



CITY OF PITTSBURGH PAID SICK DAYS ACT

Note: For any capitalized terms, please consult the definitions of the Paid Sick Days Act and the Guidelines for Administering the Paid Sick Days Act.

1. What is the City of Pittsburgh Paid Sick Days Act?

The Paid Sick Days Act (the “Act”) is an ordinance in the City of Pittsburgh that enhances the public health by ensuring that Covered Employees are guaranteed the opportunity to receive time off that may be used for employee health care or the health care of a family member as further defined by the Act.

2. Are the posted Guidelines final?

The Guidelines are current as of February 15, 2020; however, they may be updated from time to time. According to Guideline 1(d): “As it administers and enforces Chapter 626, the Mayor’s Office of Equity may revise or replace these Guidelines or a portion thereof.” The February 15, 2020 Guidelines will remain in effect until rescinded or superseded. Any updated Guidelines will be posted on the City’s website at <http://paysickleave.pittsburghpa.gov>.

3. What are the geographic boundaries of the City of Pittsburgh?

The City of Pittsburgh maintains, for taxation purposes, a list of zip codes within the geographical boundaries of the City. You can find this list at this link: <https://apps.pittsburghpa.gov/finance/2014-zip-codes.pdf>. Please be advised that certain zip codes are only partially within the City’s geographic boundaries. You can definitively determine whether a location is within the geographic boundaries of the City of Pittsburgh by visiting the City’s website at http://pghgis-pittsburghpa.opendata.arcgis.com/datasets/a99f25fffb7b41c8a4adf9ea676a3a0b_0.

4. What is the Effective Date of the Act?

The Effective Date of the Act is March 15, 2020.

5. When can a Covered Employee begin using accrued Sick Time?

All Covered Employees shall be entitled to use accrued Sick Time beginning on the ninetieth (90) calendar day following the commencement of their employment.

6. When will hours of work begin to count for purposes of Sick Time accrual?

According to Guideline 3: the beginning of accrual will be March 15, 2020. Hours worked in January or February of 2020 will not count for purposes of accrual.

7. Can Employers give Covered Employees more Sick Time than the amount required by the Act?

Yes. Nothing in the Act shall be construed to discourage or prohibit an Employer from the adoption or retention of a Sick Time policy more generous than the one required therein.

8. My employer provides a paid vacation policy that meets or exceeds all requirements under the Paid Sick Days (including but not limited to requirements concerning accrual, usage, notice, and verification). I can use my paid vacation time exactly described under the Paid Sick Days Act. Must my employer provide for a separate Paid Sick Time apart from vacation?

No, an Employer that currently provides time off, be it titled as vacation, paid sick, or otherwise, that meets or exceeds all requirements under the Act has satisfied its obligation to provide Paid Sick Time and is not required to offer additional time.

9. May an Employer front-load Paid Sick Time for some Covered Employees and use the accrual method for others?

Yes. As long as an Employer provides all Covered Employees with their entitled benefits under the Paid Sick Days Act, an Employer may use different methods to provide Paid Sick Time.

10. Are Employers required to pay out unused Paid Sick Time hours at the end of an employment relationship?

No. Under Guideline 9(b) an Employer is not required to pay out unused Paid Sick Time hours at the end of an employment relationship.

11. If an Employer has a paid sick leave policy that meets or exceeds the requirements of the Act, must it still comply with the notice and documentation requirements under Sections 626.06 and 626.07 of the Act?

Yes, the Notice and Documentation requirements would still apply. However the Employer may supplement a posted notice to indicate that an Employer's policy is already in compliance.

12. Is the City's Notice Form, posted at this link [https://apps.pittsburghpa.gov/redtail/images/8014 NOTICE PAID SICK FINAL 12-16-19 - Rev. 12-17-19.pdf](https://apps.pittsburghpa.gov/redtail/images/8014_NOTICE_PAID_SICK_FINAL_12-16-19_-_Rev._12-17-19.pdf), sufficient to satisfy the notice requirements under Section 626.06 of the Act, if properly posted by an Employer?

Yes, this notice is provided pursuant to Section 626.06(b)(1) which states that: "The Agency shall promulgate all material relevant to this Section and necessary for an employer to comply with the requirements of this Section [626.06], making said material available through the City of Pittsburgh's website." This Notice is subject to revision and an Employer should check for periodic updates to the City's website.

13. Are Employers required to denote the length of Paid Sick Time on each paystub?

There is no specific record keeping method required by the Act. However, Employers are required under Section 626.07(a) to "retain records documenting hours worked by employees and Sick Time taken by employees, for a period of two (2) years."

