

No. 04-20-00004-CV

**IN THE COURT OF APPEALS
FOR THE FOURTH JUDICIAL DISTRICT
SAN ANTONIO, TEXAS**

CITY OF SAN ANTONIO, TEXAS, RON NIRENBERG, MAYOR OF THE
CITY OF SAN ANTONIO, ERIK WALSH, CITY MANAGER OF THE CITY
OF SAN ANTONIO, AND JENNIFER HERRIOT, INTERIM DIRECTOR OF
THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT,

Appellants, &

MARILYN WASHINGTON, AND TEXAS ORGANIZING PROJECT
EDUCATION FUND,
Intervenor-Appellants,

v.

ASSOCIATED BUILDERS & CONTRACTORS OF SOUTH TEXAS, INC.,
AMERICAN STAFFING ASSOCIATION, BBM ONLINE, LLC D/B/A BBM
STAFFING, THE BURNETT COMPANIES CONSOLIDATED, INC. D/B/A
BURNETT SPECIALISTS, CARDINAL SENIOR CARE, LLC D/B/A
CARDINAL MED STAFFING, CHOICE STAFFING, LLC, EEMPLOYERS
SOLUTIONS, INC., HAWKINS ASSOCIATES, INC. D/B/A HAWKINS
PERSONNEL GROUP, LEADINGEDGE PERSONNEL, LTD., STAFF FORCE,
INC. D/B/A STAFF-FORCE PERSONNEL SERVICES, SAN ANTONIO
MANUFACTURERS ASSOCIATION, AND SAN ANTONIO RESTAURANT
ASSOCIATION,
Appellees,

&

TEXAS RETAILERS ASSOCIATION, ASSOCIATION OF CONVENIENCE
STORE RETAILERS, SOUTH TEXAS MERCHANTS ASSOCIATION, AND
THE STATE OF TEXAS,
Intervenor-Appellees.

*On Appeal from the 408th Judicial District, Bexar County, Texas Cause No. 2019-
CI-13921*

BRIEF OF A BETTER BALANCE AS *AMICUS CURIAE*
IN SUPPORT OF APPELLANTS

Respectfully submitted,

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<i>Burkholder v. Wilkins</i> , 504 S.W.3d 485 (Tex. Ct. App.—Corpus Christi 2016)	7
<i>Butnaru v. Ford Motor Co.</i> , 84 S.W.3d 198 (Tex. 2002)	18
<i>In re Gamble</i> , 71 S.W.3d 313 (Tex. 2002)	7
<i>Jones-Holt Enters., Inc. v. Hips</i> , 643 S.W.2d 773 (Tex. Ct. App.—San Antonio 1982)	19
<i>Storey v. Central Hide & Rendering Co.</i> , 226 S.W.2d 615 (Tex. 1950)	8

Other Authorities

A Better Balance, <i>Fact Sheet: The Families First Coronavirus Response Act (FFCRA) & the Coronavirus Aid, Relief and Economic Security (CARES) Act</i> , https://www.abetterbalance.org/resources/federal-coronavirus-proposal-the-families-first-coronavirus-response-act-h-r-6201/ (last visited Aug. 28, 2020)	5
Abay Asfaw et al., <i>Paid Sick Leave and Nonfatal Occupational Injuries</i> , 102 Am. J. Pub. Health e59 (Sept. 2012), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3482022/	16
Bureau of Justice Statistics, <i>Stalking</i> , U.S. Dep’t of Justice, https://www.bjs.gov/index.cfm?ty=tp&tid=973 (last visited Sept. 14, 2020)	17
Center for American Progress, <i>Coronavirus Paid Leave Exemptions Exclude Millions of Workers From Coverage</i> , https://www.americanprogress.org/issues/economy/news/2020/04/17/483287/coronavirus-paid-leave-exemptions-exclude-millions-workers-coverage/ (Apr. 17, 2020).	5
Christine Siegwarth Meyer et al., <i>Work-Family Benefits: Which Ones Maximize Profits?</i> , 13 J. Managerial Issues 28 (2001)	24

City of San Antonio, *COVID-19 San Antonio: Case Numbers*,
<https://covid19.sanantonio.gov/About-COVID-19/Case-Numbers-Table-Data> (last
visited Sep. 11, 2020).2, 12

City of San Antonio, *COVID-19 San Antonio: Find Answers & FAQs*,
<https://covid19.sanantonio.gov/What-YOU-Can-Do/Find-Answers-FAQs#section-3> (last visited Sep. 11, 2020).12

Coronavirus Disease 2019 (COVID-19): Prevention and Treatment, Centers for
Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html> (last visited Sept. 14, 2020).9

Eileen Appelbaum & Ruth Milkman, *No Big Deal: The Impact of New York City’s
Paid Sick Days Law on Employers*, Center for Economic and Policy Research
(Sept. 2016), <http://cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf>22

Fact Sheet, *Paid Sick Days Lead to Cost Savings for All*, Nat’l Partnership for Women
& Families (Mar. 2020), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-lead-to-cost-savings-savings-for-all.pdf>. 14, 15

Heather Boushey & Sarah Jane Glynn, *There Are Significant Business Costs to Replacing
Employees*, Center for American Progress (Nov. 16, 2012),
<https://www.americanprogress.org/issues/economy/reports/2012/11/16/44464/there-are-significant-business-costs-to-replacing-employees/>24

Human Impact Partners et al., *A Health Impact Assessment of the Healthy
Families Act of 2009* (June 11, 2009), available at
http://go.nationalpartnership.org/site/DocServer/WF_PSD_HFA_HealthImpactAssessment_HIA_090611.pdf?docID=510110

Ilana DeBare, *S.F. Sick Leave Law Celebrates 1 Year*, SFGATE (Feb. 6, 2008),
<https://www.sfgate.com/business/article/S-F-sick-leave-law-celebrates-1-year-3229376.php>21

