EFG
10/03/19
Item No. 4

ORDINANCE 2019-10-03-0795

AMENDING CHAPTER 15, ARTICLE XI, OF THE CITY CODE OF SAN ANTONIO ENTITLED "EARNED PAID SICK TIME"; SETTING THE EFFECTIVE DATE FOR DECEMBER 1, 2019; AND PROVIDING FOR PUBLICATION.

* * * * *

WHEREAS, a petition supporting an ordinance establishing Earned Paid Sick Time was circulated in the San Antonio community in the summer of 2018; and

WHEREAS, the petition gathered over 144,000 signatures and was submitted to the City Clerk for the City of San Antonio for verification in May 2018; and

WHEREAS, on August 2, 2018, the City Clerk verified 70,419 signatures, meeting the threshold of 69,960 signatures necessary to submit the initiated ordinance to the San Antonio City Council for consideration; and

WHEREAS, the San Antonio City Council passed Ordinance Number 2018-08-16-0620 adopting the submitted Earned Paid Sick Time initiative petition as-is on August 16, 2018, which has been made part of the City Code of San Antonio, Texas as Chapter 15, Article XI, Sections 15-269 - 15-280; and

WHEREAS, on November 21, 2018, Mayor Ron Nirenberg appointed a City Council Ad Hoc Committee (the Committee) to review options for revising the Earned Paid Sick Time ordinance, commonly referred to as the Paid Sick Leave (PSL) ordinance, with full stakeholder support; and

WHEREAS, on March 13, 2019, the Committee appointed 13 community members representing small businesses, chambers of commerce, advocacy groups, and persons with experience in labor, employment and union matters to a Paid Sick Leave Commission (the Commission) to review and recommend revisions to the PSL ordinance. Danielle Hargrove, an attorney with labor and employment law experience, and with a law practice that includes mediation and arbitration services, was appointed as the chair of the Commission; and

WHEREAS, the Commission began meeting in April 2019 and created five subcommittees to review various aspects of the existing PSL ordinance; and

WHEREAS, the Commission met 15 times between April 17, 2019 and September 5, 2019 with all Commission meetings posted and open to the public. The Commission's subcommittees held an estimated 45 meetings between June and September; and

WHEREAS, in late June and early July the San Antonio Metropolitan Health District (Metro Health) conducted five (5) information sessions around the city to provide an overview of the ordinance to employers, employees and the general public; and

WHEREAS, the information sessions were attended by hundreds of people and provided feedback for clarifications and revisions that should be considered by the Commission; and

WHEREAS, on July 15, 2019, a group of business entities that included the Associated Builders & Contractors of South Texas, Inc., American Staffing Association, San Antonio Manufacturers Association, and San Antonio Restaurant Association and others, filed a lawsuit challenging the City's PSL ordinance and seeking temporary and permanent injunctive relief; and

WHEREAS, on July 18, 2019, the Move Texas Action Fund, Texas Organizing Project Education Fund, and Marilyn Washington filed to intervene as co-defendants in the lawsuit; and

WHEREAS, on July 19, 2019, the Texas Attorney General, Texas Retailers Association, Association of Convenience Store Retailers, and the South Texas Merchants Association, filed to intervene as plaintiffs in the lawsuit; and

WHEREAS, an agreed order to stay the implementation date was entered between the parties and approved by the Court on July 24, 2019. The order established that the implementation date for the ordinance would be delayed until December 1, 2019, and that all litigation would be abated until the earlier of: City Council approving amendments or revisions to the PSL ordinance, or November 7, 2019; and

WHEREAS, on September 5, 2019, the Commission determined that public health should be foundational to its analysis of the ordinance and finalized its recommendations for submission and presentation to the City Council Paid Sick Leave Ad Hoc Committee; and

WHEREAS, the Commission's recommendations for PSL ordinance revisions were presented to the Committee on September 10, 2019; and

WHEREAS, on September 16, 2019, the City's Department of Government and Public Affairs (GPA) released a survey to the public for feedback regarding the PSL ordinance; and

WHEREAS, on September 19, 2019 the full City Council was provided a briefing and presentation on the PSL Commission's recommendations, a summary of an economic impact report that was conducted by Dr. Steve Nivin and Dr. Belinda Roman, and a robust public outreach and engagement plan coordinated by Metro Health and GPA; and

