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## FISCAL IMPACT REPORT

**SPONSOR** James **ORIGINAL DATE** 3/2/15  
**LAST UPDATED** 3/18/15 **HB** 403/aHGEIC/aSJC

**SHORT TITLE** Public Employee Leave Donation Policies **SB** \_\_\_\_\_

**ANALYST** Jorgensen

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Minimal				Personal Sources & Employee Benefits

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to 1.7.7.9 NMAC

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 New Mexico Municipal League (NMML)  
 Public Education Department (PED)  
 State Personnel Office (SPO)

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to House Bill 403 strikes language which would exempt required documentation of leave donations from the public record for the purposes of the Inspection of Public Records Act.

#### Synopsis of HGEIC Amendment

The House Government, Elections, and Indian Affairs Committee amendment strikes the word “licensed” on page 2, line 9. The amendment addresses the concern of the AOC (see *technical issues*) that the language in HB 403 differs from the federal Family Medical Leave Act.

Synopsis of Original Bill

House Bill 403 provides for public employees to implement a leave donation policy for employees with medical emergencies. HB 403 requires state agencies, political subdivisions and school districts to implement a donation of annual or sick leave to another employee within an organizational unit for purposes of medical emergencies. The bill outlines the provisions of how the policy must be structured.

**FISCAL IMPLICATIONS**

None of the responding agencies and organizations noted a fiscal impact of enactment of HB 403. Because state agencies comply with the 1.7.7.9 NMAC, which provides for employee leave donation, and because those provisions are similar to the provisions listed in HB 403, agencies do not believe there will be a fiscal impact associated with this legislation. However, this bill would allow individuals to donate both annual or sick leave. Annual is paid to an individual separating from state employment at full value. Sick leave is only reimbursed if an employee has 60.0 hours and at 50 percent. The donation of sick leave would allow an individual to retain their annual level.

**SIGNIFICANT ISSUES**

The language in HB 403 is broad and vague when it comes to setting standards for the donation of leave; in Section 1(A) 1, the bill states that “a reasonable amount of leave may be donated” and that donating employees shall “maintain a certain minimum amount of leave”. Because the language is vague, HB 403 will not affect the current leave donation procedures under 1.7.7.9 NMAC.

**ADMINISTRATIVE IMPLICATIONS**

Enactment of HB 403 will require public employers that do not have a leave donation policy to develop one.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to 1.7.7.9 NMAC (See attachment 1)

**TECHNICAL ISSUES**

The AOC recommends changing “licensed health care provider” to “healthcare provider” to conform to the language in the federal Family Medical Leave Act.

CJ/je/aml/je