



# City of San Antonio

## Agenda Memorandum

**File Number:** 18-4820

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**Agenda Item Number:** 7.

**Agenda Date:** 8/16/2018

**In Control:** City Council A Session

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**DEPARTMENT:** Office of the City Attorney

**DEPARTMENT HEAD:** Andy Segovia, City Attorney

**COUNCIL DISTRICTS IMPACTED:** City Wide

**SUBJECT:**

Initiated ordinance for Earned Paid Sick Time

**SUMMARY:**

Initiated ordinance requiring businesses in San Antonio to provide paid sick time to employees.

If the Council fails to adopt or makes changes to the ordinance, then the ordinance will be placed on the ballot for a November 6, 2018 special election.

**BACKGROUND INFORMATION:**

On May 24, 2018, the City Clerk received an initiative petition proposing an earned paid sick time ordinance. The ordinance would apply to all private/non-profit employers who employ anyone performing at least 80 hours of work within the City of San Antonio in a year. The petition proposes an effective date of August 1, 2019, except that for employers with no more than 5 employees at any time in the preceding 12 months, the effective date would be August 1, 2021. The proposed ordinance substantially mirrors the sick leave ordinance adopted by the City of Austin earlier this year.

**ISSUE:**

The initiative provides for 1 hour of earned sick time leave for every 30 hours worked by an employee within the City of San Antonio. It includes a yearly cap of 64 hours per employee per year for medium/large employers (unless the employer chooses a higher limit) and 48 hours per employee per year for small

employers defined as having 15 or fewer employees.

The proposed initiative states that the Director of Metro Health shall administer the ordinance by enforcing the provisions, educating employers, interpreting the provisions and adopting policies and procedures to administer the application of the provisions. It provides for a civil penalty of up to \$500.00 per violation of the ordinance.

#### **ALTERNATIVES:**

The City Council could adopt the ordinance as submitted or order the election for November 6, 2018. The City Charter affords City Council sixty days after certification by the Clerk to consider the initiated ordinance. If City Council delays consideration of the ordinance beyond August 20, 2018, City Council could order an election for May, 2019.

#### **FISCAL IMPACT:**

Adoption of the initiated ordinance will require the City to procure additional resources for implementation and enforcement. Ordering a special election on the ordinance will require the City to contract with the Bexar County Elections Administrator to conduct the election. An ordinance for that contract will be presented to the City Council at a later date.

#### **RECOMMENDATION:**

If the City Council adopts the petition as written, then the ordinance will go into effect on the designated effective dates and there is no public vote. After the ordinance's adoption, the City Council cannot revisit or modify the ordinance for six months.

If the Council fails to adopt or makes changes to the ordinance, then in accordance with Section 41 of the City Charter, the ordinance will be placed on the ballot for a November 6, 2018 special election.