

Adam Sencenbaugh in HR Magazine: Appeals Court Blocks Austin's Paid-Sick-Leave Law

November 20, 2018 Adam Sencenbaugh

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HR Magazine this week quoted Haynes Boone Partner [Adam Sencenbaugh](#) in an article about a Texas state appeals court ruling in a case challenging Austin's paid-sick-leave ordinance.

Here is an excerpt:

Austin's paid-sick-leave ordinance is pre-empted by the Texas Minimum Wage Act, a state appeals court found on Nov. 16 in a lawsuit seeking to stop the city's mandate.

The state's minimum wage statute bars cities from setting or regulating private-sector employees' wages, and the appeals court held that the paid-sick-leave ordinance attempted to establish a wage. The law would require businesses to pay employees at their "ordinary rate" when they take accrued sick leave.

"The effective result is that employees who take sick leave are paid the same wage for fewer hours worked," the appeals court said.

The district court has yet to rule on the merits of the case, but it had denied a temporary injunction to freeze the ordinance during litigation. The appeals court reversed the decision and instructed the lower court to grant the temporary injunction and to proceed in a way that is consistent with its ruling.

"The court's decision signals trouble ahead for other Texas cities experimenting with mandatory sick-leave laws," said Adam Sencenbaugh, an attorney with Haynes Boone in Austin and San Antonio. "In August, San Antonio passed a similar paid sick leave ordinance which will likely face a copycat challenge."

To read the full article, click [here](#).