Jenny Xia et al., *Paid Sick Days Access Varies by Race/Ethnicity, Sexual Orientation
and Job Characteristics*, Institute for Women’s Policy Research (Feb. 2016),
<https://iwpr.org/wp-content/uploads/2020/08/B356-paid-sick-days.pdf>.10

Jessica Milli & Emma Williams-Baron, *Access to Paid Sick Time in San Antonio, Texas*, Institute for Women’s Policy Research, at 1 (August 2017), <https://iwpr.org/publications/access-to-paid-sick-time-in-san-antonio-texas/>.16

Map: Paid Leave and Paid Sick Days Laws are Helping More Than 46 Million People Better Care and Provide for Their Families, Nat’l Partnership for Women & Families, <http://www.nationalpartnership.org/our-work/economic-justice/how-many-million-americans-benefit.html> (last visited Sept. 14, 2020)...5

Matthew J. Breiding et al., *Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization—National Intimate Partner and Sexual Violence Survey, United States, 2011*, Centers for Disease Control and Prevention (Sept. 5, 2014), <https://www.cdc.gov/mmwr/preview/mmwrhtml/ss6308a1.htm>.....17

Paid Sick Days, Nat’l Partnership for Women & Families, <http://www.nationalpartnership.org/our-work/economic-justice/paid-sick-days.html> (last visited Sept. 14, 2020)4

Paid Sick Days: Attitudes and Experiences; Key findings from the 2010 NORC/Public Welfare Foundation National Survey on Paid Sick Days, Nat’l Partnership for Women & Families, <http://www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-attitudes-and-experiences-presentation.pdf>11

Robert Drago & Kevin Miller, *Sick at Work: Infected Employees in the Workplace During the H1N1 Pandemic*, Institute for Women’s Policy Research (Feb. 2010), <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.192.5012&rep=rep1&type=pdf>.13

Rochelle F. Hanson et al., *The Impact of Crime Victimization on Quality of Life*, 23 J. Traumatic Stress 189 (2010)18

Shira Gans, *NYC’s Paid Sick Leave Law: First Year Milestones*, New York City Consumer Affairs, at 4 (June 2015), <http://www1.nyc.gov/assets/dca/downloads/pdf/about/PaidSickLeaveLaw-FirstYearMilestones.pdf>21

Stefan Pichler & Nicholas R. Ziebarth, <i>The Pros and Cons of Sick Pay Schemes: Contagious Presenteeism and Noncontagious Absenteeism Behavior</i> , May 12, 2018, https://voxeu.org/article/pros-and-cons-sick-pay	13
Steven Sumner et al., <i>Factors Associated with Food Workers Working While Experiencing Vomiting or Diarrhea</i> , 74 J. Food Protection 215 (2011), https://www.cdc.gov/nceh/ehs/ehsnet/Docs/JFP_ill_food_workers.pdf	11
Supriya Kumar et al., <i>The Impact of Workplace Policies and Other Social Factors on Self-Reported Influenza-Like Illness During the 2009 H1N1 Pandemic</i> , 102 Am. J. Pub. Health 134, 139 (2012)	13
<i>Survivors of Intimate Partner Violence Need Paid Safe Days</i> , Nat’l Partnership for Women & Families (October 2019), http://www.nationalpartnership.org/research-library/work-family/psd/survivors-of-domestic-and-sexual-violence-need-paid-safe-days.pdf	18
The Main Street Alliance of Washington, <i>Paid Sick Days and the Seattle Economy: Job Growth and Business Formation at the 1-Year Anniversary of Seattle’s Paid Sick and Safe Leave Law</i> (Sept. 2013), http://www.eoionline.org/wp/wp-content/uploads/PSD-1-Year-Report-Final.pdf	24
The Restaurant Opportunities Centers United, <i>Serving While Sick: High Risks & Low Benefits for the Nation’s Restaurant Workforce, and Their Impact on the Consumer</i> (Sept. 30, 2010), https://chapters.rocunited.org/publications/roc-serving-while-sick/	11
Tom W. Smith & Jibum Kim, <i>Paid Sick Days: Attitudes and Experiences</i> , National Opinion Research Center at the University of Chicago (June 2010), http://www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-attitudes-and-experiences.pdf	10
U.S. Dep’t of Labor, Bureau of Labor Statistics, <i>Employee Benefits In The United States – March 2019</i> (2019), https://www.bls.gov/news.release/pdf/ebs2.pdf	4
U.S. Occupational Safety and Health Admin., <i>OSHA Fact Sheet: Protecting Workers During a Pandemic</i> , https://www.osha.gov/Publications/OSHA-FS-3747.pdf (last visited Sep. 11, 2020)	12

Vicky Lovell & Kevin Miller, *Job Growth Strong with Paid Sick Days*, Institute for Women’s Policy Research (Oct. 2008), https://pdfs.semanticscholar.org/69db/20957a461cae96124f5c723a8cd953fea813.pdf?_ga=2.125494474.1565830253.1599600124-221940966.1599600124.20

Vicky Lovell, *Paid Sick Days Improve Public Health by Reducing the Spread of Disease*, Institute for Women’s Policy Research (Feb. 2006), available at <https://core.ac.uk/download/pdf/71339327.pdf>.9

Walter F. Stewart et al., *Lost Productive Work Time Costs from Health Conditions in the United States: Results from the American Productivity Audit*, 45 J. Occupational & Env’tl. Med. 1234 (Dec. 2003), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/lost-productive-work-time-american-productivity-audit.pdf>.....25

Yolanda Branche, *Audit of the Accrued Sick and Safe Leave Act of 2008*, Office of the District of Columbia Auditor, at 19 (June 19, 2013), <http://zd4l62ki6k620lqb52h9ldm1.wpengine.netdna-cdn.com/wp-content/uploads/2019/02/DCA092013.pdf>.....23

