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# Paid Family & Medical Leave in New Mexico

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PRESENTATION TO ECONOMIC AND RURAL DEVELOPMENT AND  
POLICY COMMITTEE

OCTOBER 12, 2023



# Earned Sick Leave (HWA) and Paid Family & Medical Leave are complementary

States with Earned Sick Leave Laws	States with Paid Family & Medical Leave	States with Paid Family & Medical Leave and Earned Sick Leave
Arizona	California	California
California	Colorado	Colorado
Colorado	Connecticut	Connecticut
Connecticut	Delaware	Maine
Maryland	Maine	Maryland
Massachusetts	Maryland	Massachusetts
Michigan	Massachusetts	Minnesota
Minnesota	Minnesota	New Jersey
New Jersey	New Jersey	New York
New Mexico	New York	Oregon
New York	Oregon	Rhode Island
Oregon	Rhode Island	Washington
Rhode Island	Washington	Washington D.C.
Vermont	Washington D.C.	
Washington		
Washington D.C.		



# Paid Family and Medical Leave in a nutshell (Senate Bill 11-2023 NM Legislature)

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- What is it for?
  - Bonding with a new child
  - Caring for a family member with a serious medical condition
  - An employee's own serious medical condition
  - Leave necessary due to domestic violence, sexual assault, or stalking
  - Bereavement following the loss of a child
- What does it do?
  - Provides a percentage of income to employees while they're on PFMLA leave
  - Self-employed individuals can opt into the program
- How do you pay for it?
  - Employee and employer contributions
  - Held in a fund administered through the Department of Workforce Solutions
- Programs have been enacted in 13 states and the District of Columbia.

# Contributions and Benefits

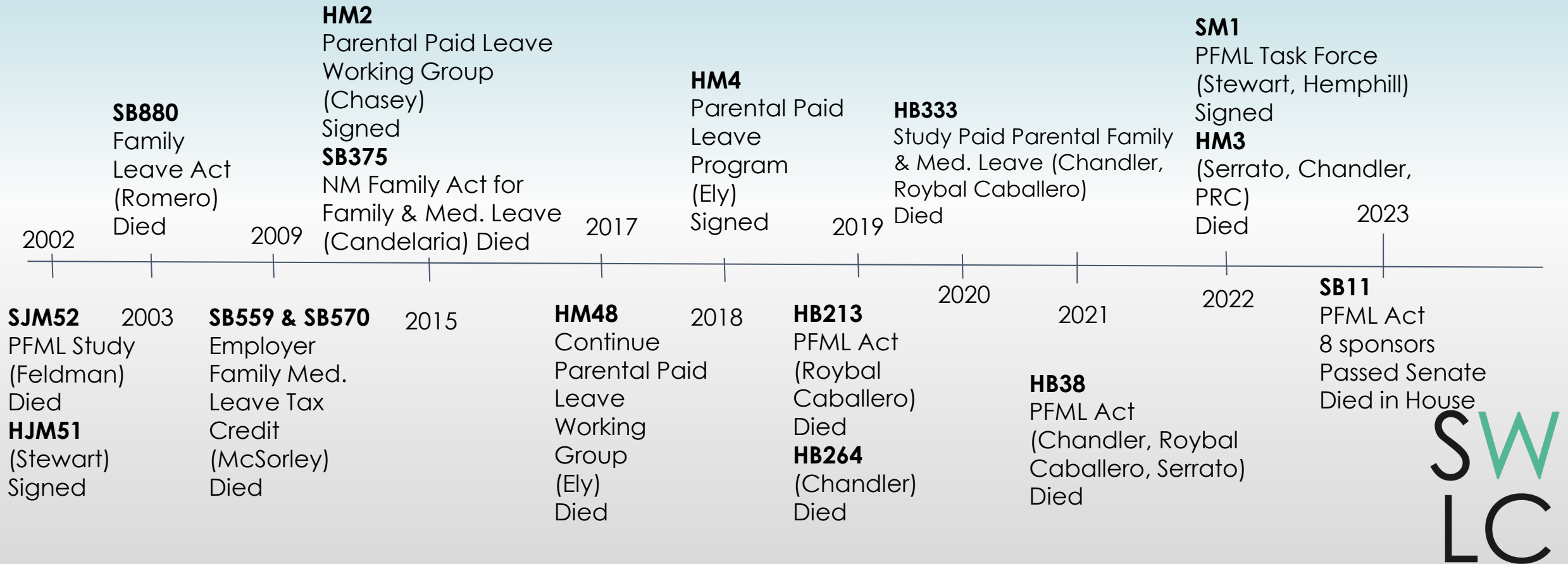
	Annual salary	Yearly Contributions	
		Employee	Employer >4 ( <i>per employee</i> )
Minimum wage*	\$24,960	\$124.80	\$99.84
State avg. wage**	\$51,860	\$259.30	\$207.44

