# LEGISLATIVE EDUCATION STUDY COMMITTEE BILL ANALYSIS <br> 53rd Legislature, 1st Session, 2017 



## BILL SUMMARY

## Synopsis of Bill

House Bill 27 (HB27) raises the statewide minimum wage to $\$ 15$ per hour on January 1, 2018. On January 1, 2019, the minimum wage will be increased by a cost-of-living adjustment equal to the increase in percentage of the U.S. Department of Labor Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) rounded to the nearest five cents. The bill removes the state exemption for tipped employees, who would make the same minimum wage as all other employees.

## FISCAL IMPACT

HB27 does not contain an appropriation. This analysis focuses on the fiscal impact to New Mexico public school districts and state-chartered charter schools.

For the first half of FY17, the minimum wage would be $\$ 7.50$, and for the second half when HB27 would come into effect, the minimum wage would be $\$ 15$. A forecast by Global Insight, the forecasting agency used by the Legislative Finance Committee (LFC), projects the CPI-U to increase by 2.2 percent in FY18, 2.3 percent in FY19, 2.6 percent in FY20, and 2.7 percent in FY21. The chart below projects HB27's minimum wage over the next few years using LFC's CPI-U forecast.

HB27 Minimum Wage Projections Based on CPI-U, 2018-2021

| Fiscal Year | FY17 | FY18 |  | FY19 |  | FY20 |  | FY21 |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | 2nd Half | 1st Half | 2nd Half | 1st Half | 2nd Half | 1st Half | 2nd Half | 1st Half | 2nd Half |
| CPI-U (Forecast) | 2.0\% | 2.2\% |  | 2.3\% |  | 2.6\% |  | 2.7\% |  |
| Minimum Wage | \$7.50 | \$15.00 | \$15.35 |  | \$15.70 |  | \$16.10 |  | \$16.55 |
| Tipped Employees | \$2.13 | \$15.00 | \$15.35 |  | \$15.70 |  | \$16.10 |  | \$16.55 |
| Tax Year | 1st Half | 2nd Half | 1st Half | 2nd Half | 1st Half | 2nd Half | 1st Half | 2nd Half | 1st Half |
|  | 2017 |  | 2018 |  | 2019 |  | 2020 |  | 2021 |

The total projected impact to school districts and state-chartered charter schools over the next three fiscal years would be $\$ 289.6$ million, summarized in the table below. The fiscal impact to each school district and charter school is detailed in the attachment.

There are 6,957 school district and state-chartered charter school employees that have an hourly rate below $\$ 15$ per hour. Bringing those employees to a $\$ 15$ minimum wage for the second half of FY18 and providing benefits at 30 percent of salary would have a statewide cost of $\$ 31.9$ million, an increase of 2.3 percent from FY16. Educational assistants make up 74 percent of the new wages at a $\$ 15$ minimum wage.

| Statewide Impact of HB27 on Public Schools (in millions) |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
|  | FY16 | FY18 | FY19 | FY20 |
| Cost of Wages | \$ 1,370.22 | \$ 1,402.12 | \$ 1,433.09 | \$ 1,438.34 |
| New Wages (from prev. year) |  | \$ 31.90 | \$ 30.96 | \$ 5.25 |
| \% Increase (from FY16) |  | 2.33\% | 4.59\% | 4.97\% |
| General Fund Expense |  | \$ 31.90 | \$ 62.87 | \$ 68.12 |
| Three-Year Cost of HB27 |  |  |  | \$162.89 |

Percent of New Wages in Personnel Categories

|  | $\mathbf{\$ 1 5 . 0 0}$ | $\mathbf{\$ 1 5 . 3 5}$ | $\mathbf{\$ 1 5 . 7 0}$ |
| :--- | ---: | ---: | ---: |
| Educational Assistants | $74 \%$ | $73 \%$ | $73 \%$ |
| Healthcare | $6 \%$ | $6 \%$ | $6 \%$ |
| Non-Certified Personnel | $14 \%$ | $14 \%$ | $14 \%$ |
| Related Service Personnel | $1 \%$ | $1 \%$ | $1 \%$ |
| Teachers | $5 \%$ | $5 \%$ | $6 \%$ |
| N. of Employees Affected | 6,957 | 7,100 | 7,349 |

As the minimum wage increases, more employees would fall below the $\$ 15$ cutoff. For the first half of FY19, the minimum wage would be $\$ 15$, increasing to $\$ 15.35$ in the second half. The result would be 7,100 affected employees, and a net cost of $\$ 62.9$ million (a 4.5 percent increase) to school districts and charter schools. The new wages affect close to the same population of school personnel at $\$ 15.35$.

