SENATE BILL 395

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Carlos R. Cisneros

AN ACT

RELATING TO PUBLIC WORKS; PROTECTING THE CONFIDENTIALITY OF AN EMPLOYEE WHO REPORTS A VIOLATION OF THE PUBLIC WORKS MINIMUM WAGE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 13-4-13 NMSA 1978 (being Laws 1965, Chapter 35, Section 3, as amended) is amended to read:

"13-4-13. FAILURE TO PAY MINIMUM WAGE--TERMINATION OF CONTRACT--<u>CONFIDENTIALITY OF REPORT</u>.--

<u>A.</u> Every contract within the scope of the Public Works Minimum Wage Act shall contain further provision that in the event it is found by the director that any laborer or mechanic employed on the site of the project has been or is being paid as a result of a willful violation a wage rate or fringe benefit rate less than the rates required, the

.191648.1

1 contracting agency may, by written notice to the contractor,

2 subcontractor, employer or person acting as a contractor,

3 terminate the right to proceed with the work or the part of the

4 work as to which there has been a willful failure to pay the

5 required wages or fringe benefits, and the contracting agency

6 may prosecute the work to completion by contract or otherwise,

7 and the contractor or person acting as a contractor and the

8 contractor's or person's sureties shall be liable to the state

9 for any excess costs occasioned thereby. Any party receiving

10 notice of termination of a project or subcontract pursuant to

11 the provisions of this section may appeal the finding of the

12 director as provided in the Public Works Minimum Wage Act.

13   B. The director shall keep confidential the name

14 and other identifying information of an employee of a

15 contractor or subcontractor when that employee reports a

16 violation of the Public Works Minimum Wage Act."

- 2 -

17

18

19

20

21

22

23

24

25

.191648.1