

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE LABOR, VETERANS' AND MILITARY AFFAIRS  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 20

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**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

AN ACT

RELATING TO EMPLOYMENT; ENACTING THE HEALTHY WORKPLACES ACT;  
PROVIDING REQUIREMENTS FOR EARNED SICK LEAVE; PROVIDING  
PENALTIES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Healthy Workplaces Act".

SECTION 2. [NEW MATERIAL] PURPOSE OF ACT.--The purposes  
of the Healthy Workplaces Act are to:

A. regulate employee benefits regarding earned sick  
leave within New Mexico;

B. ensure that all employees in New Mexico can  
address their own health and safety needs and the health and  
safety needs of their families by requiring employers to  
provide a minimum amount of earned sick leave, including leave

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1 for the care of family members;

2 C. address the concern that many New Mexico  
3 employees currently have no access to sick leave for personal  
4 or family health needs;

5 D. reduce public and private health care costs and  
6 promote preventive health services in New Mexico by enabling  
7 employees to seek early and routine medical care for themselves  
8 and their family members;

9 E. protect the public's health in New Mexico by  
10 reducing the risk of contagion;

11 F. promote the economic stability of employees and  
12 their families;

13 G. protect employees in New Mexico from losing  
14 their jobs or facing workplace discipline when they use earned  
15 sick leave to care for themselves or their families;

16 H. benefit businesses by reducing worker turnover  
17 due to the lack of earned sick leave and decreasing the  
18 incidence of employees coming to work with illnesses and health  
19 conditions that reduce their productivity;

20 I. safeguard the public welfare, health, safety and  
21 prosperity of the people of New Mexico; and

22 J. accomplish the purposes described in Subsections  
23 A through I of this section in a manner that is feasible for  
24 employers.

25 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the

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1 Healthy Workplaces Act:

2 A. "division" means the labor relations division of  
3 the workforce solutions department;

4 B. "domestic partner" means an individual with whom  
5 another individual maintains a household and a mutual committed  
6 relationship without a legally recognized marriage;

7 C. "earned sick leave" means time that is  
8 compensated at the same hourly rate and with the same benefits,  
9 including health care benefits, as an employee normally earns  
10 during hours worked and is provided by an employer to that  
11 employee for the purposes described in the Healthy Workplaces  
12 Act, but in no case shall the hourly rate be less than the  
13 applicable legally required minimum wage rate;

14 D. "employ" means suffer or permit to work; the  
15 burden of proof shall be upon the person for whom the work is  
16 performed to show independent contractor status by clear and  
17 convincing evidence;

18 E. "employee" means an individual employed by an  
19 employer, including an individual employed on a part-time,  
20 seasonal or temporary basis, or an individual performing  
21 domestic service in a private home for remuneration; "employee"  
22 does not mean an employee of an employer subject to the  
23 provisions of Title II of the federal Railway Labor Act or an  
24 employee as defined in either the federal Railroad Unemployment  
25 Insurance Act or the Federal Employers' Liability Act;

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1           F. "employer" means an individual, partnership,  
2           association, corporation, business trust, legal representative  
3           or any organized group of persons employing one or more  
4           employees at any one time, acting directly or indirectly in the  
5           interest of an employer in relation to an employee, but shall  
6           not include the United States, the state or any political  
7           subdivision of the state. "Employer" includes a person  
8           providing remuneration for domestic service in a private home;

9           G. "family member" means an employee's spouse or  
10          domestic partner or a person related to an employee or an  
11          employee's spouse or domestic partner as:

12                   (1) a biological, adopted or foster child, a  
13                   stepchild or legal ward, or a child to whom the employee stands  
14                   in loco parentis;

15                   (2) a biological, foster, step or adoptive  
16                   parent or legal guardian, or a person who stood in loco  
17                   parentis when the employee was a minor child;

18                   (3) a grandparent;

19                   (4) a grandchild;

20                   (5) a biological, foster, step or adopted  
21                   sibling;

22                   (6) a spouse or domestic partner of a family  
23                   member; or

24                   (7) an individual whose close association with  
25                   the employee or the employee's spouse or domestic partner is

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1 the equivalent of a family relationship;

2 H. "health care professional" means a person  
3 licensed pursuant to federal or state law to provide health  
4 care services, including nurses, nurse practitioners, physician  
5 assistants, doctors and emergency room personnel;

