

LFC Requester:**Rachel Mercer-Garcia****AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared 2/14/25 *Check all that apply:*
Bill Number: HB0415 Original Correction
 Amendment Substitute

Sponsor: Mark Duncan **Agency Name and Code** Dept. of Workforce Solutions-631
Person Writing Analysis: Sarita Nair
Short Title: Notice of Use of Earned Sick Leave **Email** Evan.Sanchez@dws.nm.gov
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
0	0		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
0	0	0		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0	0		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 415 would change the language in Section 50–17–3 of the Healthy Workplaces Act that currently requires employees provide notice to their employer “as soon as practicable” to require them to give notice “pursuant to the written policy of the employer.”

FISCAL IMPLICATIONS

There are no fiscal implications for DWS.

SIGNIFICANT ISSUES

The bill language proposed does not address what would occur when an employer does not have a written policy. In New Mexico, it is fairly common for small employers to lack the resources to develop robust human resources policies. As currently drafted, an employer without a written policy would find it very difficult to establish a violation of the notice requirement.

One way to address this would be to require the employee to provide notice “pursuant to the written policy of the employer, or in the absence of a written policy, as soon as practicable.”

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

The inclusion of language “pursuant to the written policy of the employer” provides increased specificity for Healthy Workplaces staff and the public. Currently if a complaint regarding the Healthy Workplaces Act includes a dispute as to whether the employee gave adequate notice, investigators must use the “reasonable notice” standard, which can be subjective.

There is potential opportunity for employers to abuse the system by writing exceptions or unreasonable conditions of use into their policies. However, some backstops exist. Under the Healthy Workplaces Act, an employer is prohibited from taking any action that is reasonably likely to deter such employee from exercising or attempting to exercise a right granted pursuant to the Healthy Workplaces Act. In addition, the Human Rights Act prohibits discrimination on the basis of serious medical condition.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The current standard for providing notice will remain in place.

AMENDMENTS