***\*Date***, 2018

***\*Name of city council member***

Austin City Council – ***Title***

P.O. Box 1088

Austin, TX 78767

**RE: Draft City Ordinance Establishing Earned Sick Time Standards in the City, Creating a Civil Penalty, and Creating an Offense**

Dear Councilman **\**Name***:

On behalf of the nearly 20,000 human resources (HR) professional members of ours residing in Texas (1,341 of which either work or reside in the City of Austin), we are writing today to express our strong opposition to the current DRAFT city ordinance that would establish an earned sick time standard for all employers operating within the city limits of Austin (the City).

As currently drafted, this proposal would mandate all employers operating within the City limits to provide their employees performing at least 80 hours of work during a calendar year with one (1) hour of sick leave for every 30 hours worked, not to exceed 64 hours of sick time (8 days) annually. In addition, this proposal would also require the employer to provide a minimum of monthly statements in writing of the amount of sick leave accrued by each of their employees, as well as prohibit the employer from retaliating against an employee who wishes to use the sick time they have accrued under the ordinance.

We strongly oppose this proposed ordinance for the following reasons:

* As currently drafted, this ordinance represents one of the most generous paid sick leave proposals to be mandated either by state or local law throughout the country. As you know, there is no federal nor state law in Texas mandating employers to provide this type of leave. Rather, many employers *voluntarily* provide it as an employee benefit, either as a specific benefit relating to sick leave or as part of a paid time off (PTO) bank of leave provide employees. By mandating 8 days of designated sick leave per employee (regardless of employer size), this ordinance is ***certain to have a ripple effect negatively impacting other employee benefits*** (such as vacation time, flex time, health care, educational benefits, etc.) provided by employers operating within Austin city limits.
* This proposal, if it were to become law, would significantly increase the cost of doing business in Austin. Given that employers do not have unlimited funds in providing their employees the benefits they deserve and desire, the cost of implementing this ordinance is certain to be transferred to the ultimate consumer of the goods and services provided by these employers. Thus, ***patrons of restaurants, service providers, manufactures and others are certain to pay more*** for the goods purchased in Austin to fund this benefit. Conversely, Austin employers will find themselves at a competitive disadvantage with their competitors operating outside of the City limits, and that disadvantage could extend vis-à-vis to their competitors outside of Texas.
* This proposal creates a monthly reporting requirement for Austin employers that is more onerous than what any other Texas employer is required to provide related to any leave benefit under state or federal law. Tracking time (whether it be vacation time, sick time, intermittent leave, etc.) is probably the most burdensome requirement for HR professionals to comply with in the workplace. While well intentioned, ***the monthly requirement of providing each employee with a written statement of leave accrued, used and available under this proposed ordinance will be an administrative nightmare*** for employers.

We respectfully request that the City Council suspend further consideration of this proposed ordinance and remit it back to the working group for further review and discussion. In doing so, we recommend that the working group consider establishing a viable size standard (e.g. 25 or more full-time employees) in designating what employers would be required to comply with this requirement. In addition, we recommend that there be a transition period established before an employee begins to accrue leave under any ordinance (of not less than 6 months). Employers who provide a PTO bank of leave to their employees more than the amount designated by any ordinance that can be used for any purpose should be found to be fully compliant with any leave requirement mandated by such an ordinance. Lastly, and probably most importantly, before the City Council votes on whether to approve any ordinance dealing with paid leave, the citizens of Austin need to fully understand what the Council’s adoption of such an ordinance will have on the cost of services provided by establishments operating with the City.

We stand ready to work with you and the proponents of a paid leave ordinance in attempting to craft a solution to this problem that balances the interests of employees, employers and the residents of the City. We appreciate the opportunity to share our views on the proposed ordinance and look forward to hearing from you and other members of the City Council on this important matter.

Sincerely,

**\**Your Signature***

***\*Your name,***

***\*Your title***

***\*Your company***

***\*Your email***

***\*Your phone number***

Cc: Members of the Austin City Council