



POLICY REPORT

Valuing Families at Work

The Case for Paid Leave in New Mexico

By Jacob Vigil, MSW | August, 2019



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INTRODUCTION

New Mexicans are working hard every day to provide a brighter future for their families and our state. When they or their child gets sick, they should be able to take care of themselves or their family with the assurance that they won't risk their livelihood to do so. But in New Mexico, **almost half of all workers are unable to accumulate paid sick leave** (see Figure 1).¹ While this is the highest percentage in the U.S., the lack of paid sick leave and family/medical leave is a national problem that forces too many parents to make the gut-wrenching choice between their jobs and caring for themselves or a sick child at home.

While several states and cities have enacted paid sick leave policies, in New Mexico thousands of workers are forced to jeopardize their wages and their jobs when they become sick or need to care for a sick child or loved one because they cannot earn a single paid sick day. **The lack of paid sick leave adds stress to families**, exposes co-workers and customers to communicable diseases unnecessarily, and risks the spread of infectious diseases to children in schools and child care centers. Without paid family and medical leave, workers lack the job security to care for a new child or sick relative.

Guaranteeing all workers at least one week of paid sick leave would do much to help low-income working families and their children. New Mexico, with its high percentage of low-wage jobs and a correspondingly high rate of working families who are low-income, would have much to gain from enacting paid leave legislation. **New Mexico needs to become a leader** in providing this basic benefit that will help all workers, their children, and our state succeed.

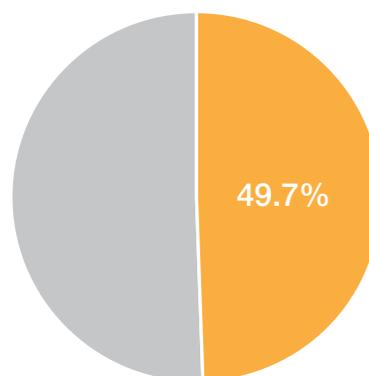
New Mexico has begun to take small steps toward embracing these broadly beneficial policies. On the state level, the Legislature created a work group to develop recommendations on paid family medical leave, but

legislation establishing paid leave stalled during the 2019 session. In Albuquerque, a diverse coalition of grassroots organizing groups, advocates, and labor unions pushed for a Fair Work Week ordinance that would ensure all employees would earn one hour of sick leave for every 30 hours worked. The Albuquerque City Council did not pass it, and a more ambitious proposal was narrowly defeated at the ballot box the next year. The coalition is currently advocating for a similar ordinance at the county level.

New Mexico now stands at a crossroads – the political moment is ripe for our state to **adopt family-strengthening policies**, especially given that this is the second year New Mexico has ranked 50th in the nation in child well-being.² We know that children cannot thrive if their families are struggling, and for that reason lawmakers in our state and local governments should add New Mexico to the list of states mandating or providing a framework to ensure paid leave for working families.

FIGURE 1: Half of New Mexico workers do not have access to paid sick days

Percent of New Mexico workers who cannot earn paid sick leave



The Benefits of Paid Sick Leave

There is a substantial body of evidence demonstrating the multiple benefits of paid sick leave to employers, workers (particularly women and workers of color), families, and communities.³ The economic and public-health benefits of paid sick leave coverage are substantial, including safer work environments,⁴ reduced spread of contagion,⁵ and reduced health care costs.⁶

Paid sick leave allows workers to access preventive care, which can lead to early detection of health problems, improve health outcomes, and reduce the economic burden of more serious or chronic illness.⁷ Without annual visits to the doctor, New Mexicans are at a greater risk of missing regular screenings that detect common cancers and other diseases in time for early intervention.⁸ Healthy parents are also better able to care for their children.

Access to preventive care is also an important part of ensuring one's children receive the care they need. Millennials (defined as young adults between the ages of 18 and 34) are the fastest growing cohort of new parents, with 83 percent of new babies in 2015 born to a mother in that age group.⁹ All children, and particularly newborns, require frequent, routine check-ups with their doctors, and new parents must be able to take the time to ensure their children have such visits. When parents are unable to get their children the care they need, or be at home when their children are sick, children have worse health outcomes.¹⁰ Under the Affordable Care Act (ACA), a number of preventive services for children are available at no cost, including screening for autism and lead exposure, recommended immunizations, and hearing and vision screenings.¹¹ There are also broad benefits to society when people receive vaccinations for communicable diseases. When children are vaccinated, they are less likely to contract and spread diseases that can be harmful to other children.

