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## All about NM's new paid sick leave law

Have questions about New Mexico's new Healthy Workplaces Act?

Good news. You aren't alone, and a New Mexico nonprofit pulled together a team of experts to help answer some of those questions.

The law, which requires paid sick leave for nearly all New Mexico employees, takes effect next July, and plenty of employers are working to figure out if they comply with the mandates or need to change their policies. To help address that confusion, nonprofit Family Friendly New Mexico held a webinar with business leaders, human resource consultants and employment lawyers, to offer a crash course on the new law.

"It's better to be prepared, which is why we're doing this now, so that everyone can get ready and hit the ground running next summer," said Giovanna Rossi, founder and CEO of Family Friendly New Mexico.

### The basics

The Healthy Workplaces Act, which was signed into law by Gov. Michelle Lujan Grisham in April, requires private employers in New Mexico with at least one employee to pay for sick leave, totaling at least one hour for every 30 hours worked, up to 64 hours in a year.

Rossi said the law applies to a wide variety of employees, including part-time, seasonal and temporary workers, along with a broad mix of mental and physical ailments for employees and their family members. She noted that the law defines "family members" as including domestic partners and their family members.

While there is no paid sick leave law at the federal level, Rossi said New Mexico joins 15 other states with paid sick leave regulations in place.

"This is something that has been gaining momentum over the past few years," she said.

### Break out the employee handbook

Family Friendly New Mexico, which focuses on policies that support employees and their families, brought in Amy Lahti, an Albuquerque-based human resources consultant and organizational development coach, to discuss best practices for businesses looking to achieve compliance in the next seven months. Lahti suggested that employers read through the bill — on their own or with a trained professional — and cross reference provisions with their own employee handbooks.

According to Lahti, things to look for include:

- Making sure policies allow employees to accrue at least 64 hours of sick leave in a year
- Making sure policies do not exclude employee classes covered in the bill
- Making sure policies begin immediately. Employers with policies that don't take effect for a month or two after an employee starts working should be aware that the law requires sick leave to start accruing immediately.

"It's very common for there to be a situation where ... you don't start accruing leave for 60 or 90 days," Lahti said.

### Get the right tools

If you're still handling payroll using a pen and paper, Lahti said this could be a good time to consider an upgrade.

Microsoft Excel could do in a pinch, but Lahti advised using a payroll management software system that streamlines the process.

"Make it as easy and

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Stephen Hamway

automated as possible," Lahti said.

### Spread the word

Another key is making sure employees are familiar with the changes. Lahti added that the law has specific posting requirements, and employers need to be proactive about getting the information to workers.

"One meeting on Zoom is probably not going to be sufficient to

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One meeting on Zoom is probably not going to be sufficient to reach everyone," Lahti said.

One key point: Lahti said all employers need to be careful not to include any messages that could be construed as discouraging employees from taking their paid leave, as the law has specific punishments for that.

#### No employee payouts required

Benjamin Thomas, president and CEO of Albuquerque law firm Sutin, Thayer & Browne, said the act doesn't require employers to pay out employees' sick leave when one leaves, and it may behoove some businesses to place a cap on the amount of sick leave that can be paid out, so they don't get burned when an employee moves on to another job.

While Thomas acknowledged there are details in the law that need to be ironed out, he said the odds are "slim to none" that it will be revised before it goes into effect.

#### Embracing the change

Del Esparza, CEO of Esparza Digital + Advertising, and Blair Boyer, director of human resources for Dion's, said making sick leave an "us versus them" issue hurts both employees and employers.

Boyer acknowledged that, when it comes to recruiting in today's tight labor market, paid sick leave makes it harder for employers to differentiate based on benefits, but said a positive culture will be key to attracting talent. Positive language when talking to employees will help implementation go smoothly, Boyer said.

"If we're standing at the water cooler complaining about what the government is doing to us and our language is negative and we're promoting that, then our employees are going to see right through that," Boyer said.

As with many new laws, Thomas and Lahti agreed that some aspects of the Healthy Workplaces Act will likely evolve or be clarified once the law goes into effect. Family Friendly New Mexico plans to continue following the law and offering resources at [www.nmfamilfriendlybusiness.org](http://www.nmfamilfriendlybusiness.org). Lahti suggested reaching out to a trained professional for specific questions or legal advice.

"They never write legislation to account for every conceivable scenario," Lahti said.

Stephen Hamway covers economic development, health care and tourism for the Journal. He can be reached at [shamway@abqjournal.com](mailto:shamway@abqjournal.com).



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