



Court Blocks San Antonio Paid Sick Leave Law

Insights

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Mere days before San Antonio's Sick and Safe Leave ordinance was set to go into effect, the law was once again put on hold. In a ruling today, Bexar County Judge Peter Sakai temporarily delayed the start of the paid leave ordinance, which was set to take effect on December 1.

The law aims to require San Antonio employers to provide paid sick leave to an estimated 354,000 workers within the city. But a coalition of local business groups filed suit, contending that the ordinance violates the Texas Minimum Wage Act. The coalition sought – and today received – an injunction from Judge Sakai to stop the law from taking effect while the lawsuit remains pending. The court has not yet set a trial date for the suit.

San Antonio is one of three Texas cities that have recently attempted to implement paid sick leave ordinances. During the past year, Austin, Dallas, and San Antonio each passed an ordinance requiring private-sector employers to provide paid sick leave. However, all three ordinances are now involved in lawsuits challenging their legality.

Austin

In November 2018, a state appeals court entered a temporary injunction blocking implementation of the Austin ordinance. The city appealed this decision to the Texas Supreme Court, and the parties are expected to file briefs supporting their arguments on December 4. The Texas Supreme Court is not expected to issue a decision until Spring of 2020, so the temporary injunction will remain in effect for the foreseeable future.

Dallas

In Dallas, the paid leave ordinance has been in effect since August 1, 2019, even though it has been challenged in federal court by two companies claiming that the ordinance violates both the Texas Minimum Wage Act and several provisions of the U.S. Constitution. The judge in this case has yet to rule on the companies' injunction request or the city's motion to dismiss the case. Although the Dallas ordinance is currently in effect, the ordinance itself provides that no penalties will be assessed against employers for violations until April 1, 2020 (excluding anti-retaliation provisions).

Conclusion

We will monitor the complicated – and rapidly developing – state of Texas paid sick and provide updates as warranted, so you should ensure you are subscribed to [Fisher Phillips' alert system](#) to

gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney or any attorney in [our Texas offices](#).

This Legal Alert provides an overview of specific city ordinances. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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