

Workforce Solutions settles year-old wage theft suit

Written by By Andy Lyman NM Political Report
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A worker's rights coalition and New Mexico's Department of Workforce Solutions (DWS) settled a year-old lawsuit alleging the state agency failed to adequately investigate or take action on wage theft claims.

The settlement agreement outlines policy and procedural changes the state department will make. Wage theft claims against employers, for example, will now be investigated regardless of the dollar amount involved. The coalition accused DWS of avoiding action on claims worth more than \$10,000 and advising employees to instead file a lawsuit against their employer.

DWS also agreed to implement a more comprehensive process for workers to file claims against employers who fail to pay minimum wages, especially workers whose first language is not English.

Jose "Pancho" Olivas, a named plaintiff in the case, said in a statement, that he and others in his community depend on DWS to keep employers accountable for fair working conditions.

"Workers need state agencies like the Department of Workforce Solutions to level the playing field," Olivas said.

In a statement to NM Political Report, Erin Thompson, a spokeswoman for DWS, said the department "worked in a good faith effort" with the coalition's lawyers in changing policies.

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“At the New Mexico Department of Workforce Solutions, we take our responsibility to investigate and resolve claims brought by workers seriously, and will continue to do so in a thorough and professional manner,” Thompson said.

The department will also allow workers to refile claims that may have been wrongly dismissed under previous policies.

Lawyers with the New Mexico Center on Law and Poverty represented the worker’s groups in the case. New Mexico Center on Law and Poverty attorney Elizabeth Wagoner praised the state department for working with the advocacy groups.

“DWS leadership worked diligently with us on a settlement that ensures hardworking people who experience violations of New Mexico’s wage payment laws can access their legal right to an investigation of their claims, so that they can recover wages owed,” Wagoner said.

In 2014, Olivas filed a complaint against his employer for not paying Olivas about \$15,000 in wages. DWS denied Olivas’ claim because it was worth more than \$10,000. The department closed the claim without looking into it further and told Olivas his only recourse would be to file a lawsuit against his employer, which Olivas said he could not afford.

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