Zoe Ziliak Michel, *During Healthy Families Act Days of Action, Business Owners Stress Benefits of Paid Sick Time*, CLASP, <https://www.clasp.org/blog/during-healthy-families-act-days-action-business-owners-stress-benefits-paid-sick-time> (last visited Sept. 14, 2020)23

Zoe Ziliak Michel, *The Business Benefits of Paid Sick Time*, CLASP (Mar. 2017), <http://www.clasp.org/resources-and-publications/publication-1/Business-Case-for-HFA-3.pdf>24

DISCLOSURE OF INTEREST

A Better Balance (“ABB”) is a national legal advocacy organization dedicated to promoting fairness in the workplace and helping employees meet the conflicting demands of work and family. Through legislative advocacy, litigation, research, public education, and technical assistance to state and local campaigns, ABB is committed to helping workers care for themselves and their families without risking their economic security. ABB has co-drafted model paid sick leave legislation that has been used and adapted in the 48 jurisdictions that have enacted paid sick leave laws, including San Antonio, and the 15 jurisdictions that have enacted emergency paid sick leave policies since the beginning of the novel coronavirus pandemic. ABB has served as co-counsel or filed amicus briefs in litigation challenging paid sick leave legislation in Wisconsin, Massachusetts, Minnesota, Arizona, and Pennsylvania—cases which affirmed the right of states and localities to enact paid sick leave laws that improve the health and welfare of workers and their loved ones.

On behalf of Amicus Curiae, I certify that no persons other than A Better Balance have made any monetary contribution to the preparation or submission of this Amicus brief.

SUMMARY OF ARGUMENT

This year's unprecedented coronavirus pandemic has highlighted the massive importance of access to paid sick leave in reducing contagion and protecting the economic livelihoods of workers, especially low-income workers and those considered "essential." As of September 10, 2020, Bexar County, which contains San Antonio, has reported 47,956 COVID-19 cases and 990 deaths. City of San Antonio, *Case Numbers (Table Data)*, <https://covid19.sanantonio.gov/About-COVID-19/Case-Numbers-Table-Data> (last visited Sep. 11, 2020). If workers had access to paid sick leave, they would be more likely to stay at home to take care of their health and the health of their loved ones who have contracted this or other sicknesses, reducing their overall spread, while at the same time providing much-needed economic security. ABB submits this amicus brief to highlight the huge public policy benefits of paid sick leave, which have been given insufficient weight in determining whether a preliminary injunction should be granted against San Antonio's paid sick leave ordinance. Given the proven benefits of paid sick leave, which are especially salient with the continued spread of COVID-19, and the lack of harm that paid sick leave requirements impose on businesses, ABB contends that the preliminary injunction against the ordinance should be lifted so that San Antonio can begin implementing the much-needed policy.

Amicus A Better Balance supports the City of San Antonio and the Texas Organizing Project and urges this Court to uphold the Paid Sick Leave Ordinance, an important public health measure that will protect the health and safety of San Antonio residents and benefit workers, businesses, and the local economy.

ARGUMENT

I. Introduction

In recent years, voters and policy makers around the country have started to move to address the fact that nearly one-third of the private sector workforce lacks any paid sick leave, a benefit that the current coronavirus pandemic has made clear is necessary for a well-functioning economy.

The jurisdictions that have passed paid sick leave laws—from the state of Arizona in the Southwest, to the city of Duluth, Minnesota in the Midwest, to Pittsburgh, Pennsylvania and Montgomery County, Maryland in the East—are diverse in terms of population, geography, and other characteristics. *See* U.S. Dep’t of Labor, Bureau of Labor Statistics, *Employee Benefits In The United States – March 2019* 17 (2019), <https://www.bls.gov/news.release/pdf/ebs2.pdf> [hereinafter “BLS Report”]; *Paid Sick Days*, Nat’l Partnership for Women & Families, <http://www.nationalpartnership.org/our-work/economic-justice/paid-sick-days.html> (last visited Sept. 14, 2020). More than 46 million workers have gained paid sick leave rights under the many paid sick leave laws that have been passed around the country in recent years. *Map: Paid Leave and Paid Sick Days Laws are Helping More Than 46 Million People Better Care and Provide for Their Families*, Nat’l Partnership for Women & Families, [4](http://www.nationalpartnership.org/our-</p></div><div data-bbox=)

work/economic-justice/how-many-million-americans-benefit.html (last visited Sept. 14, 2020).

Still, there is no permanent federal right to paid sick leave,¹ nor does Texas require employers to provide it. Responding to this lack of federal and statewide action, in August 2018, San Antonio enacted the city’s Paid Sick Leave Ordinance, (“Paid Sick Leave Ordinance” or “Ordinance”). The Paid Sick Leave Ordinance is a proven public health intervention designed to reduce the spread of disease by providing pay and security to workers who need paid sick leave to recover from illness, obtain medical care, or provide care to ill family members. Without paid sick leave, workers in San Antonio are often unable to stay at home or keep their children at home when sick because of the economic hardship and threat of job loss that

¹ In March 2020, Congress passed, and the President signed, the Families First Coronavirus Response Act (FFCRA), which, among other things, provides emergency paid sick leave to certain workers for certain COVID-related reasons. The law does not apply to workers employed at businesses with over 500 employees, and allows the Secretary of Labor to issue exemptions to businesses with 50 or fewer employees, as well as for healthcare providers and emergency responders. Additionally, the FFCRA only provides paid sick leave for COVID-related purposes. Finally, the FFCRA is set to expire on Dec. 31, 2020. See A Better Balance, *Fact Sheet: The Families First Coronavirus Response Act (FFCRA) & the Coronavirus Aid, Relief and Economic Security (CARES) Act*, <https://www.abetterbalance.org/resources/federal-coronavirus-proposal-the-families-first-coronavirus-response-act-h-r-6201/> (last visited Aug. 28, 2020). In Texas alone, it has been estimated that, of the state’s 10.6 million workers, the FFCRA exempts more than half of the state’s workforce—5.8 million Texans—through the large business exception; given the additional partial or full opt out provisions for other employers as described above, the federal law only guarantees full, emergency paid sick time to approximately 1.8 million of the State’s 10.6 million workers. Center for American Progress, *Coronavirus Paid Leave Exemptions Exclude Millions of Workers From Coverage*, <https://www.americanprogress.org/issues/economy/news/2020/04/17/483287/coronavirus-paid-leave-exemptions-exclude-millions-workers-coverage/> (Apr. 17, 2020).

