



Paid Family Leave Taskforce - HM 2

What is Paid Family Leave?

- Paid Family Leave is a state administered, income replacement program for employees.
- Employees will be eligible to take paid family leave when they need to be away from work:
 - To care for themselves when they have a serious health condition or a family member with a serious health condition; or
 - To bond with a newborn
- “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition which requires: (1) inpatient care in a hospital, hospice, or residential medical care facility; or (2) continuing medical treatment or continuing supervision by a health care provider.

New Mexico has no job protected leave laws.

- The federal Family Medical Leave Act (FMLA)
 - Only applies to employers with 50 or more employees within a 75 mile radius o Employees have to have worked for the employer for 12 months before they are eligible
 - Employees have to have worked 1,250 hours in the previous 12 months
 - This means you have to work an average of 25 hours a week for 52 weeks.
- Employees that do not qualify for FMLA job protection, have no job protection to care for themselves, family members, or to bond with children.
- **Four States have enacted paid family leave laws**
 - California 2002
 - New Jersey 2008
 - Rhode Island 2013
 - New York 2016
- Washington has passed a paid family leave law, but implementation has been delayed
- Many other states are looking at creating paid family leave laws including New Hampshire, Massachusetts, Minnesota, Connecticut, Illinois, Colorado, Montana, Nebraska, North Carolina, Ohio, Oregon, Vermont, Wisconsin and Washington D.C.

Benefits of Leave to Care for a Serious Health Condition

- New Mexico has a high population (28%) of residents over 55 years old. This is higher than the national average and surrounding states.
- 80% of older adults have at least one chronic condition.
- 42% of the workforce has provided care for a relative 65 years or older in the last 5 years.
 - 49% of men and 42% of women providing care experience “some” or “a lot” of work-life conflict.
 - 46% of women and 40% of men are also providing care to minor children while they care for a relative.
 - 48% of caregivers reported losing income.



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Benefits of Parental Leave

- The United States is the only industrialized country without some form of paid family leave for new parents.
- New Mexico ranks 49th in Child Wellbeing
 - Economic Wellbeing- New Mexico ranks 48th
 - 30% of children live at or below the poverty level (the highest in the country)
 - 36% of children have parents who lack secure employment
 - Family and Community
 - 41% of children live in single parent homes
- Paid family leave has lead to healthier parents and children
 - Breastfeeding durations increased among women in California using paid family leave.
 - Women with high quality jobs extended breastfeeding from 5 weeks to 11 weeks.
 - Women with low quality jobs extended breastfeeding from 5 weeks to 9 weeks.
 - Breastfeeding can increase a child's immune system and reduce health risks such as obesity, diabetes, asthma and sudden infant death syndrome.
 - Paid family leave has been shown to reduce infant mortality.
 - In a study of 141 countries, controlling for social and economic factors, 10 weeks of full-time leave were associated with a 9-10% reduction in infant mortality and mortality rates of children under the age of 5 years old.
- Paid family leave reduces the likelihood for new parents to use public assistance.
 - A 2000 study shows that nearly 10% of new mothers that take unpaid leave under FMLA have to resort to using SNAP or other public assistance.
 - Women taking paid family leave are 38% less likely to receive any public assistance in the year following the child's birth than women who take unpaid leave.
 - Low-income women taking paid family leave are 43% less likely to receive SNAP benefits than low-income women taking unpaid leave in the first year of the child's life.
- Families in New Mexico have limited access to childcare for young infants.
 - In New Mexico, infants under the age of six months cannot be admitted to a childcare facility without written approval from a physician.



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Proposal to Bring Paid Family Leave to New Mexico

- Employees qualify for paid family leave when 1) the employee or the employee's family member has a serious health condition requiring care or 2) the employee is bonding with a newborn child, a newly adopted child, or a newly placed foster child.
- The Department of Workforce Solutions will administer paid family leave.
- Employees will be eligible for 12 weeks of paid family leave during a 12-month period.
- Employees will be reimbursed 67% of their average salary with a floor and a cap.
 - Floor: An employee will not make less than the state minimum wage based on the employee's average hours of work during a week.
 - Cap: An employee will not make more than the state average weekly wage.
- All employees will contribute to the paid family leave fund.
- All employees will be eligible for paid family leave once they contribute a predetermined amount or a predetermined number of contributions to the paid family leave fund.
- Employee's employment and health benefits will be protected while on paid family leave.

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