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FISCAL IMPACT REPORT

SPONSOR HF ORIGINAL DATE 3/8/19
LAST UPDATED _____ HB 196/HFIS
SHORT TITLE Pregnant Worker Accommodation Act SB _____
ANALYST Klunt

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Workforce Solutions Department (WSD)

SUMMARY

The House Floor Substitute for House Bill 196 amends the New Mexico Human Rights Act under NMSA §28-1-2 and §28-1-7 to include pregnancy, childbirth, or condition related to pregnancy or childbirth as a condition protected by the act. In also defines language related to employers and employment activities covered under the act. The enumerated definitions are taken from 29 CFR 38.4 as they are applied to recipients of federal funds under Section 188 of the federal Workforce Innovation and Opportunity Act (WIOA).

FISCAL IMPLICATIONS

There is no appropriation contained in this bill and no significant fiscal impact is identified at this time.

SIGNIFICANT ISSUES

The Workforce Solutions Department Human Rights Bureau enforces the New Mexico Human Rights Act. The bureau currently accepts and investigates claims of discrimination based on race, color, national origin, religion, ancestry, sex, age, physical and mental handicap, serious medical condition, spousal affiliation, sexual orientation, and gender identity in the areas of employment, housing, credit, or public accommodation.

The Human Rights Bureau currently addresses pregnancy discrimination claims, and the agency reported HB196 will not change the work already being performed by the Human Rights Bureau.

Discrimination based on pregnancy, childbirth, or related medical conditions is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964 and explicitly prohibited by the Pregnancy Discrimination Act, 42 U.S.C. § 2000(e)(k). Through its administrative enforcement process, the Human Rights Bureau investigates discrimination charges under its work sharing agreement with the U. S. Equal Employment Opportunity Commission.

KK/sb