results from the lack of paid sick leave. As the spread of COVID-19 has made clear, access to paid sick leave is a vital lifeline for workers attempting to juggle their health and economic well-being. By removing the economic incentive to go to work while sick, the Paid Sick Leave Ordinance will protect the workforce from the spread of disease and protect customers and consumers, such as restaurant patrons or patients in healthcare facilities, from preventable exposure to communicable diseases like COVID-19. The law will also protect the community by giving parents time off to keep sick children at home or take them to seek appropriate treatment rather than spreading infections at school or daycare.

The overarching purpose of paid sick leave laws, including San Antonio's, is to improve public health, and research shows that paid sick leave laws around the country have been successful in achieving this goal. As public health officials struggle to contain the COVID-19 pandemic, it is especially clear that workers need paid sick time in order to comply with very sensible directives to stay home—and keep their children home—if viral symptoms appear. Without access to paid sick time, workers will often feel forced to go to work sick and spread illness in the community and potentially to at-risk populations rather than risk their economic security and jobs by staying home. The public health necessity of paid sick time could not be clearer. Such an important policy should not be summarily case aside simply because it has a speculative, and at most minimal, effect on businesses.

The application of the injunction against the Ordinance rests on the factually unsupported premise that the Ordinance will harm San Antonio businesses economically, while discounting the proven benefits of similar laws. Looking to the dozens of examples of paid sick leave laws that have been enacted and successfully implemented throughout the nation since 2006, all evidence points to the conclusion that the Paid Sick Leave Ordinance is likely to have a *positive* impact on not only public health, but also businesses and the local economy. Studies have repeatedly shown, contrary to the expectations of some employers, that paid sick leave ordinances in other jurisdictions—all extremely similar in structure to San Antonio’s Ordinance—have resulted in benefits to both workers *and* businesses. These benefits to the public interest far outweigh the incidental administrative compliance costs that Appellees might face.

II. The Balance of the Equities Weighs Against Temporarily Enjoining San Antonio’s Paid Sick Leave Ordinance.

When considering an application for a temporary injunction, the court is charged with “balanc[ing] the equities between the parties as well as the resulting conveniences and hardships.” *Burkholder v. Wilkins*, 504 S.W.3d 485, 493 (Tex. App.—Corpus Christi 2016) (citing *In re Gamble*, 71 S.W.3d 313, 317 (Tex. 2002) (“A request for injunctive relief invokes a court’s equity jurisdiction.”)). A balance of the equities requires a consideration of the injury to the Appellees, as well as

injury to the public, should the temporary injunction be granted or denied. *See Storey v. Central Hide & Rendering Co.*, 226 S.W.2d 615, 619 (Tex. 1950). That is, any minimal compliance costs incurred by Respondents should be weighed against the public policy benefits of the Ordinance.

In this case, the public policy benefits of San Antonio's Paid Sick Leave Ordinance are many and compelling, and are made even more so due to the continuing impact of COVID-19 across the country. Time and again, studies done in jurisdictions that have adopted universal paid sick leave policies have shown that access to paid sick leave reduces the spread of infectious disease, allows workers to recover from illnesses faster, encourages workers and their families to take advantage of preventative care, and reduces healthcare costs generally. The San Antonio Paid Sick Leave Ordinance will likely have similar public health benefits as the dozens of paid sick leave laws that have already been enacted across the country. As the coronavirus pandemic has made clear, to be most effective, access to paid sick leave cannot be a luxury enjoyed only by a subset of workers. As local economies continue to reopen, it is more important than ever that so-called "essential workers," who are most at risk for COVID-19, are able to take time off not only to take care of their own health and that of their loved ones, but also to slow down the spread of the novel virus.

The data clearly shows the enormous public health and safety benefits that the Ordinance will provide to all San Antonio residents, which greatly weighs in favor of overturning the preliminary injunction against the Ordinance. The Ordinance will benefit public health in San Antonio by protecting the workforce, consumers, children, and families from the spread of illness. While the Paid Sick Leave Ordinance is enjoined, San Antonio workers and the public health will continue to suffer.

A. Access to Paid Sick Leave Reduces The Spread of Contagion

One of the most important benefits of universal access to paid sick leave is that it reduces the spread of contagious disease. *See Vicky Lovell, Paid Sick Days Improve Public Health by Reducing the Spread of Disease*, Institute for Women's Policy Research (Feb. 2006), available at <https://core.ac.uk/download/pdf/71339327.pdf>. With the continuing spread of the COVID-19 pandemic, it is clearer than ever that workers, their families, and the community at large need paid sick time to prevent the spread of infectious disease. According to the Centers for Disease Control, the best way to prevent the spread of the novel coronavirus includes avoiding close contact with people who are sick and staying at home while sick. *Coronavirus Disease 2019 (COVID-19): Prevention and Treatment*, Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html> (last visited Sept. 14, 2020).

