

## **KNOW YOUR RIGHTS: New Mexico Paid Sick Time**

### **1) What does the New Mexico Paid Sick Time law do?**

It gives workers up to 64 hours of sick time a year, which can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs a medical diagnosis, treatment, or preventative care; for meetings at the worker's child's school or place of care related to the child's health or disability; or to address certain needs that may arise if the worker or a family member is a victim of domestic violence, a sexual offense, stalking.

### **2) Am I covered?**

If you work as an employee in New Mexico, you are probably covered, whether you are a **full-time, part-time, or temporary** worker. However, the law does not cover federal, state, and municipal employees, flight deck/cabin crews subject to the Railway Labor Act, certain railroad workers, and employees of any business owned or operated by a tribe or tribal member.

### **3) How much paid sick time can I earn?**

You earn **1 hour** of paid sick time for **every 30 hours worked**, up to a maximum of **64 hours** per year. Note, however, that paid sick time under this law cannot be earned or used for 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.

All covered employees are protected against being fired or punished for using or requesting their sick time (including threats, discipline, demotion, reduction in hours, termination, etc.).

### **4) What if my work or my child's school or daycare is closed for a health emergency?**

You cannot use your sick time because your work or your child's school or day care is closed unless you would otherwise be able to use your sick time (for example, if you are sick or caring for a sick family member).

### **5) Which of my family members are covered by the law?**

Under the law, you can take sick time to care for yourself or a spouse; domestic partner; your or your spouse's or domestic partner's child, parent, grandparent, grandchild, or sibling; any other individual whose close association with you or your spouse or domestic partner is the equivalent of a family relationship (such as a close friend who is like family, a significant other, etc.); or a spouse or domestic partner of any of the aforementioned family members.



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**6) What if I already have paid leave or paid time off?**

If you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time *and* it's **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

**7) When can I begin using my sick time?**

Beginning July 1, 2022, you start earning sick time immediately and can use it as soon as it's earned.

**8) Do I need a doctor's note?**

Only after 2 or more consecutive days of absence (and the note does not have to specify your illness).

*The Labor Relations Division of the New Mexico Department of Workforce Solutions (DWS) is in charge of enforcing this law.*

**All covered workers are protected against being fired or punished for using or requesting sick or safe time.** If you have a problem—or want more information—call A Better Balance's free legal clinic at **1-833-NEED-ABB**.

*Please note that this fact sheet does not represent an exhaustive overview of the paid sick time law described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker's specific circumstances or category of employment.*