



Overview of Paid Sick Time Laws in the United States

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>For more information visit A Better Balance (abetterbalance.org)</p>	New Mexico
Who is covered? Note: City/county paid sick time laws cannot cover state government workers, and city, county, and state paid sick time laws cannot cover federal government workers.	Workers employed in New Mexico are covered. Flight deck/cabin crews subject to the Railway Labor Act, certain railroad workers, government employees, and employees of any business owned or operated by a tribe or tribal member are exempted.
Can sick time be used to care for loved ones?	Yes: spouses; domestic partners; the child, parent, grandparent, grandchild, or sibling of the employee or the employee's spouse or domestic partner; an individual whose close association with the employee or the employee's spouse or domestic partner is the equivalent of a family relationship; and a spouse or domestic partner of one of the aforementioned family members.
How is "child" defined?	A biological, adopted or foster child, a stepchild or legal ward, or a child to whom the employee stands in loco parentis.
Can sick time be used for specific "safe time" purposes (related to domestic violence, sexual assault, or stalking)?	Yes, when the worker or the worker's family member is the victim.
Can sick time be used under the law to bond with a new child and/or deal with a family member's death? Note: It is possible that other laws, such as the Family and Medical Leave Act or a state equivalent, could provide eligible workers with unpaid leave for these purposes.	No.
Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?	No.
Rate at which workers earn paid sick time?	1 hour for every 30 hours worked.
Do workers have different sick time-related rights based on the size of their employer? If so, based on what employer-size threshold(s)?	No.
Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a minimum requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)	Workers are entitled to use up to 64 hours of paid sick time per year.

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When do workers begin to earn paid sick time?	At the commencement of employment or July 1, 2022, whichever is later. Earned sick time can be used beginning July 1, 2022.
Does unused sick time carry forward to the subsequent year?	Yes, but employers are not required to allow workers to carry forward or use more than 64 hours of paid sick time in a year.
Private Right of Action to go to Court?	Yes.
Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)?	No specific language regarding waivers or exemption for workers covered by a CBA.
What Agency or Official Enforces the Law?	The Labor Relations Division of the Workforce Solutions Department
For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law?	Yes
Statutory Citation(s)	N.M. Stat. Ann. § 50-17-1 et seq.
Additional Notes	As noted earlier, the law takes effect on July 1, 2022. Note that this law does not apply to any work done on Tribal Land, including Trust Land—this is true whether an employer is owned or operated by a tribe or tribal member or a non-tribal member. The full text of the law can be found here: https://www.nmlegis.gov/Sessions/21%20Regular/final/HB0020.pdf .