Health care costs are also reduced because paid sick leave encourages a more rational use of health resources. In a 2011 report, the Institute for Women's Policy Research (IWPR) found that:

- Paid sick days are associated with better self-reported general health among workers;
- Workers with paid sick days are less likely to delay medical care for themselves or for family members; and

- Access to paid sick days is associated with lower usage of hospital emergency departments, a finding that holds true for those workers and families with private health insurance, those with public health insurance (e.g. Medicaid or CHIP), and those with no insurance.¹²

The IWPR, which puts the estimate of American workers without paid sick leave between 43 million and 48 million, writes that such workers, "...often have to risk their jobs or pay when inevitable short-term health and care-giving needs arise."¹³



International Comparison

The U.S. does not compare well with other advanced nations regarding guaranteed paid sick leave (see Figure II).

We are the only nation ranked highly in economic and human development that does not guarantee paid sick leave for all workers. The U.S. also has no federal laws protecting workers from being fired if they do miss work due to illness.

The U.S. also stands alone as the only country not guaranteeing paid sick leave for a long-term illness such as a 50-day cancer treatment. Several nations provide full pay for the 50 working days missed, while others provide less. Governments can guarantee sick leave to workers by mandating that employers provide sick leave, or by including sick days or sick pay in a social insurance system.

“We are the only nation ranked highly in economic and human development that does not guarantee paid sick leave for all workers.”

Paid Sick Leave: The National Picture and Where New Mexico Stands

The fact that the U.S. does not have national legislation requiring sick leave through an employer mandate or a social insurance system (see Figure II) does not mean that no laws guaranteeing sick leave have been enacted. States and cities have led the way in passing laws that allow workers to earn the benefit.



FIGURE II: The U.S. is the only advanced nation with no paid leave policy

National paid sick leave programs in 22 high human development index (HDI) countries

Country	Number of paid sick days required per full time equivalent employee	
	5 days (i.e. flu)	50 days (i.e. cancer)
Australia	5	10
Austria	5	45
Belgium	5	39
Canada	0	22
Denmark	5	36
Finland	5	47
France	1	24
Germany	5	44
Greece	3.5	29
Iceland	5	17
Ireland	0.7	17
Italy	1	29
Japan	0	28
Luxembourg	5	50
Netherlands	3.5	35
New Zealand	5	5
Norway	5	50
Spain	1.2	33
Sweden	3.2	38
Switzerland	5	15
United Kingdom	0.4	10
United States	0	0

Source: Contagion Nation: A Comparison of Paid Sick Day Policies in 22 Countries, Jody Heymann, Hye Jin Roe, John Schmitt, and Alison Earler, Center for Economic and Policy Research, May 2009
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Regionally, workers in the New England and the West Coast areas fare the best in terms of access to paid sick leave (see Figure III). Nationally, there has been an increase in workers with paid sick leave in recent years, spurred by laws at the local and state levels, which has expanded access to the benefit in states such as Massachusetts, Oregon, Vermont, Washington, Arizona, Maryland, Michigan, and 36 cities across the country.

With almost half of all workers unable to accumulate paid sick leave, New Mexico has the highest percentage of workers lacking paid sick days in the U.S. The main reason for New Mexico’s lack of paid sick leave is the high concentration of workers in low-wage employment sectors – such as retail trade and hospitality services – that are less likely to provide these crucial benefits. Again it is important to note that this dynamic means that young workers, women, and workers of color are disproportionately impacted. Given New Mexico’s status as a majority people of color state, this is a big problem.

