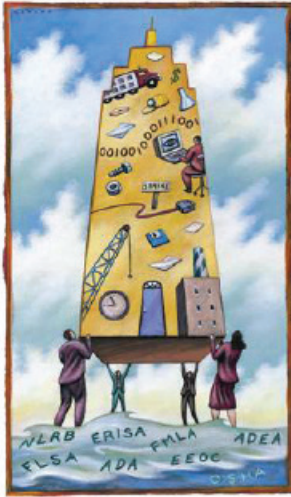


EMPLOYMENT BULLETIN

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Implementation of the Pittsburgh Paid Sick Days Act Delayed an Additional 60 Days

Pittsburgh recently joined the wave of localities across the nation to pass a new sick leave law. The Paid Sick Days Act (the Ordinance) (found at http://apps.pittsburghpa.gov/co/Paid_Sick_Time_Legislation_Text.pdf), approved by the Pittsburgh City Council and signed into law by Mayor Bill Peduto in August 2015, requires all employers within the city to create and implement paid sick time policies for their part-time and full-time employees. Although a pending lawsuit threatens to nullify the law, Pittsburgh employers should begin now to familiarize themselves with the basic requirements of the Ordinance, which is anticipated to take effect in March of 2016.

The State-Court Challenge to the Act's Validity

Soon after the Ordinance was signed into law, the Pennsylvania Restaurant & Lodging Association (the Association) and a number of Pittsburgh businesses filed a lawsuit in state court, seeking a judgment declaring the Ordinance void for violating state law limits on municipal power. See *Pennsylvania Restaurant and Lodging Association et al. v. City of Pittsburgh*, Case No. GD-15-016442. Prior to the initiation of this lawsuit, the Ordinance was set to take effect on January 11, 2016, but on October 23, 2015, the court issued an order delaying the implementation of the Ordinance for an additional 60 days.

The Association's complaint claims the Ordinance violates the provision of the Pennsylvania Municipalities Act that bars the City of Pittsburgh from dictating "duties, responsibilities, or requirements placed on businesses, occupations and employers." The parties' merits briefs will be filed by November 30, 2015. And regardless of the outcome, the losing party will likely file an appeal in Pennsylvania Commonwealth Court, postponing further the current state of uncertainty faced by Pittsburgh employers.

An Overview of the Ordinance

If the Ordinance is permitted to go into effect, employees working in Pittsburgh will begin to accrue paid sick leave on March 11, 2016.

Employees of employers with 15 or more employees must accrue a minimum of one hour of paid sick time for every 35 hours worked, and can accrue up to 40 hours in a calendar year. Employees of employers with less than 15 employees must also accrue a minimum of one hour of paid sick time for every 35 hours worked, but can only accrue up to 24 hours in a calendar year. Notably, employers with less than 15 employees are only required to provide unpaid sick leave for the first calendar year after the Ordinance goes into effect.

(over)

All employees are entitled to use their accrued sick time, beginning on the 90th calendar day following the commencement of their employment, when they (or a family member) are sick, injured, or are receiving medical attention. Employees not covered by the Ordinance include: independent contractors, state and federal employees, members of a construction union covered by a collective bargaining unit, and seasonal employees hired for a period of sixteen weeks or less and who are notified of the term of their employment at the start of their employment.

The Ordinance also contains a number of posting and recordkeeping requirements and proscribes interference with an employee's right to use accrued sick time. For additional guidance, employers may refer to the Controller of the City of Pittsburgh's regulations and notice information, which can be found at <http://pittsburghpa.gov/controller-office/psda/overview>.

Babst Calland's Employment and Labor Services Group will continue to keep employers apprised of further developments related to the Paid Sick Days Act and other employment and labor topics. If you have any questions or need assistance in addressing the above-mentioned area of concern, please contact John A. McCreary, Jr. at (412) 394-6695 or jmccreary@babstcalland.com, or Esther Soria Mignanelli at (412) 394-6422 or emignanelli@babstcalland.com.