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## FISCAL IMPACT REPORT

**SPONSOR** Paul **ORIGINAL DATE** 01/22/15  
**LAST UPDATED** 03/02/15 **HB** 31/aHGEIC

**SHORT TITLE** Line of Duty Injury Act **SB** \_\_\_\_\_

**ANALYST** Hanika Ortiz/Daly

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$50.0 - \$500.0			Recurring	GF and local governments

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Responses Received From

- Public Employees Retirement Association (PERA)
- State Personnel Board
- NM Department of Game and Fish
- Department of Finance and Administration
- Children, Youth and Families Department (CYFD)
- NM Municipal League
- Department of Public Safety

### SUMMARY

Synopsis of HGEIC Amendment

The House Government, Elections & Indian Affairs Committee amendment to HB 31 removes language in the definition of “duty injury leave” that authorizes a department chief, in the chief’s discretion, to award duty injury leave, but the substantive provisions leaving the final determination to approve or deny duty injury leave to the department chief, in the chief’s discretion, remain in place.

Synopsis of Original Bill

House Bill 211 creates the Line of Duty Injury Act to provide guidance to public employers that want to grant paid “duty injury leave” to public safety employees when injured performing non-administrative public safety functions. The duty injury leave would also allow an employee to continue to accrue service credit towards their pension benefits while on leave.

The bill applies to:

- PERA-affiliated public employers with certain public safety employees.
- Any full-time and salaried public safety employee employed as a commissioned or certified law enforcement officer, firefighter, adult or juvenile correctional officer, emergency medical technician, investigator with CYFD, or detention officer.

The bill defines “duty injury” as a serious bodily injury or disfigurement, as determined by a department chief, sustained while on duty performing a public safety function or duty.

The bill sets minimum procedures for granting paid duty injury leave, including:

- compliance with workers’ compensation administration policies;
- leave shall not exceed 1,500 hours in a 12-month period or 32 hours in a 7-day period;
- modified or limited-duty assignments to be made available if medically released;
- forfeiture of unused duty injury leave after medical release to full duty;
- establishment of a duty injury application review committee - including a requirement for the committee to consider whether the injury was non-duty related or from misconduct;
- a twenty-eight day time frame to respond to an application for duty injury leave;
- an appeal process including written determinations for denied applications; and
- disciplinary action for false claims or misuse of duty injury leave by an employee.

## **FISCAL IMPLICATIONS**

The maximum leave per year of 1,500 hours equates on average to about \$33,000 in wages (based on a salary of \$22.00 per hour) plus benefits of about \$10,000 for a total of \$43,000 per employee on injured duty leave. The public safety employer may also have costs attributed to shift coverage. The table above reflects costs for 1 to 10 employees receiving the maximum duty injury leave per year.

## **SIGNIFICANT ISSUES**

The bill provides additional economic safeguards for public safety employees who have sustained serious bodily injuries during the line of duty. The bill will allow paid duty injury leave in addition to the more typical workers’ compensation benefit and employer leave.

## **TECHNICAL ISSUES**

With the final determination left to the department chief instead of the duty injury review committee or attending physician, the bill could lead to unfair application of the benefit.

It is unclear if the bill imposes a cap of 12 months or 1,500 hours per each 12-month period.

The bill may benefit from a more narrow description of the covered disabilities.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB 78 requires public employers to pay a public safety employee’s member contributions and group insurance contributions if the employee sustains a non-administrative work-related injury.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Seriously injured public safety employees who have exhausted their sick and annual leave and are unable to work will continue to not accrue PERA service credit.

AHO/aml/je