



# *Welcome*

Please review the FAQ document you received when checking in.

If you have additional questions not found on that document, please write additional questions you may have about the new ordinance on the index card(s) available at the registration desk.

Hand your completed index card to one of the Metro Health staff in the room.

**Si necesita ayuda con traducción,  
consulte en el escritorio de inscripción** <sup>1</sup>

# PAID SICK LEAVE



CITY OF SAN ANTONIO  
METROPOLITAN HEALTH DISTRICT



# San Antonio Paid Sick Leave Ordinance

Information Sessions

San Antonio Metropolitan Health District

July 2, 2019

# Welcome to PSL Session 1

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## Agenda

- Paid Sick Leave Ordinance Overview
- Questions and Answers
  - Submit your written questions on notecards anytime throughout session
  - Questions that are not addressed during the session will be answered and uploaded to our website:  
[sanantonio.gov/health/paid-sick-leave](https://sanantonio.gov/health/paid-sick-leave)



# Background

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- Paid Sick Leave ordinance was submitted to City Council via petition
  - The petition submitted to the City Clerk had 144,000 signatures
  - City Council opted to adopt the submitted ordinance “as is” with no modifications on August 18, 2018



# Purpose

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- Provides paid time off from work because the employee or the employee's family member experiences:
  - Illness
  - Injury
  - Stalking
  - Domestic abuse
  - Sexual assault
  - or otherwise requires medical care



# Implementation Dates

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- Effective on August 1, 2019 for employers with **six or more employees**
- Effective on August 1, 2021 for employers with **fiver or fewer employees**



# Accrual

- Applies to businesses that have employees that perform 80 hours of work a year within San Antonio
- Employees earn one hour of paid sick leave for every 30 hours worked

Employer size	Up to 15	16 or more
Baseline amount of PSL per year	48 hours	64 hours





# Accrual and Carry Over

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- Unused earned paid sick leave up to the baseline amount is carried over to the following year
- Exception:
  - If the employer makes at least the baseline amount of paid sick leave available to the employee at the beginning of the year



# Use of Accrued PSL

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- Earned paid sick leave time is available for an employee to use as soon as it is accrued



# Who is eligible?

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- Employees who perform at least eighty (80) hours of work for pay in a year
- The employer must pay earned paid sick time in an amount equal to what the employee would have earned if the employee had worked the scheduled work time



# What can PSL be Used For?

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- The employee's physical or mental illness or injury, preventive medical or health care or health condition
- The employee's need to care for a family member's physical or mental illness, preventive medical or health care, injury or health condition



# What else can PSL be Used For?

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- The employee's or their family member's need to:
  - seek medical attention
  - seek relocation
  - obtain services or participate in legal action related to an incident of victimization from domestic abuse, sexual assault or stalking



# What Kind of Verification is Required?

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- An employer **can adopt** verification procedures to establish that an employee's request for paid sick leave meets the requirements to use earned paid sick time for more than three (3) consecutive work days
- An employer **may not adopt** verification procedures that would require an employee to explain the nature of the qualifying circumstance when making the request for paid sick leave



# Use of PSL

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- An employer must provide earned paid sick leave for an employee's absence if:
  - the employee has available paid sick leave and makes a timely request for use of the paid sick leave before their scheduled work time
  - the employee has available paid sick leave and needs to use it for an **unforeseen** qualified absence



# Use of PSL

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- An employer cannot require an employee to find a replacement to cover the hours of paid sick leave
- An employer can allow an employee to voluntarily exchange hours or voluntarily trade shifts with another employee





# Notice, Record Keeping & Signage

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- The employer must provide electronic or written notice on at least a monthly basis to each employee showing the amount of earned paid sick leave
- An employer that provides an employee handbook to its employees must include a notice of an employee's rights and remedies in that handbook



# Records and Signage

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- An employer needs to maintain records establishing the amount of earned paid sick leave accrued and used by each employee
- The employer **must display a sign** (which will be provided by Metro Health) describing the requirements of the paid sick leave ordinance

