



City of San Antonio Paid Sick Leave (PSL) Ordinance Frequently Asked Questions

1. When does the Paid Sick Leave (PSL) ordinance take effect?

- The ordinance takes effect on August 1st, 2019 for all employers with six or more employees.
- For employers who have five or fewer employees in the preceding 12 months, the ordinance takes effect August 1st, 2021.

2. Who is included in the PSL ordinance?

- Employees who work in the City of San Antonio.
 - “Employee” is defined as an individual who performs at least 80 hours of work in the City of San Antonio during a calendar year for an employer.
 - Independent contractors and unpaid interns are not considered employees.
- Employers that pay employees for work in the City of San Antonio.
 - “Employer” is defined as “any person, company, corporation, firm partnership, labor organization, non-profit organization or association” that pays an employee to perform work and exercises control over the employee.

3. What does the PSL ordinance require?

- Employees earn one (1) hour of sick leave for every 30 hours worked up to a defined amount.
- Earned sick leave is generally available for use as soon as it is accrued.

4. What qualifies as paid sick leave?

- Time off needed for an employee’s own health condition, physical or mental illness, or injury, or that of the employee’s family member, as defined by the ordinance.
- Time off needed for medical attention, seek relocation, obtain victim services, or participate in legal action related to domestic abuse, sexual assault, or stalking involving the employee or a family member.

5. How much paid sick leave can employees accrue and use?

- An employer with 1-15 employees (not including family member employees) in the preceding 12 months must provide at least 48 hours per year.
- An employer with 16 or more employees (not including family member employees) in the preceding 12 months must provide at least 64 hours per year.
- Earned paid sick leave carries over to the following year, up to the annual limit of 48 hours or 64 hours depending on the employer size.
- An employer may limit the number of days an employee is allowed to use PSL to no more than 8 days in a year.

6. What records must employers maintain, provide or display?

- Employers must provide a monthly statement to each employee showing the amount of the employee’s available paid sick leave. Employers must also keep records to show the amount of paid sick leave accrued and used by each employee.
- Employers that provide employee handbooks must include a notice to employees about the contents of the Paid Sick Leave ordinance.
- Employers must display a conspicuous workplace sign, as provided by the City, about the ordinance in all appropriate languages.

7. How frequently must an employer calculate and record Paid Sick Leave?

- Employers should calculate and record paid sick leave hours at the same frequency as the employer's other typical payroll practices (e.g. per pay period, weekly, bi-weekly, twice-per-month etc.), as long as it is recorded at least once per month.

8. Will Metro Health be able to audit businesses financial records?

- No, Metro Health will only be auditing employer-provided records specific to paid sick leave.

9. Are there other requirements?

- Retaliation is prohibited. An employer may not transfer, demote, discharge, suspend, or reduce hours, or directly threaten these actions against an employee for requesting or using paid sick leave or for reporting a violation or participating in an administrative proceeding related to the ordinance. Civil penalties for retaliation may be assessed as early as August 1, 2019.
- Employees who are rehired within six months following separation must have their prior paid sick leave reinstated.

10. How will the ordinance be enforced?

- The ordinance will be enforced by the City of San Antonio Metropolitan Health District (Metro Health).
- Civil penalties for substantiated violations may be assessed up to \$500 per violation. Metro Health may offer an employer 10 business days to voluntarily comply with the ordinance before collecting a civil penalty.
- Other than retaliation violations, civil penalties will not be assessed for violations of the ordinance until April 1, 2020.