In the first half of FY20, the minimum wage would remain at $\$ 15.35$, to increase to $\$ 15.70$ in the second half of the fiscal year. This would include 7,349 employees, increasing wages and benefits by that year to a total cost to public schools of $\$ 68.1$ million in FY20. There is no significant difference in the population of affected employees at a $\$ 15.70$ minimum wage.

HB27 does not allocate state funds for increased compensation in school districts and statechartered charter schools. Given that the public school funding formula does not include a provision for wage increases, it is unclear how school districts would be able to afford increasing the minimum wage.

## SUBSTANTIVE ISSUES

Due to declining oil and gas revenues, New Mexico is currently in a budget shortfall. The shortfall has prompted lawmakers to make ongoing cuts to public education, which represents the largest portion of the state's budget. HB27 would require school districts and charter schools to pay their employees more, even when their resources are undergoing reductions.

The current statewide minimum wage is lower than the local minimum wage in Bernalillo County, Santa Fe County, and the city of Las Cruces. The $\$ 15$ minimum wage is higher than the minimum wage in all of these areas. Santa Fe County's minimum wage is adjusted for the cost of living, but is currently about $\$ 5$ less than HB27's minimum wage.

A study by the National Conference of State Legislatures (NCSL) confirms that 31 states currently have a statewide minimum wage higher than $\$ 7.50$. A ballot initiative in Colorado
increased the minimum wage to $\$ 9.30$ on January 1, 2017, with steady increases to $\$ 12$ in 2020. After that, the minimum wage will be increased annually for the cost of living. A ballot initiative in Arizona raised the minimum wage to $\$ 10$ on January 1, 2017. The local minimum wage in Flagstaff, AZ was raised to $\$ 15$ per hour. Texas’ minimum wage mirrors the federal $\$ 7.25$ figure, although local counties and cities may have a higher minimum wage.

State Personnel Office (SPO) analysis for HB27 notes that raising the minimum wage without also raising the wages and salaries of other workers can result in a climate of pay compression. Pay compression occurs when there is little difference in the salaries of new employees and experienced employees. Imagine a minimum wage employee hired two years ago, who started at an hourly rate of $\$ 7.50$, but steadily climbed to a rate of $\$ 15$. If HB27 were to pass, this employee would make exactly as much as a brand new hire on January 1, 2018. The financial impact to school districts and charter schools will be exacerbated if they receive pressure to maintain significant differences in job salary based on education level, qualifications, skills, and performance.

## ADMINISTRATIVE IMPLICATIONS

Each year, the Department of Workforce Solutions (DWS) would be responsible for determining the cost-of-living increase using the CPI-U from August of the previous year to August of the current year. The department would be required to publish the cost-of-living increase no later than the end of September. The CPI-U is published by the U.S. Department of Labor Bureau of Labor Statistics. The minimum wage would not be decreased as a result of a decrease in the CPI-U.

## OTHER SIGNIFICANT ISSUES

Data for this analysis was obtained from the Public Education Department (PED). The data was disorganized, likely because of differences in data entry techniques across schools and school districts. PED provided guidance on assumptions that affect the hourly wage of employees. For instance, many school districts employ educational assistants on abbreviated contracts that total about 1,280 hours per year instead of the traditional 2,080 . The following assumptions were made when calculating the totals listed on the attachment in order to reach a reasonable result.

Assumption 1: Exclusions. Records that were entered with a either a full time equivalency (FTE) or a salary equal to 0 were excluded. This is a subgroup that includes many district contractors. Employees with the position "athletic coach" were also excluded, as their salaries often supplement the income of currently employed teachers, and contained both inordinately high and low salaries. Calculations were made on the remaining 34,755 of 43,612 records.

