

Allegheny County Paid Sick Leave

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On September 14th, the Allegheny County Council voted to require some employers (“covered employers”) to provide paid sick leave to their employees. Employees of covered employers will earn at least one (1) hour of paid sick time for every 35 hours worked within Allegheny County. This leave time will be capped at 40 hours per calendar year.

Am I a “covered employer?”

If you are in Allegheny County, and have twenty-six (26) or more employee, you are a covered employer. You should not count independent contractors or seasonal employees as employees for purposes of this ordinance.

What does this ordinance require?

Covered employers must provide to their employees one (1) hour of paid sick time for every thirty-five (35) hours of work completed within Allegheny County. This leave time is capped at forty (40) hours. Exempt employees will be assumed to have worked forty (40) hours per week. This accrual shall begin on the effective date of this ordinance. For employees who begin employment after the effective date of this ordinance, it shall begin upon commencement of employment. This ordinance does not obligate the employer to provide financial or other reimbursement at the employee’s termination, resignation, retirement, or other separation from employment for any unused paid sick time that has been accrued. However your company policy may dictate otherwise.

When is the effective date?

The effective date is ninety (90) days after the designated county agency makes employer notice material available through the county website.

When can employee’s use this time?

This sick time can be used for an employee’s illness, injury or health condition, or that of a family member. It can also be used when there is a closure of the employee’s place of business due to a public health emergency, or for the employee’s need to care for a child whose school or place of care has been closed due to a public health emergency. It can also be used to care for a family member when that family member poses a risk to the community.

What if I already offer paid sick leave?

If the employer already provides at least 40 hours a year of sick time per year this ordinance will not require them to provide any additional leave, though employers can provide more if they wish. Accrued paid sick time shall be carried over to the next year unless the covered employer provides at least 40 hours of paid sick time at the beginning of each calendar year. If the covered employer does not provide at least 40 hours at the beginning of the year, then the employee may carry over accrued paid sick time so long as the total does not exceed 40 hours.

What restrictions are there on the time itself?

Employees may use this sick time in the smaller of hourly increments or the smallest increment that the employer’s payroll system uses to account for absences. For absences of three days or more, the employer may require reasonable

documentation that the paid sick time has been used in accordance with this ordinance.

What are the penalties if I do not comply?

Employers who willfully violate this ordinance will be subject to fines or penalties of \$100 per offense.

Where can I find the text of this ordinance?

Allegheny County Council – File #: 11988-21 (legistar.com)

Is more information coming?

The 90 day period will provide the County with the time to issue additional information and detail. Stay tuned for additional information. Feel free to reach out to Jim Southworth at jsouthworth@tuckerlaw.com or any attorney in the Employment Group at Tucker.