



Texas Public Policy Foundation

July 22, 2019

Mr. Christopher Caso
Interim City Attorney
City of Dallas
1500 Marilla Street
Dallas, TX 75201

RE: City of Dallas Mandatory Paid Sick Leave Ordinance

Dear Mr. Caso:

I am preparing to file suit against the City of Dallas and its officials to challenge the constitutionality of its Mandatory Paid Sick Leave Ordinance and seek injunctive relief to prevent the Ordinance from going into effect. This past Friday, the City of San Antonio agreed to delay implementing its paid sick leave ordinance until December 1 - after being sued by a San Antonio business coalition and facing an upcoming temporary injunction hearing.¹ The purpose of this letter is to seek a pre-litigation agreement that Dallas will agree to do the same.

Last November, the Austin business coalition I also represent successfully obtained an injunction blocking implementation of the Austin Ordinance that is substantively the same as the Dallas Ordinance. *See Texas Ass'n of Bus. v. City of Austin*, 565 S.W.3d 425 (Tex.App. – Austin 2018, pet. filed). For the same reasons as apply to the Dallas Ordinance, the Third Court of Appeals held that the Austin Ordinance violated the Texas Constitution because it was preempted by the Texas Minimum Wage Act. The City of Austin has petitioned the Texas Supreme Court for review, which is currently pending.

At least until the Texas Supreme Court has determined whether to grant review or has ruled on the pending legal issues, the best course of action is for Dallas to do the same as San Antonio by also delaying implementation of its Ordinance until at least December 1. However, Dallas now has the

¹ See https://therivardreport.com/city-agrees-to-delay-enforcement-of-paid-sick-leave-ordinance-until-december/?utm_campaign=newsletter&utm_medium=email&utm_source=newsletter-breaking&utm_content=editorial&utm_term=govPolitics&utm_source=Rivard+Report&utm_campaign=1dfabd020d-EMAIL_CAMPAIGN_6_8_2018_COPY_01&utm_medium=email&utm_term=0_1576c62124-1dfabd020d-84676833&mc_cid=1dfabd020d&mc_eid=094406685d

opportunity to show good will towards its business community by not forcing businesses to sue their City in order to obtain the same result. Let's do this through agreement rather than by litigation.

In the spirit of good faith negotiations, I am not publishing this letter for the time being, as I would prefer to discuss with you directly rather than through the media. However, due to the current August 1, enforcement date of the Dallas Ordinance, I must know by tomorrow, July 23, 2019, at 5:00 PM, whether the City will agree to take the same action as San Antonio. I will call you this afternoon to follow up.

Sincerely,



Robert Henneke

cc: The Honorable Eric Johnson, *Mayor*
Mr. T.C. Broadnax, *Dallas City Manager*