

## **SAN ANTONIO PAID SICK AND SAFE LEAVE (SSL) ORDINANCE**

The Paid Sick and Safe Leave ordinance provides employees with the ability to accrue and use earned paid sick and safe leave if an employee needs to be absent from work because the employee or the employee's family member experiences illness, injury, stalking, domestic abuse, sexual assault or otherwise requires medical or health care, including preventative care and mental health care.

### **Eligibility**

Any employee (who performs work on a full-time or part-time basis) employed by an eligible employer within the City of San Antonio, Texas. The ordinance applies to all employees who work for pay within the city limits of San Antonio, regardless of where their employer's business address is located. Employees working within other municipalities are NOT covered by the ordinance.

An employee who is typically based outside of the city (the employee works outside the geographical boundaries of the city of San Antonio for more than 50% of work hours in a year) and performs work in the city on an occasional basis is covered by this article if the employee performs more than 240 hours of work in the city within a year.

### **Rate of Accrual**

Employees earn **one hour of paid sick and safe leave for every 30 hours worked** for the employer in the city of San Antonio. Sick and safe time shall accrue in **increments of whole hours** (not fractions of an hour).

### **Date Accrual Begins**

Sick and safe leave shall accrue starting at the commencement of employment or on the effective date of this ordinance (12/1/2019), whichever is later. Sick and safe time shall not be required until after an employee has met the established requirements for employment benefit eligibility, as applicable.

### **Usage**

An employee must have **worked 90 days from the start of employment before they can use** the sick and safe leave.

### **Baseline Amount**

The baseline amount for sick and safe time leave for full time employees is **56 hours per employee per year**.

### **Carry Over**

All available sick and safe leave up to the baseline amount (56 hours) shall be carried over to the following year.



### **EFFECTIVE: 12/1/2019**

Employers who have PTO/vacation/ additional leave policies that meet the hour requirements do not have to provide additional sick and safe leave hours as long as employees can use it under the qualifying conditions and circumstances indicated in the ordinance.

## Uses for Paid Sick and Safe Leave

An employee may request sick and safe time leave from an employer for an absence from the employee's scheduled work time caused by:

- An employee's physical or mental illness or injury, preventative medical or health care or health condition; or
- The employee's need to care for a family member's physical or mental illness, preventative medical or health care, injury or health condition; or
- The employee's or their family member's 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.

### Family Members:

Family member means:

- (a) Any of the following as they relate to an employee:
- Spouses, domestic partners, and both different-sex and same-sex significant others; or
  - Any other family member within the second degree of consanguinity or affinity; or
  - A member of the covered employee's household;
- (b) A minor's parents, regardless of the sex or gender of either parent.

The concept of parenthood is to be liberally construed without limitation as encompassing legal parents, foster parents, same-sex parent, step-parents, those serving *in loco parentis*, and other persons operating in caretaker roles.

## Reasonable Verification Procedures for Consecutive Days Missed

- An employer can adopt reasonable verification procedures to establish that an employee's request for more than three (3) consecutive days of sick and safe leave meets the requirements of this ordinance.
- If an employee uses four consecutive days of sick and safe leave, an employee will choose what documentation to provide in responding to a request for verification. The department will make examples of verification available to employers and employees.
- Verification may include a written statement from the employee that the employee took either "sick" or "safe" leave provided by this ordinance.
- An employer may not adopt verification procedures that would require an employee to provide a detailed description of the qualifying circumstance when making the request for paid sick or safe leave.

### Abuse of Sick and Safe Leave

- Employers suspecting abuse of sick and safe leave, including patterns of use, may request verification of the employee's need for leave, consistent with limitations and parameters established by state and federal law, or other source. Indications of patterns of use may include but are not limited to, repeated use of unscheduled sick and safe leave on or adjacent to weekends, holidays, vacation, pay day, on days when other leave has been denied, or when mandatory shifts are scheduled.
- An employer that determines that an employee has failed to comply with the verification requirements may address that failure consistent with its established disciplinary processes and procedures.
- The employer will treat such information as confidential and not disclose the information except with permission of the employee, when ordered by a court or administrative agency, or when otherwise required by federal, state, or local law.

### Use of Paid Sick and Safe Leave (SSL) – Timely Request

- An employer shall provide sick and safe leave for an employee's absence from the employee's scheduled work time if the employee has available sick and safe leave **and makes a timely request** for the use of sick and safe leave before their scheduled work time.
- An employer may not prevent an employee from using sick and safe leave for an **unforeseen** qualified absence that meets the requirements of this section.
- An employer does not have to allow an employee to use more than the baseline amount of sick and safe leave in a year.

