

Council postpones paid leave vote, opting for 60-day deferral

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The long-simmering debate over whether Albuquerque workers should have paid leave is now moving into 2021.

The City Council on Monday voted 5-4 to postpone voting on legislation that would have guaranteed paid time off for nearly every worker citywide.

Councilor Trudy Jones proposed the 60-day vote deferral, saying it would be “foolhardy” to vote without further vetting the legislation and that the city should wait to see what, if any, statewide paid leave policy the New Mexico Legislature considers when it convenes in January.

“As the largest city in the state, we should comply with what the state is doing in order to make this workable and usable if we do it,” she said.

City Councilor Lan Sena – who co-sponsored the paid leave proposal with Pat Davis – stressed the urgency of taking action sooner, saying that workers are slated to lose their federally mandated COVID-19-related paid sick leave on Dec. 31 even though the pandemic is still raging. She argued that Albuquerque should set the tone for the rest of the state, not the other way around.

“They’re just starting those conversations on sick leave (at the state level),” Sena said. “We’re much more ahead. We can pass this now.”

But Jones’ motion to delay had enough support, with Brook Bassan, Cynthia Borrego, Diane Gibson and Don Harris agreeing to the postponement.

Isaac Benton and Klarissa Peña joined Sena and Davis in opposing the deferral.

Monday’s postponement is the latest development in the community’s five-year debate on paid leave. Supporters have long contended that paid leave is a public health issue and basic human right. Without it, they say, workers are often forced to choose between staying home while sick or paying their bills.

In Albuquerque now, just over 100,000 private-sector workers lack access to paid leave, according to the University of New Mexico’s Bureau of Business &

Economic Research. The poorest workers are least likely to have it, including just one out of 10 workers in households with \$15,000 or less in annual income.

But businesses and industry associations have perpetually fought a citywide mandate. They contend the costs are too high.

The full benefit afforded by the Sena/Davis bill would cost businesses an average of \$1,021-\$1,046 per employee per year, according to BBER, though its study found that every dollar expended would lead to \$1.17 more in sales to Albuquerque businesses.

Supporters and critics alike say that COVID-19 strengthened their positions; proponents say paid leave is even more important amid a deadly and highly infectious virus, while businesses say they have been devastated by pandemic-related shutdowns and have even less wherewithal than before to bear an additional cost.

The council received dozens of public comments about the Sena/Davis bill, both in writing and via teleconference during Monday's meeting. Among those calling for passage were a local daycare worker who said her employer refused to provide paid leave while she battled COVID-19 and a domestic violence survivor who said she is in daily pain because she has not been able to get the medical care she needs.

"As an individual who needs ongoing physical treatment for my neck and back injuries inflicted by my ex-husband, I can honestly say that I've had to skip countless treatments as a result of having no paid sick leave protection," she told the council.

But multiple business associations – including the Albuquerque Hispano Chamber of Commerce, the Home Builders Association of Central New Mexico and the New Mexico Retail Association – all came out in opposition, as did several individual businesses.

George Gundrey, owner of Tomasita's restaurant, said in a written comment that the Albuquerque eatery lost \$132,000 in business from May through July.

"Sick pay, both the cost of providing it and the cost of the administration are a major burden on small business while more easily manageable by large corporations," he wrote in public comments provided to the Journal. "This is yet another example of how so-called 'progressive' legislators and activists stack the deck in favor of Corporate America."

The Sena/Davis bill requires all businesses with at least three workers to provide paid leave by 2022. It would have required businesses with at least 10 employees to provide the benefit by Jan. 1 and the rest by Jan. 1, 2022.

Under the bill, workers would earn an hour of paid leave for every 32 hours of work up to 56 hours per year.

After he voted for deferral, Councilor Don Harris described paid leave as inevitable and said businesses should start working on a policy they could support or they would not like the alternative. He noted that paid leave proponents could potentially gather enough signatures to put a policy they write on the ballot, as they did in 2017. It was defeated, but only narrowly, which Harris said probably would not happen again.

“I really encourage (businesses) to get real. We’re going to have a sick leave ordinance ... one way or another,” he said. “If you give up your ability to cooperate and negotiate the language of the bill, you’re going to turn it over to the advocates.”