



## Austin Sick Leave Ordinance

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July 24, 2018

## Austin Sick Leave Ordinance

### Key Dates

- October 1, 2018, for employers with 6 or more employees in the preceding 12 months
- October 1, 2020, for employers with 5 or less employees in the preceding 12 months

### Coverage

- An employee is someone who works 80 or more hours (in any given year, regardless of status)
- Private Employers:
  - Small Employers = no more than 15 employees at any time during the preceding 12 months, excluding family members
  - Large Employers = employer with more than 15 employees at any time during the preceding 12 months, excluding family members
- Family Members = 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

### Accrual

- An employer shall grant an employee 1 hour of earned sick time for every 30 hours worked for the employer in the City of Austin. Earned sick time shall be granted in one-hour increments, and shall not be granted in increments of a fraction of an hour. Earned sick time shall accrue starting at the commencement of employment.\*Employers may restrict an employee from using sick time during the first 60 days of employment with the employer is the employer establishes that the employee's term of employment is at least one year
- Employers may already provide paid leave benefits that exceed the requirements of the Ordinance. In this case the employer would not need to amend the company's current PTO, vacation, or sick policy
- However, the current company policy must match or exceed the requirements of the Austin Sick Leave Ordinance

### Accrual Caps

- 64 hours per employee per year for a medium or large employer (>15 employees)
- 48 hours per employee per year for a small employer (<15 employees)
- All remaining and available hours must roll over to the next year; up to the yearly cap

### Use of Leave

- Must be paid out at the employee's current rate of pay
- Employers may adopt a reasonable verification procedure, for requests of 3 days or more
  - Doctor's notes, Return to work letter, etc...

### Acceptable Reasons for Sick Leave

- The employee's physical or mental illness or injury, preventative medical or health care or health condition
- The employee's need to care for a family member's physical or mental illness, preventative medical or health care, injury or health condition
- The employee's need to seek medical attention, seek relocation, obtain services from 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 employee's family member

### Ordinance Notice Requirements

- Employers must give employee balances of sick time at least monthly
- Employers Handbook must include a notice of employee rights and remedies
- An Employer shall display a sign describing the requirements of the Ordinance in all appropriate languages in a conspicuous place or places where notices to employees are customarily posted. An Employer is not required to post signage until the City of Austin makes such signage available publicly on its website

### Penalties

- The ordinance will be enforced by the city of Austin's Equal Employment Opportunity and Fair Housing Office (EEO/FHO). Civil penalties of up to \$500 may be assessed for substantiated violations. However, the EEO/FHO may offer an employer 10 business days to voluntarily comply with the ordinance before assessing penalties. Civil penalties will not be assessed for substantive violations until after June 1, 2019.

### Comments/Inquiries

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