

Paid Sick Leave in Dallas and San Antonio Effective August 1

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Municipal ordinances mandating that employers provide paid sick leave to employees in Dallas and San Antonio will take effect as scheduled on *August 1, 2019*.

Employers should be prepared to comply with the new paid sick leave ordinances by the effective date (for most employers, explained below).

Efforts in the most recent Texas legislative session to block city-driven paid sick leave laws have stalled. (See our blog post, [Texas Paid Sick Leave: Dallas and San Antonio Employers Should be Prepared for Paid Sick Leave Laws by August 1 Absent Prompt Legislative or Court Intervention.](#))

Meanwhile, a [paid sick leave ordinance in Austin](#) nearly identical to those in Dallas and San Antonio is stayed due to a pending [legal challenge](#). Given the similarities between the Austin, Dallas, and San Antonio ordinances, the legal challenge to the Austin ordinance, once exhausted, could determine the fate of those of the other two municipalities. A ruling is likely months away. The State's Response in the Austin case is due on June 28, 2019.

Dallas and San Antonio Ordinances

Although the Dallas and San Antonio ordinances have minor differences, their similar requirements include:

- Employers with more than five employees must provide paid sick leave effective August 1, 2019.
- Employers with five or fewer employees must provide paid sick leave but the effective date is *August 1, 2021*.
- Full- and part-time employees are eligible if they work 80 hours a year within the respective city limits.
- Employees accrue one hour of paid sick time for every 30 hours worked inside the city limits. The accrual cap is 64 hours a year for employers with more than 15 employees, and 48 hours a year for employers with 15 or fewer employees.
- Leave is available for the employee or if the employee must care for a family member. A "family member" is the employee's "*spouse, child, parent, any other individual related by blood, or any other individual whose close associate to an employee is the equivalent of a family relationship.*"
- Leave may be used for physical or mental illness, physical injury, preventive medical or healthcare or health conditions, as well as the need to seek medical attention, seek relocation, obtain services of a victim services organization, or participate in legal or court ordered action related to an incident of victimization from domestic abuse, sexual assault, or stalking involving the employee or the employee's family member.

Dallas and San Antonio Employer Requirements

Both the Dallas and San Antonio ordinances require employers with employee handbooks

to include a notice of an employee's rights and remedies in the handbook. If revisions to the employee handbook are not immediately feasible, employers should consider issuing an addendum to the handbook until the handbook can be revised.

When an employee is absent for more than three consecutive work days, an employer can request verification that the employee took leave for a covered purpose, but the employee need not explain the illness.

Employers also must provide employees with a monthly notice, either electronically or in writing, showing the amount of the employee's available earned paid sick time.

Employers need not post a sign describing the eligibility requirements until the cities create and issue the poster.

Lastly, San Antonio employers may consider reviewing the city's dedicated webpage: <https://www.sanantonio.gov/City-Attorney/Regulatory-Division/Paid-Sick-Leave>.

Takeaways

Private employers with employees in Dallas and San Antonio should review their leave policies, procedures, payroll practices, and notices to ensure compliance. Employers should also continue to check city resources – the San Antonio Metro Health Department website has useful resources and the Dallas Office of Fair Housing and Human Rights is creating informational materials and resources.

Although the effective date for the Dallas and San Antonio paid sick leave ordinances is August 1, civil penalties will not apply until April 1, 2020. But both the Dallas and San Antonio ordinances provide for civil penalties for retaliation as of August 1, 2019 (for most employers).

Finally, the ordinances could get sidelined if Texas lawmakers call a special legislative session or if there is a direct legal challenge like the one lodged against the Austin ordinance, but with the effective date rapidly approaching, employers have to be prepared.

For guidance on leave management issues, please contact a Jackson Lewis attorney. [Register here](#) if you would like to receive information about our workthruIT® Leave & Accommodation Suite. The Leave & Accommodation Suite provides subscribers an expanding array of tools to manage leave and accommodation issues, including electronic access to a state and local leave law database that is developed and updated continually by our Disability, Leave & Health Management attorneys.

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