

KNOW YOUR RIGHTS

Paid Sick Leave in NM

Who earns Paid Sick Leave?

All employees in New Mexico working for private employers, regardless of whether they work on a part-time, seasonal, or temporary basis.

How does it work?

Beginning July 1, 2022, employees earn a minimum of 1 hour of *paid* sick leave for every 30 hours worked.

Employees begin earning paid sick leave July 1, 2022, right when they get to work. Employees looking for a job will begin earning paid sick leave the first day of their new job.

Employers may provide paid time off instead of paid sick leave as long as they follow the requirements of New Mexico's paid sick leave law.



How much paid sick leave can employees take and when?

Employees can take all their accrued paid sick leave, up to *at least* 64 hours, each year. Employees can take this leave when:

- The employee needs treatment, recovery time, or preventative care for a mental or physical illness, injury, or health condition;
- An employee's loved one needs treatment, recovery time, or preventative care for a mental or physical illness, injury, or health condition;
- An employee is attending meetings at their child's school or place of care related to the child's health or disability;
- An employee needs to take time off to deal with domestic abuse, sexual assault, or stalking;

OR

- An employee is obtaining services or assisting a loved one with any of the above activities.

Employees may take sick leave as soon as they have earned it.



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How should employees request paid sick leave?

Employees should inform employers as soon as possible, in writing or verbally, when they need to take paid sick leave, and if possible, how long the employee will need to be out.



The employee requesting leave is **not** required to search for or find a replacement worker.

Employees do **not** need to provide documentation that they took sick leave for a valid reason unless the employee takes leave for two or more consecutive workdays

Can my employer refuse to let me take sick leave?

It is illegal for employers to discourage the use of paid sick leave in any way. Retaliation against an employee for requesting, taking, or enforcing their right to paid sick leave is illegal.

If an employer violates New Mexico's paid sick leave law, they may have to pay 3 times the amount they should have paid under the law and the employee's attorneys' fees.

How is the paid sick leave law enforced?

If an employer violates an employee's right to paid sick leave, the employee may sue their employer in a civil court or file a complaint against the employer through the Department of Workforce Solutions. Employees may file complaints with the department by calling (505) 841-4400 or going to a New Mexico Workforce Connections office.

