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Minimum Wage Laws

What is the minimum hourly wage in New Mexico?

The minimum hourly wage in New Mexico is \$7.50. The rate applies to most, but not all employees. A few cities have different hourly minimum wages. Albuquerque's minimum hourly wage is \$8.60 and Santa Fe's minimum hourly wage is \$10.66.

Which employees aren't protected by the minimum wage law?

Different rules apply to some types of employment. For example, if you work in a job where you regularly receive tips, and you usually make at least \$30 in tips monthly, the minimum hourly wage drops to \$2.13.

There is no minimum wage requirement for domestic work in a private home, federal employees, contractors with non-profit organizations, salespersons working on commission, or similar basis students regularly enrolled in primary or secondary school working on vacation or after school hours, apprentices in the trades persons 18 or younger, ambulance workers, G.I. bill trainees being trained, some types of seasonal employees, some types of agriculture employees, residential employees of charitable organizations in group homes, some persons with disabilities if specifically permitted by the state labor department, and "exempt" employees, who receive salaries rather than hourly wages.

What is an "exempt" employee?

Generally speaking, an exempt employee is someone who receives a salary rather than hourly wages. An exempt employee usually does not get paid overtime for work beyond 40 hours in a week. Certain kinds of jobs tend to be classified as "exempt"—for example, executive, management, administrative, outside sales, artistic and creative or inventive activities, and high-level computer technical assistance. In most cases, the salary for these positions must be at least \$455 per week, or the law will consider the position not to be exempt from minimum wage requirements.

When is an hourly employee eligible for overtime pay?

An employee is eligible for overtime pay after 40 hours in one week. This means if you normally get paid \$10 an hour and work 45 hours per week, for the extra five hours you should get paid \$15 an hour.

You don't get overtime for working holidays or weekends unless those workdays take your weekly hours past 40 hours a week.

Most agricultural and seasonal workers are ineligible for overtime pay.

How many hours per week can an employer require someone to work?

The answer depends on the kind of business involved and the age of the employee. Hotels and restaurants can't force an employee to work more than 10 hours in a 24 hour period and no more than 70 hours in a one week, unless it is an emergency. Most other employers cannot require an employee to work more than 16 hours in a day. There are no limits on firefighters, law enforcement, farm or ranch hands, or people who are not working but are getting paid to stand by for work if they are needed.

Minors of the age of 14 or 15 cannot work at all before 7 a.m. or after 7 p.m. except from June 1st to Labor Day when they can work until 9 p.m. During the school year, minors under age 16 cannot work more than three hours a day on school days, 18 hours a week during school weeks, more than 8 hours a day during a non-school week, and never more than 40 hours a week. These limitations do not apply to minors aged 16 and over.

Is there a minimum amount that an employer must pay to a worker who is under age 18?

For the first 90 days of employment, a worker under age 18 is entitled to at least \$4.25 an hour. After 90 days, the employer must pay the regular minimum wage, even if the worker has not turned 18. The 90-day reduction is counted as 90 calendar days, not 90 days worked. So if you have the same job for more than 90 days, even if you work only two days a week for a few hours, you are entitled to normal minimum wage after 90 days.

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