

NEW MEXICO

Paid Leave Required for New Mexico Workers, Starting in 2022

Beginning July 1, 2022, most New Mexico employers will be required to provide up to 64 hours of paid leave annually for specific reasons relating to the health or safety of employees or their family members. The requirement is contained in the state's new [Healthy Workplaces Act](#), passed April 8, 2021.

Covered Employers and Employees

The only employer exception provided in the law is for government employers. All employees are eligible for leave, including part-time, seasonal and temporary employees.

Paid Leave Accrual and Use

Employees must accrue at least one hour of paid leave for every 30 hours worked, or employers may frontload 64 hours of paid leave on Jan. 1 each year. Leave carries over from year to year, but employee use of leave may be capped at 64 hours annually.

Leave begins accruing and may be used at the start of employment or July 1, 2022, whichever is later. Payout on separation of employment is not required.

Employers with policies providing equivalent leave benefits as those required by the law will be deemed in compliance.

Notice, Enforcement

Employers must notify employees of their rights under the new law at the start of employment and in a poster displayed in the workplace. The state's Department of Workforce Solutions will provide a model notice for this purpose.

Penalties for employer violations of the paid leave law include damages, back pay, reinstatement and attorneys fees, among others.

Important Dates

April 8, 2021

New Mexico enacts Healthy Workplaces Act, requiring paid sick leave for employees.

July 1, 2022

Employee paid sick leave requirement takes effect.

Employers with equivalent leave policies will be deemed in compliance with the law.

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