHTS f 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 seven 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.

Si se lastima en el trabajo:

SUS DERECHOS

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

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

Albuquerque: 1-866-967-5667 • 1-505-841-6000 **Farmington**: 1-800-568-7310 • 1-505-599-9746

Hobbs: 1-800-934-2450 • 1-575-397-3425 Las Cruces: 1-800-870-6826 • 1-575-524-6246 Santa 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 - 8 6 6 - W O R K O M P (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 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.

> 2410 Centre Avenue, Albuquerque, New Mexico 87106 PO Box 27198, Albuquerque, New Mexico 87125-7198

State OSHA

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 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 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

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

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

Employers: Employers must furnish your employees a place of

at (972) 850-4145.



IT'S THE LAW!

All workers have the right to:

retaliated against.

A safe workplace. Raise a safety or health concern with your employer or OSHA, or report a workrelated injury or illness, without being

Receive information and training on job hazards, including all hazardous substances in your workplace.

 Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact

OSHA on your behalf. Participate (or have your representative) participate) in an OSHA inspection and speak in private to the inspector.

■ File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.

See any OSHA citations issued to your employer.

Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

Contact OSHA. We can help.

with OSHA, or reporting a work-related injury or illness. Comply with all applicable OSHA standards.

Report to OSHA all work-related

OSHA Job Safety and Health

Employers must:

fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours. Provide required training to all workers

■ Provide employees a workplace free from

rights under the law, including raising a

health and safety concern with you or

recognized hazards. It is illegal to retaliate

against an employee for using any of their

in a language and vocabulary they can understand.

Prominently display this poster in the

Post OSHA citations at or near the place of the alleged violations.

FREE ASSISTANCE to identify and correct hazards is available to small and mediumsized employers, without citation or penalty, through OSHA-supported consultation



1-800-321-OSHA (6742) • TTY 1-877-889-5627 • www.osha.gov



Federal Minimum Wage

by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees.

\$7.25 PER HOUR BEGINNING JULY 24, 2009 The law requires employers to display this poster where employees can readily see it. At least 1½ 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

hazardous jobs with certain work hours restrictions. Different rules apply in agricultural employment.

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 (PUMP AT WORK):

participate in any proceeding under the FLSA.

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. 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 repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child

for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than

may also be assessed for violations of the 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 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

Puerto Rico.

HOSPITAL:

ALTERNATE:

OSHA:

ADDITIONAL INFORMATION: Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements. Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of

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

WAGE AND HOUR DIVISION • UNITED STATES DEPARTMENT OF LABOR

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

Pregnant Workers Fairness Act (PWFA)

The Pregnant Workers Fairness Act (PWFA) is a federal law that, starting June 27, 2023, requires covered employers to provide "reasonable accommodations" to a qualified worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an "undue hardship." An undue hardship is defined as causing significant difficulty or expense.

"Reasonable accommodations" are changes to the work environment or the way things are usually done at work. WHAT ARE SOME POSSIBLE ACCOMMODATIONS FOR PREGNANT WORKERS?

- Being able to sit or drink water - Receiving closer parking - Having flexible hours - Receiving appropriately sized uniforms and safety apparel - Receiving additional break time to use the bathroom, eat, and rest

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

overtime pay protections and correctly classified independent contractors are not.

Updated 6/23

- Taking leave or time off to recover from childbirth - Being excused from strenuous activities and/or exposure to chemicals not safe for pregnancy WHAT OTHER FEDERAL EMPLOYMENT LAWS MAY APPLY TO PREGNANT WORKERS? Other laws that apply to workers affected by pregnancy, childbirth, or related medical conditions, include:

- Title VII which prohibits employment discrimination based on sex, pregnancy, or other protected categories (enforced by the U.S. Equal Employment Opportunity Commission (EEOC)) - The ADA which prohibits employment discrimination based on disability (enforced by the EEOC) - The Family and Medical Leave Act which provides unpaid leave for certain workers for pregnancy and to bond with a new child (enforced by the U.S Department of Labor)

- The PUMP Act which provides nursing mothers a time and private place to pump at work (enforced by the U.S. Department of

Learn more at www.EEOC.gov/Pregnancy-Discrimination

Ombudsman Workers' Compensation

ATTENTION EMPLOYERS: IF YOU HAVE QUESTIONS ABOUT WORKERS' COMPENSATION, CALL THE WCA OMBUDMAN FOR FREE INFORMATION. **New Mexico Workers' Compensation Administration** WCA HELP / HOTLINE 1-866-WORKOMP / (1-866-967-5667)

Human Trafficking

NOTICE ON HUMAN TRAFFICKING

OBTAINING FORCED LABOR OR SERVICES IS A CRIME UNDER NEW MEXICO AND FEDERAL LAW. 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"). OBTAINING FORCED LABOR OR SERVICES IS A CRIME UNDER NEW MEXICO AND FEDERAL LAW YOU MAY REMAIN ANONYMOUS, AND YOUR CALL OR TEXT IS CONFIDENTIAL. 505-GET-FREE (505-438-3733)