Assumption 2: Contract Hours. The hourly wage of a salaried employee is equal to the employee's salary divided by the number of hours worked per year. For some employees, one FTE is equal to 2,080 hours of work. PED estimates that some other employees work on abbreviated school year contracts, where one FTE is equal to about 1,280 hours. Employees who were entered as instructional assistants or non-certified employees were considered to be on abbreviated contracts. PED noted exceptions to this rule; non-certified staff like business office administrators and maintenance employees often work on 2,080 hour contracts.

Assumption 3: FTE Errors. If employees still did not make the $\$ 7.50$ minimum wage threshold on an abbreviated contract, this was considered to be an FTE entry error. These
employees were considered to be at exactly minimum wage at an even smaller number of hours. This subgroup included 84 records.

## RELATED BILLS

Conflicts with several house and senate bills that increase the minimum wage:

- HB67/aHLEDC, Increase Minimum Wage, increases the minimum wage to $\$ 8.40$ per hour, plus about a dollar per year for the following two years, and then a cost-of-living increase in subsequent years;
- HB442, Minimum Wage \& Wage Related Conduct, increases the minimum wage to $\$ 9.25$ and prevents local governments from regulating private sector schedules;
- SB36/aSPAC, Raise Minimum Wage, increases the minimum wage to $\$ 8.45$ per hour, adjusted by the cost of living in subsequent years;
- SB321, Raise Minimum Wage, increases the minimum wage to $\$ 8.75$ per hour; and
- SB386, Raise Minimum Wage \& Allow Trainee Wage, which increases the minimum wage to $\$ 9.00$ per hour, or $\$ 8.00$ for trainee employees during a 60 -day period.

Related to HB134, School Personnel Minimum Salaries, which increases the minimum hourly wage of non-certified school personnel to $\$ 15$ per hour.

Related to SB458, Salary Increases, which allocates funding to raise the salaries of state employees and public school personnel by 3 percent.

