

## What Businesses Should Know About the Proposed Healthy Workforce Ordinance

On October 3, 2017, Albuquerque voters will be asked to consider a proposal known as the Healthy Workforce Ordinance. This proposal would require businesses to provide paid sick leave to their employees, define how employees accrue and use sick leave, and establish recordkeeping requirements and penalties.

The Healthy Workforce Ordinance treats all businesses alike, no matter their size, their industry, or the composition of their workforce. AED is concerned that the proposed ordinance could impede business recruitment efforts, cause companies to eliminate Albuquerque as a potential business location, or cause businesses that are already located here to consider relocating outside of the city limits.

AED is a member of the Albuquerque Coalition for a Healthy Economy (ACHE), a group of organizations that is educating voters about the effect the proposed ordinance would have on businesses and employees alike. The ACHE website, [www.abqche.org](http://www.abqche.org), features a calculator that can estimate the cost for your business to comply with the proposed ordinance.

The Healthy Workforce Ordinance will increase labor costs and new impose administrative burdens on the majority of Albuquerque employers, while also reducing flexibility for many employees. For example:

- The proposed ordinance requires businesses to track each employee's accrued sick leave separately from other types of paid leave such as vacation time or personal time. Because many businesses currently offer a "PTO" benefit that combines all types of paid leave, employees may find they actually have fewer options and less privacy when requesting paid time off.
- The proposal has very specific rules governing how sick leave must be earned, accrued, tracked and used. Many businesses will need to invest in software systems to comply with these recordkeeping requirements, and some may need to hire additional staff in order to administer the proposed policy.
- If an employee uses sick leave, then any adverse action an employer takes against that person within the next 90 days (such as termination, demotion or a reduction in hours) can be viewed as retaliation for use of the leave. The burden of proof would be on the employer to demonstrate that it took the adverse action for some other reason.

The Albuquerque Coalition for a Healthy Economy has filed a lawsuit in State District Court that calls for an injunction declaring the Healthy Workforce Ordinance invalid on the basis of "logrolling."

Logrolling, which is the presentation of multiple questions to voters within one ballot proposition, is a violation of the New Mexico Constitution. The ACHE lawsuit points out that voters will be asked on October 3 not only to approve the minimum levels of paid sick leave that employers must provide, but also the compliance rules, the administrative requirements, and the penalties for noncompliance or retaliation.

It's important for Albuquerque employers to understand how the Healthy Workforce Ordinance might affect your employees, your policies and procedures, and your bottom line. Visit [www.abqche.org](http://www.abqche.org) to learn more.