	Annual salary	Weekly wage	Replacement (%)	Weekly replacement
Minimum wage*	\$24,960	\$480	100%	\$480
State avg. wage**	\$51,860	\$997	67%	\$827
Max wage	\$65,085	\$1252	67%	\$997

\*State minimum wage beginning January 1, 2023

\*\*State Ave. Wage based on Bureau of Labor Statistics Occupational Employment Survey Annual Mean May 2021

# Paid Family and Medical Leave Legislative Timeline



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# 2022 PFML Task Force

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# PFML Task Force composition

Advocacy	Labor	Business	Other Expertise
<ul style="list-style-type: none"><li>• Southwest Women's Law Center</li><li>• New Mexico Voices for Children</li><li>• New Mexico Pediatric Society</li><li>• New Mexico Public Health Association</li><li>• AARP New Mexico</li><li>• New Mexico Birth Equity Collaborative</li></ul>	<ul style="list-style-type: none"><li>• IUPAT District Council 88 Local 823</li><li>• New Mexico Federation of Labor, AFL-CIO</li></ul>	<ul style="list-style-type: none"><li>• American Indian Chamber of Commerce</li><li>• New Mexico Chamber of Commerce</li><li>• New Mexico Business Coalition</li><li>• Albuquerque Hispano Chamber of Commerce</li><li>• The New Mexico OUT Business Alliance</li><li>• Kei &amp; Molly Textiles</li></ul>	<ul style="list-style-type: none"><li>• UNM Bureau of Business and Economic Research</li><li>• New Mexico Acequia Association</li><li>• NM Department of Workforce Solutions</li></ul>

# Task Force Decision-making

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- The Task Force used 2021 HB38 as amended as the starting point for bill discussions. Task Force decisions were crafted as recommended revisions to that version of the bill.
- To the extent possible, we sought to achieve consensus, defined as 80% concurrence or neutrality.
- Areas with broad consensus were set aside to focus on other areas.
- On areas without broad consensus, a draft recommendation was prepared and distributed to the Task Force members prior to the September 12 meeting on final recommendations.
- An online survey was prepared with each of those draft recommendations, and members were asked to vote – “agree, neutral, disagree” on those issues.