WHEREAS, on September 19, 2019, the City Council provided feedback on the Commission's recommendations, and requested additional revisions be included in the final ordinance scheduled for City Council consideration and action on October 3, 2019; and

WHEREAS, GPA conducted two (2) "SA Speak Up" public engagement sessions on September 23 and September 25, 2019 to collect more information from the public regarding the PSL ordinance; and

WHEREAS, the City Council has reviewed and considered the recommendations of the Commission, the economic analysis that has been provided, results and feedback from the GPA

public engagement efforts, the established principle that paid leave is considered a benefit and not part of a wage under state and federal law, and has determined that paid sick and safe leave is a matter that directly affects public health and safety and should be adopted and revised as recommended; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The current Chapter 15, Article XI, Sections 15-269 - 15-281 of the City Code of San Antonio, Texas, entitled "Earned Paid Sick Time," is amended by adding underlined language (added) and deleting stricken and bracketed language [~~deleted~~] to the existing text as set forth below in this Ordinance:

CHAPTER 15.

ARTICLE XI. – [~~EARNED PAID~~] SICK AND SAFE [~~TIME~~]LEAVE BENEFITS

Sec. 15-269. - Definitions

In this article:

City means the city of San Antonio, Texas.

Department means the health department of the city also known as the San Antonio Metropolitan Health District.

Director means the director of the San Antonio Metropolitan Health District or their authorized designee.

[~~*Earned paid sick time* means a period of paid leave from work accrued by an employee in accord with this article.~~]

Employee means an individual who performs [~~at least eighty (80) hours of~~]work for pay within the city of San Antonio, Texas[~~in a year~~] for an employer including work performed through the services of a temporary or employment agency. 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. Employee does not mean an individual who is an independent contractor according to title 40, section 821.5 of the Texas Administrative Code (TAC). Employee does not mean an unpaid intern.

Employer means any person, company, corporation, firm, partnership, labor organization, non-profit organization, or association that pays an employee to perform work for an employer and exercises control over the employee's wages hours and working conditions. The term does not include:

(1) the United States;

(2) a corporation wholly owned by the government of the United States;

(3) the state or any state agency; ~~or~~

(4) the city of San Antonio, Texas, or any other political subdivision of the state or other agency that cannot be legally regulated by city ordinance; or

(5) any person, company, corporation, or firm subject to, or with employees subject to the Railway Labor Act (45 U.S.C. 181 et seq.).

Family member means: [~~an employee's spouse, child, parent or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship~~]

(a) any of the following as they relate to an employee:

(1) Spouses, domestic partners, and both different-sex and same-sex significant others; or

(2) Any other family member within the second degree of consanguinity or affinity; or

(3) 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.

[~~*Medium or large employer* means an employer with more than fifteen (15) employees at any time in the preceding twelve (12) months, excluding family members.~~

~~*Predecessor* means an employer that employs at least one individual covered in this article, and for which a controlling interest in such employer or a recognized division of such employer is acquired by a successor.~~]

Sick and safe leave means a period of paid leave from work accrued by an employee in accord with this article. Sick and safe leave is a fringe benefit as defined by the Texas Labor Code and not a wage or a component of salary.

[~~*Small employer* means any employer that is not a medium or large employer, excluding family members.~~

~~*Successor* means an employer that acquires a controlling interest in a predecessor or a controlling interest in a recognized division of a predecessor.~~]

Year means a regular and consecutive twelve (12) month period as determined by the employer.

Sec. 15-270. - Scope and intent of article.

To provide employees with the ability to accrue and use [~~earned paid~~]sick and safe[~~time~~] leave when they need to be absent from work because the employee or the employee's family member suffer illness, injury, stalking, domestic abuse, sexual assault, or otherwise require medical or health care, including preventative care and mental health care. This ordinance does not require the payment of sick and safe leave upon separation from employment and it does not require that sick and safe leave be calculated as an increase to salary or wages for an employee. No provision of this Article is designed or intended to conflict with or be preempted by the Federal Labor Standards Act (FLSA) (29 U.S.C. 201, *et seq.*) or the Texas Minimum Wage Act (TMWA) (Texas Lab. Code Section 62.001, *et seq.*).