## SOURCES OF INFORMATION

- LESC Files
- LFC
- PED
- SPO Analysis
- NCSL

TCB/rab

| School District or Charter School | FY16 Wages |  | FY18-\$7.50 increasing to \$15.00 |  |  |  |  | FY19-\$15.00 increasing to \$15.35 |  |  |  |  | FY20-\$15.35 increasing to \$15.70 |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  | Minimum Wage Employee Cost with Benefits (at 30\%) |  | Projected Total Wages |  | \% inc. from FY16 | Minimum Wage Employee Cost with Benefits (at 30\%) |  | Projected Total Wages |  | $\begin{array}{c\|} \hline \text { \% inc. } \\ \text { from } \\ \text { FY18 } \\ \hline \end{array}$ | New Wages with Benefits (at 30\%) |  | Projected Total Wages |  | \% inc. from prev. |  |
| ABQ SCHOOL OF EXCELLENCE | \$ | 972,583 | \$ | 9,481 | \$ | 982,063 | 1.0\% | \$ | 19,836 | \$ | 992,419 |  | \$ | 21,585 | \$ | 994,167 | 2.2\% |  |
| ABQ SIGN LANGUAGE ACADEMY | \$ | 960,581 | \$ | 20,568 | \$ | 981,149 | 2.1\% | \$ | 43,831 | \$ | 1,004,412 | 4.6\% | \$ | 49,221 | \$ | 1,009,802 | 5.1\% | 2 |
| ACADEMY OF TRADES AND TECH | \$ | 641,040 | \$ |  | \$ | 641,040 |  | \$ | - | \$ | 641,040 |  | \$ |  | \$ | 641,040 |  | 3 |
| ACE LEADERSHIP HIGH SCHOOL | \$ | 954,511 | \$ | - | \$ | 954,511 |  | \$ | - | \$ | 954,511 |  | \$ |  | \$ | 954,511 |  | 4 |
| ALAMOGORDO | \$ | 22,739,935 | \$ | 472,513 | \$ | 23,212,448 | 2.1\% | \$ | 982,535 | \$ | 23,722,470 | 4.3\% | \$ | 1,058,016 | \$ | 23,797,951 | 4.7\% |  |
| ALBUQUERQUE | \$ | 384,633,911 | \$ | 9,975,466 | \$ | 394,609,377 | 2.6\% | \$ | 20,828,490 | \$ | 405,462,401 | 5.4\% | \$ | 22,598,145 | \$ | 407,232,056 | 5.9\% | 6 |
| ALBUQUERQUE INSTITUTE OF MATH \& SCIENCE | \$ | 756,047 | \$ | - | \$ | 756,047 |  | \$ | - | \$ | 756,047 |  | \$ | 426 | \$ | 756,473 | 0.1\% |  |
| ALDO LEOPOLD CHARTER | \$ | 499,956 | \$ | 16,775 | \$ | 516,731 | 3.4\% | \$ | 34,670 | \$ | 534,626 | 6.9\% | \$ | 36,909 | \$ | 536,865 | 7.4\% | 8 |
| ALMA D'ARTE CHARTER | \$ | 636,050 | \$ | - | \$ | 636,050 |  | \$ | - | \$ | 636,050 |  | \$ | - | \$ | 636,050 |  | 9 |
| AMY BIEHL CHARTER HIGH SCHOOL | \$ | 2,228,753 | \$ | 6,117 | \$ | 2,234,870 | 0.3\% | \$ | 12,708 | \$ | 2,241,461 | 0.6\% | \$ | 13,654 | \$ | 2,242,407 | 0.6\% |  |
| ANIMAS | \$ | 876,122 | \$ | 47,528 | \$ | 923,651 | 5.4\% | \$ | 97,713 | \$ | 973,836 | 11.2\% | \$ | 103,027 | \$ | 979,150 | 11.8\% | 1 |
| 2 ANTHONY CHARTER SCHOOL | \$ | 350,139 | \$ |  | \$ | 350,139 |  | \$ | - | \$ | 350,139 |  | \$ |  | \$ | 350,139 |  | 1 |
| 3 ARTESIA | \$ | 15,415,943 | \$ | 229,000 | \$ | 15,644,943 | 1.5\% | \$ | 477,433 | \$ | 15,893,376 | 3.1\% | \$ | 516,855 | \$ | 15,932,798 | 3.4\% | 13 |
| AZTEC | \$ | 12,268,201 | \$ | 302,531 | \$ | 12,570,732 | 2.5\% | \$ | 629,414 | \$ | 12,897,615 | 5.1\% | \$ | 678,263 | \$ | 12,946,464 | 5.5\% |  |