Paid sick legislation that has passed in other states mandates that workers may not be disciplined, fired or retaliated against for using sick leave. Commonly,

workers earn one hour of sick leave for every 30 hours worked with a cap on the number of hours or days that may be earned. Some states’ legislation permits the carryover of unused sick leave each year, also with a cap on the number of hours that may be accrued. It is also common for workers in smaller industries to earn paid sick days at lower rates such as one hour per 40 hours worked or to have lower caps on the number of days or hours that may be accrued. The most worker-friendly laws also allow the leave to be used to care for a sick family member, although these are less common than laws that restrict usage to the workers’ needs.

Where paid sick leave is not made available through state or local law, availability is the result of agreements between individual employers and workers. Not surprisingly, paid sick leave is more common in high-wage and union jobs, as are other employment benefits such as health insurance and paid vacation time. The National Compensation Survey (NCS) of the U.S. Bureau of Labor Statistics provides a broad description of the availability of sick days by industry in the U.S. (see Figure IV).

FIGURE III: Workers in the South and Midwest are the least likely to have paid sick leave

Employees with paid sick leave by region

Geographic region	Percent with paid leave		
	Civilian	Private industry	State & local government
Northeast	77%	75%	90%
New England	79%	78%	90%
Middle Atlantic	76%	74%	90%
South	71%	67%	92%
South Atlantic	70%	67%	91%
East South Central	67%	62%	90%
West South Central	75%	71%	94%
Midwest	67%	64%	89%
East North Central	67%	64%	88%
West North Central	69%	65%	91%
West	82%	81%	93%
Mountain	72%	69%	88%
Pacific	87%	86%	95%

Source: US Bureau of Labor Statistics, Employee Benefits in the United States, March 2018
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FIGURE IV: The manufacturing sector is the least likely to offer paid sick leave to employees

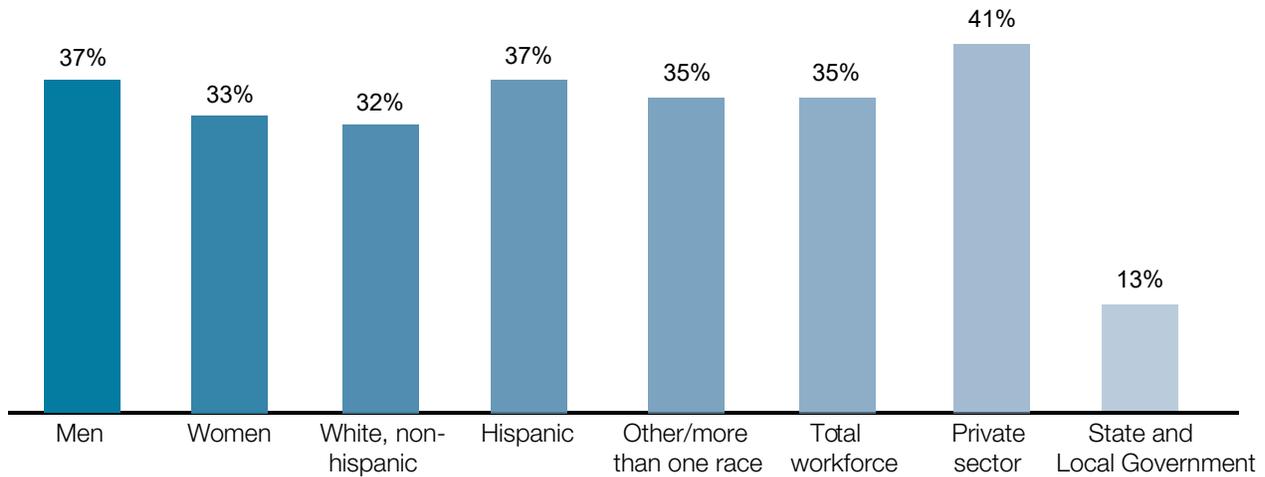
Employees with paid sick leave by industry

Employment sector	Percent with paid leave		
	Civilian	Private industry	State & local government
Goods-producing industries	69%	68%	
Service-producing Industries	75%	71%	91%
Education & health services	87%	84%	92%
Educational services	90%	81%	92%
Elementary & secondary schools	92%		93%
Junior colleges, colleges & universities	89%	86%	90%
Health care & social services	85%	84%	92%
Hospitals	94%		92%
Public administration	92%		92%