6 I. "public health emergency" means a declaration or  
7 proclamation issued pursuant to federal, state or local law of  
8 an emergency related to a risk or threat to public health; and

9 J. "retaliation" means any threat, discharge,  
10 discipline, suspension, demotion, non-promotion, less favorable  
11 scheduling, reduction of hours or application of absence  
12 control policies that count an employee's use of earned sick  
13 leave as an absence that may lead to adverse action, or other  
14 adverse action against employees for the exercise of a right  
15 guaranteed pursuant to the Healthy Workplaces Act, including  
16 sanctions against an employee who is a recipient of benefits or  
17 rights pursuant to the Healthy Workplaces Act. "Retaliation"  
18 includes interference with or punishment for participating in  
19 an investigation, proceeding or hearing pursuant to the Healthy  
20 Workplaces Act.

21 SECTION 4. [NEW MATERIAL] EARNED SICK LEAVE--USE AND  
22 ACCRUAL.--

23 A. Employees shall accrue a minimum of one hour of  
24 earned sick leave for every thirty hours worked; provided that  
25 employers may choose a higher accrual rate; and provided

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1 further that an employer may instead elect to grant employees  
2 the full sixty-four hours of earned sick leave for the upcoming  
3 year on January 1 of each year or, for employees whose  
4 employment begins after January 1 of a given year, a pro rata  
5 portion of the sixty-four hours for use in the remainder of  
6 that year. Such employees shall not be entitled to use more  
7 than sixty-four hours of earned sick leave per twelve-month  
8 period, unless the employer selects a higher limit.

9 B. All employees shall accrue earned sick leave as  
10 follows:

11 (1) earned sick leave as provided in the  
12 Healthy Workplaces Act shall begin to accrue upon commencement  
13 of the employee's employment and may be used beginning on the  
14 sixtieth day after the effective date of the Healthy Workplaces  
15 Act;

16 (2) employees who are exempt from overtime  
17 requirements pursuant to the federal Fair Labor Standards Act  
18 of 1938, 29 U.S.C. Section 213(a)(1), shall be assumed to work  
19 forty hours in each work week for the purposes of earned sick  
20 leave accrual unless their normal work week is less than forty  
21 hours, in which case earned sick leave accrues based on their  
22 normal work week;

23 (3) accrued unused earned sick leave shall  
24 carry over from year to year, but an employer is not required  
25 to permit an employee to use more than sixty-four hours in a

1 twelve-month period;

2 (4) nothing in this section shall be construed  
3 as requiring financial or other reimbursement to an employee  
4 from an employer upon the employee's termination, resignation,  
5 retirement or other separation from employment for accrued  
6 earned sick leave that has not been used;

7 (5) if an employee is transferred to a  
8 separate division, entity or location but remains employed by  
9 the same employer, the employee is entitled to all earned sick  
10 leave accrued at the prior division, entity or location and is  
11 entitled to use all earned sick leave as provided in this  
12 section. When there is a separation from employment, and the  
13 employee is rehired within twelve months of separation by the  
14 same employer, previously accrued earned sick leave that has  
15 not been used shall be reinstated. Further, the employee shall  
16 be entitled to use accrued earned sick leave and accrue  
17 additional earned sick leave upon re-commencement of  
18 employment; and

19 (6) when a different employer succeeds or  
20 takes the place of an existing employer, all employees of the  
21 original employer who remain employed by the successor employer  
22 are entitled to all earned sick leave accrued when employed by  
23 the original employer and are entitled to use all earned sick  
24 leave previously accrued.

25 C. An employee may use earned sick leave:

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- 1 (1) for the employee's:
- 2 (a) mental or physical illness, injury
- 3 or health condition;
- 4 (b) medical diagnosis, care or treatment
- 5 of a mental or physical illness, injury or health condition; or
- 6 (c) preventive medical care;
- 7 (2) for care of family members of the employee
- 8 for:
- 9 (a) mental or physical illness, injury
- 10 or health condition;
- 11 (b) medical diagnosis, care or treatment
- 12 of a mental or physical illness, injury or health condition; or
- 13 (c) preventive medical care;
- 14 (3) for meetings at the employee's child's
- 15 school or place of care related to the child's health or
- 16 disability; or
- 17 (4) for absence necessary due to domestic
- 18 abuse, sexual assault or stalking suffered by the employee or a
- 19 family member of the employee; provided that the leave is for
- 20 the employee to:
- 21 (a) obtain medical or psychological
- 22 treatment or other counseling;
- 23 (b) relocate;
- 24 (c) prepare for or participate in legal
- 25 proceedings; or

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1 (d) obtain services or assist a family  
2 member of the employee with any of the activities set forth in  
3 Subparagraphs (a) through (c) of this paragraph.

