

<b>LFC Requester:</b>	<b>Jennifer Faubion</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** 1/19/24  
**Bill No:** HB11

**Sponsor:** Rep. Marian Matthews  
**Short Title:** PAID FAMILY & MEDICAL LEAVE INSURANCE ACT

**Agency Name and Code**    HCA-630  
**Number:** \_\_\_\_\_  
**Person Writing**    Dustin Acklin  
**Phone:** 505-709-5571    **Email** Dustin.acklin@hsd.nm

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0	\$0	\$0	NA

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0	\$0	\$0	NA	NA

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	\$0	\$0	\$0	\$0	NA	NA

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: HB011 would enact the Paid Family and Medical Leave Insurance Act, creates the Paid Family and Medical Leave Authority, creates the Paid Family and Medical Leave Board, and creates the Paid Family and Medical Leave fund. The fund would allow covered employees up to six (6) weeks of leave compensation due to the birth or a child, the adoption of a child by a covered employee, the care of a family member with a serious health condition and for the covered employee’s own medical condition. The Paid Family and Medical Leave Authority will be administratively attached to the Workforce Solutions Department.

**FISCAL IMPLICATIONS**

Defer to ASD for fiscal impact.  
 No fiscal impact.

**SIGNIFICANT ISSUES**

HB 011 created the director of the Paid Family and Medical Leave Insurance Authority, and that the director may employ additional staff but does not establish initial administrative funding for these activities.

HB 011 does not define how the leave how the paid leave is awarded and utilized by covered employees. It is not clear if the covered employees will receive monetary compensation for time away for work or is credited for leave that the covered employee may utilize.

HB 011 does not identify or require an employer contribution into the fund.

HB 011 does not specify how employee contributions will be collected (payroll deduction or employee pays third party administrator).

HB 011 does not address whether an employee is allowed to utilize their own accrued leave in conjunction with their claim for leave compensation under the Paid Family and Medical Leave Act. HSD currently allows employees to utilize their own accrued leave while approved for leave taken under the federal Family and Medical Leave Act (FMLA) and other medical leave policies. Employees often utilize their accrued leave to pay for their portion of benefits contributions while out on medical leave.

Covered employee eligibility does not match federal FMLA regulation. This will cause situations where a covered employee is eligible for Paid Family and Medical Leave Insurance but not eligible for the federal FMLA job protections.

HB 011 implements job protections that may conflict with State Personnel Board rules NMSA 1.7.2 related to employees in temporary and/or probationary positions.

### **PERFORMANCE IMPLICATIONS**

HB 011 requires the Secretary of the Health Care Authority or the secretary's designee to sit and be a voting member on the Paid Family and Medical Leave Insurance board.

### **ADMINISTRATIVE IMPLICATIONS**

None  
No IT impact.

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

HB 006

### **TECHNICAL ISSUES**

None

### **OTHER SUBSTANTIVE ISSUES**

None

### **ALTERNATIVES**

None

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

Status quo.

### **AMENDMENTS**

None