

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

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

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;

22 F. "employer" means an individual, partnership,
23 association, corporation, business trust, legal representative
24 or any organized group of persons employing one or more
25 employees at any one time, acting directly or indirectly in the

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1 interest of an employer in relation to an employee, but shall
2 not include the United States. "Employer" includes the state
3 or any political subdivision of the state, and "employer"
4 includes a person providing remuneration for domestic service
5 in a private home;

6 G. "family member" means an employee's spouse or
7 domestic partner or a person related to an employee or an
8 employee's spouse or domestic partner as:

9 (1) a biological, adopted or foster child, a
10 stepchild or legal ward, or a child to whom the employee stands
11 in loco parentis;

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

15 (3) a grandparent;

16 (4) a grandchild;

17 (5) a biological, foster, step or adopted
18 sibling;

19 (6) a spouse or domestic partner of a family
20 member; or

21 (7) an individual whose close association with
22 the employee or the employee's spouse or domestic partner is
23 the equivalent of a family relationship;

24 H. "health care professional" means a person
25 licensed pursuant to federal or state law to provide health

1 care services, including nurses, nurse practitioners, physician
2 assistants, doctors and emergency room personnel;

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

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

18 SECTION 4. [NEW MATERIAL] EARNED SICK LEAVE--USE AND
19 ACCRUAL.--

20 A. Employees shall accrue a minimum of one hour of
21 earned sick leave for every thirty hours worked; provided that
22 employers may choose a higher accrual rate or provide for
23 accrual of all earned paid sick leave at the beginning of a
24 year. Such employees shall not be entitled to use more than
25 sixty-four hours of earned sick leave per twelve-month period,

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1 unless the employer selects a higher limit.

2 B. All employees shall accrue earned sick leave as
3 follows:

4 (1) earned sick leave as provided in the
5 Healthy Workplaces Act shall begin to accrue upon commencement
6 of the employee's employment and may be used beginning on the
7 sixtieth day after the effective date of the Healthy Workplaces
8 Act;

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

16 (3) accrued unused earned sick leave shall
17 carry over from year to year, but an employer is not required
18 to permit an employee to use more than sixty-four hours in a
19 twelve-month period;

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

25 (5) if an employee is transferred to a

1 separate division, entity or location but remains employed by
2 the same employer, the employee is entitled to all earned sick
3 leave accrued at the prior division, entity or location and is
4 entitled to use all earned sick leave as provided in this
5 section. When there is a separation from employment, and the
6 employee is rehired within twelve months of separation by the
7 same employer, previously accrued earned sick leave that has
8 not been used shall be reinstated. Further, the employee shall
9 be entitled to use accrued earned sick leave and accrue
10 additional earned sick leave upon re-commencement of
11 employment; and

12 (6) when a different employer succeeds or
13 takes the place of an existing employer, all employees of the
14 original employer who remain employed by the successor employer
15 are entitled to all earned sick leave accrued when employed by
16 the original employer and are entitled to use all earned sick
17 leave previously accrued.

18 C. An employee may use earned sick leave:

19 (1) for the employee's:

20 (a) mental or physical illness, injury
21 or health condition;

22 (b) medical diagnosis, care or treatment
23 of a mental or physical illness, injury or health condition; or

24 (c) preventive medical care;

25 (2) for care of family members of the employee

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1 for:

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 (3) for meetings at the employee's child's
8 school or place of care related to the child's health or
9 disability; or

10 (4) for absence necessary due to domestic
11 abuse, sexual assault or stalking suffered by the employee or a
12 family member of the employee; provided that the leave is for
13 the employee to:

14 (a) obtain medical or psychological
15 treatment or other counseling;

16 (b) relocate;

17 (c) prepare for or participate in legal
18 proceedings; or

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

22 D. Earned sick leave shall be provided upon the
23 oral or written request of an employee or an individual acting
24 on the employee's behalf. When possible, the request shall
25 include the expected duration of the sick leave absence.