# Retaliation

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- An employer **may not**:
  - transfer
  - demote
  - discharge
  - suspend
  - reduce hours
  - or directly threaten these actions against an employee



# Filing a Complaint

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- An employee may file a complaint with the San Antonio Metropolitan Health District
- A complaint alleging a violation of this ordinance must be filed with Metro Health by or on behalf of an aggrieved employee within two (2) years from the date of the violation



# Investigation of Complaints

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- An employer must provide timely relevant information and testimony when requested by Metro Health for the purpose of determining compliance
- Relevant information and testimony includes, and is limited to only the information necessary to determine whether a violation of the ordinance



# Enforcement

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- Metro Health has the authority to enforce the provisions of the Paid Sick Leave ordinance
- Employers that violate the PSL ordinance may be fined in an amount not to exceed five hundred dollars (\$500.00) per violation of the paid sick leave ordinance



# Violations and Voluntary Compliance

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- If voluntary compliance is not achieved within ten (10) business days following the employer's receipt of the written violation notice, the employer shall be liable for any assessed civil penalty



# Implementation Plan

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- Metro Health responsible City Department for implementation and enforcement
- **Complaint based enforcement program**
- Information Sessions
- **PSL Education Campaign**
- Presentations, resources and TA
- **Investigate complaints and provide targeted education and guidance**





# FAQs

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Q: If the employer offers Paid Time Off (PTO) plan or other sick or vacation leave, does that satisfy the requirements of the ordinance?

A: The name of an employer's paid time off plan or other leave policy does not matter. A PTO plan (or any other type of leave, including sick or vacation) can satisfy the PSL ordinance requirements if the plan

- 1) Provides employees at least as much leave required by the ordinance, and
- 2) Allows employees to use leave for all reasons and under the same conditions required by the ordinance.



# FAQs

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Q: Does the PSL ordinance cover the employees of companies located outside of San Antonio city limits?

A: Yes, when employees work within the city limits of San Antonio, they are covered under the PSL ordinance. Assuming they have met the threshold of 80 hours of work for pay in 1 year.

# FAQs

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Q: When determining employee size, is the total # of employees employed over the past 12 months or the maximum number of employees at any given time over the preceding 12 months?

A: The highest number of employees at any time in the preceding twelve months, excluding family members, is considered when determining employer size.

# FAQs

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Q: How is overtime (time over 40 hours a week) counted in the “every 30 hours worked” calculation?

A: PSL is earned for every 30 hours worked, regardless of whether it is overtime.

# FAQs

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Q: What is considered a timely request to use PSL?

A: PSL can be requested prior to a shift or start of day, but can also be requested if an illness or other qualifying identified circumstance arises on short notice or during the work day.

# FAQs

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**Q:** In the case an employee is out for three consecutive days, but has not seen a doctor, in example stalking, domestic abuse, etc. what types of verification can the employer require?

**A:** An employee could be asked to provide a written statement that PSL was used for reasons covered by the ordinance. However, an employer may not adopt verification procedures that require an employee to explain the nature or health condition when making a request for PSL.

# FAQs

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Q: If the employer makes the full number of minimum hours available at the beginning of the year, is the employer required to allow carry forward of hours and accrual of PSL hours?

A: An employer that makes the full number of minimum hours available to employees on day 1 of a year is not required to carry forward hours from the previous year, or provide additional accrual of hours.



# FAQs

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Q: What records must an employer provide?

A: On no less than a monthly basis, an employer shall provide, electronically or in writing to each employee, a statement showing the amount of the employee's available earned paid sick leave.



# Panel Q&A

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- Francisco Campos, Paid Sick Leave Health Program Manager
- Jennifer Herriott, Interim Director of Metro Health



# Questions

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- PSL website
  - [Sanantonio.gov/health/paid-sick-leave](http://Sanantonio.gov/health/paid-sick-leave)
- PSL email address
  - [paidsickleave@sanantonio.gov](mailto:paidsickleave@sanantonio.gov)
- Call 311

