

Thousands of New Mexico Workers Cleared to Refile Wage Claims

By Brenna Goth

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- Settlement lets workers apply to reopen closed wage claims
- Lawsuit argued illegal policies by state labor department

Thousands of workers in New Mexico can ask the state labor department to reopen their closed wage violation claims after a judge approved a class-action settlement March 9.

Labor groups are calling the decision in the state's First Judicial District Court a victory. They say it will end years of lax enforcement of the state's strong wage laws by the New Mexico Department of Workforce Solutions. Low-wage workers and organizations backing them argued in the lawsuit that the department illegally denied claims that were more than \$10,000 or older than a year, among other problems.

The settlement could affect a broad swath of industries as workers try again to claim unpaid wages. Plaintiff groups focused on low-wage jobs, such as restaurant workers, landscapers, and janitors.

The department maintained that its policies were legal but settled with the groups on a variety of changes. It lifted the \$10,000 cap on claims and implemented the three-year statute of limitations that the New Mexico Legislature approved in 2009.

Workers Can Ask for Reinvestigation

The final settlement approval lets workers request that the state labor department reinvestigate denied claims or cases closed improperly. The department said it will send notices to about 2,500 people within a class defined as anyone who has experienced a New Mexico wage violation.

It also requires better access to the complaint process for people with limited English proficiency and enforces damages against employers that underpay their workers above the original wages they owe.

"This settlement sends a message that enforcement should be a priority," Gabriela Ibañez Guzmán, staff attorney with the labor group Somos Un Pueblo Unido's Worker Center and co-counsel in the lawsuit, said in a statement.

The case is *Olivas v. NM Workforce Sols.*, N.M. Dist. Ct., No. D-101-CV-2017-00139, settlement approved 3/9/18.

To contact the reporter on this story: Brenna Goth in Phoenix at bgoth@bloomberglaw.com

To contact the editor responsible for this story: Terence Hyland at thyland@bloomberglaw.com

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