

Article

Dallas Paid Sick Leave Ordinance Blocked by Federal Judge

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Texas Lawyer

On March 30, a federal judge in the Eastern District of Texas issued a preliminary injunction blocking the City of Dallas' paid sick leave ordinance. The ordinance took effect Aug. 1, 2019, but the City of Dallas was not authorized to engage in any enforcement efforts (other than with respect to the Dallas Ordinance's anti-retaliation provision) until April 1.

The ordinance required private employers to accrue paid sick time for employees who have worked a certain number of hours within Dallas's city limits, and to allow those employees to request payment for using earned sick time for their own illness or injury, or the injury or illness of a family member.

In issuing the preliminary injunction, U.S. District Judge Sean D. Johnson concluded that the plaintiffs were likely to ultimately prevail in their argument that the ordinance is preempted by the Texas Minimum Wage Act and therefore violates the Texas Constitution. Judge Johnson was persuaded by a similar ruling of the Austin Court of Appeals in 2018 addressing Austin's paid sick leave ordinance. The Austin Court of Appeals' decision is currently on appeal to the Texas Supreme Court. A similar paid sick leave ordinance in San Antonio was enjoined by a state district court judge in November 2019.

Judge Johnson's decision recognized the "tremendous challenges" being faced by businesses and workers across the country due to the COVID-19 pandemic, but noted that whether paid sick leave requirements should be imposed by government on private employers is a decision that must be made by the Texas legislature, not the courts.

Based on these rulings, Texas employers may stand down from compliance efforts until further notice.

Devon Sharp is a Shareholder in Munsch Hardt's Dallas office. Her practice focuses on employment law and business litigation. She is a trusted counselor and litigator with a proven track record of advising and defending companies of all sizes and types.

The full article can also be viewed online [here](#).

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