Source: US Bureau of Labor Statistics, Employee Benefits in the United States, March 2018
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FIGURE V: The majority of workers in Bernalillo County without paid leave work in the private sector

Percentage of workers in Bernalillo County without access to paid sick leave, 2017



Source: Institute for Women's Policy Research, June 2019
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The availability of paid sick leave also varies with hours worked, with full-time workers much more likely to have paid sick leave than those working part-time (see Figure VI). This is due to the fact that many employers offering paid sick leave require that employees work a minimum number of hours in order to qualify. The result is that low-wage workers – which most part-time workers tend to be – have less access to the benefit.

The size of the employer is also a determining factor in the availability of paid sick leave, as shown in Figure VII. The pattern is clear: larger employers are much more likely to offer paid sick leave to their workers. In addition, a far higher percentage of public-sector

workers than private-sector have access to paid sick leave, irrespective of size.

A lower share of employees receive paid sick leave in industries where most of the jobs do not require a college education – such as goods-producing industries

FIGURE VI: Few part-time workers can earn paid sick leave

Employees with paid sick leave by hours worked

Hours worked	Percent with paid leave
Less than 20	19%
20 to 34 hours	30%
35 or more hours	70%

Source: Institute for Women's Policy Research
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FIGURE VII: The more employees a company has, the more likely they receive paid leave

Employees with paid sick leave by size of employer

Number of employees	Percent with paid leave		
	Civilian	Private industry	State and local government
1 - 99 workers	63%	62%	89%
1 to 49 workers	61%	60%	86%
50 to 99 workers	69%	66%	92%
100 workers or more	84%	82%	92%
100 to 499 workers	80%	79%	90%
500 workers or more	89%	87%	93%

Source: US Bureau of Labor Statistics, Employee Benefits in the United States, March 2018
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(factories and food processing plants) and in service-producing industries (retail, food service, and hospitality). By far the highest share of employees with paid sick leave work in government. This is, in part, because many of those jobs are unionized and require post-secondary education.

As with other employee-provided benefits, such as health insurance and paid vacation, paid sick leave tends to be less available in lower-wage jobs. Young adults between the ages of 18 and 34 are much less likely to have access to paid sick leave, given their high concentration in low-wage or part-time jobs.¹⁴ Hispanic and immigrant workers – who make up a large part of our state’s workforce – are also overrepresented in such jobs.

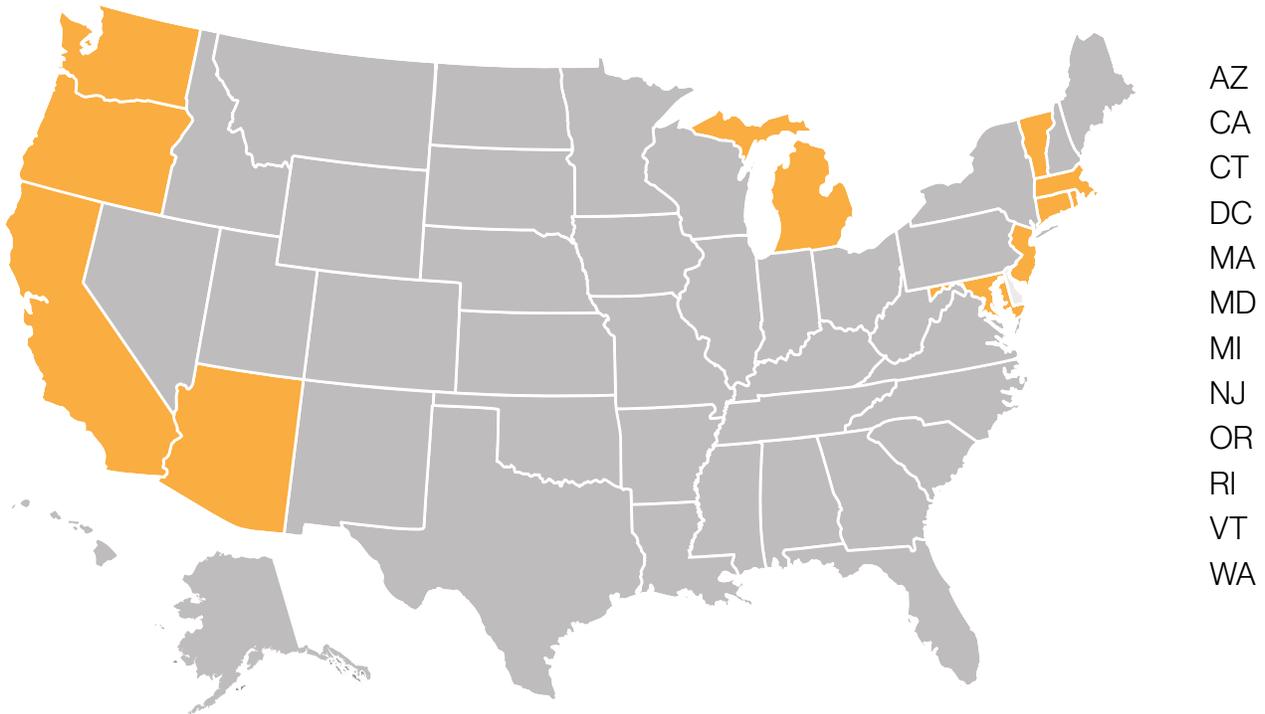
As a result, those who can least afford to lose any of their income are the most likely to have to choose between working and taking time to care for themselves or a child when they are sick. This intersection of low-wage work and the lack of benefits like paid sick leave does not adequately support working families.

