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## ***New Pittsburgh Paid Sick Leave Law***

Beginning on **March 15, 2020**, employers will have to begin providing their Pittsburgh employees with paid sick leave pursuant to a Pittsburgh ordinance passed in 2015. Now that it has cleared judicial hurdles, the new law will require employers to provide their Pittsburgh employees one hour of sick leave for every 35 hours worked within the geographical limits of the City of Pittsburgh. Employers with fewer than 15 employees are not required to pay for the leave for one year after implementation of the law, but **beginning on March 15, 2021**, even small employers will be required to provide paid leave. The [Guidelines for Administering Pittsburgh City Code Chapter 626](#) describe how to count employees for purposes of determining size of employer.

FLSA-exempt employees are presumed to work 40 hours per week unless it is shown that they work less than that, in which case time accrues based on their normal workweek. Accrued sick time may be used for a mental or physical illness or injury of the employee or a family member, or closure of the employer's place of business, or the employee's child's school, due to a public health emergency. An employee should be paid his or her regular hourly rate for the sick time. Calculation guides to hourly rates in specific circumstances are contained in the Guidelines. An employee may begin using sick leave after 90 days of employment with the employer. Unless the use is unforeseeable, advance notice may be required.

An employer can either "front load" available sick time at the beginning of the work year, or else must allow an employee to carry over up to the applicable accrual cap per employee. However, unused sick time need not be paid out after an employee leaves the employer, unless the employee is reinstated within 6 months. Employers may not require the employee to find a replacement for the missed time, and retaliation against someone for making use of their sick leave is prohibited.

An employer may require verification of the proper use of the sick leave for absences lasting 3 days or longer. If such verification is not required, the employee should be paid for the time on the next regular payday. Employers must keep records and post notices regarding the employees' rights to paid sick leave under the Pittsburgh law.

Questions? Contact Stokes Wagner.