



## News Release

For Immediate Release

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### **\$100,000 awarded in unpaid wages in case settlement**

*NMDWS enforces zero tolerance stance on underpayment or nonpayment of wages*

ALBUQUERQUE - The New Mexico Department of Workforce Solutions (NMDWS) Office of the General Counsel announce successful court settlement against 505 Burgers Farmington LLC in the amount of \$100,000 for violations of New Mexico's wage statutes.

Former employees, Francisco and Sandra Olivas filed wage claims with the Department's Labor Relations Division in 2017 claiming combined they had worked 1,680 straight-time and nearly 1,762 overtime hours only to have a small portion of hourly wages received.

"We strive to provide education and training to businesses to ensure that employees are paid fairly and to prevent situations like the one Mr. and Mrs. Olivas endured." said **Cabinet Secretary Sarita Nair**. "But when prevention does not work, our capable team will pursue these cases for workers, no matter how long it takes."

The Department validated Olivas's wage claims through a thorough investigation process resulting in a court case in McKinley County. The bench trial held in March 2022 resulted in a final order and judgment on August 4, 2022, awarding \$116,534 in unpaid wages, interest, and treble damages. Following an appeal by the Defendants the New Mexico Court of Appeals upheld the judgement on January 23, 2024, with a final negotiated agreed upon settlement of \$100,000 marking the successful conclusion to the case.

NMDWS's Labor Relations Division collected over \$689,000 in Fiscal Year 2023 for New Mexicans claiming the underpayment or nonpayment of wages. Most charges allege unpaid overtime, failure to pay minimum wage, and an employer withholding a final paycheck.

Any employee who has not been paid earned wages may file a wage claim with the Department as long as the last non-payment or underpayment of wages occurred within three years prior to the date of filing. A Wage Claim Form in both English and Spanish is available at <https://www.dws.state.nm.us/Wage-and-Hour>, or at any Labor Relations Division office or New Mexico Workforce Connection Center. A report of violation of wage and hour laws may also be made over the phone by calling any LRD office.

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*The New Mexico Department of Workforce Solutions (NMDWS) oversees the New Mexico public workforce system. The department is committed to supporting the business community through special recruitment, analyzing hard to fill jobs, layoffs, job fairs, and skills assessments for hiring; and assisting New Mexicans seeking employment opportunities with job search, job referrals and placement, and customized skill development such as interviewing skills and resume writing. The department administers programs to include business services; workforce training; Unemployment Insurance; labor law enforcement; veterans' services; and labor market information.*

*The New Mexico Department of Workforce Solutions is 85% Federally funded with (\$106,960,200), and 15% (\$18,543,600) financed by non-federal sources in state fiscal year 2024.*