A nationwide increase in low-wage service jobs has not been accompanied by an increase in the quality of those jobs. Almost one-quarter of these jobs, which are mostly filled by people of color and women, pay poverty-level wages (less than \$11.70 per hour) and offer limited or no benefits, such as employer-provided health care or paid leave.¹⁵ Furthermore, many low-wage workers who would like to work full-time are only able to get part-time hours.¹⁶ Low-wage workers also face unstable schedules that make it difficult to arrange child care, take a second job, or manage their monthly finances.

The expansion of paid sick days in states and cities around the country has been a bright spot, but too many workers still lack access to paid leave. New Mexico remains one of the states with no statewide or city laws guarantying paid sick or family leave. This is particularly troubling, given that our state has the second highest rate of working families who are low income (42 percent of working families make less than 200 percent of the federal poverty level),¹⁷ and that 39 percent of jobs in New Mexico are low-wage jobs that pay less than \$12 an hour, with women and people of color disproportionately represented in such jobs.¹⁸

FIGURE VIII: Only a handful of states have stepped up to close the federal gap in sick leave

States that require private employers offer paid sick leave



Source: National Council of State Legislatures, 2018
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Paid Family and Medical Leave

Many wealthy countries around the world – and a handful of U.S. states – have realized that guaranteeing paid time off for new parents and caregivers is another way to support working families while promoting family health, stability, and child development. Paid family and medical leave (PFML) is less common than paid sick leave – only 14 percent of American private-sector workers have access to PFML through their employers¹⁹ – but the U.S. is unique among wealthy countries in not having a national PFML policy (although the U.S. does have an unpaid leave program).

