

CITY OF PITTSBURGH PAID SICK DAYS ACT

Eligibility

Employees who **work at least 35 hours within the geographic boundaries of the City of Pittsburgh** in a calendar year (January 1 to December 31) will accrue **one hour of paid sick time for every 35 hours worked in the City of Pittsburgh.**

Employees will not accrue more than **40 hours of paid sick time in a calendar year.** Accrual time cannot be **used until after 90 calendar days of employment.** Employees can **carryover up to 40 hours of accrued, unused sick time** from one calendar year to the next.

Exceptions

Does not include independent contractors or seasonal workers.

Note: Certain zip codes are only partially within the City's geographic boundaries. You can definitively determine whether a location is within the geographic boundaries of the city of Pittsburgh by visiting the City's website at: http://pghgis-pittsburghpa.opendata.arcgis.com/datasets/a99f25ffb7b41c8a4adf9ea676a3a0b_0



EFFECTIVE: 3/15/2020

An employer that currently provides time off, be it titled as vacation, paid sick, or otherwise, that meets or exceeds all requirements under the Act has satisfied its obligation to provide Paid Sick Time and is not required to offer additional time.

Seasonal Worker - A person who has been hired for a temporary period of not more than sixteen (16) weeks during a calendar year and has been notified in writing at the time of hire that the individual's employment is limited to the beginning and ending dates of the employer's seasonal period, as determined by the employer.

Use of Earned Sick Time

The sick time accrued by an employee may be used for:

- (1) An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
- (2) Care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care; or

An employee may use their sick time in the smaller of hourly increments or the **smallest increment that the employer's payroll system uses** to account for absences or use of other time.

Other than reasonable documentation required for absences spanning three (3) or more full consecutive days, and employer shall not require a covered employee making use of sick to explain the specific details or nature of the employee's or an employee's family member's medical condition.

For the use of sick time that last three (3) or more full consecutive days, an employer may require the employee to present reasonable documentation that the sick time has been used for a purpose covered and protected by this ordinance.

Documentation signed by a health care professional indicating that sick time is necessary shall be considered reasonable documentation. An employer **may not require that the documentation explain the precise nature of the employee's or an employee's family member's medical condition.**

Use of Earned Sick Time (Cont.)

(3) Closure of the employee's place of business by order of a public official due to a public health emergency or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease, whether or not the family member has actually contracted the communicable disease.

An employer may not require that an employee making use of accrued sick time search for or find a replacement worker to cover the hours during which the employee is using sick time as a condition of providing sick time.

Recommended Time of Payment of Paid Sick Time

Employer Not Requiring Verification	No later than the payday for the pay period in which the paid sick time was used by that employee.
Employer Requiring Verification	No later than the payday for the pay period during which verification is proved to the employer.

Employee Notice Requirements

Accrued paid sick time shall be provided upon the oral request of an employee. When possible, the request shall include the expected duration of the absence.

- Advance *written* requests to use sick time are permitted but not required.
- When the need for paid sick leave is known to the employee in advance, such as for a scheduled appointment with a health care provider, the employee shall provide notice of the need for such leave to your branch representative (and the customer) in advance of the use of the sick time and shall make a reasonable effort to schedule the use of sick time in a manner that does not unduly disrupt the operations of the customer. The advance notice requirement should not exceed seven (7) days prior to the date that the requested use of sick time is to begin.
- For all other absences, the employee shall notify your branch representative (and the customer) before the start of the employee's scheduled work hours (at least one hour prior to the start of their shift), or as soon as practicable if the need arises immediately before or after the employee has reported for work.
- If both the employer and employee agree the employee may work additional hours or shifts instead of using earned sick time. If, by taking on additional hours, the employee works more than 40 hours in a week, then he or she must be paid at the overtime rate (if applicable). **The employee will not be paid any accrued earned sick time, if the time is made up.**
- Employees must claim used, earned paid earned sick time when used, and must be paid sick time on the same schedule as regular wages are paid. Employers may not delay compensating employees for earned paid sick time, therefore, **employees must claim earned sick time no later than the week after it is used.**

