

Sick Leave for All New Mexico Employees Begins July 1: What Employers Should Know

By Danny W. Jarrett & Melina Valladares on June 24, 2022

The New Mexico Healthy Workplaces Act (“NMHWA”) requires all private employers in New Mexico to provide all employees one hour of paid sick leave for every 30 hours worked. Employees may use up to 64 hours of earned sick leave per the employer’s defined 12-month period. Employees will be able to use earned sick leave for absences due to various reasons delineated in the Act, some of which include family members’ illness or injury and reasons relating to domestic abuse and sexual assault. Employees are allowed to carry over any accrued, unused earned sick leave but employers are not required to allow the use of more than 64 hours per 12-month period.

As an alternative to the accrual method, the NMHWA permits employers to frontload the full 64 hours of earned sick leave every year. There is no waiting period for accrual, and use of earned sick leave as accrued begins on July 1, 2022, or the first day of employment, whichever is later. To use earned sick leave, employees need only make a “reasonable effort to provide oral or written notice of the need for such sick leave” and “to schedule the use of earned sick leave in a manner that does not unduly disrupt the operations of the employer.” When the need to use earned sick leave is unforeseeable, employees must “notify the employer orally or in writing as soon as practicable.” Employers are strongly advised to review their existing paid time off policies to ensure compliance with the Act beginning July 1.

Finally, employers are required to give written or electronic notice to an employee at the commencement of employment of the employee’s right to earned sick leave; the manner in which sick leave is accrued and calculated; the terms of use of earned sick leave; that retaliation against employees for use of sick leave is prohibited; the employee’s right to file a complaint with the Labor Relations Division of the Workforce Solutions Department if earned sick leave as

required pursuant to the NMHWA is denied by the employer or if the employee is retaliated against; and all means of enforcing violations of the HWA. For additional information about the NMHWA, please visit our [previous article on the Act](#). For more information about the NMHWA or other leave laws that may affect your organization, please contact a Jackson Lewis attorney.

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