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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>SB123/aHLVMC</u>	Sponsor	<u>Padilla</u>
Tracking Number	<u>.211063.6</u>	Committee Referrals	<u>SPAC/SJC; HHHC/HLVMC</u>
Short Title	<u>Public & Private Caregiver Leave Acts</u>		
Analyst	<u>Simon</u>	Original Date	<u>1/29/2019</u>
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FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

BILL SUMMARY

Synopsis of HLVMC Amendment

The House Labor, Veterans and Military Affairs Committee Amendment to Senate Bill 123 (SB123/aHLVMC) includes domestic partners in the definition of “family member” for the Public Employee Caregiver Leave Act.

Synopsis of Bill

Senate Bill 123 (SB123) would create the Caregiver Leave Act and the Public Employee Caregiver Leave Act, which would require employers providing sick leave to allow employees to use sick leave to care for family members.

This analysis is limited to the impact of the Public Employee Caregiver Leave Act on public schools.

FISCAL IMPACT

SB123/aHLVMC would require public schools to allow employees to use accrued sick leave time to care for family members. Most school districts and charter schools in New Mexico allow employees to accrue sick leave and would be subject to the provisions of the Public Employee Caregiver Leave Act. As a result, SB123/aHLVMC could increase costs for school districts and charter schools to provide substitutes for employees who take leave to care for a family member. An LESC survey of school districts from FY17 indicated daily rates for substitute teachers ranged from \$60 per day to \$115 per day, with a median of \$75 per day.

SB123/aHLVMC would not require any public employer to provide sick leave to their employees.

SUBSTANTIVE ISSUES

Many public schools in New Mexico currently allow employees to take sick leave to care for a family member. However, some school districts appear to restrict sick leave use in a manner that would not be allowed by SB123/aHLVMC. For example, Santa Fe Public Schools allows employees to use sick leave to care for a relative that is living with the employee or to care for a “seriously ill” parent or child. SB123/aHLVMC would define “family member” as anyone living in the household of the employee or is the spouse, domestic partner, parent, grandparent, great-grandparent, child, grandchild, great-grandchild, brother, sister, niece, nephew, aunt or uncle, which would require some school districts or charter schools to allow employees to use sick leave to care for relatives not included in their current policies. Family members would include those relatives by virtue of blood, marriage, or legal adoption. SB123/aHLVMC could also require school districts and charter schools to extend the number of days a school district allows. For example, Santa Fe Public Schools allows up to 5 days of sick leave to care for a relative under current policy.

SB123/aHLVMC could increase the number of days a teacher is absent from the classroom if more teachers use sick leave to care for relatives. One study published by the National Bureau of Economic Research found teacher attendance is directly related to student outcomes and that when teachers are absent 10 days, the decrease in student achievement is equivalent to the difference between having a brand new teacher and having a teacher with one to three years of experience. Research has also found that low-income students endure higher teacher absentee rates than their wealthier peers.

SB123/aHLVMC would prohibit the use of caregiver leave as being a factor in the employee’s annual evaluation. Under the current teacher evaluation system, teacher attendance makes up 5 percent of a teacher’s summative evaluation rating, although teachers are allowed to take up to six days of leave before it impacts their annual performance evaluation. Recently, Executive Order 2019-002 directed PED to develop a new teacher evaluation system and it is unclear if attendance will be used in the new evaluation system.

SB123/aHLVMC would not impact an employee’s eligibility for leave under the federal Family Medical Leave Act of 1993. The bill also would not invalidate, diminish, or interfere with the sick leave provisions of a collective bargaining agreement.

RELATED BILLS

House Bill 227 would allow teachers to use up to 10 days of sick leave without the absence impacting their annual performance evaluation, as long as leave is taken consistent with policies of the local school board or charter school governing body.

SOURCES OF INFORMATION

- LESC Files

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