Sec. 15-271. - Duties and powers of the director.

(a) The director is hereby authorized to carry out and enforce the provisions of this article, to educate employers and employees about this article, to render interpretations of this article, and to adopt policies and procedures in order to clarify and administer the application of this article's provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this article. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this article.

Sec. 15-272. – [~~Earned paid s~~]Sick and safe leave[~~time~~] requirements.

(a) General. An employer shall provide an employee with [~~earned paid~~] sick and safe[~~time~~] leave that meets the requirements of this article in an amount up to the employee's available[~~earned paid~~] sick and safe[~~time~~] leave. The employer shall[~~pay~~] provide[~~earned paid~~] sick and safe[~~time~~] leave at the rate of pay that[~~in an amount equal to what~~] 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.

(b) Accrual requirements and yearly cap.

(1) An employer shall grant an employee one hour of[~~earned paid~~] sick and safe[~~time~~] leave for every thirty (30) hours worked for the employer in the city of San Antonio. [~~Earned paid~~] sick and safe[~~time~~] leave shall accrue in one hour unit increments. There shall be no accrual of a fraction of an hour of[~~earned paid~~] sick and safe[~~time~~] leave unless an employer chooses such smaller increment.

(2) [~~Earned paid~~]Sick and safe[~~time~~] leave shall accrue starting at the commencement of employment or the date this article is effective, whichever is later. However, consistent with Section 15-272(C)(1), use of[~~earned paid~~] sick and safe[~~time~~] leave shall not be required until after an employee has met the established requirements for employment benefit eligibility, as applicable.

(3) This article does not require an employer to provide an employee with more [~~earned paid~~] sick and safe[~~time~~] leave in a year than the [~~yearly cap provided~~] baseline amount specified in this section. This article does not require an employer to allow an employee to accrue more than the [~~yearly cap~~] baseline amount specified of [~~earned paid~~] sick and safe[~~time~~] leave in a year. An employer may inform an employee that leave requested in excess of the employee's available [~~earned paid~~] sick and safe[~~time~~] leave will not be paid. The [~~yearly cap~~] baseline amount for [~~earned paid~~] sick and safe[~~time~~] leave for full time employees under this article is[~~:~~

~~a. Sixty-four (64) hours per employee per year for medium or large employers, unless the employer chooses a higher limit; and~~
~~b. Forty-eight (48)~~] fifty-six (56) hours per employee per year[~~for small employers,~~] unless the employer chooses a higher limit.

(4) All available [~~earned paid~~] sick and safe[~~time~~] leave up to the[~~yearly cap~~] baseline amount provided in this section shall be carried over to the following year. Provided, that an employer that makes at least the[~~yearly cap~~] baseline amount of [~~earned paid~~] sick and safe[~~time~~] leave available to an employee at the beginning of the year under the purpose and usage requirements of this article is not required to carry over [~~earned paid~~] sick and safe[~~time~~] leave for that year.

(5) A written contract made pursuant to title 29, section 158(d) of the United States Code, or other state or federal law that provides for collective bargaining between an employer and a

labor organization representing employees[~~may modify the yearly cap requirement established in this section for employees covered by the contract if the modification is expressly stated in the contract~~] shall determine the benefits provided to employees and shall not be subject to this ordinance.

[~~(6) A successor must provide to an employee who was employed by a predecessor at the time of the acquisition and hired by the successor at the time of acquisition all earned paid sick time available to the employee immediately before the acquisition.~~]

(c) Usage requirements.

(1) [~~Earned paid~~] Sick and safe[~~time~~] leave shall be available for an employee to use in accord with this article[~~as soon as it is accrued~~], provided, that an employer that has an established employment benefit eligibility period prior to the effective date of this ordinance for all employees may restrict or limit an employee from using [~~earned paid~~] sick and safe[~~time~~] leave during ~~the~~ an employee's benefit eligibility period[~~first sixty (60) days of employment if the employer establishes that the employee's term of employment is at least one year~~]. An established eligibility period applying to the use of sick and safe leave may not exceed 90 days from the start of employment. Employment benefit eligibility periods for the use of sick and safe leave are not applicable to, and do not supersede, any other timeline or eligibility requirement set out in state or federal law.