Payday Notice PAYDAY IS ON

MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY SUNDAY

PAY SCHEDULE IS

☐ WEEKLY ☐ BI-WEEKLY ☐ SEMI-MONTHLY ☐ MONTHLY ☐

PAYCHECKS ARE ISSUED ON THE _____ OF THE MONTH

Emergency Notice

POLICE

HAZARDOUS MATERIAL:

ProServiceHawaii

HR that powers your business



Family Medical Leave Act

What is FMLA leave?: The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR

• The birth, adoption or foster placement of a child with you, Your serious mental or physical health condition that makes you unable to • To care for your spouse, child or parent with a serious mental or physical health condition, and

 Certain qualifying reasons related to the foreign deployment of your spouse. child or parent who is a military servicemember. An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically

necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #28M(c) for more information. FMLA leave is **not paid leave**, but you may choose, or be required by your

employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave. Am I eligible to take FMLA leave?

You are an **eligible employee if all** of the following apply: You work for a covered employer, • You have worked for your employer at least 12 months, You have at least 1,250 hours of service for your employer during the 12 months before your leave, and Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements

You work for a **covered employer if one** of the following applies: You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year, • You work for an elementary or public or private secondary school, or · You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

REEMPLOYMENT RIGHTS

PAID SICK LEAVE

Notice of Employee Rights

Effective date: July 1, 2022

Labor Relations Division

Santa Fe: (505) 827-6838

Las Cruces: (575) 524-6195

Albuquerque: (505) 841-4400

collective bargaining agreement.

USE OF PAID SICK LEAVE

REASON FOR USE OF LEAVE

USE OF SICK LEAVE

PROHIBITIONS

other rights under the Act.

security-related activities.

condition, or preventative medical care.

begins.

or agree to waive their rights under the Act.

military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies verify medical leave and may request certification of a qualifying exigency.

for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave. Your employer may request certification from a health care provider to 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. State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do? If you are eligible for FMLA leave, your **employer must**:

How do I request FMLA leave?

Generally, to request FMLA leave you must:

• Allow you to take job-protected time off work for a qualifying reason, Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and • Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible,

your employer must notify you in writing: About your FMLA rights and responsibilities, and • How much of your requested leave, if any, will be FMLA-protected leave. Where can I find more information? Call 1-866-487-9243 or visit dol.gov/fmla to learn more. If you believe your rights under the FMLA have been violated, you may file a complaint with WHD of

file a private lawsuit against your employer in court. Scan the QR code to learn

about our WHD complaint process. For additional information: 1-866-4-USWAGE (1-866-487-9243) TTY: 1-877-889-5627 <u>www.dol.gov/whd</u> U.S. Department of Labor • Wage and Hour Division

USERRA

• FOR USE BY PRIVATE SECTOR AND STATE GOVERNMENT EMPLOYERS 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.

you ensure that your employer receives advance written or verbal notice of your service;
 you have five years or less of cumulative

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

service in the uniformed services while with that particular employer; • 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 had not been absent due to

promotion; or • any benefit of employment because of this status. **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 military. • 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 investigate and resolve complaints of

USERRA 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 https://www.dol.gov/agencies/vets/. An interactive online USERRA Advisor can be viewed at https://webapps.dol.gov/

f 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; • reemployment; • retention in employment;

elaws/vets/userra • 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. In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

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/poster 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



Healthy Workplaces Act | NMSA 50-17-1 to 50-17-12 |

Employees accrue one hour of earned sick leave for every thirty

hours worked, starting their first day of work. Up to 64 hours of

The Act provides minimum requirements; other laws or employer

policies 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,

task, piece, or commission basis. Employees may not contract out of

Employees may use up to 64 hours of earned sick leave per twelve-

month period, if they work enough hours. Individual employers may

set a higher limit. Employers may select when the 12-month period

Used sick leave is compensated at the employee's usual hourly rate

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

Employees may use accrued sick leave for the following reasons:

• Care of employee's family members for treatment or diagnosis of

Employee's treatment or diagnosis of illness, injury, or health

illness, injury, or health condition, or preventative medical care.

Absence necessary because of and related to domestic abuse,

sexual assault, or stalking suffered by the employee or their family

Meetings related to employee's child's health or disability.

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

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

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

for or finding a replacement worker to cover during the employee's

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

The Employee Polygraph Protection Act prohibits most

private employers from using lie detector tests either for pre-

employment screening or during the course of employment.

Employers 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 employee or

prospective employee for refusing to take a test or for exercising

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

The Act permits polygraph (a kind of lie detector) tests to be

administered in the private sector, subject to restrictions, to certain

and guard), and of pharmaceutical manufacturers, distributors and

The Act also permits polygraph testing, subject to restrictions, of

resulted in economic loss to the employer.

Discrimination is against the law.