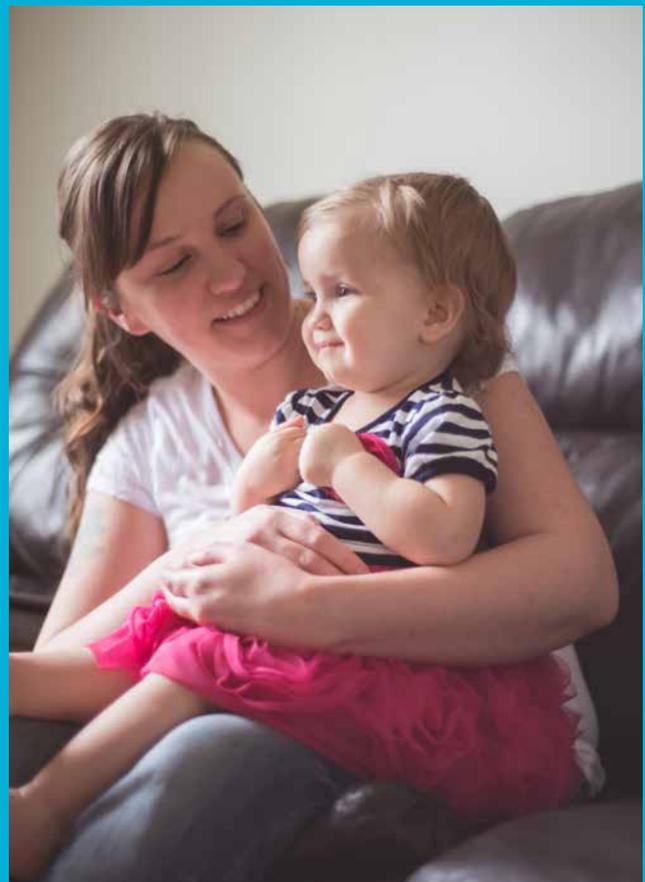
Paid family and medical leave is designed to help parents balance work and family responsibilities by providing time off from work with partial wage replacement to care for a newborn or newly adopted child or an ill family member. Current laws in the handful of states that have PFML policies provide partial wage replacement during leave and establish broad eligibility requirements. Programs differ from state to state in terms of duration, benefit amount, job protection, definition of family, and funding mechanism (usually a combination of employee and employer contributions).

Research has demonstrated the clear and abundant benefits of PFML on population health, with particular focus on pregnant and parenting mothers. Millions of American women struggle with the challenges of getting time away from work to attend prenatal checkups, bond with their newborn, breastfeed, and obtain immunizations. Being able to do all of this without the fear of financial adversity or job loss would alleviate maternal stress and depression – two key factors in poor health outcomes for infants.²⁰ Research has shown that access to paid parental leave is strongly associated with lower rates of mortality in infancy and childhood.²¹

Currently, at least six states and Washington, D.C. have passed or implemented comprehensive

PFML programs. Most of these programs add or adapt PFML to existing temporary disability insurance programs.

With our state's high rate of working poor, adverse childhood experiences, and poor child outcomes, a comprehensive PFML program would be of great benefit to New Mexico. In 2019, a bill establishing a PFML program in New Mexico was put forth in the state legislature, but did not pass. A diverse statewide coalition continues to work on a policy proposal modeled after those passed in other states that would balance funding between employees and employers and provide an adequate benefit to New Mexico families. A sensible, popular program like PFML that pays long-term dividends in health and economic stability are what our state needs, and in the coming years lawmakers will have the opportunity to consider legislation to enact it.



Paid Sick Leave: Racial Disparities and Wealth

The economic and public health benefits of paid sick leave coverage are substantial, including safer work environments, reduced spread of contagion, and reduced health care costs.²² Access to this important benefit, however, is still too rare and unequally distributed, with substantial differences by race and ethnicity as well as gender (see Figure IX). White, non-Hispanics have more access to paid sick leave than Hispanics or Black non-Hispanics, but less than Asian non-Hispanics.

Lack of access to paid leave may also have detrimental and long-term impacts on racial disparities, because disparities in wealth and wealth building are compounded

by this lack. The racial wealth gap means that families of color have, on average, fewer resources than do white families to plan for and absorb the effects of a serious personal or family medical issue, including the birth or adoption of a new child. This phenomenon of “asset poverty,” combined with the lack of paid time, off makes it more difficult for families of color to absorb the financial shock of a serious family or medical need. Additionally, people of color tend to receive lower quality health care and experience worse health outcomes than do white people,²³ highlighting their need for paid leave.

In short, paid leave would provide crucial financial support and stability for families of color – particularly young workers in low-wage jobs – at critical times. This would represent a key element in a social safety net that is already frayed, thereby providing an opportunity to break a cycle of lost wealth building.

