

**BUSINESS**  **COALITION**

November 30, 2018

Mayor Ron Nirenberg  
City of San Antonio  
115 Plaza de Armas, 2nd Floor  
San Antonio, TX 78205

**VIA HAND DELIVERY**

RE: Repeal of the Paid Sick Leave Ordinance

Dear Mayor Nirenberg:

On behalf of the undersigned organizations, who collectively represent over a thousand companies that employ more than 300,000 men and women in the San Antonio area, we respectfully request that the City Council repeal the unconstitutional City of San Antonio (“City”) Paid Sick Leave Ordinance (“PSL Ordinance”) before the ordinance’s effective date of January 1, 2019.

On November 21, 2018, you appointed an ad hoc City Council committee that is charged with creating a Paid Sick Leave Commission. The purpose of the Paid Sick Leave Commission is to incorporate input from all stakeholders in assessing and minimizing the ‘adverse impacts’ of the PSL Ordinance, and to make recommendations to modify the PSL Ordinance. While we appreciate your efforts to reach out to the business community and include our input, there is no value for either the City or our organizations in investing time in discussing revisions to an unlawful ordinance.

Multiple authorities have opined that a paid sick leave ordinance violates Texas law. On July 9, 2018, you received a letter from Texas Attorney General Ken Paxton stating that the City was preempted from enacting a paid sick leave ordinance. On August 6, 2018, you received a letter from State Senator Donna Campbell, who also noted that the proposed ordinance was unlawful. Despite these warnings, the City Council adopted the PSL Ordinance on August 16, 2018.

Earlier this year, the City of Austin adopted a Paid Sick Leave Ordinance which is nearly identical to San Antonio’s PSL Ordinance. A lawsuit was filed challenging the legality of the Austin ordinance. Multiple business organizations across the state, including many of the undersigned organizations, submitted *amicus* briefs in support of the lawsuit. Twenty seven (27) members of the Texas Legislature joined an *amicus* brief in support of the suit. On November 16, 2018, the Third Court of Appeals held that Austin’s Paid Sick Leave Ordinance is preempted by state law. If the Austin ordinance is unlawful, the San Antonio PSL is also unlawful.

The City Council should recognize the Third Court of Appeals’ unambiguous ruling and the Texas Attorney General’s position, and initiate the process to repeal the unlawful PSL Ordinance. Our organizations look forward to working with you and the City Council on the repeal process, and hope that we can continue a dialogue on issues that impact the economic vitality of our City.

Sincerely,



cc: San Antonio City Council  
Honorable Roberto Treviño  
Honorable Cruz Shaw  
Honorable Rebecca Viagran  
Honorable Rey Saldaña  
Honorable Shirley Gonzalez  
Honorable Greg Brockhouse  
Honorable Ana Sandoval  
Honorable Manny Pelaez  
Honorable John Courage  
Honorable Clayton Perry

City Manager Sheryl Sculley

City Attorney Andy Segovia