

LFC Requester:	Charlene Cerny
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendme**
Correctio **Substitute**

Date March 9, 2015
Bill No: SB 646-305

Sponso Sen. Peter Wirth **Agency Code:** Attorney General's Office
Short Protect Worker Rights to **Person Writing** Jennifer Salazar, AAG
Title: Wage & Leave **Phone** 827-6990 **Emai** jsalazar@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue	Recurring	Fund
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FY15	FY16	FY17	or Nonrecurring	Affected

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis:

SB 646 amends the definitions of “employer” and “wages” enumerated in NMSA 1978, Section 50-4-1. Specifically, the amendment would allow the Workforce Solutions Department and courts to consider “all relevant evidence” in evaluating the existence of an employer-employee relationship. In addition, the term “wages” is expanded to included cash payments. The amendment further requires payment of an employee’s unused vacation, holiday, sick, and other leave at the time of the employee’s separation from his/her employment.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

To the extent that the wage payment on separation language would impair any collective bargaining agreements in place as of the effective date of this amendment, SB 646 may raise concerns under the contract clause of Article II, Section 19 of the New Mexico Constitution.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A