# Maximum Length of Leave in state programs

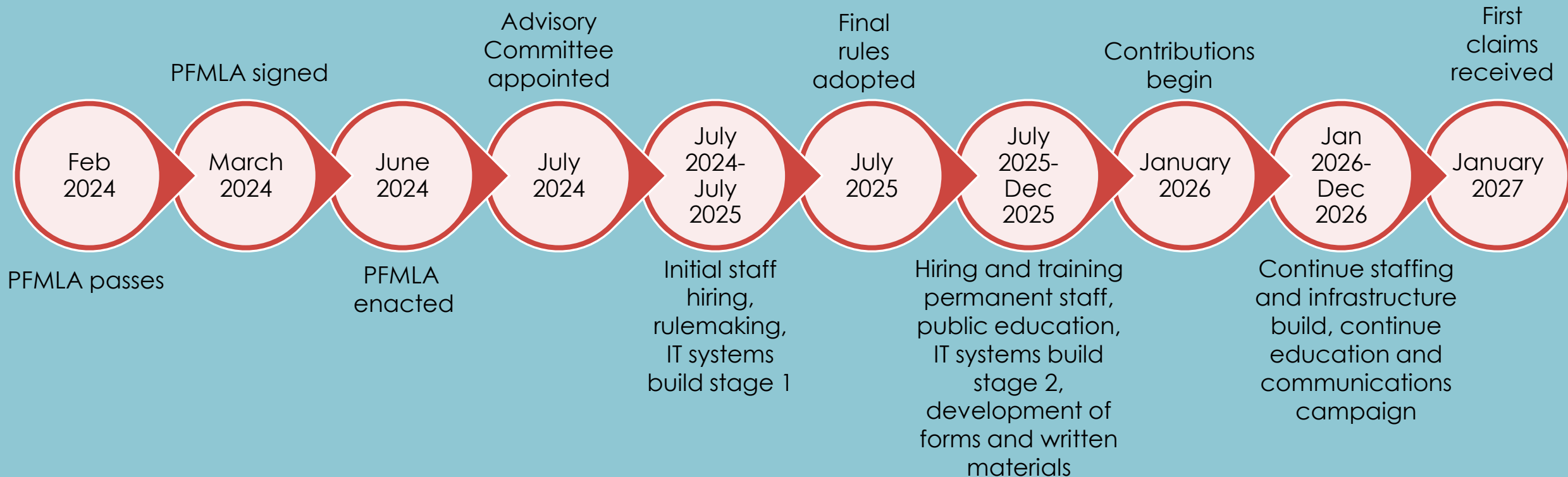
<b>California</b>	8 weeks for family; 52 weeks for own disability	<b>Connecticut</b>	12 weeks; 14 for those experiencing pregnancy complications; 12 weeks combined if spouse work for the same employer
<b>New Jersey</b>	12 weeks for family; 26 weeks for own disability	<b>Oregon</b>	12 weeks; 14 for those experiencing pregnancy complications
<b>Rhode Island</b>	6 weeks for family; 30 weeks for own disability; no more than 30 weeks combined	<b>Colorado</b>	12 weeks; 16 for those experiencing pregnancy complications
<b>New York</b>	12 weeks for family; 26 weeks for own disability	<b>Maryland</b>	12 weeks; 24 weeks to bond with a new child and manage a serious health condition in the same year
<b>Washington D.C.</b>	12 weeks for family, parental, and own serious health condition; 2 weeks of prenatal leave	<b>Delaware</b>	12 weeks for bonding; 12 weeks combined if spouses work for the same employer; 6 weeks in a two-year period for all other kinds of leave
<b>Washington</b>	12 weeks for family; 12 weeks for own serious health condition; no more than 16 weeks combined	<b>Minnesota</b>	12 weeks; no more than 20 weeks combined for medical and other causes
<b>Massachusetts</b>	12 weeks for family; 26 for caring for a covered service member; 20 weeks for own health condition; no more than 26 weeks combined	<b>Maine</b>	12 weeks

# Key Recommendations

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- Include additional causes for leave:
  - Bereavement following the loss of a child
  - Leave necessary due to domestic violence, sexual assault, or stalking
- Include minimum increments of leave of ~~four~~ eight hours\*
- Include a solvency adjustment formula that includes benefits paid in the prior fiscal year, administration costs in the prior fiscal year, and net assets remaining in the fund
- Cap of increases on contributions at 0.1% of wages in any year\*
- Include a provision waiving the employer contribution for businesses with fewer than five employees and the equivalent of the employer contribution for self-employed individuals. (This covers nearly 66% of businesses.)
- Set a minimum of 90 days of employment before requiring job protection during leave
- Extend Implementation Timeline to allow time for education, employer support, and training
  - First contributions - January 1, 2026
  - First disbursements - January 1, 2027