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1 E. When the use of earned sick leave is
2 foreseeable, the employee shall make a good faith effort to
3 provide oral or written notice of the need for such sick leave
4 to the employer in advance of the use of the earned sick leave
5 and shall make a reasonable effort to schedule the use of
6 earned sick leave in a manner that does not unduly disrupt the
7 operations of the employer. When the use of earned sick leave
8 is not foreseeable, the employee shall notify the employer
9 orally or in writing as soon as practicable.

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

14 G. Earned sick leave may be used in the smaller of
15 hourly increments or the smallest increment that the employer's
16 payroll system uses to account for absences or use of other
17 time.

18 H. An employer shall not require an employee to use
19 other paid leave before the employee uses sick leave pursuant
20 to the Healthy Workplaces Act.

21 I. An employer's failure to provide earned sick
22 leave based on the employer's misclassification of the employee
23 as an independent contractor is a violation of the Healthy
24 Workplaces Act.

25 SECTION 5. [NEW MATERIAL] SUPPLEMENTAL LEAVE DURING A

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1 PUBLIC HEALTH EMERGENCY.--

2 A. In addition to the accrued earned sick leave
3 provided pursuant to Section 4 of the Healthy Workplaces Act,
4 on the date a public health emergency is declared, an employer
5 shall provide supplemental paid sick leave for absences due to
6 the circumstances listed in Subsection E of this section. Such
7 supplemental paid sick leave shall be provided in the following
8 amounts at a minimum:

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

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

14 B. The supplemental paid sick leave provided
15 pursuant to Subsection A of this section shall be the entirety
16 of supplemental paid sick leave required pursuant to the
17 Healthy Workplaces Act for a public health emergency regardless
18 of whether the public health emergency is subsequently amended,
19 extended or renewed.

20 C. If a public health emergency was declared before
21 and remains in effect on the effective date of the Healthy
22 Workplaces Act, supplemental paid sick leave required pursuant
23 to this section shall be provided to employees on the effective
24 date of the Healthy Workplaces Act.

25 D. An employer may count an employee's unused

1 accrued earned sick leave pursuant to Section 4 of the Healthy
2 Workplaces Act toward the supplemental paid sick leave required
3 in Subsection A of this section. An employee may use
4 supplemental paid sick leave provided pursuant to this section
5 until four weeks after the official termination of a public
6 health emergency.

7 E. Supplemental paid sick leave provided pursuant
8 to this section shall be available to an employee for absences
9 due to:

10 (1) care, testing or treatment of the employee
11 or a family member to whom the employee provides care as a
12 consequence of being diagnosed with, experiencing symptoms of
13 or exposure to a communicable illness or transmittable
14 condition that is related to a public health emergency;

15 (2) self-isolation by the employee or a family
16 member to whom the employee provides care as a consequence of
17 being diagnosed with, experiencing symptoms of or exposure to a
18 communicable illness or transmittable condition that is related
19 to a public health emergency;

20 (3) the pursuit of preventive care for the
21 employee or a family member to whom the employee provides care
22 for a communicable illness that is related to a public health
23 emergency;

24 (4) compliance with a determination by the
25 employer or a local, state or federal public official or health

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1 authority having jurisdiction over the location of work for the
2 employee or a family member to whom the employee provides care
3 that:

4 (a) the place of employment is closed;

5 (b) the individual's presence on the job
6 or in the community would jeopardize the health of others due
7 to exposure to a communicable illness or transmittable
8 condition related to a public health emergency; or

9 (c) the individual is exhibiting
10 symptoms of a communicable illness or transmittable condition
11 related to a public health emergency, regardless of whether the
12 individual has been diagnosed with the communicable illness;

13 (5) care of a family member when that
14 individual's:

15 (a) care provider is unavailable due to
16 a public health emergency; or

17 (b) school or place of care has been
18 physically closed due to a public health emergency, whether or
19 not the school or place of care is providing instruction or
20 services remotely; or

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

24 F. An employee shall notify the employee's employer
25 of the need to use supplemental paid sick leave pursuant to

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1 this section as soon as practicable when the need for the leave
 2 is foreseeable and the employer's place of business has not
 3 been closed.

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

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

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

18 A. Documentation shall not be required for sick
 19 leave, except an employer may require reasonable documentation
 20 that sick leave has been used for a covered purpose if the
 21 employee uses three or more consecutive work days of sick
 22 leave.

