

San Antonio Temporarily Suspends Paid Sick Leave Law Amidst Legal Challenge from Business Groups

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In the past few years, several states and localities have passed **paid sick leave laws**. These laws generally require employers to offer workers paid sick leave due to illness or injury, domestic or sexual assault, or care of a family member. Proponents of paid sick leave laws say that they help the local economy by improving workers' health, safety and welfare and by reducing employee turnover. The ordinance San Antonio passed last year required businesses with more than 15 employees to provide 64 hours of paid sick leave per year. Businesses with 15 or fewer employees were required to provide 48 hours of paid sick leave.

Despite some objections from the business community, which argues the laws create unreasonable costs, the laws had not been challenged until three Texas cities—Austin, Dallas and San Antonio—passed sick leave laws. Business groups and Texas Attorney General Ken Paxton have filed **lawsuits challenging both Austin's and San Antonio's laws**, arguing that the ordinances effectively require employers to pay an hourly wage higher than the state's minimum. Dallas's law will go into effect August 1, 2019, although business groups have threatened to sue to block its implementation.

Last August, Texas's intermediate appellate court blocked Austin from implementing its paid sick leave law. The court found that the law unconstitutionally interferes with the state's legislative authority, because the Texas Constitution allows only the Texas legislature to set minimum wages and paid time off. The case is currently pending before the Texas Supreme Court. After business groups launched a similar challenge to San Antonio's ordinance this month, just days before its planned August 1 effective date, San Antonio has agreed to delay implementation until December 1, 2019. The stay will allow time for guidance from the Texas Supreme Court on the law's constitutionality. In the meantime, San Antonio's Paid Sick Leave Commission has agreed to work with business stakeholders to recommend changes in the ordinance to the San Antonio City Council.

If the law survives its legal challenges and goes into effect, San Antonio would join cities such as New York City, Chicago, Philadelphia, St. Paul, Minneapolis, Duluth, Los Angeles, San Diego, San Francisco and Washington, D.C., as well as states such as Arizona, Connecticut, California, Massachusetts, Maryland, New Jersey, Oregon, Rhode Island and Vermont, which also have paid

sick leave laws.

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