Paid Sick Leave Accrual and Carryover

- The accrual of sick time shall begin 3/15/2020, as to an employee who is employed as of such effective date. All employees who become employed after such effective date shall begin to accrue paid sick time at the commencement of their employment.
- Only hours worked within the City of Pittsburgh count for purposes of accrual.
- Sick time is accrued in one-hour increments.
- Employees are permitted to accrue no more than forty (40) hours of paid sick time in a calendar year.
- All employees shall be entitled to use accrued sick time beginning on the 90th calendar day following the commencement of their employment.
- If employee is regularly required to drive through the City of Pittsburgh as part of the employee's job duties, but never required to make a stop in Pittsburgh, this time **WILL** be considered "performing work within the geographic boundaries of the City." The within-Pittsburgh portion of regular travel time into and out of the City, such as that performed by truck drivers or delivery services, may be calculated by reference to the average travel time for the particular route.
- Time that is compensated at the same base rate of pay and with the same benefits, including health care benefits, as an employee would have earned at the time of their use of the paid sick time.
- The employer is required to compensate the covered employee only at his or her regular hourly rate (or at minimum wage) whether or not the employee has earned or could have earned pay at an overtime rate during some part of the relevant pay period.
- Employees making use of sick time are not entitled to compensation for lost tips or commissions, and compensation shall only be required for hours that an employee was scheduled to have worked.

Family Members:

The law recognizes the following as family members:

- (1) A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the employee stands in loco parentis;
- (2) A biological, foster, adoptive, or step-parent, or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child;
- (3) A person to whom the employee is legally married under the laws of any State;
- (4) A grandparent or spouse or domestic partner of a grandparent;
- (5) A grandchild;
- (6) A biological, foster, or adopted sibling;
- (7) A domestic partner;
- (8) Any individual for whom the employee has received oral permission from the employer to care for at the time of the employee's request to make use of Sick time."

Sample Calculations of Normal Hourly Compensation	
Salaried Employee	
Divide the gross annual salary by 52 to determine the employee's weekly salary, and then dividing the weekly salary by the number of hours in the employee's normal work week, even if the employee actually works more or fewer hours in a particular work week.	
Fluctuating Pay	
(1) Employer can identify the hourly rates of pay for which the covered employees was scheduled to work	A calculation equal to the scheduled hourly rates of pay the employee would have earned during the period in which paid sick time is used.
(2) Employer cannot identify the hourly rates of pay which the covered employee would have earned if the employee worked	A calculation based on the employee's average hourly rate of pay in the current and preceding 30 days, whichever yields the higher hourly rate.
Shift of Indeterminate Length	
Covered employee scheduled to work a shift of indeterminate length (e.g., a shift that is defined by business needs rather than a specific number of hours)	The rate of pay may be calculated by multiplying the employee's normal hourly compensation by the total hours worked by a replacement employee in the same shift, or similarly situated employees who worked that same or similar shift.

Paid Sick Leave Accrual and Carryover (Cont.)

- **FLSA-Exempt Employees** - Employees who are exempt from overtime requirements under the Federal Fair Standards Act (FLSA) will be assumed to work forty (40) hours per week unless their normal workweek is less than forty (40) hours per week, in which case sick time accrues based upon that normal workweek.

Carryover

Accrued, unused Sick Time shall be carried over from on calendar year to the next up to the applicable accrual cap for a covered employee (i.e., 40 hours)

Confidentiality of Information

If an employer possesses any health information about a covered employee or that employee's family member, the employer should treat such information as confidential and take reasonable steps to protect its confidentiality. No such information should be disclosed except to the affected employee or with the prior written permission of the employee in accordance with applicable law/regulations.

Exception: When a covered employee's absence is covered by this ordinance and may also be covered by the federal Family and Medical Leave Act (FMLA), an employer does not violate this ordinance by seeking medical certification in accordance with the FMLA for that absence, regardless of its length.

Transfer of Employers

A new Employer acquires the business of a prior Employer at the same location shall honor all previously earned Sick Time accrued by Covered Employees who remain employed and allow such Covered Employees to use that time.

Work Site Transfer

An employer shall continue to allow a covered employee to use previously earned sick time accrued under this ordinance after that same employee transfers to a separate division, entity or location for a work site for the same employer located **within the city**.

