

What happens after legal action?

- If the court decides in your favor, a judgment will be entered against the employer. A judgment is a court document that says the employer owes you a specific amount of wages.
- If after receiving a judgment, and employer refused to pay, then a Writ of Execution is obtained and the Sheriff will attempt to collect on the Writ.

How long will it take?

- If the employer refuses to pay and is still in business or has assets, we will use every means available under the law to try to collect your wages.
- However, if the employer cannot be located, has moved out of the state, is a defunct corporation, or it for other reasons your claim is uncollectible, you will be informed.

New Mexico
Department

of **Workforce
SOLUTIONS**



Didn't Get Paid?

New Mexico Department of Workforce Solutions
1596 Pacheco Street
Aspen Plaza Bldg., Ste. 201
Santa Fe, NM 87505
(Ph) 505.827.6827
(Fx) 505.827.9676



"An Equal Opportunity Employer"



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About Wage and Hour Bureau

- This office will assist most workers in collecting their unpaid wages.
- It will investigate an employer's records to verify a claim and demand payment if wages are owed.
- Wage claim services are free.

Who may file a claim?

- Any employee who cannot afford their own attorney and has not been paid their earned wages may file a wage claim.
- Before a claim can be accepted, however, you must have made a recent demand for payment for your employer.
- If the employer denies payment or does not pay as promised, you may then file a claim
- Claims for workers under bargaining agreements may be accepted if the union has exhausted all grievance procedures and we receive a letter from the union requesting our assistance.

How do I file a claim?

- To request assistance, the wage claim form must be completed and submitted to the Wage and Hour Section of the Labor and Industrial Bureau.
- A claim should include any information regarding hours worked and rate of pay promised to you. Incomplete information will delay the processing of the claim.
- All claims must be signed by claimant (employee)
- If you are under 18 years of age, your parent or legal guardian must also sign the wage claim.

What's the status of my claim?

- We will make every reasonable effort to contact you as soon as possible to inform you of the progress of your claim.
- It is not necessary to call us unless you have additional information about your claim.
- If you have been paid in the meantime, be sure to let us know.
- If you do not hear from us within 15 days from the date you filed your claim, please check with us before 10:00 am weekdays or write to the office handling your claim.
- It is your responsibility to keep us informed of any changes in your address and telephone number.
- If we cannot locate you, we may have to close your wage claim.
- If the wage claim form is not complete, it will be returned to you.

Contact Us

Labor and Industrial Bureau
Wage and Hour Section

Albuquerque, NM
625 Silver SW, 87102
(Pn) 505.841.4400
(Fx) 505.841.4422

Las Cruces, NM
P.O. Box 1708
500 Main, Suite 10200, 88004-1708
(Pn) 575.524.6195
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Santa Fe, NM
1596 Pacheco St, Suite 201, 87505
(Pn) 505.827.6838
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www.dws.state.nm.us



Will I have a hearing?

- If we feel a meeting between you and the employer will help settle your claim, we will call an informal hearing.
- You will be requested to appear on the date and time set.
- You may contact us the day before the hearing for confirmation.
- Explanations from both sides will be examined, compared, and evaluated in terms of the law, and hopefully, result in a settlement.
- If you fail to appear, the claim will be decided on the basis of available evidence including that presented by the employer at the hearing.

Can I take legal action?

- It may be necessary to take legal action against an employer who refuses to pay your earned wages.
- In that event, your case may be filed in the Magistrate or Metropolitan Courts or sent to the District Attorney's Office in the county where the employee worked.
- You will then be notified of the court date and you will be asked to testify on your behalf.
- As an alternative to the above procedure, you may have to file with Magistrate or Metropolitan Court if your claim is an amount within the guidelines of the court.

