Sick and Safe Leave Fact Sheet

General Information

- San Antonio’s “Earned Paid Sick Leave” (PSL) Ordinance has been renamed “Sick and Safe Leave” (SSL).
- SSL provides paid time off that an employee—or employee’s family member—can use for illness, injury, stalking, domestic abuse, sexual assault, or other medical needs, such as preventative and mental healthcare.
- A family member is defined as:
  1. Spouse, domestic partner, and both different and same sex significant others
  2. Any other family member within the second degree of consanguinity of affinity
  3. A member of the covered employee’s household
  4. A minor’s parents, regardless of the sex or gender of either parent
- The terms “Medium or large employer” and “small employer” have been removed from the Ordinance.

SSL Eligibility

- The SSL Ordinance applies to all employers with employees performing work in San Antonio.
- The SSL Ordinance is effective December 1, 2019.
- Collective bargaining agreements, independent contractors, and unpaid interns are not subject to the SSL ordinance.
- Employees who work more than 50% of their time outside of San Antonio are covered by the ordinance if they work at least 240 hours within the city limits during the course of a year.

Accrual and Frontloading of Hours

- All employees accrue SSL at a rate of 1 hour for every 30 hours worked, and can accrue up to 56 hours of SSL a year.
- If the employee has accrued SSL hours at the end of the year, this amount can be carried over to the following year and the employee can continue to accrue hours up to 56 hours.
- Employers can also provide the full amount of 56 hours of leave at the beginning of the year for employee use. These “front loaded” hours do not carry over to the following year.
- An employer is not required to pay an employee upon separation from the company. However, if an employer chooses to pay out the balance of sick and safe leave to an employee upon separation, the employer is not required to reinstate leave if the employee is rehired. If an employer rehires an employee within six months of their separation and chooses not to pay out leave, they will be required to reinstate the same amount of leave the employee had prior to separating from the company.
- 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.
An established eligibility period applying to the use of sick and safe leave may not exceed 90 days from the start of employment.

Use of SSL

- An employee may request sick and safe leave from an employer at any point prior to the start of a shift or during a shift, as long as its use fits within the qualifying circumstances indicated in the ordinance.
- An employer cannot require an employee to find a replacement to cover the hours of leave.
- An employer can allow an employee to voluntarily exchange hours or voluntarily trade shifts with another employee.
- An employer can allow employees to donate unused SSL to another employee.

Verification Procedures

- An employer may adopt reasonable verification procedures when an employee uses SSL for more than three (3) consecutive days of work.
- An employee will choose what documentation to provide in responding to a request for verification. Verification may include a written statement from the employee that the employee took either “sick” or “safe” leave provided by the ordinance.
- A confidentiality provision has been added regarding information provided by the complainant.
- 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 laws, or other source. An employer must abide by all existing federal and state laws regarding discrimination and employment practices.

Record Keeping and Signage

- An employer is required to post signage in a conspicuous location about the Sick and Safe Leave ordinance. The San Antonio Metropolitan Health District will provide downloadable signage.
- On no less than a monthly basis, an employer must provide, or make available for review, electronically or in writing to each employee, a statement showing the amount of the employee’s available balance of earned sick and safe leave.
- Employers who provide an employee handbook must include a summary of employee rights under the SSL Ordinance. A copy of the ordinance would fulfill this requirement.

SSL Enforcement

- Enforcement of the SSL Ordinance begins April 1, 2020.
- San Antonio Metropolitan Health District ("Metro Health") is the compliance agency for the Sick and Safe Leave Ordinance.
- The period of time for an employee to file a complaint with Metro Health is one (1) year from the date of the alleged violation.
- Metro Health’s scope of the investigation will be limited to the alleged violation of the SSL Ordinance.
- Employers that violate the SSL Ordinance may be fined in an amount not to exceed five hundred dollars ($500.00) per 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.