

City of Pittsburgh Enacts Ordinance Mandating Paid Time Off Related to COVID-19

On December 9, 2020, Mayor Bill Peduto signed into law an ordinance covering employers with 50 or more employees and requiring them to provide paid time off for employees working in the city who miss work due to reasons related to COVID-19. The ordinance amended the city's 2015 "Paid Sick Days Act" by adding an additional chapter called "Temporary Covid-19 Emergency Paid Sick Leave." Highlights of the ordinance are as follows:

To Whom Does the Law Apply?

The law applies to employers with 50 or more employees, as long as at least one of the employees works in the city of Pittsburgh.

The employees entitled to paid time off are those who (a) work in the city; (b) normally work in the city, but are now teleworking from outside the city; and (c) employees who work at various locations, provided that at least 51 percent of their time is spent in the city. Although not explicitly stated in the law, this latter provision would include an employee who normally works outside of the city if they live in the city and are now teleworking from home.

When Is an Employee Eligible for Paid Time Off and How Many Hours Does the Employee Get?

An employee is eligible for paid time off after being employed for 90 days. Once an employee has been employed for 90 days, they are immediately entitled to take the full allotment of time off. There is no obligation to first accrue the paid time off.

The amount of paid time off is 80 hours for employees who work at least 40 hours per week. Part-time employees are entitled to paid time off in an amount equal to the average number of hours they are either scheduled to work or actually work.

An employee can use the paid time off in the smallest time off increment provided for under the employer's payroll system.

What Reasons Justify Paid Time Off?

Paid time off is justified if the employee either cannot come to work or telework for the following reasons:

1. The employee is self-isolating because the employee has been diagnosed with COVID-19, or is experiencing symptoms or seeking a medical diagnosis related to COVID-19;
2. The employee is told by a public official, health care provider, or the employer that the employee's presence at work would jeopardize the health of others;
3. The employee is exhibiting symptoms that could jeopardize the health of others, regardless of whether the employee has been diagnosed with COVID-19; or
4. The employee is taking care of a family member who meets the standards in 1 through 3 above.

What if an Employee Is Otherwise Entitled to Sick Pay Under Federal, State or Local Law or a Company Policy?

With one exception, the benefits provided under the ordinance are in addition to any benefit an employee is currently entitled to under employer policy or the city's Paid Sick Days Act. Furthermore, the employee can invoke the benefits under the ordinance before using other employer paid time off, or time off under the city's Paid Sick Days Act. The one exception applies



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where an employer adopted a paid leave policy after March 13, 2020, which provided employees with additional sick time for use during the COVID-19 pandemic. Those days can be substituted for the days required by the city ordinance.

In addition, if an employee is entitled to paid time off under the federal Families First Coronavirus Relief Act (FFCRA), that paid time can substitute for the time off under the city ordinance. However, if the FFCRA expires on December 31, 2020, as it is currently set to do, then the city ordinance will control while it remains in effect.

When Is the Ordinance Effective and How Long Will It Be in Effect?

The ordinance has been effective since December 9, 2020, and will remain in effect until the expiration of the city or state emergency disaster declaration relating to COVID-19, whichever declaration expires first.
