

Texas Paid Sick Leave Update: San Antonio, Dallas, Austin

Article By:

Julie A. Farmer

Katrin U. Schatz

Kristin L. Bauer

The state of city-driven efforts to pass paid sick and safe leave laws in Texas remains in flux. Those monitoring the issue will know the cities of Austin, Dallas, and San Antonio have passed paid sick and safe leave laws, with business coalitions in each city mounting legal challenges. As a result of the uncertainty caused by these legal challenges, the fate of these laws in Texas generally and in the respective cities remains an issue to watch.

Most recently, on November 22, the San Antonio paid sick and safe leave ordinance previously scheduled to go into effect on December 1, was temporarily enjoined as a result of pending litigation. That case will be set for trial to determine whether the ordinance should be enjoined permanently.

The Austin ordinance has been [enjoined](#) since November 2018, when the Austin Third Court of Appeals declared the Austin ordinance to be unconstitutional because it was preempted by the Texas Minimum Wage Act.

Dallas remains the only city in Texas to have a paid sick and safe leave law in effect, although that too could change any day as a result of a [legal challenge](#) pending in federal court in the Eastern District of Texas. City of Dallas has deferred enforcement of the ordinance, other than for claims of retaliation, until April 1, 2020.

The Texas Supreme Court likely will address the legality of the Austin ordinance in early-2020. Any action by the Texas Supreme Court in that case will have implications for the Dallas and San Antonio ordinances. That is because, as originally drafted, all three ordinances were substantially similar. The city of San Antonio [modified](#) its ordinance in October 2019 in several respects, including a change to define paid sick leave as a “benefit” – a move that appears intended to side step the outcome of an adverse determination from the Texas Supreme Court.

Employers with operations or employees in these large Texas cities should continue to closely monitor these issues.

National Law Review, Volume IX, Number 329

Source URL: <https://natlawreview.com/article/texas-paid-sick-leave-update-san-antonio-dallas-austin>