

LEGAL UPDATE TEXAS

Courts Again Halt Local Paid Sick Leave Laws in Texas

Recent court rulings have permanently struck down Dallas' paid sick leave law and affirmed a temporary injunction against a similar law in San Antonio. These opinions follow the state Supreme Court's refusal in June 2020 to review a temporary injunction against a paid sick leave ordinance in Austin.

All three laws required employers to allow employees to accrue one hour of paid leave for every 30 hours worked. Due to the rulings, none of the laws are in effect.

Austin Paid Sick Leave

Before Austin's paid sick leave ordinance could take effect on Oct. 1, 2018, a Texas appeals court ruled that because the law establishes a wage, it is preempted by the Texas state minimum wage law. The Texas Supreme Court, on June 5, 2020, refused to hear an appeal of the case, letting the temporary injunction against the ordinance stand.

San Antonio Paid Sick and Safe Leave

On Nov. 22, 2019, a Texas district court granted a temporary injunction preventing San Antonio's sick and safe leave ordinance from taking effect on Dec. 1, pending resolution of litigation surrounding the matter. A Texas appeals court judge affirmed the temporary injunction on March 10, 2021, with similar reasoning as the appeals court in the Austin case.

Dallas Paid Sick Leave

Dallas' paid sick leave ordinance went into effect on Aug. 19, 2019, although its main provisions were not to be enforced until April 1, 2020. On March 30, 2020, a federal district court issued a preliminary injunction halting enforcement of the ordinance pending resolution of a lawsuit over the matter. On March 31, 2021, the injunction was made permanent.

Important Dates

June 5, 2020

The Texas Supreme Court refused to hear an appeal of an injunction against the Austin paid sick leave ordinance.

March 10, 2021

A temporary injunction against the San Antonio ordinance was affirmed on appeal.

March 30, 2021

The Dallas ordinance was permanently enjoined by a federal appeals court.

Texas courts have ruled that the local paid sick leave laws establish a wage in violation of the Texas Minimum Wage Act.



JP Griffin Group

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