23 B. Documentation signed by a health care
 24 professional indicating the amount of earned sick leave taken
 25 is necessary shall be considered reasonable documentation for

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

17 C. If an employer chooses to require documentation
18 for the purpose of the use of earned sick leave, the employer
19 shall pay the cost of any verification by a health care
20 professional that is not covered by insurance or other benefit
21 plan.

22 D. An employee shall provide documentation upon
23 request to the employer in a timely manner. The employer shall
24 not delay the commencement of earned sick leave on the basis
25 that the employer has not yet received documentation.

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1 E. All information an employer obtains related to
 2 an employee's reasons for taking sick leave shall be treated as
 3 confidential and not disclosed except with the permission of
 4 the employee or as necessary for validation purposes for
 5 insurance disability claims, accommodations consistent with the
 6 federal Americans with Disabilities Act of 1990, as required by
 7 the Healthy Workplaces Act or by court order.

8 **SECTION 8. [NEW MATERIAL] NOTICE AND POSTING**
 9 **REQUIREMENTS.--**

10 A. An employer shall give written notice to an
 11 employee at the commencement of employment of the following:

- 12 (1) the employee's right to earned sick leave;
- 13 (2) the manner in which sick leave is accrued
 14 and calculated;
- 15 (3) the terms of the use of earned sick leave
 16 as guaranteed by the Healthy Workplaces Act;
- 17 (4) that retaliation against employees for the
 18 use of sick leave is prohibited;
- 19 (5) the employee's right to file a complaint
 20 with the division if earned sick leave as required pursuant to
 21 the Healthy Workplaces Act is denied by the employer or if the
 22 employee is retaliated against; and
- 23 (6) all means of enforcing violations of the
 24 Healthy Workplaces Act.

25 B. Notice required pursuant to Subsection A of this

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1 section shall be in English, Spanish or any language that is
2 the first language spoken by at least ten percent of the
3 employer's workforce, as requested by the employee.

4 C. Employers shall display a poster that contains
5 the information required pursuant to Subsection A of this
6 section in a conspicuous and accessible place in each
7 establishment where employees are employed. The poster
8 displayed should be in English, Spanish and any language that
9 is the first language spoken by at least ten percent of the
10 employer's workforce.

11 D. The division shall create and make available to
12 employers notices and posters in English, Spanish and any other
13 languages deemed appropriate by the division that contain the
14 information required pursuant to Subsection A of this section
15 for employers' use in complying with the provisions of this
16 section.

17 SECTION 9. [NEW MATERIAL] EMPLOYER SHALL RETAIN
18 DOCUMENTATION.--Employers shall retain for the immediately
19 preceding forty-eight-month period records documenting hours
20 worked by employees and earned sick leave taken by employees.

21 SECTION 10. [NEW MATERIAL] EXERCISE OF RIGHTS PROTECTED--
22 RETALIATION PROHIBITED.--

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

25 (1) that is reasonably likely to deter such

1 employee from exercising or attempting to exercise a right
 2 granted pursuant to the Healthy Workplaces Act; or

3 (2) because the employee:

4 (a) has exercised or attempted to
 5 exercise such rights;

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

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

12 B. An employer shall not attempt to require an
 13 employee to sign a contract or other agreement that would limit
 14 or prevent the employee from asserting rights provided for in
 15 the Healthy Workplaces Act or to otherwise establish a
 16 workplace policy that would limit or prevent the exercise of
 17 such rights. An employer's attempt to impose such a contract,
 18 agreement or policy shall constitute an adverse action
 19 enforceable pursuant to the Healthy Workplaces Act.

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

24 SECTION 11. [NEW MATERIAL] COMPLAINTS AND
 25 INVESTIGATIONS--DIVISION DUTIES--RULES--CONFIDENTIALITY OF

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1 COMPLAINTS--ENFORCEMENT AND PENALTIES.--

2 A. A person or an entity that has a member who has
3 been affected by a violation of the Healthy Workplaces Act may
4 file a complaint with the division.

5 B. The division shall investigate a violation that
6 it identifies or a complaint of a violation of the Healthy
7 Workplaces Act. The division shall institute or cause to be
8 instituted a civil action for a violation of the Healthy
9 Workplaces Act.