4 D. Earned sick leave shall be provided upon the  
5 oral or written request of an employee or an individual acting  
6 on the employee's behalf. When possible, the request shall  
7 include the expected duration of the sick leave absence.

8 E. When the use of earned sick leave is  
9 foreseeable, the employee shall make a good faith effort to  
10 provide oral or written notice of the need for such sick leave  
11 to the employer in advance of the use of the earned sick leave  
12 and shall make a reasonable effort to schedule the use of  
13 earned sick leave in a manner that does not unduly disrupt the  
14 operations of the employer. When the use of earned sick leave  
15 is not foreseeable, the employee shall notify the employer  
16 orally or in writing as soon as practicable.

17 F. An employer may not require, as a condition of  
18 an employee's taking earned sick leave, that the employee  
19 search for or find a replacement worker to cover the hours  
20 during which the employee is using earned sick leave.

21 G. Earned sick leave may be used in the smaller of  
22 hourly increments or the smallest increment that the employer's  
23 payroll system uses to account for absences or use of other  
24 time.

25 H. An employer shall not require an employee to use

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1 other paid leave before the employee uses sick leave pursuant  
2 to the Healthy Workplaces Act.

3 I. An employer's failure to provide earned sick  
4 leave based on the employer's misclassification of the employee  
5 as an independent contractor is a violation of the Healthy  
6 Workplaces Act.

7 SECTION 5. [NEW MATERIAL] SUPPLEMENTAL LEAVE DURING A  
8 PUBLIC HEALTH EMERGENCY.--

9 A. In addition to the accrued earned sick leave  
10 provided pursuant to Section 4 of the Healthy Workplaces Act,  
11 on the date a public health emergency is declared, an employer  
12 shall provide supplemental paid sick leave for absences due to  
13 the circumstances listed in Subsection E of this section. Such  
14 supplemental paid sick leave shall be provided in the following  
15 amounts at a minimum:

16 (1) eighty hours for an employee who normally  
17 works forty or more hours in a week; or

18 (2) the number of hours the employee works on  
19 average in a fourteen-day period for an employee who normally  
20 works fewer than forty hours in a week.

21 B. The supplemental paid sick leave provided  
22 pursuant to Subsection A of this section shall be the entirety  
23 of supplemental paid sick leave required pursuant to the  
24 Healthy Workplaces Act for a public health emergency regardless  
25 of whether the public health emergency is subsequently amended,

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1 extended or renewed.

2 C. If a public health emergency was declared before  
3 and remains in effect on the effective date of the Healthy  
4 Workplaces Act, supplemental paid sick leave required pursuant  
5 to this section shall be provided to employees on the effective  
6 date of the Healthy Workplaces Act.

7 D. An employer may count an employee's unused  
8 accrued earned sick leave pursuant to Section 4 of the Healthy  
9 Workplaces Act toward the supplemental paid sick leave required  
10 in Subsection A of this section. An employee may use  
11 supplemental paid sick leave provided pursuant to this section  
12 until four weeks after the official termination of a public  
13 health emergency.

14 E. Supplemental paid sick leave provided pursuant  
15 to this section shall be available to an employee for absences  
16 due to:

17 (1) care, testing or treatment of the employee  
18 or a family member to whom the employee provides care as a  
19 consequence of being diagnosed with, experiencing symptoms of  
20 or exposure to a communicable illness or transmittable  
21 condition that is related to a public health emergency;

22 (2) self-isolation by the employee or a family  
23 member to whom the employee provides care as a consequence of  
24 being diagnosed with, experiencing symptoms of or exposure to a  
25 communicable illness or transmittable condition that is related

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1 to a public health emergency;

2 (3) the pursuit of preventive care for the  
3 employee or a family member to whom the employee provides care  
4 for a communicable illness that is related to a public health  
5 emergency;

6 (4) compliance with a determination by the  
7 employer or a local, state or federal public official or health  
8 authority having jurisdiction over the location of work for the  
9 employee or a family member to whom the employee provides care  
10 that:

11 (a) the place of employment is closed;

