

# OFFICIAL NOTICE

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## City of Las Cruces' Minimum Wage Ordinance

Minimum Wage - All employers shall pay every employee wages not less than the following:

**Effective January 1, 2017**

**\$9.20 per hour**

**\$3.68 per hour for 'tipped' employees**

### MINIMUM WAGES:

**A.** All employers shall pay all employees no less than the minimum wage (\$9.20), and shall pay tipped employees no less than the tipped minimum wage (\$3.68), for each hour worked within the municipal limits of the City. **B.** Tipped employee means an employee who customarily and regularly receives more than thirty dollars (\$30) per week in tips. Only those tips actually retained and reported as income for Federal Insurance Contributions Act (FICA) purposes by the employee shall be considered tips received by the employee. **C.** An employee shall not be required to work more than forty hours in any week of seven days unless the employee is paid the higher of one and one half times the employee's regular hourly rate of pay or one and one half times the minimum wage for all hours worked in excess of forty hours. Tipped employees shall be paid the higher of their average hourly wage, including tips, for the previous forty hours worked, or one and one half times the minimum wage (**LCMC §14-62**).

### EXEMPTIONS:

**A.** An individual employed in a bona fide executive, administrative or professional capacity and forepersons, superintendents and supervisors. **B.** An individual engaged in the activities of educational, charitable, religious or nonprofit organizations where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis. **C.** Students regularly enrolled in primary or secondary schools working after school hours or on vacation. **D.** Registered apprentices and learners otherwise provided by law. **E.** Persons eighteen years of age or under who are not students in a primary, secondary, vocational or training school. **F.** Persons eighteen years of age or under who are not graduates of a secondary school. **G.** G.I. bill trainees while under training. (**LCMC §14-61**)

### POSTING OF SUMMARY ORDINANCE:

Every employer shall post in a conspicuous place at any workplace or job, or the site where any employee works, a notice published each year by the City or its designee to inform employees of the current minimum wage rate and of their rights under this ordinance. Every employer shall post such notices in **English and Spanish**. Payroll records shall be retained for three years. (**LCMC §14-63**).

### ENFORCEMENT: Penalties; Employee Remedies:

**A.** An employer who violates any of the Las Cruces' Minimum Wage Ordinance by paying their employees below the minimum wage, shall be a public nuisance. **B.** Any employee receiving less than the minimum wage is entitled to bring a civil action in the Third Judicial District Court, County of Dona Ana, State of New Mexico pursuant to §30-30-8, NMSA 1978. **C.** Upon prevailing, any employee shall recover unpaid wages and interest thereon, reasonable attorney's fees, and costs. **D.** Remedies listed here are not exclusive (**LCMC §14-64**).

The full version of the Las Cruces' Minimum Wage Ordinance is available at <http://www.las-cruces.org/>

