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FISCAL IMPACT REPORT

SPONSOR McSorley DATE TYPED 1/31/2005 HB _____

SHORT TITLE Family Leave Act SB 449

ANALYST Moser

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Appropriation in the General Appropriation Act
Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From
State Personnel Office (SPO)

SUMMARY

Synopsis of Bill

Senate Bill 449, Family Leave Act requires an employer to grant paid or unpaid family leave to an employee to care for family members as defined in the law. It also prohibits discharge or retaliation against employees who exercise the rights defined in this law.

Significant Issues

This law expands coverage provided under the federal Family Leave Act of 1993 by providing additional employee's rights at the state level. The law covers all employers in New Mexico regardless of size in addition to including parent-in-laws as a covered family member.

Under the federal law employees must have worked for the employer for at least 1250 hours in the prior twelve months to be covered. SB 449 provides no minimum time limit that an employee must have worked for the employer in order to qualify. An employee could potentially work for one day and then request this leave, whereas leaving the employer in an unfavorable employment obligation with an employee.

There is no maximum amount of time stated that an employee can be out, whereas leaving the employer in an unfavorable employment obligation with an employee. However, this bill addresses only the utilization of sick leave or other paid leave and does not authorize the utilization of unpaid leave time such as leave without pay. These leaves would be governed by the employer's policies or a collective bargaining agreement.

OTHER SUBSTANTIVE ISSUES

This bill could have a significant impact upon small employers with limited staffing.

ALTERNATIVES

The State Personnel Office recommends the following changes:

Add language requiring some minimum amount of time of employment such as 30 or 90 days at a minimum.

Add language to address a maximum amount of time that the employee can take off such as one year.

Add language to address "un-paid" leave to be substituted for paid leave in case no leave is offered or the paid leave runs out and the employee still needs care for a qualified family member.

EM/lg:yr