## Employee Notice Requirements

- Earned paid sick and safe time shall be provided upon the request of an employee. Such request may be made orally, in writing, by electronic means or by any other means acceptable to the employer.
- When possible, the employee's request should state how long the employee will be absent from work.
- If the need for sick and safe leave is foreseeable, the employee must make a good faith effort to give the employer notice and make a reasonable effort to schedule his or her sick and safe leave so as not to unduly disrupt the employer's operations;
- An employer may not require, as a condition of an employee's taking earned paid sick and safe leave, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick or safe leave;
- If the need for paid earned sick or safe leave is unforeseeable, the employee shall provide notice of the need for paid earned sick and safe leave to the customer **and** the company branch representative as soon as practicable;
- If both the employer and employee agree the employee may work additional hours or shifts instead of using earned sick or safe leave. If, by taking on additional hours, the employee works more than 40 hours in a week, then he or she must be paid at the overtime rate. **The employee will not be paid any accrued earned sick or safe leave, if the time is made up.**
- Employees must claim used, earned paid earned sick and safe leave when used, and must be paid sick and safe time on the same schedule as regular wages are paid. **Employees must claim earned sick and safe leave no later than the week after it is used.**

## Paid Sick and Safe Time Compensation

The employer shall provide sick and safe leave at the rate of pay that the employee would have earned if the employee had worked the scheduled work time, exclusive of any overtime premium, tips, or commissions, but no less than the state minimum wage.

For a full-time exempt/salaried employee it will be assumed to be a work week of forty (40) hours.

## Unused Sick and Safe Leave

An employee can carry over up to 56 hours of unused earned sick and safe leave to the next calendar year. The employer is only required to let an employee use up to 56 hours of earned sick and safe leave per calendar year.

## No Pay Out Upon Termination

There will be no pay out of accrued but unused sick and safe leave upon termination, resignation, retirement, or other separation from employment.

## Rehires

An employee who is **rehired** by an employer within **six (6) months** following separation from employment from that employer may use any earned paid sick and safe leave available to the employee at the time of the separation.

## Retaliation Prohibited

An employer may not transfer, demote, discharge, suspend, reduce hours or directly threaten these actions against an employee because that employee requests or uses sick and safe leave consistent with this ordinance, reports or attempts to report a violation of this article, participates or attempts to participate in an investigation or proceeding under this article, or otherwise exercises any rights afforded by this article.

**San Antonio, Texas, Zip Codes Included** – In SmartSearch, if the employee is working in San Antonio, Texas, mark Personnel subarea as “San Antonio, TX.” If they live in San Antonio, TX, but do not work in San Antonio, TX, mark them as “All Other Locations” depending on where they work.

ZIP CODES			
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# EMPLOYEE RIGHTS



**Under the San Antonio Sick and Safe Leave Ordinance #2019-10-03-0795**  
**EFFECTIVE DECEMBER 1, 2019**



## YOU ARE ELIGIBLE TO RECEIVE SICK AND SAFE LEAVE (SSL) IF:

- You work for pay within San Antonio city limits OR
- You work more than 50% of your time outside city limits AND work at least 240 hours in San Antonio city limits within a year.

## YOU ARE NOT ELIGIBLE IF YOU ARE:

- A unionized employee covered under a collective bargaining agreement
- Performing unpaid work
- An employee of employers who are exempt from complying with this law
- An unpaid intern
- An independent contractor



## YOU CAN USE SSL:

- For time off needed to be absent from work because you or your family member experiences illness, injury, stalking, domestic abuse, sexual assault or otherwise requires medical or health care, including preventive care and mental health care.
- **Please Note:** an employer may impose a 90-day eligibility period before SSL may be used.

## EARNING SSL:

- Employees begin accruing SSL on their 1<sup>st</sup> day of work or on December 1, 2019, whichever is later.
- One (1) hour of SSL is accrued for every thirty (30) hours worked.
- Employees can accrue up to fifty six (56) hours of leave per year.

## RETALIATION:

- Retaliation against an employee for using or for attempting to use Sick and Safe Leave is prohibited.
- Examples of retaliation include: transfer, demotion, discharge, suspension, reduction of work hours, or direct threats of these actions.



## ENFORCEMENT:

- The City of San Antonio Metropolitan Health District (Metro Health) is responsible for the investigation of all complaints received from employees regarding compliance with this law.
- Citations for violations will be issued to employers by Metro Health and penalties for violations may be assessed up to \$500 per violation by the San Antonio Municipal Court.

**This law requires employers to display this poster where employees can readily see it.**



CITY OF SAN ANTONIO  
METROPOLITAN HEALTH DISTRICT

For questions or to file a complaint:

Visit: [www.sanantonio.gov/health/sick-and-safe-leave](http://www.sanantonio.gov/health/sick-and-safe-leave) | Call: 210-207-8458

Email: [sickandsafeleave@sanantonio.gov](mailto:sickandsafeleave@sanantonio.gov)

Mail: 111 Soledad Street, Suite 1000, San Antonio, TX, 78205