



40 (B) EEO/FHO means the City of Austin Equal Employment Opportunity/ Fair Housing  
41 Office.

42  
43 (C) EMPLOYEE means an individual who performs at least 80 hours of work for pay  
44 within the City of Austin in a calendar year for an employer, including work  
45 performed through the services of a temporary or employment agency.

46  
47 (D) EMPLOYER means any person, company, corporation, firm, partnership, labor  
48 organization, non-profit organization or association that pays an employee to  
49 perform work for the employer and exercises control over the employee's wages,  
50 hours and working conditions. The term does not include:

51  
52 (1) the United States;

53  
54 (2) a corporation wholly owned by the government of the United States;

55  
56 (3) the state or a state agency; or

57  
58 (4) a political subdivision of the state.

59  
60 (E) FAMILY MEMBER means an employee's spouse, child, parent, or any other  
61 individual related by blood or whose close association with the employee is the  
62 equivalent of a family relationship.

63  
64 **§4-19-2. EARNED SICK TIME STANDARDS.**

65  
66 (A) An employer shall grant an employee one hour of earned sick time for every 30  
67 hours worked for the employer.

68  
69 (B) Earned sick time shall accrue starting at the commencement of employment or the  
70 date this Chapter is effective, whichever is later.

71  
72 (C) An employee may request to use earned sick time from an employer as soon as it  
73 is accrued.

74  
75 (D) An employee may request earned sick time from an employer for an absence from  
76 the employee's scheduled work time caused by:  
77

- 78 (1) the employee's physical or mental illness or injury, preventative medical or  
79 health care, or health condition; or  
80  
81 (2) the care of a family member's physical or mental illness, preventative medical  
82 or health care, injury, or health condition; or  
83  
84 (3) an absence necessary to seek medical attention or to participate in legal or  
85 court ordered action related to an incident of domestic abuse, sexual assault,  
86 or stalking involving the employee or employee's family member.  
87

88 (E) An employer may adopt reasonable verification procedures to establish that an  
89 employee's request for earned sick time meets the requirements of part (D) for a  
90 request to use earned sick time for more than three consecutive work days.  
91

92 (F) An employer shall provide earned sick time for an employee's absence from the  
93 employee's scheduled work time if the employee has unused earned sick time. An  
94 employer may not prevent an employee from using earned sick time for an  
95 unforeseeable qualified absence as established in part (D).  
96

97 (G) An employer is not required to provide more than 64 hours of earned sick time to  
98 an employee in a calendar year. All unused earned sick time up to 64 hours shall  
99 be carried over to the following year. An employer may inform employees that  
100 leave requested in excess of what has been accrued by an employee will not be  
101 paid.  
102

103 (H) An employer shall provide an employee with earned sick time that meets the  
104 requirements under this Section in an amount up to the employee's unused earned  
105 sick time. The employer shall pay earned sick time in an amount equal to what the  
106 employee would have earned if the employee had worked the scheduled work time,  
107 exclusive of any overtime premium, tips, or commissions, but no less than the State  
108 minimum wage.  
109

110 (I) An employer shall provide in writing to each employee the amount of earned sick  
111 time accrued and available to such employee on no less than a monthly basis. For  
112 the period required for maintenance of records under Title 29, Section 516(a), Code  
113 of Federal Regulations, an employer shall maintain records establishing the amount  
114 of earned sick time accrued and used by each covered employee.  
115

116 (J) An employer may not require an employee to find a replacement to cover the hours  
117 of earned sick time as a condition of using earned sick time.

118  
119 (K) Neither the amount of accrued sick time nor the right to use accrued sick time shall  
120 be affected by an employee's transfer to a different facility, location, division, or  
121 job position of the same employer. An employer shall reinstate accrued sick time  
122 for a separated employee who is rehired within 12 months.

123  
124 (L) An employer may provide paid leave benefits that exceed the requirements of this  
125 Chapter. An employer with a policy that makes paid time available to an employee  
126 in an amount sufficient to meet the accrual, purpose, and usage requirements as  
127 prescribed in this section, is not required to provide additional earned sick time to  
128 an employee.

129  
130 **§4-19-3. SIGNAGE REQUIRED.**

131  
132 (A) An employer shall display a sign describing the requirements of this ordinance in  
133 at least English and Spanish in a conspicuous place or places where notices to  
134 employees are customarily posted. An employer is not required to post such  
135 signage until the City of Austin makes such signage available publicly on its  
136 website.

