



JOURNAL

BernCo sick-leave law end-run around voters

Business against plan

These groups, part of the Albuquerque Coalition for a Healthy Economy (ACHE), share the concerns voiced in this op-ed:

American Subcontractors Association, Apartment Association of New Mexico, Associated Builders & Contractors Inc. N.M., Association of Commerce and Industry, Associated General Contractors N.M., Albuquerque Hispano Chamber of Commerce, Commercial Association of Realtors, Certified Commercial Investment Member N.M., Greater Albuquerque Association of REALTORS, Greater Albuquerque Chamber of Commerce, Greater Albuquerque Innkeepers Association, Home Builders of Central New Mexico, Institute of Real Estate Management N.M., Mechanical Contractors Association N.M., NAIOP Commercial Real Estate Development Association, New Mexico Business Coalition, Northern N.M. Independent Electrical Contractors, New Mexico Restaurant Association, New Mexico Utility Contractors Association, Rio Grande Foundation, Society of Industrial & Office REALTORS N.M. Sheet Metal and Air-Conditioning Contractors Association N.M.

Legislation creates incentive for frivolous claims and lawsuits

BY ROB BLACK
PRESIDENT & CEO, N.M. ASSOCIATION OF
COMMERCE AND INDUSTRY

The Bernalillo County Commission undermines democracy when it ignores the will of the voters. In a representative democracy, our elected officials are supposed to represent us. However, when the voters speak directly through a ballot measure, they have taken democracy in their own hands. Now a few members of the county commission have decided to undermine the voters who recently voted down a job-killing sick leave ordinance and instead are trying to ram the measure through at the county level without even reaching out to impacted businesses or conducting a bona fide economic impact analysis.

While the proponents have made amendments from the original ballot measure, there are still very serious problems. The measure's language is unclear but appears to cover all businesses in Bernalillo County that require a county permit to operate, and would mandate that the employer provide paid sick leave to all employees, even if that business only has two employees and the workers only work two to three hours per week. The proposal would add costs and expensive record keeping for small local businesses.

But the worst part is that the legislation creates an incentive to file frivolous claims and lawsuits to exploit and extort our most vulnerable small and minority-owned businesses without risk of repercussions. Lawyers, working with advocacy groups, could sue businesses in court for triple damages, court costs and attorneys' fees, without the involvement, knowledge or permission of the employees of the business. If the small business can't afford an attorney, it could be forced to settle or go out of business. And if a business doesn't respond within a week of an inspection demand, the county will cancel the business's registration, effectively closing the business without a right to appeal.

The proposal will add significant expenses, compliance costs and legal liability to our local businesses, making Bernalillo County uncompetitive with the surrounding counties.

Please contact your county commissioner and tell them to reconsider this proposed ordinance and ask them to listen to the small business community and consider how this proposal would affect their livelihood.