(2) An employee may request [~~earned paid~~] sick and safe[~~time~~] leave from an employer for an absence from the employee's scheduled work time caused by:

a. The employee's physical or mental illness or injury, preventative medical or health care or health condition; or

b. 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

c. 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.

(3) Verification of Leave.

a. An employer may not adopt verification procedures that would require an employee to [~~explain the nature~~] provide a detailed description of the domestic abuse, sexual assault, stalking, illness, injury, health condition or other health need when making a request for [~~earned paid~~] sick and safe[~~time~~] leave under this section.

b. Consecutive days missed. An employer may adopt reasonable verification procedures consistent with section 15-272(c)(3)(c) to establish that an employee's request for more than three (3) consecutive days of [~~earned paid~~] sick and safe[~~time~~] leave meets the requirements of this[~~section~~] Article.

c. Reasonable verification procedures for consecutive days missed:

i. [~~An employer may request verification from an employee when an employee requests to use earned paid sick time for three (3) consecutive work days.~~]An employer cannot request leave verification documentation from an employee until the employee's fourth (4th) consecutive day of using sick and safe leave.

ii. 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.

iii. Verification may include a written statement from the employee that the employee took either "sick" or "safe" leave provided by this ordinance.

[~~c.~~] d. 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 must abide by all existing federal and state laws regarding discrimination and employment practices.

e. An employer that determines that an employee has failed to comply with the verification requirements set out in 15-273(c)(3)(b), (c) or (d), may address that failure consistent with its established disciplinary processes and procedures.

f. Confidentiality and nondisclosure. If, in conjunction with this article, an employer possesses health or medical information regarding an employee or an employee's family member or information pertaining to domestic abuse, sexual assault, or stalking of an employee or an employee's family member, the employer must 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.

(4) An employer shall provide [~~earned paid~~] sick and safe[~~time~~] leave for an employee's absence from the employee's scheduled work time if the employee has available [~~earned paid~~] sick and safe[~~time~~] leave and makes a timely request for the use of [~~earned paid~~] sick and safe[~~time~~] leave before their scheduled work time. An employer may not prevent an employee from [~~earned paid~~] using sick and safe[~~time~~] leave for an unforeseen qualified absence that meets the requirements of this section.

(5) This section does not require any employer to allow an employee to use more than the baseline amount set forth within Section 15-272(b)(3) of [~~earned paid~~] sick and safe[~~time~~] leave [~~on more than eight (8) days~~] in a year.

(6) 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[~~time~~] leave available to the employee at the time of the separation. An employer is not required to pay out the balance of sick and safe leave to an employee upon separation from employment. However, if an employer chooses to pay out the balance of sick and safe leave to an employee upon separation from employment, the employer is not required to reinstate any sick and safe leave upon rehiring of the employee.

(d) Requiring employees to find a replacement to work scheduled time prohibited. An employer shall not require an employee to find a replacement to cover the hours of [~~earned paid~~] sick and safe[~~time~~] leave as a condition of using[~~earned paid~~] sick and safe[~~time~~] leave. This article does not prohibit an employer from allowing an employee to voluntarily exchange hours or voluntarily trade shifts with another employee or prohibit an employer from establishing incentives for employees, to voluntarily exchange hours or voluntarily trade shifts.

(e) Donating unused[~~earned paid~~] sick and safe[~~time~~] leave. This article does not prohibit an employer from permitting an employee to donate available[~~earned paid~~] sick and safe[~~time~~] leave to another employee.

(f) Employee transfer. Neither the amount of[~~earned paid~~] sick and safe[~~time~~] leave nor the right to use [~~earned paid~~] sick and safe[~~time~~] leave shall be affected by an employee's transfer to a different facility, location, division or job position with the same employer.

Sec. 15-273. - No change to more generous ~~sick~~ leave policies.