| BELEN | \$ | 15,754,827 | \$ | 211,452 | \$ | 15,966,279 | 1.3\% | \$ | 447,256 | \$ | 16,202,083 | 2.8\% | \$ | 497,210 | \$ | 16,252,037 | 3.2\% |  |
| BERNALILLO | \$ | 15,118,642 | \$ | 292,306 | \$ | 15,410,948 | 1.9\% | \$ | 608,584 | \$ | 15,727,226 | 4.0\% | \$ | 657,560 | \$ | 15,776,202 | 4.3\% |  |
| BLOOMFIELD | \$ | 11,163,574 | \$ | 326,092 | \$ | 11,489,666 | 2.9\% | \$ | 678,044 | \$ | 11,841,618 | 6.1\% | \$ | 729,762 | \$ | 11,893,336 | 6.5\% |  |
| 8 CAPITAN | \$ | 2,662,260 | \$ | 27,500 | \$ | 2,689,760 | 1.0\% | \$ | 57,972 | \$ | 2,720,232 | 2.2\% | \$ | 63,917 | \$ | 2,726,177 | 2.4\% |  |
| CARLSBAD | \$ | 19,716,498 | \$ | 355,419 | \$ | 20,071,917 | 1.8\% | \$ | 743,230 | \$ | 20,459,728 | 3.8\% | \$ | 808,635 | \$ | 20,525,133 | 4.1\% |  |
| CARRIZOZO | \$ | 1,697,352 | \$ | 1,599 | \$ | 1,698,951 | 0.1\% | \$ | 3,489 | \$ | 1,700,841 | 0.2\% | \$ | 4,499 | \$ | 1,701,851 | 0.3\% | 2 |
| CENTRAL CONS. | \$ | 22,710,675 | \$ | 443,899 | \$ | 23,154,574 | 2.0\% | \$ | 925,568 | \$ | 23,636,243 | 4.1\% | \$ | 1,003,767 | \$ | 23,714,442 | 4.4\% |  |
| 2 CESAR CHAVEZ COMMUNITY SCHOOL | \$ | 867,664 | \$ | 4,000 | \$ | 871,664 | 0.5\% | \$ | 8,841 | \$ | 876,505 | 1.0\% | \$ | 10,521 | \$ | 878,185 | 1.2\% |  |
| CHAMA | \$ | 2,410,705 | \$ | 21,688 | \$ | 2,432,393 | 0.9\% | \$ | 45,560 | \$ | 2,456,265 | 1.9\% | \$ | 50,353 | \$ | 2,461,058 | 2.1\% |  |
| CIEN AGUAS INTERNATIONAL SCHOOL | \$ | 1,367,211 | \$ | 20,372 | \$ | 1,387,583 | 1.5\% | \$ | 42,855 | \$ | 1,410,066 | 3.1\% | \$ | 47,080 | \$ | 1,414,291 | 3.4\% |  |
| CIMARRON | \$ | 3,206,076 | \$ | 13,792 | \$ | 3,219,868 | 0.4\% | \$ | 29,643 | \$ | 3,235,719 | 0.9\% | \$ | 34,184 | \$ | 3,240,260 | 1.1\% |  |
| 6 CLAYTON | \$ | 3,002,322 | \$ | 57,451 | \$ | 3,059,773 | 1.9\% | \$ | 119,452 | \$ | 3,121,774 | 4.0\% | \$ | 128,552 | \$ | 3,130,874 | 4.3\% |  |
| CLOUDCROFT | \$ | 1,846,291 | \$ | 27,419 | \$ | 1,873,710 | 1.5\% | \$ | 57,948 | \$ | 1,904,239 | 3.1\% | \$ | 64,168 | \$ | 1,910,459 | 3.5\% |  |
| CLOVIS | \$ | 27,797,680 | \$ | 715,221 | \$ | 28,512,901 | 2.6\% | \$ | 1,490,284 | \$ | 29,287,964 | 5.4\% | \$ | 1,611,229 | \$ | 29,408,909 | 5.8\% |  |
| COBRE CONS. | \$ | 6,970,471 | \$ | 73,173 | \$ | 7,043,644 | 1.0\% | \$ | 152,830 | \$ | 7,123,301 | 2.2\% | \$ | 165,797 | \$ | 7,136,268 | 2.4\% |  |
| CORAL COMMUNITY CHARTER | \$ | 857,292 | \$ | 17,776 | \$ | 875,068 | 2.1\% | \$ | 37,437 | \$ | 894,729 | 4.4\% | \$ | 41,205 | \$ | 898,497 | 4.8\% |  |
| 1 CORONA | \$ | 1,006,909 | \$ | 10,471 | \$ | 1,017,380 | 1.0\% | \$ | 21,937 | \$ | 1,028,846 | 2.2\% | \$ | 23,928 | \$ | 1,030,837 | 2.4\% |  |
| COTTONWOOD CLASSICAL PREP | \$ | 2,321,869 | \$ | 6,833 | \$ | 2,328,702 | 0.3\% | \$ | 16,796 | \$ | 2,338,665 | 0.7\% | \$ | 25,077 | \$ | 2,346,946 | 1.1\% |  |