Guideline 10(a) advises that "[i]t is recommended that Employers choose a reasonable system for providing notification of accrued Sick Time, including listing

updated amounts of Sick Time available on pay stubs (e.g., regular payroll statements) or in an online system where employees can access the information.”

An Employer’s failure to properly maintain records can have adverse consequences. Under Section 626.07(b): “When an issue arises as to an employee's entitlement to Sick Time under this Section, if the Employer does not maintain or retain adequate records documenting hours worked by the employee and Sick Time taken by the employee, or does not allow the Agency reasonable access to such records, it shall be presumed that the Employer has violated the Chapter, absent clear and convincing evidence otherwise.”

14. Are the owners of a business included in the head count to determine the rate of accrual and caps?

No. According to Guideline 3(c): Employers should exclude owners from the headcount of employees to determine whether there are 15 or more employees for purposes of accrual rate and caps.

15. Guideline 3(d)(1) states that for Employers with fifteen or more employees, Covered Employees are permitted to accrue no more than forty hours of Paid Sick Time in a Calendar Year, unless the Employer designates a higher amount. If the Employer does not designate a higher amount, and a Covered Employee accrues 40 hours of time that carry over from the previous Calendar year, must that Covered Employee accrue additional hours?

No. In this scenario, the Covered Employee’s ability to accrue Sick Time is capped at forty hours. If the Employee’s forty hours are carried over from the previous year, it is as though the Employer has front-loaded forty hours and the Covered Employee may accrue no further Paid Sick Time in that Calendar Year. If only 20 hours are carried over, then the Covered Employee may accrue up to 20 hours in that Calendar Year for a total of 40 hours.

16. For purposes of determining accrual rates and caps, do I only count employees working within the City of Pittsburgh?

No. Under Guideline 3, all employees of an Employer are counted for purposes of determining the applicable accrual rate and caps regardless of presence in the City of Pittsburgh. However, only Covered Employees will actually be receiving the time

accrued, defined in Guideline 2 as an employee who performs works within the geographic boundaries of the City of Pittsburgh for at least 35 hours in a Calendar year.

17: Could employees that do no work within the City of Pittsburgh be considered Covered Employees that would accrue Paid Sick Time?

No, pursuant to Guideline 2, an employee must work 35 hours in a Calendar year within the geographic boundaries of the City of Pittsburgh to be a Covered Employee eligible for Paid Sick Time. For example, an employee who works from home outside of the City of Pittsburgh and does not perform 35 hours of work within the City of Pittsburgh would not be eligible to accrue Paid Sick Time under the Act.

18. Do hours worked outside of the City limits count for purposes of accrual?

No. According to Guideline 3, only hours worked within the City count for purposes of accrual.

19. If an employee is regularly required to drive through the City of Pittsburgh as part of the employee's job duties, but never required to make a stop in Pittsburgh, will the City consider that drive time as "performing work within the geographic boundaries of the City?"

Yes. Pursuant to Guideline 4, the within-Pittsburgh portion of regular travel time into and out of the City, such as that performed by truck drivers or delivery services, may be calculated by reference to the average travel time for the particular route.

20. Is there an exception for churches or universities from compliance with the Act?

No, there is currently no exception for either churches or universities from compliance with the Act.

21. Are employees covered by the terms of a collective bargaining agreement exempt from the Ordinance?

Maybe. Under Section 626.02 of the Paid Sick Days Act, the definition of "Employee" excludes any member of a construction union covered by a collective bargaining unit. Under the same provision, a Construction Union is defined as a

“labor union that represents for purposes of collective bargaining employees involved in the work of construction, reconstruction, demolition, alteration, custom fabrication or repair work and who are enrolled or have graduated from a ‘registered apprenticeship program.’”

In addition, if a collective bargaining agreement provides benefits equal to or in excess of the Act then the collective bargaining agreement could serve to satisfy an Employer’s requirements to provide Paid Sick Time.

22. Is there a definition of “employee’s family member”?

Family Member is defined in Section 626.02(g) as: “(1) A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis; (2) A biological, foster, adoptive, or step-parent, or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child; (3) A person to whom the employee is legally married under the laws of any State; (4) A grandparent or spouse or domestic partner of a grandparent; (5) A grandchild; (6) A biological, foster, or adopted sibling; (7) A domestic partner; (8) Any individual for whom the employee has received oral permission from the employer to care for at the time of the employee's request to make use of Sick Time.”