

DALLAS EARNED PAID SICK LEAVE (PSL) ORDINANCE

The Paid Sick Leave ordinance provides employees with the ability to accrue and use earned paid sick leave if an employee needs to be absent from work because the employee or the employee's family member suffers illness, injury, stalking, domestic abuse, sexual assault, or otherwise requires medical or health care, including preventative care and mental health care.

Eligibility

Any employee (who performs work on a full-time or part-time basis) employed by an eligible employer within the City of Dallas, Texas, **that perform 80 hours of work for pay a year within the City of Dallas, Texas (January 1 to December 31)**.

Rate of Accrual

Employees earn **one hour of paid sick leave for every 30 hours worked** for the employer in the City of Dallas. Earned paid sick time shall accrue in one hour unit increments.

Accrual and Usage Amount Based on Employer Size (Medium or Large Employer)

An employer more than 15 employees at any time in the preceding twelve (12) months, excluding family members, must allow employees to accrue and use up to **64 hours (8 days) of PSL per year**.

Date Accrual Begins

Employees who perform at least 80 hours of work in a year are eligible to accrue paid sick leave under the PSL ordinance. Earned paid sick time shall accrue starting at the commencement of employment or August 1, 2019, whichever is later. Accrual under the PSL ordinance is NOT retroactive to an employee's time worked before August 1, 2019.

Waiting Period Before Sick Leave is Available for Use

Employees accrue paid sick leave starting August 1, 2019 or on their hire date, whichever is later, and can start using it after they have worked a total of eighty (80) hours in the City of Dallas.

Unused Sick Leave and Yearly Cap

Earned sick time that has not been utilized can be carried over to the following year up to a **yearly cap of 64 hours**.



EFFECTIVE: 8/1/2019 (for all employers with six or more employees)

BLOCKED BY COURT AS OF 3/30/2020
(This ordinance is put on hold of April 12, 2020)

On March 30, 2020, a federal judge in the Eastern District of Texas issued a preliminary injunction blocking the City of Dallas' paid sick leave ordinance.

This ordinance will NOT apply to any employee who has a paid time off, vacation, or sick plan that provides employees at least as much leave and allows employees to use leave for all reasons under the same conditions required by the ordinance.

People can determine whether a location is within the geographic boundaries of the City of Dallas by visiting

<https://gis.dallascityhall.com/cityinfo/>

DFW Airport IS NOT included

Uses for Paid Sick Leave

An employee may request earned paid sick time from an employer for an absence from the employee's scheduled work time caused by:

- An employee's physical or mental illness, physical 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; or
- The employee's or their family member's need to:
 - Seek medical attention
 - Seek relocation
 - Obtain services of 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 the employee's family member.

Family Members:

Family member means employee's:

- Spouse,
- Child,
- Parent, or
- Any Other Individual Related by Blood, or any other individual whose close association to an employee is equivalent of a family relationship.

Verification

- An employer can adopt reasonable 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 Paid Sick Leave – Timely Request

An employer shall 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.

Timely Request to Use PSL

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

Employee Notice Requirements

- Earned paid sick time shall be provided upon the request of an employee. Such request may be made orally, in writing, by electronic means or by any other means acceptable to the employer.
- When possible, the employee's request should state how long the employee will be absent from work.
- If the need for sick time is foreseeable, the employee must make a good faith effort to give the employer notice and make a reasonable effort to schedule his or her sick leave so as not to unduly disrupt the employer's operations;
- An employer may not require, as a condition of an employee's taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time;
- If the need for paid earned sick time is unforeseeable, the employee shall provide notice of the need for paid earned sick time to the customer **and** the company branch representative as soon as practicable;
- If both the employer and employee agree the employee may work additional hours or shifts instead of using earned sick time. If, by taking on additional hours, the employee works more than 40 hours in a week, then he or she must be paid at the overtime rate. **The employee will not be paid any accrued earned sick time, if the time is made up.**
- Employees must claim used, earned paid earned sick time when used, and must be paid sick time on the same schedule as regular wages are paid. Employers may not delay compensating employees for earned paid sick time, therefore, **employees must claim earned sick time no later than the week after it is used.**

Paid Sick Time Compensation

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, exclusive of any overtime premium, tips, commissions, but no less than the state minimum wage.

Unused Sick Leave

An employee can carry over up to 64 hours of unused earned sick time to the next calendar year. The employer is only required to let an employee use up to 64 hours of earned sick time per calendar year.

No Pay Out Upon Termination

There will be no pay out of accrued but unused sick leave upon termination, resignation, retirement, or other separation from employment.

Rehires

An employee who is **rehired** by an employer within **six (6) months** following separation from employment from that employer may use any earned paid sick time available to the employee at the time of the separation.

Successor Employer

A successor must provide to an employee who was employed by a predecessor at the time of the acquisition and hired by the successor at the time of acquisition all earned paid sick time available to the employee immediately before the acquisition.

Dallas, Texas, Zip Codes Included – In SmartSearch, if the employee is working in Dallas, Texas, mark Personnel subarea as “Dallas, TX.” If they live in Dallas, TX, but do not work in Dallas, TX, mark them as “All Other Locations” depending on where they work.

ZIP CODES			
75201	75241	75355	
75202	75242	75356	
75203	75243	75357	
75204	75244	75358	
75205	75246	75359	
75206	75247	75360	
75207	75248	75367	
75208	75249	75368	
75209	75250	75370	
75210	75251	75371	
75211	75252	75372	
75212	75253	75373	
75214	75254	75374	
75215	75260	75376	
75216	75261 (NOT INCLUDED DFW AIRPORT)	75378	
75217	75262	75379	
75218	75263	75380	
75219	75264	75381	
75220	75265	75382	
75221	75266	75389	
75222	75267	75390	
75223	75270	75391	
75224	75275	75392	
75225	75277	75393	
75226	75283	75394	
75227	75284	75395	
75228	75285	75397	
75229	75287	75398	
75230	75301		
75231	75303		
75232	75312		
75233	75313		
75234	75315		
75235	75320		
75236	75326		
75227	75336		
75237	75339		
75238	75342		
75240	75354		