Workers in jobs with high levels of public contact, such as restaurant workers and child care workers, who are also among those considered essential workers, have the lowest levels of access to paid sick days—only 21 percent of food service workers and just 28 percent of personal care workers have access to paid sick time. Jenny Xia et al., *Paid Sick Days Access Varies by Race/Ethnicity, Sexual Orientation and Job Characteristics*, Institute for Women’s Policy Research (Feb. 2016), <https://iwpr.org/wp-content/uploads/2020/08/B356-paid-sick-days.pdf>. As a result, these workers may have no choice but to go to work when they are ill, lest they lose a much-needed paycheck, increasing the risk that they will pass illnesses on to co-workers and customers, who can spread illness to their own contacts while also jeopardizing their own health. Human Impact Partners et al., *A Health Impact Assessment of the Healthy Families Act of 2009* (June 11, 2009), available at http://go.nationalpartnership.org/site/DocServer/WF_PSD_HFA_HealthImpact_Assessment_HIA_090611.pdf?docID=51011. Overall, people without paid sick leave are 1.5 times more likely than people with paid sick leave to go to work with a contagious illness. Tom W. Smith & Jibum Kim, *Paid Sick Days: Attitudes and Experiences*, National Opinion Research Center at the University of Chicago (June 2010), <http://www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-attitudes-and-experiences.pdf>.

The largest national survey of U.S. restaurant workers found that two-thirds of

restaurant wait staff and cooks have come to work sick. The Restaurant Opportunities Centers United, *Serving While Sick: High Risks & Low Benefits for the Nation's Restaurant Workforce, and Their Impact on the Consumer* (Sept. 30, 2010), <https://chapters.rocunited.org/publications/roc-serving-while-sick/>. A peer-reviewed epidemiological study found that nearly one in five food service workers had come to work vomiting or with diarrhea in the past year, creating dangerous health conditions in the best of times. Steven Sumner et al., *Factors Associated with Food Workers Working While Experiencing Vomiting or Diarrhea*, 74 J. Food Protection 215 (2011), https://www.cdc.gov/nceh/ehs/ehsnet/Docs/JFP_ill_food_workers.pdf.

On a related note, paid sick leave also allows parents to provide personal care for their sick children. Parents without paid sick leave are more than twice as likely as parents with paid sick leave to send a sick child to school or daycare and five times as likely to report taking their child or a family member to a hospital emergency room because they were unable to take time off work during their regular work hours. *Paid Sick Days: Attitudes and Experiences; Key findings from the 2010 NORC/Public Welfare Foundation National Survey on Paid Sick Days*, Nat'l Partnership for Women & Families, <http://www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-attitudes-and-experiences-presentation.pdf>. When children begin to return to in-person schooling, more and more workers will need the time and financial flexibility to stay home with a sick child to prevent the

further spread of COVID-19. Parental care also makes children’s recovery faster and can prevent future health problems. Jody Heymann, *The Widening Gap: Why America’s Working Families Are in Jeopardy—and What Can Be Done About It* (2001).

In addition to benefiting workers and their loved ones, the availability of paid sick leave makes everyone in the community healthier. For example, in the event of a disease outbreak like this year’s coronavirus that presents a threat to public health, government officials request that sick workers stay home and keep sick children home from school or child care to prevent the spread of illness, and to safeguard workplace productivity. U.S. Occupational Safety and Health Admin., *OSHA Fact Sheet: Protecting Workers During a Pandemic*, <https://www.osha.gov/Publications/OSHA-FS-3747.pdf> (last visited Sep. 11, 2020).

As of September 10, 2020, Bexar County has reported 47,956 COVID-19 cases and 990 deaths, with another 182 deaths still under investigation. City of San Antonio, *COVID-19 San Antonio: Case Numbers*, <https://covid19.sanantonio.gov/About-COVID-19/Case-Numbers-Table-Data> (last visited Sep. 11, 2020). For individuals who might have contracted COVID-19, the San Antonio Metropolitan Health District recommends staying at home if sick. City of San Antonio, *COVID-19 San Antonio: Find Answers & FAQs*, <https://covid19.sanantonio.gov/What-YOU-Can-Do/Find-Answers-FAQs#section-3> (last visited Sep. 11, 2020). However, because

many workers lack paid sick leave, they may be unable to comply and could put their jobs at risk by adhering to San Antonio's public health guidance.

During the height of the H1N1 (flu) pandemic of 2009-2010, workers with lower rates of access to paid sick leave were more likely than those with higher rates of access to paid sick leave to go to work sick, and as a result, the pandemic lasted longer in their workplaces as the virus spread from co-worker to co-worker. Robert Drago & Kevin Miller, *Sick at Work: Infected Employees in the Workplace During the H1N1 Pandemic*, Institute for Women's Policy Research (Feb. 2010), <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.192.5012&rep=rep1&type=pdf>. One study estimates that lack of paid sick leave was responsible for five million cases of influenza-like illness during the pandemic. Supriya Kumar et al., *The Impact of Workplace Policies and Other Social Factors on Self-Reported Influenza-Like Illness During the 2009 H1N1 Pandemic*, 102 Am. J. Pub. Health 134, 139 (2012). Another study estimates that jurisdictions in the United States with paid sick leave requirements experienced a 40% reduction in the flu rate. Stefan Pichler & Nicholas R. Ziebarth, *The Pros and Cons of Sick Pay Schemes: Contagious Presenteeism and Noncontagious Absenteeism Behavior*, May 12, 2018, <https://voxeu.org/article/pros-and-cons-sick-pay>.

All of this research shows that increasing access to paid sick leave is one of the most important tools that San Antonio can use to reduce the spread of

contagion—and the novel coronavirus in particular—among city residents.

B. Access to Paid Sick Leave Also Reduces Recovery Time, Increases Use of Preventative Care, Prevents Workplace Accidents, and Protects Victims of Domestic Violence.

Paid sick leave benefits individual workers and their families beyond reducing the spread of contagion across communities. Paid sick leave has consistently been shown to reduce recovery time, promote the use of regular medical providers rather than hospital emergency departments, and enable workers to seek preventative care. Vicky Lovell, *Paid Sick Days Improve Public Health by Reducing the Spread of Disease*, Institute for Women’s Policy Research (Feb. 2006), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/B250.pdf>. In the COVID context, workers will be able to use paid time off to seek and obtain COVID tests, which in addition to giving them clarity about their status and allowing them to quarantine as soon as possible, will allow San Antonio to better track future outbreaks.

