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# PENNSYLVANIA EMPLOYERS: GET READY FOR PAID SICK DAYS FOR ALLEGHENY COUNTY WORKERS

Insights  
Mar 11, 2021

Pennsylvania's Allegheny County Council just passed a new ordinance which will soon require certain employers to provide paid sick leave to their workers. The Paid Sick Days Act ordinance, passed on March 9, will provide certain employees in Allegheny County up to five sick days each year. The Act will not take effect until 90 days after its accompanying regulations are posted online — an uncertain date considering the agency that will write them has yet to be named. Still, employers doing business in Allegheny County should take note of the Act and consider what preparations are needed to comply with the Act in the future.

## **Allegheny County's Paid Sick Days Act**

In a nutshell, the new law provides that eligible employees will earn one hour of paid sick time per 35 hours worked within Allegheny County, up to 40 hours per year (exempt employees are presumed to work 40 hours per week).

### ***Covered Employers***

Employers are covered if they have more than 25 employees.

### ***Eligible Employees***

Employees are eligible to use paid sick time on the 90th day of their employment. Seasonal employees, independent contractors, state and federal employees, and members of

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construction unions covered by a collective bargaining agreement are not covered by the Act.

### ***Use Of Paid Sick Time***

Paid sick time under the Act may be used for:

1. The employee's mental or physical illness, injury or health condition; need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for preventive medical care;
2. The employee's need to care for a family member for the same reasons set forth in paragraph 1; and
3. The closure of the employee's place of business by order of a public official due to a public health emergency; to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; and to care for a family member if health authorities or a health care provider have determined that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease, whether or not the family member has actually contracted the communicable disease.

### ***Employee Obligations***

Employees cannot be required to find a replacement before taking paid sick time. However, if employees use three or more consecutive days of paid sick time, employers can require them to provide reasonable documentation that the leave was used for a covered purpose. The documentation may not disclose any specific medical condition.

### ***Employer Obligations***

Covered employers will be required to provide notice of the Act to their employees as provided by the yet-to-be-drafted regulations.

### ***Carryover Of Paid Sick Time***

Unused paid sick time can be carried over into the next year unless the employer front loads the full 40 hours at the beginning of the calendar year. There is no payout for accrued but unused paid sick time upon the termination of

employment, but any balance must be reinstated if the employee is rehired within 6 months.

### ***Interplay With Existing Paid Sick Leave Policies***

Employers that already provide at least one hour of paid time off per 35 hours worked are not required to provide additional paid sick time under the Act as long as that time can be used for the same reasons and under the same conditions.

### **New Law Closely Follows Pittsburgh's Example**

The Act largely mirrors the City of Pittsburgh's Paid Sick Days Act, which already provides paid sick time at the same accrual rate to employees working in the City of Pittsburgh. Employers with 15 or more employees have been required to provide paid sick time under this law since last year; employers with fewer than 15 employees initially had to provide unpaid leave, but must begin providing paid sick time starting March 15, 2021. Given the similarity between the ordinances, we would not be surprised if Allegheny County's regulations end up looking similar to the City of Pittsburgh's. (Employers with 50 or more employees and workers in Pittsburgh should also make sure they're complying with [Pittsburgh's Temporary COVID-19 Emergency Paid Sick Leave](#) ordinance.)

### **What Allegheny County Employers Should Do Now**

The Act will not take effect for several months, but now is a good time for covered employers to read its provisions (the text is available [here](#)) and begin planning for policy changes if necessary. It's also a good time to confirm whether your organization is covered by, and compliant with, either of Pittsburgh's paid sick time ordinances.

These laws have some nuances, so be sure to contact your Fisher Phillips attorney if you have questions. We will continue to monitor this situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' alert system](#) to gather the most up-to-date information. For further information, contact any member of our [Pittsburgh office](#).

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