12 (b) the individual's presence on the job  
13 or in the community would jeopardize the health of others due  
14 to exposure to a communicable illness or transmittable  
15 condition related to a public health emergency; or

16 (c) the individual is exhibiting  
17 symptoms of a communicable illness or transmittable condition  
18 related to a public health emergency, regardless of whether the  
19 individual has been diagnosed with the communicable illness;

20 (5) care of a family member when that  
21 individual's:

22 (a) care provider is unavailable due to  
23 a public health emergency; or

24 (b) school or place of care has been  
25 physically closed due to a public health emergency, whether or

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1 not the school or place of care is providing instruction or  
2 services remotely; or

3 (6) an inability to work due to a health  
4 condition that may increase the risk posed by a communicable  
5 illness that is related to a public health emergency.

6 F. An employee shall notify the employee's employer  
7 of the need to use supplemental paid sick leave pursuant to  
8 this section as soon as practicable when the need for the leave  
9 is foreseeable and the employer's place of business has not  
10 been closed.

11 G. Documentation shall not be required to take  
12 supplemental paid sick leave provided pursuant to this section.

13 SECTION 6. [NEW MATERIAL] MORE GENEROUS EARNED SICK LEAVE  
14 POLICY.--An employer with an earned sick leave policy that  
15 provides sick leave separate from other forms of paid time off,  
16 and who makes available an amount of earned sick leave  
17 sufficient to meet the accrual requirements of the Healthy  
18 Workplaces Act that may be used for the same purposes and under  
19 the same conditions as earned sick leave under that act, is not  
20 required to provide additional earned sick leave. However, the  
21 sick leave required by the Healthy Workplaces Act is in  
22 addition to any paid time off provided by an employer that may  
23 be used for any purpose other than those specified in that act.

24 SECTION 7. [NEW MATERIAL] DOCUMENTATION.--

25 A. Documentation shall not be required for sick

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1 leave, except an employer may require reasonable documentation  
2 that sick leave has been used for a covered purpose if the  
3 employee uses three or more consecutive work days of sick  
4 leave.

5 B. Documentation signed by a health care  
6 professional indicating the amount of earned sick leave taken  
7 is necessary shall be considered reasonable documentation for  
8 sick leave taken pursuant to the Healthy Workplaces Act. In  
9 cases of domestic abuse, sexual assault or stalking, an  
10 employee may choose to provide one of the following types of  
11 documentation, which shall be considered as reasonable  
12 documentation: a police report, a court-issued document or a  
13 signed statement from a victim services organization, clergy  
14 member, attorney, advocate, the employee, a family member of  
15 the employee or other person affirming that the sick leave was  
16 taken for one of the purposes set forth in Paragraph (4) of  
17 Subsection C of Section 4 of the Healthy Workplaces Act. A  
18 signed statement required pursuant to this subsection may be  
19 written in the employee's native language and shall not be  
20 required to be in a particular format or notarized. An  
21 employer may not require the documentation to explain the  
22 nature of any medical condition or the details of the domestic  
23 abuse, sexual assault or stalking.

24 C. If an employer chooses to require documentation  
25 for the purpose of the use of earned sick leave, the employer

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1 shall pay the cost of any verification by a health care  
2 professional that is not covered by insurance or other benefit  
3 plan.

4 D. An employee shall provide documentation upon  
5 request to the employer in a timely manner. The employer shall  
6 not delay the commencement of earned sick leave on the basis  
7 that the employer has not yet received documentation.

8 E. All information an employer obtains related to  
9 an employee's reasons for taking sick leave shall be treated as  
10 confidential and not disclosed except with the permission of  
11 the employee or as necessary for validation purposes for  
12 insurance disability claims, accommodations consistent with the  
13 federal Americans with Disabilities Act of 1990, as required by  
14 the Healthy Workplaces Act or by court order.

15 SECTION 8. [NEW MATERIAL] NOTICE AND POSTING  
16 REQUIREMENTS.--

17 A. An employer shall give written or electronic  
18 notice to an employee at the commencement of employment of the  
19 following:

- 20 (1) the employee's right to earned sick leave;  
21 (2) the manner in which sick leave is accrued  
22 and calculated;  
23 (3) the terms of the use of earned sick leave  
24 as guaranteed by the Healthy Workplaces Act;  
25 (4) that retaliation against employees for the

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1 use of sick leave is prohibited;

2 (5) the employee's right to file a complaint  
3 with the division if earned sick leave as required pursuant to  
4 the Healthy Workplaces Act is denied by the employer or if the  
5 employee is retaliated against; and

6 (6) all means of enforcing violations of the  
7 Healthy Workplaces Act.