FIGURE IX: Hispanic men are the least likely to have paid sick leave

Employees with paid sick leave by gender, race, and ethnicity

Population group	Percent with paid leave		
	Men	Women	Total
Total	60%	60%	60%
Hispanic	45%	49%	46%
Other, non-Hispanic	67%	65%	66%
Black, non-Hispanic	59%	64%	62%
White, non-Hispanic	64%	61%	63%
Asian, non-Hispanic	67%	67%	67%

Source: Institute for Women’s Policy Research briefing paper
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An Estimate of the Cost of Providing a Week of Paid Sick Leave

Since it is likely that most of the larger employers already provide some form of paid leave, a mandated paid sick leave program would probably impact smaller employers the most. The cost of providing 56 hours of annual sick leave for all employees would vary (see Figure X). For employers with five low-wage (\$8.95 per hour) workers, the cost would be \$2,500. For an employer with 20 employees earning \$11.50 per hour, the cost would be \$12,880. On the high end of the range, an employer with 100 workers earning \$15 per hour would have a cost of \$84,000 annually to provide a week of sick leave to all its employees.

These are not insurmountable costs for employers to bear, and the benefits to employers in the long run are substantial in the form of workforce stability, increased productivity, illness prevention, and lower health care costs.²⁴



FIGURE X: The cost of providing paid sick leave in New Mexico is minimal, ranging from \$500 to \$900 per employee, per year

Maximum financial impact of providing 56 hours of paid leave for employees by number and hourly pay of employees

Number of employees	Hourly wage of employees							
	\$8.95	\$9.50	\$10.00	\$10.50	\$11.00	\$11.50	\$12.00	\$15.00
Estimated total cost								
5	\$2,506	\$2,660	\$2,800	\$2,940	\$3,080	\$3,220	\$3,360	\$4,200
10	\$5,012	\$5,320	\$5,600	\$5,880	\$6,160	\$6,440	\$6,720	\$8,400
20	\$10,024	\$10,640	\$11,200	\$11,760	\$12,320	\$12,880	\$13,440	\$16,800
100	\$50,120	\$53,200	\$56,000	\$58,800	\$61,600	\$64,400	\$67,200	\$84,000

Source: Original analysis by New Mexico Voices for Children
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CONCLUSION

A statewide paid sick leave law coupled with a paid family leave law, would go far to address barriers to New Mexicans accessing health care – including preventive care – because of economic and job insecurity. Young adults and workers of color – the groups least likely to have access to paid leave – stand to benefit the most due to their overrepresentation in low-wage jobs and the growing numbers of Millennial parents. Given our state's slow recovery from the Recession and high poverty rates, this population needs all the support it can get as it begins its careers and families. **Paid leave would bolster the economic viability** of New Mexico's young and diverse workforce at a time when we desperately need that workforce to be strong and growing.

Paid leave programs must be responsive to the needs of people of color, and especially women of color, in order to promote full participation in the workforce, combat wealth disparities, and promote public health. If paid leave programs are not crafted carefully, with the

needs of those most impacted by racial and economic disparities at the forefront, they may disproportionately exclude these families and perpetuate inequitable access to leave and the economic and health challenges associated with the lack of it. Fortunately, New Mexico can now learn best practices from other states' paid leave programs.

There is no reason New Mexico should lag behind other states in the share of workers with access to this important and effective benefit. Our status as 50th in the nation in child well-being makes it imperative that we enact policies that promote family and community health and economic stability. The cost of such a program would be justified in light of the many benefits of paid leave. When parents no longer have to choose between their jobs and caring for themselves or family members, their children and families win, employers have a healthier and more stable workforce, and New Mexico thrives.

ENDNOTES

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James Jimenez, MPA, Executive Director • Amber Wallin, MPA, Deputy Director • Stephanie Brinker, Ph.D., Volunteer • Farah Council, MA, Development Director • Marie-Pier Frigon, Communications Assistant • Cirila Estela Vasquez Guzman, Ph.D., Research and Policy Analyst and SPP Fellow • Bill Jordan, MA, Senior Policy Advisor and Government Relations Officer • Sharon Kayne, Communications Director • Paige Knight, MPP, Research and Policy Analyst • Derek Lin, Research and Policy Analyst • Barbara Mike, Operations Support Clerk • Javier Rojo, MPA, Research and Policy Analyst • Brian Urban, Office Manager • Jacob Vigil, MSW, Research and Policy Analyst

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