137  
138 (B) EEO/FHO shall prescribe by rule the size, content, and location of signs required  
139 under Subsection (A) of this Section.

140  
141 **§4-19-4. RETALIATION PROHIBITED.** An employer may not transfer, demote,  
142 discharge, suspend, reduce hours, or directly threaten these actions will be taken against an  
143 employee for requesting or using earned sick time, or for reporting a violation or  
144 participating in an administrative proceeding under this Chapter.

145  
146 **§4-19-5. ADMINISTRATION.**

147  
148 (A) The EEO/FHO shall:

149 (1) educate employers and employees about this Chapter;

150 (2) receive and investigate complaints, including anonymous complaints,  
151 alleging a violation of this Chapter;

- 155 (3) enforce this Chapter;  
156  
157 (4) seek voluntary compliance with this Chapter before collecting a civil penalty;  
158 and  
159  
160 (5) adopt rules necessary to implement this Chapter.

161  
162 (B) A complaint alleging a violation of this Chapter must be filed with the EEO/FHO  
163 by or on behalf of an aggrieved employee within two years from the date of the  
164 violation.

165  
166 (C) If the EEO/FHO finds after investigation of a timely complaint that a violation of  
167 this Chapter has occurred:

168  
169 (1) the EEO/FHO shall assess a civil penalty up to \$500 against the employer for  
170 each violation of this Chapter, and shall provide written notice of the  
171 assessment to the employer; and

172  
173 (2) the EEO/FHO shall seek voluntary compliance from the employer to remedy  
174 any violation of this Chapter. If voluntary compliance is not achieved within  
175 10 business days following the employer's receipt of the written civil penalty  
176 assessment, the employer shall be liable to the City for the amount of the  
177 assessed civil penalty.

178  
179 (D) This Section does not create a criminal offense.  
180

#### 181 **§4-19-6. INVESTIGATION OF COMPLAINTS.**

182  
183 (A) The director of the EEO/FHO may subpoena records or testimony relevant to the  
184 investigation of a complaint under this Chapter. A subpoena shall:

185  
186 (1) be directed to a person with knowledge or information relevant to a complaint  
187 under this Chapter, or to a custodian of records relevant to a complaint under  
188 this Chapter;

189  
190 (2) be in writing and signed by the director of the EEO/FHO;

191  
192 (3) identify the records or testimony to be produced under the subpoena;  
193

- 194 (4) direct the person to whom it is issued to produce the records or provide the  
195 testimony identified in the subpoena at a specific place and time, which shall  
196 be not earlier than 10 business days from the date of service of the subpoena;  
197  
198 (5) identify the individual complaint made under this Chapter to which the  
199 subpoena relates;  
200  
201 (6) state that the subpoena is issued under the authority of this Chapter for  
202 purposes of investigating a complaint under this Chapter;  
203  
204 (7) state that failure to comply with the subpoena is an offense and punishable as  
205 a Class C misdemeanor under this Code; and  
206  
207 (8) be served on the person to whom it is directed by certified mail or personal  
208 delivery.  
209  
210 (B) A person commits an offense if the person fails to comply with a subpoena issued  
211 and served on the person as provided in Part (A). The offense is punishable as a  
212 Class C misdemeanor as provided in Section 1-1-99 of this Code. A culpable  
213 mental state is not a necessary element of the offense.  
214  
215 (C) The EEO/FHO may inform employees at a work site of any investigation of a  
216 potential violation of this Chapter being conducted at that work site.  
217

218 **Part 3.** For a violation of this Chapter that occurs within the first three months after the  
219 effective date of this ordinance, the EEO/FHO shall issue a notice to the employer that a civil  
220 penalty may be assessed for a violation that occurs after three months of the effective date.  
221

222 **Part 4.** The council directs the city manager to design and provide a multilingual public  
223 education campaign to inform employers and residents of the requirements of Chapter 4-19,  
224 such as a website with best practices for employers, and an educational outreach strategy for  
225 informing employees and residents of the earned sick time ordinance.  
226

227 **Part 5.** Except as provided in Part 3 and Part 4, this ordinance takes effect on May\_\_\_\_, 2018.