

This is an amendment to 11.1.2 NMAC, Section 7, effective 4/7/2026.

11.1.2.7 DEFINITIONS:

- A.** “**Alteration**” means any change made to any part of or any system within an existing public building, public work, or public road other than a “repair” as hereinafter defined.
- B.** “**Base wage rate**” means the straight time hours and hourly rate paid each laborer or mechanic.
- C.** “**Contract**” means any written agreement made by the state or any political subdivision of the state for or including provisions for the alteration, construction, demolition, maintenance, or repair of any public building, public work, or public road that makes use of any public funds.
- D.** “**Craft**” means a particular construction trade.
- E.** “**Director**” means the director of the division.
- F.** “**Division**” means the labor relations division of the workforce solutions department.
- G.** “**Fringe benefit**” means payments made by a contractor, subcontractor, employer or person acting as a contractor, if the payment has been authorized through a negotiated process or by a collective bargaining agreement, for: holidays; time off for sickness, injury, personal reasons or vacation; bonuses; authorized expenses incurred during the course of employment; health, life and accident or disability insurance; profit-sharing plans; contributions made on behalf of an employee to a retirement or other pension plan; zone, incentive, and subsistence pay and any other compensation paid to an employee, or for the direct benefit of an employee. Payments made to an approved apprentice program are not fringe benefits.
- H.** “**Labor organization**” means an organization of any kind, or an agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.
- I.** “**Locality**” means one or more counties in the state of New Mexico.
- J.** “**Prevailing wage and benefits**” means the hourly wage rate and other benefits as determined by the director to be paid to, or for the benefit of, employees for work performed by the employee on public works projects, including any apprentice training contributions.
- K.** “**Project**” means any coordinated activity involving the alteration, construction, demolition, installation, maintenance, or repair of any public building, public work, or public road, and shall include all contracts related to, and employers involved in, the work to be done as a result of the coordination.
- L.** “**Public funds**” means every contract or project in excess of \$60,000 that the state or any political subdivision thereof if a party to for construction, alteration, demolition, or repair, or any combination thereof.
- M.** “**Public works**” means any facility for the use, enjoyment, or benefit of the public that is altered, constructed, demolished, installed, maintained, or repaired and is funded in whole or in part with public funds or public financing, public grant, and including any form of tax bond financing. “Public works” does not include privately owned residential projects.
- N.** “**Repair**” means to correct any damage or defects within, or to replace any obsolete system, part or portion, of a public building, public work or public road.
- O.** “**Secretary**” means the secretary of the department of workforce solutions.
- P.** “**Similar nature**” means contract work performed on projects as defined in 11.1.2.18 NMAC.
- Q.** “**Site of the project**” means the physical location of a public works project as well as any off-site fabrication locations that engage in the fabrication of heating, cooling, ventilation, or exhaust duct systems that are part of the public works project.
- R.** “**State**” means the state of New Mexico.
- S.** “**Wage**” means the basic hourly rate of pay.
- T.** “**Willfully**” means an intentional or deliberate violation of a known duty, and shall include the failure to rectify a violation within a reasonable time after notice of the violation, or repeated violations after receiving notice of a violation.

[11.1.2.7 NMAC - Rp, 11.1.2.7 NMAC, 12/30/2016; A, 11/10/2020; A, 10/21/2025; A, 4/7/2026]