(a) An employer may provide paid leave benefits to its employees that exceed or otherwise meet the requirements of this article. This article does not require an employer who makes paid time off available to an employee[~~under conditions that meet the purpose, accrual, yearly cap, and usage requirements of~~] in a manner consistent with this article to provide additional[~~earned paid~~] sick and safe[~~time~~] leave to that employee. An employer that provides the following minimum requirements to employees will be considered to be compliant with this article:

(1) The employer provides an amount of leave for employees that is consistent with what is set out in section 15-272 (b) as a baseline amount;

(2) An employee may use provided leave for circumstances set out in this ordinance.

(b) This article does not require an employer to provide additional[~~earned paid~~] sick and safe[~~time~~] leave to an employee if the employee has used paid time off that meets the requirements of this article for a purpose not specified in section 15-272.

(c) This article does not prohibit an employer from granting[~~earned paid~~] sick and safe[~~time~~] leave to an employee prior to accrual by the employee.

(d) A covered employer with a leave policy that is otherwise compliant with the requirements of this ordinance must still comply with and meet all other applicable requirements established by this ordinance, including the prohibition of retaliating against employees that utilize sick and safe leave consistent with this ordinance.

Sec. 15-274. - Notice, recordkeeping, and signage requirements.

(a) Monthly notice to employee. On no less than a monthly basis, an employer shall provide, or make available for review, electronically or in writing to each employee a statement showing the amount of the employee's available[~~earned paid~~] sick and safe[~~time~~] leave or the paid time off (PTO) balance that can be used in the same manner as sick and safe leave. This section does not create a new requirement for certified payroll.

(b) Notice in employee handbook. An employer who provides an employee handbook to its employees must include a notice of an employee's rights and remedies under this article in that handbook.

(c) Recordkeeping. For the period required for maintenance of records under title 29, section 516(a) of the Code of Federal Regulations, an employer shall maintain records establishing the amount of[~~earned paid~~] sick and safe[~~time~~] leave accrued and used by each employee.

(d) Posting of signs. If the director makes such signage publicly available on the department's website, an employer shall display a sign describing the requirements of this article in a conspicuous place or places where notices to employees are customarily posted. The director has the authority to prescribe the size, content, and posting location of signs required under this

section. The signs displayed under this section shall be in English and other languages, as determined by the director.

Sec. 15-275. - 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[~~earned paid~~] sick and safe[~~time~~] 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.

Sec. 15-276. – Investigations and withdrawal of complaints.

(a) An employee may file a complaint with the department and the department may investigate complaints, including anonymous complaints alleging a violation of this article.

(b) A complaint alleging a violation of this article must be filed with the department by or on behalf of an aggrieved employee within[~~two (2)~~] one (1) year[s] from the date of the violation. A complaint will be deemed to be received by any member of city staff if provided in writing and shall be directed to the department by city staff. A submitted complaint should provide the following information:

(1) name of company or employer;

(2) location of company or employer (including branch or office);

(3) date of incident or violation;

(4) explanation of incident or violation;

(5) list of witnesses or persons with knowledge of the incident or violation, as applicable.

(c) An employer shall [~~timely~~] provide relevant information and testimony when requested by the department for the purposes of determining compliance with this article within fifteen (15) days of the department's request for information. An employer may request an additional ten (10) days to provide information as determined to be appropriate and upon approval of the director. Relevant information and testimony includes, and is limited to, only the information necessary to determine whether a violation of this article has occurred. This ordinance does not provide the department with subpoena power.

(d) Pre-Investigation Voluntary Compliance. The department will provide written notice to a employer advising that a complaint has been filed alleging a violation of this chapter and will be investigated by the department. Upon receipt of a notice of complaint, the employer will have ten (10) business days to resolve the subject matter of the complaint by paying an employee for sick and safe leave that was taken and not paid for, provide an additional period of sick and safe leave to what was denied or taken without pay, and/or addressing and correcting an administrative violation. Additional voluntary compliance methods or options can be considered and approved by the director as appropriate to the resolution of a complaint.

(e) The department shall only investigate matters related to this article and submitted complaints related to this article. The department may inform employees and relevant personnel at a worksite of any investigation of a complaint at that worksite alleging a violation of this article.

(f) Withdrawal of complaints. An employee, at any time and at the employee's sole discretion, may withdraw their complaint. A complaint is withdrawn by the employee, and will be deemed to be received, when the employee notifies an employee or elected official of the City of San Antonio in writing. A complaint withdrawal will terminate the investigation process immediately, and will result in a finding of 'withdrawn complaint' with respect to the outcome of the investigation. A finding of 'withdrawn complaint' will result in no fine being assessed against the employer.

