

Opinion No. 63-67

June 17, 1963

BY: OPINION of EARL E. HARTLEY, Attorney General

TO: Mr. Dan Sosa, Jr. District Attorney Third Judicial District Las Cruces, New Mexico

QUESTION

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Must hospitals pay their employees the hourly wage rate prescribed by the 1963 Minimum Wage Act?

CONCLUSION

No.

OPINION

{*143} **ANALYSIS**

House Bill No. 174 passed by the Twenty - Sixth Legislature, 1963, which amends the Minimum Wage Law, does not include hospital employees.

Amended Section 59-3-22, N.M.S.A., 1953 Compilation, provides in part that "every employer, except as provided in Section 59-3-21, N.M.S.A., 1953 Compilation, shall pay to each of his **employees** wages at a rate of not less than \$.80 an hour."

Under subsection D (10) of amended Section 59-3-21, "persons employed by hospitals" are not included within the term "employee" as defined and applied in the Minimum Wage Act.

Therefore, hospital employees are not covered by the minimum wage provision pertaining to "employees" under amended Section 59-3-22 of the Minimum Wage Act.

By: George Richard Schmitt

Assistant Attorney General