



PAID SICK LEAVE: Current Law vs. Proposed Amendments

	HB0020	NAWBO NM
	Current Law	Proposed Amendments
TYPE OF EARNED PAID TIME OFF	EARNED PAID SICK TIME OFF	EARN PAID TIME OFF
<i>Max Accrual 12 Mo</i>	64	40
<i>Max Carryover</i>	64	40
<i>Delay Use of Benefit</i>	NONE	90 DAYS
CIVIL ACTION	YES	YES
CIVIL ACTION W/O FILING COMPLAINT W/DWS	YES	NO
STATUTE OF LIMITATIONS	3 YEARS	6 MONTHS - FILE COMPLAINT W/DWS, THEN 6 MONTHS - CIVIL ACTION UPON COMPLETION OF DWS COMPLAINT
STANDING FOR CIVIL ACTION	ATTORNEY GENERAL CIVIL ACTION DWS REPRESENTATIVE/AGENT INJURED EMPLOYEE ANOTHER EMPLOYEE	ATTORNEY GENERAL CIVIL ACTION DWS REPRESENTATIVE/AGENT INJURED EMPLOYEE
LEGAL FEE CAP	REASONABLE	33% OF AWARD
DEFINITION OF BENEFIT	NONE	PAID ON BEHALF OF EE BY ER (NOT WAGES) & ONLY THAT EE CAN ACCESS & UTILIZE. DOES NOT INCLUDE FAVORABLE TAX POSITION PROVIDED BY BENEFIT. SOLELY FOR THE MAINTAINANCE OF BENEFIT, TO ENSURE NO LOSS, OR INTERRUPTION.
GOOD FAITH PROVISION	NONE	ER WITH FIRST INFRACTION WILL BE PROVIDED CORRECTIVE ACTION & DEADLINE TO COMPLY BEFORE PENALTY IS ASSESSED
APPROVED USES	AS DEFINED BY HB 20	AS DEFINED BY HB 20 + ANY OTHER PURPOSE AS DEFINED BY EMPLOYER PAID TIME OFF POLICY
RECORD KEEPING	EMPLOYER REQUIRED TO MAINTAIN RECORDS ON SITE	EMPLOYER IS ALLOWED TO MAINTAIN RECORDS ON SITE AT A 3RD PARTY PROFESSIONAL HR SERVICE PROVIDER AT 3RD PARTY PAYROLL SERVICE PROVIDER OR OTHER 3RD PARTY PROFESSIONAL ADMINISTRATIVE SERVICE PROVIDER.
REQUIRED RECORD RETENTION PERIOD	48 MONTHS	18 MONTHS