

Employers and Employees | DID YOU KNOW?

What you need to know about the public emergencies ending

This information is up to date as of March 28, 2023 and is subject to change.

On January 30, 2023, the Biden Administration announced that the the national emergency and public health emergency declarations would end on **May 11, 2023**.

On March 3rd, 2023, Governor Michelle Lujan Grisham signed an executive order that ends the public health emergency on **March 31, 2023** related to the COVID-19 pandemic in the state of New Mexico.

What does that mean for working individuals in New Mexico?



In response to COVID-19, Congress enacted legislation which provided assistance during the emergency declarations and now are scheduled to expire when the emergency period ends. Many Americans will continue to pay nothing out-of-pocket for the COVID-19 vaccine. Currently, COVID-19 vaccinations are covered under Medicare Part B without cost sharing, and this will continue.

Medicaid will continue to cover all COVID-19 vaccinations without a co-pay or cost sharing through September 30, 2024, and will cover ACIP (Advisory Committee on Immunization Practices) recommended vaccines for most after.



Are employers required to provide paid sick leave for COVID-19 after the emergency order ends?

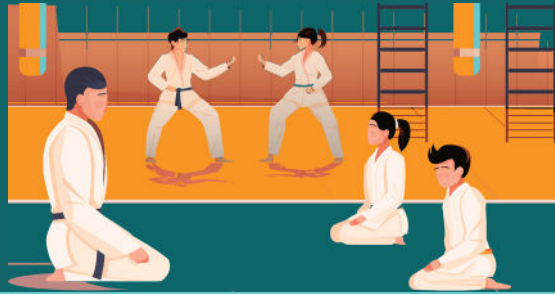
No. Under the Federal Families First Coronavirus Response Act (FFCRA), employers were required to provide eligible employees with paid sick and expanded family and medical leave for certain COVID-19 related reasons. However, the requirement that employers provide paid sick or expanded family and medical leave under the FFCRA employer mandate provisions applies to leave taken or requested during the effective period of April 1, 2020 through December 31, 2020.

The New Mexico Healthy Workplaces Act of 2021

The New Mexico Healthy Workplaces Act of 2021 is a law requiring all private employers in New Mexico to allow employees to accrue and use a benefit called earned sick leave. The law took effect on July 1, 2022. The Act lets employees earn and use paid sick leave.

- For every 30 hours that an employee works they earn 1 hour of paid sick leave.
- No waiting period, as of July 1, 2022, paid sick leave accrues the first day of employment.
- The act does not require employers to pay unused sick leave upon termination, resignation, etc.
- Up to 64 hours can roll over into the next business year.

What should I do if I test positive for COVID-19 and have to leave work?



Put your health and safety first. Take advantage of the New Mexico Healthy Workplaces Act.

Employees may use this leave for various reasons listed in the Act, like the employee's or their family member's illness or injury, or to deal with certain legal and family issues.

Who is covered under the Healthy Workplaces Act of 2021?

All private employees in New Mexico, regardless of the size of their employer, are covered. This includes full time, part-time, seasonal, and temporary employees. How long an employee has been employed, the employee's age, and the employee's immigration status are all irrelevant in determining if the Act applies.

Can parents or other caregivers take time off from work to care for a child whose school is closed or whose care provider is no longer available due to COVID-19 reasons?

There is currently no federal law covering non-government employees who take off from work to care for healthy children, and employers are not required by federal law to provide leave to employees caring for a child whose school is closed or whose care provider is unavailable due to COVID-19 reasons.

However, under the Healthy Workplaces Act employees are eligible to receive paid sick leave if they need to care for a sick family member.



Sources

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