# Implementation Timeline



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# Anticipated economic and business impacts

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# Economic Impacts

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- Improved workforce participation for parents, unpaid family caregivers, and individuals with chronic health conditions
- Improved employee recruitment, retention, morale, and productivity
- A state-administered program allows small businesses to provide this benefit that large corporations and government entities offer, improving their ability to compete for employees
- Greater overall economic resilience to withstand disruptions like those experienced in COVID
  - States with PFML programs were able to respond more quickly to COVID, allowing people to abide by public health orders without overwhelming the states' UI systems
  - Those who were unemployed or working reduced hours in late 2021 reported that they would return to full employment more quickly if they had access to PFML

# Women in the Workforce

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- ▶ 50% of women leave the tech industry by the age of 35.
- ▶ Mothers are 14% less likely than other women to participate in the workforce.
- ▶ 2000 - Canada and U.S. had similar workforce participation among women.
- ▶ By 2018, Canada's labor force participation among women was 7.5 percentage points higher than the U.S.
- ▶ If the U.S. had kept pace, by 2018:
  - ▶ 5.5 million more women in the workforce
  - ▶ An additional \$500 billion in GDP
- ▶ In CA and NJ, studies find a 20-50% reduction in labor force detachment five years after giving birth.
- ▶ Another study finds a 7% decrease in likelihood that women leave their jobs due to caregiving responsibilities related to a spouse's serious health concern.



# NM Economic Development

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## ➤ Netflix

- Unlimited paid family leave in the first year after birth/adoption

## ➤ Comcast NBCUniversal

- 12-16 weeks paid leave for the primary caregiver; 2 weeks for the non-primary caregiver

## ➤ Facebook

- 4 months parental leave

## ➤ State of New Mexico, CABQ, Federal

- 12 weeks parental leave

## ➤ UNM

- 4 weeks parental leave

“[Our] continued success hinges on us competing for and keeping the most talented individuals in their field. Experience shows people perform better at work when they’re not worrying about home.”

- Tawni Cranz, Netflix Chief Talent Officer

# Impacts on Healthcare and Social Service Utilization

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- Access to paid leave postpartum is associated with:
  - reduced utilization of public assistance and SNAP benefits
  - decreases in child abuse hospitalizations and domestic violence incidents
  - Improved breastfeeding rates, vaccination rates, and improved parental mental health
- Workers with job protected leave stay on their employer's health insurance program, reducing Medicaid utilization.
- Family caregiving decreases length of hospital stays, emergency room usage, and nursing home utilization among elders.
- When they can take leave and treat medical conditions earlier in a disease progression, workers are less likely to leave the workforce due to permanent disability.



# Equity Considerations

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- ▶ Workplace supports are less likely to be available to low-wage workers, those who are younger, have lower educational attainment, or who live with disabilities, contributing to:
  - ▶ Higher unemployment, underemployment, and employee turnover
  - ▶ Less savings to buffer the expense of welcoming a new child or addressing a health concern
  - ▶ Increased likelihood of becoming economically insecure due to short-term income loss
  - ▶ Decreased likelihood of taking leave early, leading to exacerbated health conditions later

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# Economic Modeling

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# U.S. Department of Labor Women's Bureau

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WORKER PLUS SIMULATION TOOL MODELING



# Modeling Details

## Model includes family and medical uses only

- Tried for a fiscally conservative (high cost) estimate
- Benefits estimated as 100% up to employee wages of \$480/week (40 hours at \$12 minimum wage) and 67% of higher wages
- Maximum = State average weekly wage = \$998 in 2020
- Benefit claiming rate similar to Washington state
  - High predictions applied to Massachusetts, Connecticut
  - Assumes a similar share of employers offering equivalent plans
  - Excluded self-employed. (BOE estimate about 1% opt-in in Washington)
- Option for modeling more weeks taken when claiming benefits
- Machine-learning xgboost library