8 B. Notice required pursuant to Subsection A of this  
9 section shall be in English, Spanish or any language that is  
10 the first language spoken by at least ten percent of the  
11 employer's workforce, as requested by the employee.

12 C. Employers shall display a poster that contains  
13 the information required pursuant to Subsection A of this  
14 section in a conspicuous and accessible place in each  
15 establishment where employees are employed. The poster  
16 displayed should be in English, Spanish and any language that  
17 is the first language spoken by at least ten percent of the  
18 employer's workforce.

19 D. The division shall create and make available to  
20 employers notices and posters in English, Spanish and any other  
21 languages deemed appropriate by the division that contain the  
22 information required pursuant to Subsection A of this section  
23 for employers' use in complying with the provisions of this  
24 section.

25 SECTION 9. [NEW MATERIAL] EMPLOYER SHALL RETAIN

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1 DOCUMENTATION.--Employers shall retain for the immediately  
2 preceding forty-eight-month period records documenting hours  
3 worked by employees and earned sick leave taken by employees.

4 SECTION 10. [NEW MATERIAL] EXERCISE OF RIGHTS PROTECTED--  
5 RETALIATION PROHIBITED.--

6 A. An employer shall not take or threaten any  
7 adverse action whatsoever against an employee:

8 (1) that is reasonably likely to deter such  
9 employee from exercising or attempting to exercise a right  
10 granted pursuant to the Healthy Workplaces Act; or

11 (2) because the employee:

12 (a) has exercised or attempted to  
13 exercise such rights;

14 (b) has in good faith alleged violations  
15 of the Healthy Workplaces Act; or

16 (c) has raised a concern about  
17 violations of the Healthy Workplaces Act to the employer, the  
18 employer's agent, other employees, a government agency or to  
19 the public through print, online, social or any other media.

20 B. An employer shall not attempt to require an  
21 employee to sign a contract or other agreement that would limit  
22 or prevent the employee from asserting rights provided for in  
23 the Healthy Workplaces Act or to otherwise establish a  
24 workplace policy that would limit or prevent the exercise of  
25 such rights. An employer's attempt to impose such a contract,

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1 agreement or policy shall constitute an adverse action  
2 enforceable pursuant to the Healthy Workplaces Act.

3 C. An employer shall not count use of sick leave in  
4 a way that will lead to discipline, discharge, demotion,  
5 non-promotion, less favorable scheduling, reduction of hours,  
6 suspension or any other adverse action.

7 SECTION 11. [NEW MATERIAL] ENFORCEMENT.--

8 A. The division shall be authorized to coordinate  
9 implementation and enforcement of the Healthy Workplaces Act  
10 and shall promulgate appropriate rules to implement that act.

11 B. The division shall coordinate implementation and  
12 enforcement of the Healthy Workplaces Act, including:

13 (1) establishing a system to receive  
14 complaints, in writing and by telephone, regarding alleged  
15 violations of the Healthy Workplaces Act;

16 (2) establishing a process for investigating  
17 and resolving complaints in a timely manner and keeping  
18 complainants notified regarding the status of the investigation  
19 of their complaint;

20 (3) ensuring employer compliance with the  
21 Healthy Workplaces Act through the use of audits,  
22 investigations or other measures; and

23 (4) establishing a system for reviewing  
24 complaints.

25 C. The division shall maintain as confidential the

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1 identity of any complainant unless disclosure of such  
 2 complainant's identity is necessary for resolution of the  
 3 investigation or otherwise required by law. The division  
 4 shall, prior to such disclosure and to the extent practicable,  
 5 notify a complainant that the division will be disclosing the  
 6 complainant's identity.

7           SECTION 12. [NEW MATERIAL] CIVIL ACTIONS--TIME  
 8 LIMITS--BURDENS OF PROOF.--

9           A. A civil action may be filed in a court of  
 10 competent jurisdiction for a violation of the Healthy  
 11 Workplaces Act within three years from the date the alleged  
 12 violation occurred; provided that the time limit to file a  
 13 civil action established by this subsection shall be tolled  
 14 during an investigation by the division of the violation or  
 15 related violations by the same employer. An investigation by  
 16 the division shall not be required to file a civil action, and  
 17 a lack of an investigation by the division shall not act as a  
 18 bar to a civil action brought by a complainant pursuant to the  
 19 Healthy Workplaces Act.

