

New Mexico Healthy Workplaces Act

Beginning July 1, 2022, workers in the state of New Mexico will be covered by a new Safe and Sick Time statute under the [Healthy Workplaces Act](#). The statute establishes requirements for virtually all employers with workers in the state of New Mexico to provide up to 64 hours paid sick and safe leave for periods of the employee’s or a family member’s illness or to seek medical diagnosis or care; and safe time for employees and the care of family members who are victims of domestic violence, stalking, or sexual assault and for closings of school or businesses to address public health issues.

Below is a brief summary of the key provisions of the Healthy Workplaces Act for reference.

Covered Employers:	<ul style="list-style-type: none"> Individuals, corporations, partnerships, associations, business trusts, legal representatives, or groups of persons employing one or more employees on behalf of an employer in relation to an employee
Exclusions:	<ul style="list-style-type: none"> United States federal government Any state or political subdivision of a state
Covered Employees:	<ul style="list-style-type: none"> Any person working in the state for 80 or more hours in a 12-month period Includes temporary and part-time workers
Accrual of Sick and Safe Time:	
<ul style="list-style-type: none"> Begins 	<ul style="list-style-type: none"> Commencement of employment For employees hired prior to effective date - July 1, 2022
<ul style="list-style-type: none"> Accrual Amount 	<ul style="list-style-type: none"> 1 hour for each 30 hours worked
<ul style="list-style-type: none"> Maximum Annual Accrual <ul style="list-style-type: none"> Employers with 10 or more employees: Employers with fewer than 10 employees: 	<ul style="list-style-type: none"> 64 hours per 12-month period 40 hours per 12-month period
<ul style="list-style-type: none"> Carryover of Accruals 	<ul style="list-style-type: none"> Unused, accrued sick pay must be carried over, but the employer is not required to permit use of accrued paid sick leave in excess of maximum annual accrual (above) unless employer selects a higher limit Payout of accrued sick time balances at termination is NOT required. However, unused accruals must be reinstated for rehired employees who return within 12 months following termination
Use of Accrued Sick Time:	
<ul style="list-style-type: none"> New Employees 	<ul style="list-style-type: none"> Beginning 30 calendar days after commencement of employment
<ul style="list-style-type: none"> Ongoing Employees 	<ul style="list-style-type: none"> Time may be used as it is accrued
<ul style="list-style-type: none"> Minimum Incremental Use of Sick Time 	<ul style="list-style-type: none"> Employees may use in increments consistent with current payroll practices

STATE
EMPLOYMENT
LAWS



HEALTHY
WORKPLACES
ACT

<https://www.nmlegis.gov/Sessions/21%20Regular/bills/house/HB0020.pdf>

This guide is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. It is provided for general informational purposes only. It broadly summarizes state statutes and regulations generally applicable to private employers, but does not include references to other legal resources unless specifically noted. Readers should contact legal counsel for legal advice.

New Mexico Healthy Workplaces Act

STATE
EMPLOYMENT
LAWS



HEALTHY
WORKPLACES
ACT

<https://www.nmlegis.gov/Sessions/21%20Regular/bills/house/HB0020.pdf>

<ul style="list-style-type: none"> • Pay for Sick-Safe Time Hours 	<ul style="list-style-type: none"> • Earned sick leave is compensated at the same hourly rate and with the same health care benefits that an employee normally earns during hours worked
<ul style="list-style-type: none"> • Permitted Uses 	<p>Sick time may be used for an employee’s or family member’s need for:</p> <ul style="list-style-type: none"> • Treatment of a mental or physical illness, injury, or health condition • Medical diagnosis or care of a health condition, including preventive care • Meetings at a child’s school or place of care related to the child’s health or disability • Closure of employee’s place of business due to public health emergency • Care for a family member whose school or place of care is closed due to public health emergency, or when it has been determined by health authorities or a health care professional that the employee’s or family member’s presence would jeopardize the health of others due to the employee’s or family member’s exposure to communicable disease (whether or not the individual actually contracted the illness) • Medical or psychological treatment, relocation, preparation for or participation in legal proceedings related to an absence due to domestic abuse, sexual assault, or stalking
<ul style="list-style-type: none"> • Employer Notice/Posting Requirements 	<ul style="list-style-type: none"> • Employers must provide written notice to employees of their rights under the Act at the time employment commences • Notice must be in English, Spanish, and any language that is the primary language of at least 10% of the employer’s workforce
<ul style="list-style-type: none"> • Employee Notice and Documentation Requirements 	<ul style="list-style-type: none"> • Employer must provide earned sick leave upon oral or written request of the employee • When need for leave is foreseeable, employee must notify employer in advance and make a reasonable effort to schedule use of time in a manner that does not unduly disrupt the employer’s operations • Employers may not require that employees find replacement to cover missed time or require employees to use other paid leave before the employee uses sick leave

The statute does not require that employers change their existing programs if they have existing earned sick leave policies that provide for accrual and use of paid time off that is at least equivalent to the mandate. However, required sick leave is in addition to any paid time off provided by the employer that may be used for purposes other than specified in the Act.

Provided by Hays Companies

New Mexico Healthy Workplaces Act

Administrative rules and model notices are to be developed by the Secretary of Workforce Solutions and will be available in the future.



HEALTHY
WORKPLACES
ACT

<https://www.nmlegis.gov/Sessions/21%20Regular/bills/house/HB0020.pdf>