## Leaves Taken Under SB-11 (Estimated)

- 34,605 workers claiming benefits in a year (5.5% of eligible workers)
- 38,235 claims approved
  - 40% Own medical
  - 49% Maternity and Parental bonding
  - 11% Family care
- Adjusting for labor force growth, 40,970 claims would be paid in 2026.
- 10.5 weeks, on average, for benefit receipt

# Worker PLUS Estimate: New Mexico SB-11 continued

## Lower or Higher Take Up Rates ( $\pm 10\%$ )

	Baseline (Middle)	Lower Take Up	Higher Take Up
Workers	<b>34,605</b>	31,672	38,025
Benefit Claims	<b>38,235</b>	34,549	42,063
Benefits Paid (\$Ms)	<b>\$146.3</b>	\$132.5	\$160.2

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# UNM BBER

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ACTUARIAL STUDY AND ECONOMIC ANALYSIS



# Economic Considerations

- Premium on Wages paid by Employer 0.4%
- Premium on Wages paid by Employee 0.5%
- 6 months to contribute
- Max time 12 weeks, Duration for Model 100%
- Max pay out is for \$60,000
- Initial Fixed Costs Estimate 36,000,000 Amortization over 7 years.
- 2020 Base year Initial Claims 35,000. Population Births & Disability Claims
- FORUNM - Employment projection applied moving forward.
- UNM GPS - Population estimate applied moving forward.
- Inflation projections applied to wages and administrative costs

NM Population		Updated			Inflation		Updated	ADJINC Factor			
2000	1,821,204		Average History % Chg		2019	1.8%		2.8%	1.8		
2001	1,831,690	0.58%	0.73%		2020	1.3%		1.013	1.3		
2002	1,855,309	1.29%			2021	4.7%		1.047	4.7		
2003	1,877,574	1.20%			2022	6.7% IHS formerly Global Insight		1.067	6.7		
2004	1,903,808	1.40%			2023	5.5% FORUNM		1.055	6.5		
2005	1,932,274	1.50%			2024	2.6%		1.026	2.6		
2006	1,962,137	1.55%			2025	1.5%		1.015	1.5		
2007	1,990,070	1.42%			2026	2.1%		1.021	2.1		
2008	2,010,662	1.03%			2027	2.2%		1.022	2.2		
2009	2,036,802	1.30%			2028						
2010	2,064,552	1.36%			2029						
2011	2,080,450	0.77%			2030						
2012	2,087,309	0.33%									
2013	2,092,273	0.24%									
2014	2,089,568	-0.13%									
2015	2,089,291	-0.01%		Comment:							
2016	2,091,630	0.11%		IRS Table 2 - Individual Income and Tax Data by State, 2018, Line 30 Amount Salaries and wages in AGI							
2017	2,091,784	0.01%			Wages	2018	34,686,083	Wage Growth Forecast	5.0%	QCEW	37,143,471,078
2018	2,092,741	0.05%				2019	36,872,187		6.3%		39,350,857,379
2019	2,096,829	0.20%	GPS projections	PS Ann % chg		2020	37,808,741		2.5%		39,384,777,287
2020	2,105,555	0.42%	2,106,981	0.074%		2021	38,753,959		2.5%		
2021	2,119,974	0.68%		Decided to remove the -		2022	40,071,594		3.4%		
2022	2,118,416	0.12%				2023	41,474,099		3.5%		
2023	2,120,958	0.12%				2024	42,967,167		3.6%		
2024	2,123,503	0.12%				2025	44,556,952		3.7%		
2025	2,126,052	0.12%	2,125,258			2026	46,250,116		3.8%		
2026	2,128,603	0.12%	0.87%			2027	48,007,621		3.8%		
2027	2,131,157	0.12%				2028					
2028	2,133,714	0.12%				2029					
2029	2,136,275	0.12%				2030					
2030	2,138,838	0.12%	2,136,414								