10 C. The division shall promulgate rules for the
11 implementation and administration of the Healthy Workplaces
12 Act. The rules shall include a system:

13 (1) to receive complaints regarding violations
14 of the Healthy Workplaces Act. This system shall provide for
15 the use of multiple means of communicating complaints; and

16 (2) for communications with employees and
17 employers about investigations of complaints.

18 D. The division shall begin an investigation within
19 thirty calendar days of receiving a complaint of a violation of
20 the Healthy Workplaces Act and shall provide status reports on
21 the progress of the investigation to the complainant and the
22 employer in intervals of no greater than ninety days until the
23 investigation is completed. When an investigation is
24 completed, the division shall notify the complainant and the
25 employer of the result.

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1 E. In conducting an investigation regarding
 2 potential violations of the Healthy Workplaces Act:

3 (1) the division shall endeavor to maintain
 4 the confidentiality of the complainant and the affected
 5 employee to the extent allowed by law;

6 (2) the division may review the records
 7 regarding all of the employees at a given work location or for
 8 a particular employer; and

9 (3) with the authorization of the employee or
 10 person reporting the violation, the division may disclose the
 11 name and identifying information as necessary to investigate
 12 the complaint or enforce the Healthy Workplaces Act or for
 13 other purposes that the division establishes by rule.

14 F. When conducting an investigation regarding a
 15 potential violation of the Healthy Workplaces Act, the division
 16 shall use the burdens of proof required for civil actions
 17 pursuant to Section 12 of the Healthy Workplaces Act.

18 G. When the division determines that an employer
 19 has misclassified an employee as an independent contractor, the
 20 division shall notify the taxation and revenue department, the
 21 unemployment insurance division of the workforce solutions
 22 department, the workers' compensation administration and the
 23 federal internal revenue service.

24 SECTION 12. [NEW MATERIAL] CIVIL ACTIONS--TIME
 25 LIMITS--BURDENS OF PROOF.--

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1 A. A civil action may be filed in a court of
2 competent jurisdiction for a violation of the Healthy
3 Workplaces Act within three years from the date the alleged
4 violation occurred; provided that the time limit to file a
5 civil action established by this subsection shall be tolled
6 during an investigation by the division of the violation or
7 related violations by the same employer. An investigation by
8 the division shall not be required to file a civil action, and
9 a lack of an investigation by the division shall not act as a
10 bar to a civil action brought by a complainant pursuant to the
11 Healthy Workplaces Act.

12 B. The division, the office of the attorney general
13 or a person or entity that has a member who has been affected
14 by a violation of the Healthy Workplaces Act may bring a civil
15 action for a violation of the Healthy Workplaces Act.

16 C. A civil action to enforce any provision of the
17 Healthy Workplaces Act may be filed without first filing an
18 administrative complaint with the division and may:

19 (1) encompass all violations that occurred as
20 part of a continuing course of conduct, regardless of the date
21 on which the violations occurred;

22 (2) be pursued by an employee on behalf of the
23 employee or be pursued by an employee of behalf of other
24 employees similarly situated; or

25 (3) be pursued by an agent or representative

1 designated by an employee.

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

6 E. The parties in a civil action regarding
 7 retaliation by an employer shall be subject to the following
 8 burdens of proof:

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

13 (2) when an employer meets the burden of proof
 14 required by Paragraph (1) of this subsection, the employee
 15 shall then have the burden to establish that the reason cited
 16 by the employer was not the reason for the adverse employment
 17 action; and

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

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

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

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

6 (2) for an instance of paid sick leave
7 requested by an employee but unlawfully denied by the employer
8 and not taken by the employee or unlawfully conditioned on
9 searching for or finding a replacement worker, in an amount
10 equal to actual damages or one thousand dollars (\$1,000),
11 whichever is greater;

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

19 (4) for each instance of prohibited discharge
20 from employment, in an amount equal to actual damages,
21 including back pay, wages or benefits lost, an additional
22 amount of one thousand dollars (\$1,000) and reinstatement or
23 other equitable relief as determined by a court of law;

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

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

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

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

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

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

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

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