Access to paid sick leave can also help decrease the likelihood that a worker will put off needed care, and can increase the rates of preventive care among workers and their children. *Fact Sheet: Paid Sick Days Lead to Cost Savings For All*, Nat’l Partnership for Women & Families (March 2020), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-lead-to-cost-savings-savings-for-all.pdf>. A study by the Centers for Disease Control and Prevention found that

workers who have access to paid sick leave are significantly more likely to undergo routine cancer screenings and to visit a doctor or obtain other medical care. Women workers with paid sick leave are more likely to receive mammograms and Pap tests at suggested intervals, and adult workers with paid sick leave are more likely to undergo a colonoscopy or sigmoidoscopy. The study concludes that the lack of paid sick leave appears to be a potential barrier to obtaining cancer screenings and preventive medical care. Lucy A. Peipins et al., *The Lack of Paid Sick Leave as a Barrier to Cancer Screening and Medical Care-Seeking: Results from the National Health Interview Survey*, BMC Public Health (2012), <http://www.biomedcentral.com/content/pdf/1471-2458-12-520.pdf>.

By promoting access to primary and preventative care, paid sick leave also reduces public health care expenditures. Nationally, providing all workers with paid sick leave would result in \$1.1 billion in annual savings in hospital emergency department costs, including more than \$500 million in savings to publicly funded health insurance programs such as Medicare, Medicaid, and SCHIP. Fact Sheet, *Paid Sick Days Lead to Cost Savings for All*, Nat'l Partnership for Women & Families (Mar. 2020), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-lead-to-cost-savings-savings-for-all.pdf>. In San Antonio, where 39 percent of workers lack access to paid sick time, the Ordinance will likely reduce health care costs on a similar basis. See Jessica Milli & Emma Williams-Baron, *Access to Paid*

Sick Time in San Antonio, Texas, Institute for Women’s Policy Research, at 1 (August 2017), <https://iwpr.org/publications/access-to-paid-sick-time-in-san-antonio-texas/>.

One less obvious benefit of paid sick leave is that it prevents workplace accidents. A study by researchers from the National Institute for Occupational Safety and Health at the Centers for Disease Control and Prevention found that workers with access to paid sick leave were 28 percent less likely than workers without access to paid sick leave to be injured on the job. The strongest connection between access to paid sick leave and a lower incidence of occupational injuries occurs in high-risk sectors and occupations. Abay Asfaw et al., *Paid Sick Leave and Nonfatal Occupational Injuries*, 102 *Am. J. Pub. Health* e59 (Sept. 2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3482022/>.

Finally, San Antonio’s Paid Sick Leave Ordinance will protect victims of sexual and domestic violence. More than one in four American women report having experienced a negative impact from sexual violence, physical violence, and/or stalking by an intimate partner at some point in their lives. Matthew J. Breiding et al., *Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization—National Intimate Partner and Sexual Violence Survey, United States, 2011*, Centers for Disease Control and Prevention (Sept. 5, 2014), <https://www.cdc.gov/mmwr/preview/mmwrhtml/ss6308a1.htm>. A survey by the Centers for Disease Control and Prevention showed that 5.7 million women

reported having experienced intimate partner-related physical assaults and rapes in the last 12 months before taking the survey. *Id.* In the same survey, nearly 2.4 million men reported having experienced severe physical violence by an intimate partner in the previous 12 months. *Id.* Many workers need time away from their jobs to care for their health after these incidents or to find solutions, such as a restraining order or new housing, to avoid or prevent physical or sexual abuse. Domestic violence incidences have been of special concern during the COVID-19 pandemic, since many workers are spending more time at home and removed from potential avenues of support.

Survivors of domestic and sexual violence are forced to lose days of paid employment because of the violence they face. According to surveys from the Bureau of Justice Statistics, 36 percent of rape or sexual assault victims lost more than 10 days of work following victimization, and more than half of stalking victims lost five or more days of work. Bureau of Justice Statistics, *Stalking*, U.S. Dep't of Justice, <https://www.bjs.gov/index.cfm?ty=tp&tid=973> (last visited Sept. 14, 2020); *see also* *Survivors of Intimate Partner Violence Need Paid Safe Days*, Nat'l Partnership for Women & Families (October 2019), <http://www.nationalpartnership.org/research-library/work-family/psd/survivors-of-domestic-and-sexual-violence-need-paid-safe-days.pdf>. Each year, victims of domestic violence are forced to miss nearly eight million days of paid work, costing more than \$700 million annually due to victims'

lost productivity in employment. Rochelle F. Hanson et al., *The Impact of Crime Victimization on Quality of Life*, 23 J. Traumatic Stress 189 (2010). Without job protection, survivors are in grave danger of losing their jobs. Between 25 and 50 percent of domestic violence survivors report job loss, due at least in part to the domestic violence. Loss of employment can be particularly devastating for survivors of domestic violence, who often need economic security to ensure their and their children's safety.

As all of these studies show, the benefits of paid sick leave are immense, and especially salient during this global pandemic.

III. San Antonio's Paid Sick Leave Ordinance Is Unlikely To Cause Respondents Irreparable Harm.

An applicant for a temporary injunction, "an extraordinary remedy," must plead and prove "a probable, imminent, and irreparable injury in the interim." *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). *Amicus A Better Balance* contends that Respondents have failed to demonstrate such a probable, imminent, and irreparable injury.