20           B. The division, the office of the attorney general  
 21 or a person or entity that has a member who has been affected  
 22 by a violation of the Healthy Workplaces Act may bring a civil  
 23 action for a violation of the Healthy Workplaces Act.

24           C. A civil action to enforce any provision of the  
 25 Healthy Workplaces Act may be filed without first filing an

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1 administrative complaint with the division and may:

2 (1) encompass all violations that occurred as  
3 part of a continuing course of conduct, regardless of the date  
4 on which the violations occurred;

5 (2) be pursued by an employee on behalf of the  
6 employee or be pursued by an employee of behalf of other  
7 employees similarly situated; or

8 (3) be pursued by an agent or representative  
9 designated by an employee.

10 D. It shall not be a defense to any action brought  
11 pursuant to this section that the complaint was brought by or  
12 in regard to the employment of a worker who does not have  
13 evidence of having a legal presence in the United States.

14 E. The parties in a civil action regarding  
15 retaliation by an employer shall be subject to the following  
16 burdens of proof:

17 (1) when an employee presents a prima facie  
18 showing of retaliation, the employer shall then have the burden  
19 to establish a legitimate, non-retaliatory reason for the  
20 adverse employment action;

21 (2) when an employer meets the burden of proof  
22 required by Paragraph (1) of this subsection, the employee  
23 shall then have the burden to establish that the reason cited  
24 by the employer was not the reason for the adverse employment  
25 action; and

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1 (3) when it is established that the adverse  
2 employment action was motivated by a combination of both lawful  
3 and unlawful reasons, the employer shall have the burden to  
4 demonstrate that the action would have been taken even in the  
5 absence of the unlawful reason.

6 SECTION 13. [NEW MATERIAL] EMPLOYER LIABILITY.--

7 A. An employer that violates the Healthy Workplaces  
8 Act shall be liable to the affected employee:

9 (1) for an instance of sick leave taken by an  
10 employee but unlawfully not compensated by the employer, in an  
11 amount equal to three times the wages that should have been  
12 paid or one thousand dollars (\$1,000), whichever is greater;

13 (2) for an instance of sick leave requested by  
14 an employee but unlawfully denied by the employer and not taken  
15 by the employee or unlawfully conditioned on searching for or  
16 finding a replacement worker, in an amount equal to actual  
17 damages or one thousand dollars (\$1,000), whichever is greater;

18 (3) for each instance of retaliation  
19 prohibited by the Healthy Workplaces Act excepting discharge  
20 from employment, in an amount equal to actual damages,  
21 including back pay, wages or benefits lost, an additional  
22 amount of five hundred dollars (\$500) and equitable relief such  
23 as rescission of disciplinary measures taken by the employer or  
24 other relief as determined by a court of law;

25 (4) for each instance of prohibited discharge

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1 from employment, in an amount equal to actual damages,  
2 including back pay, wages or benefits lost, an additional  
3 amount of one thousand dollars (\$1,000) and reinstatement or  
4 other equitable relief as determined by a court of law;

5 (5) for each willful notice or recordkeeping  
6 violation, five hundred dollars (\$500); and

7 (6) for each misclassification of an employee  
8 as an independent contractor, actual damages or one thousand  
9 dollars (\$1,000), whichever is greater.

10 B. A plaintiff prevailing in a legal action brought  
11 pursuant to the Healthy Workplaces Act shall recover all  
12 appropriate legal or equitable relief, the costs and expenses  
13 of suit and reasonable attorney fees. In an action brought by  
14 the division or the attorney general, any damages recovered  
15 shall be payable to the individual employees who experienced  
16 the violation.

17 SECTION 14. [NEW MATERIAL] OTHER LEGAL REQUIREMENTS.--

18 The Healthy Workplaces Act provides minimum requirements  
19 pertaining to earned sick leave and shall not be construed to  
20 preempt, limit or otherwise affect the applicability of any  
21 other law, regulation, requirement, policy or standard,  
22 including collective bargaining agreements, that provides for  
23 greater accrual or use by employees of earned sick leave,  
24 whether paid or unpaid, or that extends other protections to  
25 employees.

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SECTION 15. SEVERABILITY.--If any part or application of the provisions of the Healthy Workplaces Act is held invalid, the remainder or its application to other situations or persons shall not be affected.

SECTION 16. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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