

ALLEGHENY COUNTY MAY BECOME FIRST IN PA TO MANDATE PAID PARENTAL LEAVE: WHAT EMPLOYERS SHOULD KNOW + 5 STEPS YOU CAN TAKE NOW

Insights
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The Allegheny County Health Department's (ACHD's) Board of Health voted unanimously on May 13 to advance a sweeping proposed rule that would require every employer in Allegheny County, regardless of size, to provide up to 18 weeks of job-protected and paid parental leave, as well as expand existing paid sick leave requirements. If the rule ultimately is adopted and becomes law, Allegheny County would become the first county in Pennsylvania to impose a paid parental leave mandate on private employers. We'll explain everything you need to know and offer five practical steps you should consider taking now.

What Did the Board of Health Actually Approve?

The Board approved, for opening to public comment, a [proposed amendment](#) that would expand the paid sick leave rules in Article XXIV of the ACHD Rules and Regulations and add in a new paid parental leave framework. This is the same regulatory vehicle the County used to [enact its 2021 Paid Sick Leave Ordinance](#), and it reflects a deliberate choice to move through the Board of Health rather than through County Council legislation. Board of Health rules move faster, face fewer political checkpoints, and are administered directly by ACHD.

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The proposal now enters a 30-day public comment period, after which the Board will determine whether to make any changes to the proposal and decide at its next meeting in July whether to finalize the rule and move it to County Council and County Executive Sara Innamorato, who has already publicly endorsed the measure.

What Are the Proposed Paid Parental Leave Requirements?

Under the proposal, every employer in Allegheny County would be subject to the paid parental leave mandate – there are no exceptions for small employers. Here’s an overview of the key details:

- **Employee Eligibility:** 30 days of service with the employer.
- **Leave Length:** Up to 18 weeks of paid parental leave.
- **Qualifying Events:** Birth, adoption, or legal placement of a minor (including foster care).
- **Use Window:** Within the first 12 months following the qualifying event.
- **Intermittent Use:** Permitted, so long as the leave falls within the 12-month window.
- **Two Parents at the Same Employer:** May take leave concurrently or consecutively.
- **Rate of Pay:** Time is compensated at the same base rate of pay an employee would have earned at the time of their use of Paid Parental Leave.
- **Notice to Employees:** Upon initial hiring of an employee and annually thereafter, employers must provide written notice of the Parental Paid Leave requirements.

Two Board members also raised expanding coverage to miscarriage and fetal loss. That language is not in the current draft but is likely to surface during public comment.

What Are the Proposed Changes to Paid Sick Leave?

Since 2021, Allegheny County employers with 26 or more employees have been required to permit employees to accrue one hour of paid sick time per 35 hours worked within the county, up to 40 hours per year. Under the new

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proposed rule, employers of all sizes would have paid sick time obligations, and employees will accrue paid sick time at a faster rate:

- All employees, **regardless of the size of the employer**, would be entitled to accrue **one hour of paid sick time for every 30 hours worked** within the county.
- If an employer has **15 or more employees**, paid sick time accruals for each employee would **max out at 72 hours per year**.
- If an employer has **fewer than 15 employees**, paid sick time accruals for each employee would **max out at 48 hours per year**.

Other Key Provisions

The proposed amendment makes additional overall changes, including:

- **boosting anti-retaliation protections** and specifically defining “retaliatory personnel action” as any threat, discipline, discharge, suspension, demotion, reduction of hours or other adverse action taken against an employee for exercising their rights related to paid sick leave or paid parental leave;
- **obligating employers to provide designated paid and parental leave** that accrues and is calculated separately from other paid leave offered by the employer – even if an employer has a paid leave policy that makes available paid sick leave sufficient to meet the rules requirements; and
- **requiring an employer to provide written notice to employees** prior to any authorized disclosure of health information about an employee or an employee’s family member.

How Does This Interact with State and Federal Law?

The County’s proposal lands on top of an already-shifting paid leave landscape. Pennsylvania currently does not have a statewide paid parental leave policy. However, the Pennsylvania House voted 107-92 in March to pass the Family Care Act ([HB 200](#)), which would require employers statewide to provide 12 weeks of paid family and medical leave at the employer’s expense. A competing state Senate bill ([SB 906](#)), sponsored by Sen. Devlin Robinson (R-

Allegheny), would provide up to 20 weeks, funded entirely through employee payroll deductions. Neither bill has been enacted, and the funding disagreement remains the principal obstacle to a statewide deal.

In the meantime, Allegheny County's 18-week proposal would potentially offer more generous paid parental leave than either pending state bill and would apply to employers of all sizes, unlike the federal FMLA, which requires only up to 12 weeks of unpaid leave and applies only to employers with 50 or more employees. Employers operating in Allegheny County should prepare for a layered compliance regime in which the County law, any future state law, and the FMLA may all apply to the same leave event.

What Should Employers Do Now?

1. Submit public comments before June 17. This is the most direct opportunity to shape the rule's applicability.

Comments could address the wage replacement rate, geographic coverage, intermittent leave administration, and the interaction with existing employer-provided leave.

Employers without a payroll presence inside Allegheny County but with employees who occasionally work in the County should also weigh in. In addition, the ACHD will hold a public hearing on June 2 – [learn more here](#).

2. Identify which employees (including remote, hybrid, and traveling employees) perform work within the geographic boundaries of the County. The geographic trigger will likely drive coverage, just as it does under the existing County paid sick leave rule.

3. Audit your current parental leave policy. Evaluate whether your existing benefit meets or exceeds an 18-week, 12-month window standard and whether it covers all qualifying events proposed.

4. Consider the cost of compliance. This is particularly notable for small employers not currently subject to the County's paid sick leave rule, as the 18-week paid parental leave mandate with no minimum employee threshold, as well as the expansion of paid sick leave coverage, amounts to significant new financial obligations.

5. Watch the July Board meeting. The Board of Health is expected to reconvene in July to consider public comments and either revise or finalize the amendment. The Board

meeting will be streamed on the [Allegheny County Health Department's Facebook page](#).

Conclusion

Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have any questions, contact the authors of this Insight, your Fisher Phillips attorney, any attorney in our [Pittsburgh office](#), or any member of our [Employee Leaves and Accommodations Team](#).