



Pittsburgh's Sick Leave Ordinance Struck Down. Is Philly Next?

Insights

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On December 21, 2015, Judge Joseph James of the Allegheny County Court of Common Pleas rejected as "invalid and unenforceable" a recently enacted City of Pittsburgh ordinance requiring most Steel City employers to provide workers with paid or unpaid sick time. Pittsburgh's Sick Leave Ordinance, which was passed in August 2015, required, among other things, that (i) employers with 15 or more employees must provide up to 40 hours of paid sick time per year and (ii) employers with fewer than 15 employees must provide up to 24 hours of paid sick leave per year. Almost immediately following the passage of the Ordinance, however, the Pennsylvania Restaurant and Lodging Association and a group of Pittsburgh businesses filed a lawsuit arguing that the newly-minted law was invalid and unenforceable.

After months of litigation, the Court agreed with the City's businesses, ruling that the Ordinance was, indeed, improper. To reach its decision, the Court relied on a 2009 decision by the Supreme Court of Pennsylvania over turning another Pittsburgh employment ordinance. Specifically, in *Bldg. Owners & Managers Ass'n of Pittsburgh v. City of Pittsburgh*, 985 A.2d 711, 714 (Pa. 2009), the Supreme Court of Pennsylvania held that state law "prohibits . . . municipalities, like Pittsburgh, from regulating businesses by determining their 'duties, responsibilities, or requirements.'" Based on this ruling, the Judge James held that it was beyond the purview of the City of Pittsburgh, as a municipality, to require private employers to provide paid sick leave to employees.

It is presently unknown whether the City will appeal the Court's ruling. Further, this ruling, especially if it is upheld on appeal, could have substantial implications on other municipalities that already have or are considering enacting paid leave ordinances providing mandatory paid leave for employees of private businesses. For example, an ordinance similar to the one struck down in Pittsburgh was recently enacted in Philadelphia.

The attorneys in the Philadelphia office of Fisher Phillips will continue to track this matter as it develops and are available to provide status updates to ensure that businesses are able to comply this evolving area of local law.

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