Sec. 15-277. - Enforcement.

The department has the authority to enforce the provisions of this article.

Sec. 15-278. - Violation(s); civil penalties; voluntary compliance.

(a) Civil penalty.[~~The department may impose a civil penalty in an amount not to exceed five hundred dollars ($500.00) per violation of this article.~~] Any employer who intentionally, knowingly, recklessly or negligently violates any provision of this chapter shall, consistent with the judicial procedure laid out in §20-104 *et seq.*, be fined an amount not more than five hundred dollars ($500.00). Each day that a violation is committed or permitted to exist shall constitute a separate offense. Each violation of a particular section or subsection of this article constitutes a separate offense.

(b) If[~~the department finds~~] it is determined after investigation of a timely complaint that a violation of this article has occurred an employer shall receive written notice of the violation and the civil penalty assessed, if any. Such written notice is presumed to have been received on the fifth day after the notice is mailed.

(c) Post-Investigation Voluntary compliance. If the[~~department~~] municipal court/administrative hearing officer finds after investigation of a timely complaint that a violation of this article has occurred, the department may seek voluntary compliance from the employer to remedy any violation of this article before submitting the violation for prosecution[~~collecting any civil penalty~~]. Upon receipt of a notice of violation, the employer will have ten (10) business days to resolve the violation by paying an employee for sick and safe leave that was taken and not paid for, provide an equivalent period of sick and safe leave to what was denied or taken without pay, and/or addressing and correcting an administrative violation. Additional voluntary compliance methods or options can be considered and approved by the director as appropriate to the resolution of a violation. If voluntary compliance is not achieved within ten (10) business days following the employer's receipt of the written violation notice, the violation will be submitted for filing at Municipal Court[~~employer shall be liable for any assessed civil penalty~~].

(d) For a violation of this article that occurs after the effective date of the ordinance from which this article derives but before April 1, 2020, the department may issue a notice to the employer that a civil penalty may be assessed for a violation that occurs on or after April 1, 2020. Provided, that a civil penalty for a violation of section 15-275 (retaliation prohibited) may be assessed anytime after the effective date of the enabling ordinance.

(e) This section does not create a criminal offense.

Sec. 15-279. - Annual report.

The director[~~may~~] shall publish an annual report regarding implementation and enforcement of this article including, without limitation, information about the number and nature of complaints reported, investigations undertaken, specific violations found, compliance achieved, and penalties assessed in the prior year, information about the[~~the~~] industries and occupations with high rates of complaints and violations, and a discussion of this article's impact on employers and employees. This report may also include the director's recommendations for improvements to this article.

Sec. 15-280. – Severability.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this chapter are severable, and if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter, since the same would have been enacted by the city council without the incorporation in this chapter of any such unconstitutional phrase, clause, sentence, paragraph or section.

15-281 - Effective date.

[~~(a)~~]This article shall become effective on[~~August~~] December 1, 2019[~~except as provided in this section~~.

~~(b) Delayed implementation for very small employers. This article shall become effective on August 1, 2021 for employers having no more than five (5) employees at any time in the preceding twelve (12) months.~~]

SECTION 2. All other provisions of Chapter 15, Article XI, Sections 15-269 - 15-281 of the City Code of San Antonio, Texas remain in full force and effect unless expressly amended by this ordinance.

SECTION 3. All amendments to Chapter 15, Article XI, Sections 15-269 – 15-281 are effective immediately. The implementation date for this ordinance shall be December 1, 2019. Violations occurring on or after December 1, 2019 shall be punished as provided in the revised Chapter 15, Article XI, Sections 15-269 - 15-281 of the City Code of San Antonio, Texas.

SECTION 4. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 5. The City Clerk is directed to publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

SECTION 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 7. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

SECTION 8. Penalties provided for in this Chapter 15 of the City Code of San Antonio, Texas shall be effective five days after publication by the City Clerk.

PASSED AND APPROVED this 3rd day of October, 2019.

M A Y O R
Ron Nirenberg

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Andrew Segovia, City Attorney