"An injury is irreparable if the injured party cannot be adequately compensated in damages or if the damages cannot be measured by any certain pecuniary standard." *Id.* Where the injury alleged is *de minimis*, the Court may properly deny a petition for temporary injunction. *See Jones-Holt Enters., Inc. v.*

Hips, 643 S.W.2d 773, 775-76 (Tex. App.—San Antonio 1982) (applying doctrine of *de minimis non curat lex* to affirm denial of temporary injunction).

Respondents have claimed only a *de minimis* injury: namely, administrative compliance costs, which are likely to be outweighed by the economic benefits the Ordinance will bring. Such compliance costs do not rise to the level of “irreparable harm” that is required for a temporary injunction. Instead, they are marginal costs that are part and parcel with doing business. Moreover, any of these speculative costs are likely to be eclipsed by the economic *benefits* that paid sick leave laws have been shown to provide for businesses.

Granting this application for temporary injunction could set a dangerous precedent in Texas by allowing private parties to undermine the governance of municipalities throughout the state. The City of San Antonio’s ability to respond to legitimate and urgent public health needs like those incurred during the coronavirus pandemic should not be infringed upon as a means for businesses to avoid initial incidental costs of complying with the law.

**C. Studies Have Demonstrated That Paid Sick Leave Requirements
Benefit, Rather than Harm, Local Businesses.**

Studies have consistently shown that paid sick leave laws like San Antonio’s—which have been passed in 13 states and 35 localities throughout the country—have been successfully implemented without evidence of harm to businesses or the economy. Research shows that these laws have indeed had *positive*

effects on area businesses. This pattern holds true not only in major metropolitan areas like New York City, but also in mid-sized cities like Seattle and San Francisco. Though Respondents claim that they will face “economic harm” and will incur compliance costs as a result of the Earned Sick Time Ordinance, these claims are not borne out by the evidence gathered in other jurisdictions that have enacted substantially similar paid sick leave laws. *See* Appellees’ Resp. to Opening Brief of Intervenor-Appellants 39.

Studies of paid sick leave laws have shown no negative consequences for businesses. San Francisco’s law, passed by ballot initiative in 2006, is the country’s oldest, and its impacts have been well documented. All evidence examined since the law took effect shows that there have been no adverse effects on San Francisco businesses and that job growth has been as substantial or better than in adjoining counties. *See, e.g.,* Vicky Lovell & Kevin Miller, *Job Growth Strong with Paid Sick Days*, Institute for Women’s Policy Research (Oct. 2008), https://pdfs.semanticscholar.org/69db/20957a461cae96124f5c723a8cd953fea813.pdf?_ga=2.125494474.1565830253.1599600124-221940966.1599600124. After the law’s first anniversary, Kevin Westlye, Director of the Golden Gate Restaurant Association, told the San Francisco Chronicle that, “[s]ick leave is one issue where people just looked at adjusting their policies and moved on. It hasn’t been a big issue.” Ilana DeBare, *S.F. Sick Leave Law Celebrates 1 Year*, SFGATE (Feb. 6, 2008),

<https://www.sfgate.com/business/article/S-F-sick-leave-law-celebrates-1-year-3229376.php>.

Studies in New York City following the implementation of its paid sick leave ordinance also showed steady job growth after the law went into effect. On the law's first anniversary, the city released a report touting its successful implementation and noted that since the law went into effect, "the city has had steady job growth and the lowest unemployment in six years." Shira Gans, *NYC's Paid Sick Leave Law: First Year Milestones*, New York City Consumer Affairs, at 4 (June 2015), <http://www1.nyc.gov/assets/dca/downloads/pdf/about/PaidSickLeaveLaw-FirstYearMilestones.pdf>. The city further reported, "New York City's economy has thrived since the enactment of PSL [paid sick leave]. Between January 2014 and January 2015, a period that covers the law's implementation, economic indicators were a cause for celebration, not concern as many had predicted" *Id.* at 6.

A 2016 report published by the Center for Economic and Policy Research and the Murphy Institute of the City University of New York also showed that New York City's paid sick leave law has worked well for businesses. An overwhelming 98% of employers surveyed by the authors reported no known cases of abuse of paid sick leave. Eileen Appelbaum & Ruth Milkman, *No Big Deal: The Impact of New York City's Paid Sick Days Law on Employers*, Center for Economic and Policy Research, at 4 (Sept. 2016), <http://cepr.net/images/stories/reports/nyc-paid-sick-days-2016->

09.pdf. As one restaurant owner put it, the misuse he feared prior to the law’s passage “didn’t happen. No one has taken a paid sick day because they just didn’t feel like coming in that day. There is no abuse.” *Id.* at 18. The survey also found that employees are cautious in their use of paid sick leave; as one employer stated: “[p]eople ration it. People want to save it up in case something serious happens.” *Id.* at 16. Most employers were able to cover absences with cost-free measures, such as temporarily reassigning duties to other employees or putting some work on hold. *Id.* at 19. Given these results, employers in New York City have a positive view of the earned sick leave law; 86% of employers surveyed now described themselves as supportive of the law, with more than half saying they were “very supportive.” *Id.* at 28.

Another employer, Tony Juliano, former general manager of XES Lounge in New York City, stated that before the city’s paid sick leave law passed, “there were concerns that I and other small businesses had. But as it turns out, it hasn’t had the kind of impact that I worried about. Not even close. And in fact, the impact that I saw in my business was a much stronger bond between ourselves and our employees, higher productivity, and a *more* successful business, not a *less* successful business.” Zoe Ziliak Michel, *During Healthy Families Act Days of Action, Business Owners Stress Benefits of Paid Sick Time*, CLASP, <https://www.clasp.org/blog/during->

healthy-families-act-days-action-business-owners-stress-benefits-paid-sick-time
(last visited Sept. 14, 2020).