# What the Fund Looks like

Summary Paid Family Leave Estimates Revised 1/24/2022

Based on 2020 U.S. Census American Community Survey 1-Year PUMS Experimental

	Estimated 2023	Estimated 2024	Estimated 2025	Estimated 2026
Eligible Workers (Weeks based)	846,469	859,234	871,247	883,184
Eligible Claims by Workers	35,126	35,168	35,211	35,253
Average Weekly Payout	\$ 819	\$ 840	\$ 853	\$ 871
Admin cost per employee	\$ 69.62	\$ 70.37	\$ 70.44	\$ 70.94
Admin cost per claim	\$ 1,677.66	\$ 1,719.21	\$ 1,742.91	\$ 1,777.38
Employer average premium per employee	\$ 247.03	\$ 253.45	\$ 257.25	\$ 262.65
Cost paid family leave	\$ 345,172,718	\$ 354,572,185	\$ 360,322,637	\$ 368,330,880
Administrative Cost	\$ 58,929,610	\$ 60,461,780	\$ 61,368,706	\$ 62,657,449
Amortization of Fixed Costs DWS	\$ 8,152,373	\$ 8,152,373	\$ 8,152,373	\$ 8,152,373
<b>Total Est. Cost</b>	<b>\$ 412,254,701</b>	<b>\$ 423,186,338</b>	<b>\$ 429,843,716</b>	<b>\$ 439,140,702</b>
<b>Total Est. Collections</b>	<b>\$ 427,896,529</b>	<b>\$ 451,430,838</b>	<b>\$ 463,168,040</b>	<b>\$ 470,115,560</b>
<b>Balance<sup>1</sup></b>	<b>\$ 15,641,828</b>	<b>\$ 28,244,500</b>	<b>\$ 33,324,323</b>	<b>\$ 30,974,858</b>
Total Wages Paid	\$ 49,515,283,291	\$ 50,802,680,657	\$ 51,564,720,866	\$ 52,647,580,005

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# Initial implementation costs

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# Year 1 Implementation costs

- NMDWS estimates FY2024 appropriations requirements of \$36.5 million
- Rulemaking, assessment, RFP
- IT system development
- Operations build
- Facilities and infrastructure build

Initial Estimated Project Costs	
Planning Activities: Rulemaking, Assessments & RFP Process	\$1,500,000.00
IT Systems PFML Build	\$32,000,000.00
Operations PFML Build	\$1,500,000.00
Facilities & Infrastructure Build	\$1,500,000.00
<b>TOTAL</b>	<b>\$36,500,000.00</b>

Year One Staffing Cost Breakdown	
Program Officer	\$150,000.00
Project Manager	\$115,000.00
Admin Person	\$70,000.00
Actuary	\$150,000.00
Policy Analyst (2)	\$190,000.00
Legal Consultant	\$140,000.00
Contract Support	\$575,000.00
Travel	\$25,000.00
Supplies including IT set up	\$60,000.00
Facilities	\$25,000.00
<b>TOTAL</b>	<b>\$1,500,000.00</b>

# Year 2 Implementation costs

- NMDWS estimates FY2025 appropriations requirements of \$45 million
- Hiring permanent staff
- Staff training
- Employer & employee education
- Completion of IT build
- Development of forms and written materials
- Communications campaign
- Collection of contributions begins

Labor Category	FTE
Division Director	1
Division Management	3
Supervisors	10
Business Analyst/Testers	10
Customer Service Agent – Specialist	9
Customer Service Agent – Advanced	20
Customer Service Agent – Basic	40
Customer Service Agent – Operational	60
Tax Specialists	13
Quality Control	4
Collections Specialist	4
Adjudication Law Judges	13
Administrative Support	6
Attorney	4
Paralegal	2
Policy Analyst	2
Trainer	2
Public Relations Coordinator (PB65)	2
Economist	2
Financial Coordinator	2
Accountant & Auditor	1
State Investigator	6
<b>TOTAL ESTIMATED FULL-TIME EQUIVALENT (FTE)</b>	<b>216</b>

## Permanent Staffing Model Estimate



# Thank you! Questions?

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Join us in taking a stand for women, girls, and their families



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