2600 Cerrillos Rd, Santa Fe, NM 87505

Human Rights Bureau

Office: (505) 827-6838

• **Fax:** (505) 827-6878

Color

Sex

Ancestry

AgeReligion

National Origin

 Sexual Orientation Gender Identity

Spousal Affiliation

Anti-Discrimination Notice

• Toll-frèe: (800) 566-9471

New Mexico Human Rights Act

certain employees of private firms who are reasonably suspected of

involvement in a workplace incident (theft, embezzlement, etc.) that

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

agreement with the Equal Employment Opportunity Commission

as amended. Prohibited discriminatory bases include:

Physical or Mental Disability or Serious Medical Condition

Pregnancy, Childbirth, or Related Condition

prospective employees of security service firms (armored car, alarm,

tipped, or on a per-diem schedule, as well as employees paid on

unused earned sick leave can carry over year-to-year.

401 Broadway NE, Albuquerque, NM 87102





Paid Sick Leave The employee should notify the employer in advance when use of

An employer must give written or electronic notice of employee rights and the Act's terms and provisions to an employee at the start of employment. This notice must be in English, Spanish, or any language that is the first language spoken by at least ten percent of the employer's workforce, as requested by the employee.

An employer may require reasonable documentation verifying the

Employers must keep records documenting hours worked by

sick leave is foreseeable and make a reasonable effort to schedule

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

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

sick leave was used for a covered purpose if the employee uses two or more consecutive workdays of sick leave. Employers must treat all information obtained related to an employee taking sick leave as confidential.

DOCUMENT RETENTION

REASONABLE DOCUMENTATION

as soon as practicable.

employees and earned sick leave accrued and taken by employees for four years. RETALIATION PROHIBITED Employers may not take or threaten an adverse action against an employee that is reasonably likely to deter employees from exercising or attempting to exercise their rights under the Act.

Employers may not retaliate because an employee raises concerns

participates in investigations or legal proceedings related to alleged

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

violations of the Act. Examples of retaliation include the following: denying use or delaying payment of earned sick leave, termination, reducing work hours, giving the employee undesirable assignments or scheduling, threats, discipline, counting use of earned sick leave hours as an absence that may lead to any adverse action, or any other employment action considered less favorable.

COMPLAINT PROCESS 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: vision will disclose complainant's identity as part of the investigation. An employee's legal status for presence in the United States is not a defense to any action brought pursuant to the Act.

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 regulations,

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

Where polygraph tests are permitted, they are subject to numerous strict standards concerning 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 not to have test results disclosed to unauthorized

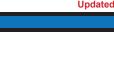
THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT. 1-866-487-9243 • TTY: 1-877-889-5627 www.dol.gov/whd

categories is prohibited by the Act.



Sexual harassment and harassment based on other protected





Anti-Discrimination It is illegal to discriminate against any work-authorized individual in hiring, discharge, recruitment or referral for a fee, or in the

presented has a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) at 1-800-255-7688 www.justice.gov/crt/about/osc

Discrimination

Employees must file a complaint with the Division or file a civil action in a court within three years from the date the alleged violation

Updated 5/22

EXAMINEE RIGHTS

ENFORCEMENT The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

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

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

place of the alleged violation.

under the OSHA Act.

employment free from recognized hazards.

Employers must comply with the OSHA standards issued 505-476-8734

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

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

Es posible que usted tenga, o no tenga, el derecho de escoger el proveedor de servicios para la salud. Si su empleador / asegurador no

Ombudsmen are located at the following offices:

Las Vegas: 1-800-281-7889 • 1-505-454-9251 Roswell: 1-866-311-8587 • 1-575-623-3997

New Mexico Workers' Compensation Administration

NEW MEXICO JOB HEALTH AND SAFETY POSTER You Have a Right to a Safe and Healthful Workplace The Occupational Safety and Health Act of 1970 (OSH Act). P.L. 91-956, assures safe and healthful working conditions for working

> 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

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.

continued effectiveness. Anyone wishing to register a complaint

Administration, 525 Griffin Street, Room 602, Dallas, Texas 75202

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

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./Numero de Telefono: 505-476-8700 or 1-877-610-6742

Fax Number/Número de Facsímil:

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available at www.dws.state.nm.us **Polygraph Protection**

The Human Rights Act prohibits discrimination in the areas of employment, housing, credit, and public accommodations, and prohibits

Complaints must be filed with the Human Rights Bureau within 300 days of the last act of discrimination or harassment.

employment eligibility verification process based on that individual's citizenship status, immigration status or national origin. Employers

CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documentation

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 The Human Rights Bureau enforces the provisions of the Human Rights Act of 1969. Additionally, the Human Rights Bureau has a work-sharing The New Mexico Department of Workforce Solutions Human Rights (EEOC) to enforce the provisions of federal law under Title VII of the Bureau investigates complaints of discrimination and harassment in Civil Rights Act of 1964, the Age Discrimination in Employment Act of employment, housing, credit, and public accommodations. 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA), all