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FISCAL IMPACT REPORT

SPONSOR Rodella DATE TYPED 02/10/05 HB 733/HJCCS

SHORT TITLE Emergency Personnel Employment Security SB _____

ANALYST Moser

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
NFI	NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)

Department of Health (DOH)

SUMMARY

Synopsis of Committee Substitute

Senate Judiciary Committee substitute for House Bill 733 removes time lost limit of eighty hours that an employee could be absent from work as a result of the employee responding to an emergency prior to the time the employee was to have reported to work. The committee substitute also removes language restricting the emergency to the legal response area of the department. The maximum number of days, without pay, an employee could take per year for training in fire or emergency medical service training was reduced from 14 days to 7 days.

Significant issues of Committee Substitute

There is no capitation on the total number of hours in a year an employee could be absent while serving in this capacity. This may have an impact upon small employers who do not have the ability or resources to replace employees who serve as volunteer firefighters an emergency medical services personnel.

Synopsis

House Bill 733 (HB 733) would protect volunteer firefighters and emergency medical services (EMS) with employment security and provide for certain remedies. An employer could not terminate an employee for time lost as the result of responding to an emergency prior to the time the employee is due to report to work. HB 733 requires an employer who knowingly violates this provision to reinstate an employee to his or her former position and pay all lost wages and benefits between the periods of termination and reinstatement.

HB 733 provides for temporary leaves of absence not to exceed an aggregate of fourteen days per calendar year for the purpose of engaging in either fire or emergency medical service training. Similar remedies, as stated above, apply to an employer who discharges an employee, threatens with discharge, demotes, or suspends an employee who attends such training. An action to enforce the provisions shall commence within one year after the date of the violation in the district court of the county where the place of employment is located.

Significant Issues

The Department of Health estimates that the provisions in HB 733 will impact about 3,500 (58%) of New Mexico's EMS volunteer providers and about 2,500 EMTs (42%) who are either full-time or part-time paid EMS providers.

The bill would provide for up to 14 days in which volunteers could update and enhance their current skills and knowledge

PERFORMANCE IMPLICATIONS

The Department of Health points out that HB 733 is consistent with the DOH Strategic Plan, Program Area 3. Epidemiology & Response. *Strategic Direction:* Improve the capacity of the state to respond to health emergencies.

TECHNICAL ISSUES

The Department of Health recommends the following language be changed: Section 1.B. Line 5, after "...spill and cleanup..." insert: "public health emergency, accident, or ..."

OTHER SUBSTANTIVE ISSUES

It is the opinion of the Department of Health that HB 733 could help to protect New Mexico's diminishing volunteer emergency response resources that are depended upon in times of emergencies. These volunteer personnel are often the State's safety-net providers in rural communities. HB 733 provides job security to volunteer emergency responders.

"Time lost" is used in the context of "of the employee responding to an emergency prior to the time the employee is due to report for work. Thus, if an employee is called to respond during a work period, is it clear whether or not his or her job would be protected under HB 733?

Should the definition of “emergency” include health threats?

HB733 may consider having volunteer personnel pre-identify their volunteer affiliation with their employers so that back-up plans can be in place at their place of employment when these individuals are called on to respond.

The department of corrections raises an issue that will be heard from employers regarding the possibility that costs will be increased due to overtime being incurred when employees cannot report on time. Additional concern was raised regarding the minimal to moderate administrative burden that would be borne by employers if required to allow emergency volunteers to take time off to engage in emergency response and pursue service training. The smaller the employer the more significant the burden becomes in allowing time off and finding replacement coverage for the employee. Small employers and employers in rural areas may have limited options in this regard. Employers, if this bill is enacted, may seek to not hire applicants who are engaged in emergency response services or to encourage employees to become active in their communities by pursuing these invaluable volunteer activities.

GM/sb:lg:rs