

PAYDAY HCM



New Mexico Sick Leave Policies

New Mexico Healthy Workplaces Act

All employees are eligible for earned sick leave (ESL) under the New Mexico Healthy Workplaces Act (HWA).

Earned Sick Leave

All employees will accrue one hour of earned sick leave (ESL) for every 30 hours worked (.0334 per hour), up to a total of 64 hours a year. Employees may carry over all unused accrued earned sick leave from year to year but may not use more than 64 hours in a rolling 12-month period.

Waiting period

There is no waiting period for accrual or use of ESL. Accrual begins on the first day of employment or the effective date of the HWA (July 1, 2022). Employees may use ESL as it accrues in one-hour increments.

Qualifying reasons for leave

Employees may use ESL, upon oral or written request, for absences due to:

- The employee's own (a) mental or physical illness, injury or health condition; (b) medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or (c) preventive medical care.
- The employee's need to care for a family member's (a) mental or physical illness, injury or health condition; (b) medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or (c) preventive medical care.
- Meetings at the employee's child's school or place of care related to the child's health or disability.
- Domestic abuse, sexual assault or stalking suffered by the employee or a family member of the employee so long as the leave is required for the employee to: (a) obtain medical or psychological treatment or other counseling; (b) relocate; (c) prepare for or participate in legal proceedings; or (d) obtain services or assist a family member of the employee with any of the activities set forth in (a) through (c).

The HWA defines "family member" broadly to include, among others, grandparents, grandchildren, siblings, domestic partners, family members of an employee's spouse or domestic partner, and individual[s] whose close association with the employee or the employee's spouse or domestic partner is the equivalent of a family relationship.

Employee notice and documentation

If ESL is foreseeable, employees must make a reasonable effort to provide oral or written notice of the need for such sick leave in advance and to schedule the use of ESL in a manner that does not unduly disrupt the operations. If ESL is unforeseeable, employees must notify the employer orally or in writing as soon as practicable. For ESL absences of two or more consecutive work days, you may be required to provide reasonable documentation showing that the ESL was used for one of the qualifying reasons described above.

All information collected related to the reason for taking ESL shall be treated as confidential and not be disclosed except with permission from the employee.

Separation of employment

Regardless of the reason for employment separation (involuntary or voluntary), accrued earned sick leave will not be paid out upon termination of employment.

Rehire

When there is a separation from employment, and the employee is rehired within 12 months of leaving initially, the accrued earned sick leave balance will be reinstated.

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