UNIFORMITY OF EMPLOYMENT LAWS

The Problem:

- Local units of government are increasingly following the national trend and passing local laws governing private employers’ relations with their employees, mandating paid or unpaid leave time, scheduling and terms and conditions of employment.

- These laws and ordinances are detailed, complex, and expressly apply to small and large employers, and cover both full- and part-time employees.

- Many variables come into play with these local laws that make it extremely burdensome on business, especially if a business has multiple locations and therefore multiple rules to follow.

- Proponents of these mandates have placed several New Mexico cities on their target list.

Why Support Legislation Creating Employment-Law Uniformity?

- Employers should not be forced to deal with a patchwork of employment-related mandates.

- This legislation would prohibit local units of government from adopting, enforcing, or administering ordinances, policies, or resolutions establishing any requirement related to paid or unpaid leave mandates or scheduling mandates.

- Absent this legislation, hundreds of local units of government across the state could each enact their own rules and regulations governing private employers’ relations with their employees, creating inconsistency, confusion and a bureaucratic and red tape nightmare.

- It doesn’t make sense for local units of government to enact costly, one-size-fits all leave mandates on job providers, as these mandates have the unfortunate effect of putting those local community's jobs and businesses at risk.

- Mandatory scheduling, paid leave, and other initiatives are sweeping the country. Albuquerque was the target of the national “Fair Work Week” initiative Summer 2015 and most recently Albuquerque dealt with the “Albuquerque Healthy Workforce Ordinance” ballot initiative. We need to get ahead of this issue in New Mexico.

- With more than 450 federal, state and local attendance and leave laws nationwide, the terms “patchwork” and “hodge-podge” vastly understate the compliance challenges multi-unit and multi-state employers face.

- New Mexico is not alone in its consideration of this type of uniformity legislation. As of January 2017, 21 states have laws preempting local employer mandates, including our neighboring states of Arizona, Colorado, Utah, and Oklahoma. Other states include: Oregon, Idaho, Kansas, Missouri, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, Rhode Island, Tennessee, North Carolina, Louisiana, Mississippi, Alabama, Georgia, and Florida.