| 3 CREATIVE ED PREP \#1 | \$ | 741,981 | \$ | 7,671 | \$ | 749,652 | 1.0\% | \$ | 16,289 | \$ | 758,270 | 2.2\% | \$ | 18,182 | \$ | 760,163 | 2.5\% |  |
| 4 CUBA | \$ | 3,139,224 | \$ | 86,072 | \$ | 3,225,296 | 2.7\% | \$ | 179,098 | \$ | 3,318,322 | 5.7\% | \$ | 193,006 | + | 3,332,230 | 6.1\% |  |
| 5 DEAP | \$ | 100,478 | \$ | 15,533 | \$ | 116,011 | 15.5\% | \$ | 32,209 | \$ | 132,687 | 32.1\% | \$ | 34,496 | \$ | 134,974 | 34.3\% |  |
| DEMING | \$ | 19,765,560 | \$ | 828,784 | \$ | 20,594,345 | 4.2\% | \$ | 1,720,800 | \$ | 21,486,360 | 8.7\% | \$ | 1,849,228 | \$ | 21,614,788 | 9.4\% |  |
| 7 DES MOINES | \$ | 889,557 | \$ | 10,670 | \$ | 900,227 | 1.2\% | \$ | 22,232 | \$ | 911,789 | 2.5\% | \$ | 24,017 | \$ | 913,574 | 2.7\% |  |
| 8 DEXTER | \$ | 4,646,445 | \$ | 66,769 | \$ | 4,713,214 | 1.4\% | \$ | 138,600 | \$ | 4,785,045 | 3.0\% | \$ | 148,808 | \$ | 4,795,253 | 3.2\% |  |
| DORA | \$ | 1,816,443 | \$ | 29,936 | \$ | 1,846,380 | 1.6\% | \$ | 62,046 | \$ | 1,878,489 | 3.4\% | \$ | 66,391 | \$ | 1,882,835 | 3.7\% |  |
| DREAM DINE | \$ | 163,300 | \$ | 1,115 | \$ | 164,415 | 0.7\% | \$ | 2,521 | \$ | 165,821 | 1.5\% | \$ | 3,249 | \$ | 166,549 | 2.0\% |  |
| 1 DULCE | \$ | 3,113,154 | \$ | 59,017 | \$ | 3,172,171 | 1.9\% | \$ | 124,692 | \$ | 3,237,846 | 4.0\% | \$ | 138,268 | + | 3,251,422 | 4.4\% |  |
| 2 ELIDA | \$ | 1,342,682 | \$ | 10,910 | \$ | 1,353,592 | 0.8\% | \$ | 22,695 | \$ | 1,365,377 | 1.7\% | \$ | 24,869 | \$ | 1,367,551 | 1.9\% |  |
| ESPANOLA | \$ | 15,270,834 | \$ | 253,283 | \$ | 15,524,117 | 1.7\% | \$ | 528,810 | \$ | 15,799,644 | 3.5\% | \$ | 573,420 | \$ | 15,844,254 | 3.8\% |  |
| ESTANCIA | \$ | 3,118,687 | \$ | 59,589 | \$ | 3,178,276 | 1.9\% | \$ | 123,827 | \$ | 3,242,514 | 4.0\% | \$ | 133,124 | \$ | 3,251,811 | 4.3\% |  |
| ESTANCIA VALLEY CLASSICAL ACADEMY | \$ | 1,150,851 | - | 39,266 | \$ | 1,190,117 | 3.4\% | \$ | 81,409 | \$ | 1,232,260 | 7.1\% | \$ | 87,163 | \$ | 1,238,014 | 7.6\% |  |
| 6 EUNICE | + | 2,922,575 | \$ | 108,607 | \$ | 3,031,182 | 3.7\% | \$ | 226,427 | \$ | 3,149,002 | 7.7\% | \$ | 245,181 | + | 3,167,756 | 8.4\% |  |
| 7 EXPLORE ACADEMY | \$ | 1,098,308 | \$ | 8,473 | \$ | 1,106,781 | 0.8\% | \$ | 17,820 | \$ | 1,116,128 | 1.6\% | \$ | 19,568 | \$ | 1,117,876 | 1.8\% |  |
| 8 FARMINGTON | \$ | 46,261,063 | + | 975,663 | \$ | 47,236,726 | 2.1\% | \$ | 2,028,129 | \$ | 48,289,192 | 4.4\% | \$ | 2,182,435 | \$ | 48,443,498 | 4.7\% |  |
| 9 FLOYD | \$ | 2,425,374 | \$ | 38,440 | \$ | 2,463,815 | 1.6\% | \$ | 79,648 | \$ | 2,505,022 | 3.3\% | \$ | 85,182 | \$ | 2,510,556 | 3.5\% | 4 |
| 0 FT SUMNER | \$ | 2,680,944 | \$ | 32,842 | \$ | 2,713,786 | 1.2\% | \$ | 68,742 | \$ | 2,749,686 | 2.6\% | \$ | 74,859 | \$ | 2,755,803 | 2.8\% |  |