Studies in Washington, D.C. and Seattle also saw no negative economic effects, such as job losses or relocation of businesses to other jurisdictions, following implementation of their paid sick leave laws. A report issued by the Washington D.C. Auditor in 2013—five years after passage of the District’s paid sick leave law—found, based on interviews and responses to a questionnaire, that the law “did not have the economic impact of encouraging business owners to move a business from the District nor did the [law] have the economic impact of discouraging business owners to locate a business in the District of Columbia.” Yolanda Branche, *Audit of the Accrued Sick and Safe Leave Act of 2008*, Office of the District of Columbia Auditor, at 19 (June 19, 2013), <http://zd4l62ki6k620lqb52h9ldm1.wpengine.netdna-cdn.com/wp-content/uploads/2019/02/DCA092013.pdf>.

Likewise, a study of the economic impact of Seattle’s paid sick leave law at the time of its one-year anniversary found that a “preliminary look at available data shows no widespread negative economic impact as some opponents of the ordinance feared.” The Main Street Alliance of Washington, *Paid Sick Days and the Seattle Economy: Job Growth and Business Formation at the 1-Year Anniversary of Seattle’s Paid Sick and Safe Leave Law*, at 4 (Sept. 2013), <http://www.eoionline.org/wp/wp-content/uploads/PSD-1-Year-Report-Final.pdf>.

In fact, King County, which includes Seattle, continued to outpace the state in job growth following implementation of the law. Seattle maintained its share of King County's businesses and revenues, including in the retail and food services sectors. No pattern of business flight from Seattle was evident.

There are many ways in which providing paid sick leave has proven to be *good* for businesses and for the economy. Indeed, significant benefits for business have been found in several studies of paid sick leave. Zoe Ziliak Michel, *The Business Benefits of Paid Sick Time*, CLASP (Mar. 2017), <http://www.clasp.org/resources-and-publications/publication-1/Business-Case-for-HFA-3.pdf>. Paid sick leave results in reduced worker turnover, which leads to reduced costs incurred from advertising for, interviewing, and training new hires. Christine Siegwarth Meyer et al., *Work-Family Benefits: Which Ones Maximize Profits?*, 13 J. Managerial Issues 28 (2001). These cost savings are not insignificant; replacing workers can cost approximately 21 percent of an employee's annual compensation. Heather Boushey & Sarah Jane Glynn, *There Are Significant Business Costs to Replacing Employees*, Center for American Progress (Nov. 16, 2012) <https://www.americanprogress.org/issues/economy/reports/2012/11/16/44464/there-are-significant-business-costs-to-replacing-employees/>. Further, paid sick leave reduces the risk of “presenteeism”—the widespread phenomenon of workers coming to work with illnesses and health conditions that reduce their productivity—a problem that costs the

national economy \$160 billion annually (\$207.6 billion after adjusting for inflation). Walter F. Stewart et al., *Lost Productive Work Time Costs from Health Conditions in the United States: Results from the American Productivity Audit*, 45 J. Occupational & Envtl. Med. 1234 (Dec. 2003), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/lost-productive-work-time-american-productivity-audit.pdf> (unpublished calculation based on \$226 billion annually in lost productivity, 71 percent due to presenteeism). Presenteeism is an especially pressing problem during outbreaks of contagious disease like the seasonal flu or this year's COVID-19 pandemic. Paid sick leave requirements also allow smaller companies that want to offer benefits like paid sick leave to compete on a more even playing field with larger companies.

Recognizing these benefits, the cities of San Francisco, Washington, D.C., and New York City—all among the earliest jurisdictions to adopt paid sick leave laws—have later *expanded* their paid sick leave laws following their initial adoption, underscoring how well these laws are working for workers, employers, and communities. New York City's paid sick leave law has been so successful that the City Council has *twice* expanded it to include broader coverage—most recently to include chosen and extended family members in its family definition and to allow workers to use paid sick leave to address various needs related to sexual assault and domestic violence.

It is clear from the experience of other jurisdictions with paid sick leave laws similar to San Antonio's Paid Sick Leave Ordinance that Appellees' claims that they will face a competitive disadvantage if the Ordinance goes into effect are overblown. As for their claim that they will incur administrative compliance costs if required to comply with the Ordinance, the data from other jurisdictions clearly shows that those compliance costs do not paint a complete picture of the economic effects of paid sick leave, and that the Ordinance is more likely to *help* than harm San Antonio businesses.

IV. Conclusion

By passing the Paid Sick Leave Ordinance, San Antonio joined a growing movement across the United States. A total of 13 states and 35 other localities—diverse in geography, population, and other characteristics—have passed paid sick leave laws to provide this basic labor protection to workers. In drafting the Ordinance, San Antonio built on the proven models of dozens of paid sick leave laws already in effect, which have been a resounding success for workers and businesses alike.

There is a robust body of research showing that paid sick leave laws are working well for both employees and employers, and a compelling argument that paid sick leave requirements are especially important during this COVID-19 pandemic. There is no evidence that Respondents will suffer economic harm by

implementation of the Ordinance, and even if there were, any such harm would be outweighed by the myriad benefits the Ordinance will provide to workers in San Antonio and all residents of the city, especially as they face the continued strain of living with the novel coronavirus. For the foregoing reasons, amicus urges this Court to lift the injunction against San Antonio's Paid Sick Leave Ordinance.

PRAYER

WHEREFORE, amicus respectfully request that the Court grant Appellants' request to reverse the district court's Temporary Injunction Order, vacate the temporary injunction, and remand the case for further proceedings on the merits.

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Dated: September 17, 2020

CERTIFICATE OF COMPLIANCE

I certify on behalf of Amicus Curiae, that this Amicus brief contains 5,810 words according to the word count feature of the Microsoft Word software used to prepare this Amicus brief.

/s/ Holt M. Lackey
Holt M. Lackey

CERTIFICATE OF SERVICE

I certify that on September 17, 2020, a true and correct copy of the above and foregoing Amicus brief has been served to all attorneys of record registered to receive filings through the e-filing system and by e-mail to lead counsel for all parties in accordance with TRAP 9.5.

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