Rehire Rules

A covered employee who is **rehired** by the same employer, whether at the same or a different location, **within six (6) months** following separation from employment with the employer shall have any previously accrued Paid Sick Time reinstated and available for use at the time of recommencement of employment.

No Pay Out Upon Termination from Employment

There will be no pay out of accrued but unused sick leave upon termination, resignation, retirement, or other separation from employment.

Retaliation Prohibited

An employer may not transfer, demote, discharge, suspend, reduce hours, or directly threaten such actions against a covered employee who requests or uses accrued sick time, reports or attempts to report a violation of the guidelines or Chapter 626 of the Pittsburgh City code, participates or attempts to participate in an investigation or proceeding or otherwise exercises any rights afforded under Chapter 626 of the Pittsburgh City Code.

Action Allowed if Not Qualified Use

The prohibition against retaliation does not prevent an employer from taking reasonable action (e.g., discipline) when a covered employee's use of sick time is not for a qualified use.

City of Pittsburgh City Zip Codes Included – In SmartSearch, if the employee is working in “Pittsburgh,” mark subarea as “Pittsburgh.” If they live in Pittsburgh but do not work in Pittsburgh, mark subarea as “Other Locations” (or use another subarea if it applies).

15120 (Munhall PA only)		
15106 (Carnegie PA only)		
15201		
15202 (Not City: Boroughs of Bellevue, Avalon, Ben Avon, Emsworth and Townships of Kilbuck, Ohio & Ross)		
15203		
15204 (Part City: Sheraden, Elliott, Esplen & Broadhead)		
15205 (Part City: Crafton Heights; Part Crafton, Ingram & Thornburg Boroughs and Townships of Kennedy & Robinson)		
15206		
15207		
15208		
15210 (Part City: Knoxville, Beltzhoover, Carrick & Arlington; Part Mt Oliver Borough)		
15211		
15212 (Part City: Northside; Part Townships of Reserve & Ross)		
15213		
15214 (Part City: Northside; Part Townships of Reserve & Ross)		
15215 (Part City: Sharpsburg, Aspinwall & Fox Chapel, Townships of O’Hara, Indiana & Shaler)		
15216 (Party City: Beechview; Part Dormont Borough)		
15217		
15218 (Part City: Regent Square & Swisshelm Park; Part Swissvale & Edgewood Boroughs)		
15219		
15220 (Part City: West End, Wabash, Westwood & Bansville; Part Greentree Borough and Township of Scott)		
15221 (Part City: Brushton, Homewood & East Hills; Part Boroughs of Wilkinsburg, Forest Hills, Braddock Hills & Churchill and Township of Penn)		
15222		
15224		
15226 (Part City: Brookline & Overbrook; Part Borough of Mt. Lebanon (601 to 1039 McNeilly Rd)		
15227 (Part City: Carrick & Overbrook: Part Boroughs of Brentwood, Baldwin & Whitehall)		
15230		
15232		
15233		
15234 (Part City: Overbrook; Borough of Castle Shannon, Townships of Baldwin, Upper St Clair & Mt Lebanon)		
15235 (Part City: Borough of Churchill, Townships of Penn Hills & Wilkins; Small part City of Pittsburgh)		
15236 (Not City: Borough of Pleasant Hills, West Mifflin, Jefferson and Township of Southpark)		

15238 (Not City: Borough of Blawnox & Fox Chapel, Townships of O'Hara, Indiana, Harmar & Est Deer)		
15240 Veteran's Hospital (Not City: Aspinwall Hospital on Delafield Rd)		
15260		
15282		

NOTICE:



PAID SICK DAYS ACT: PITTSBURGH CITY CODE CHAPTER 626

Pursuant to the City of Pittsburgh's Paid Sick Days Act (the "Act"), Employers must provide eligible Employees with Paid Sick Time to care for the employee's or a family member's illness, injury, or health condition; or in the event of a public health emergency or a family member's exposure to a communicable disease. (See Pittsburgh City Code, §626.04 for complete list of allowed uses; please also see the Act and Guidelines issued for administration of the Act for applicable definitions.)

RIGHTS TO PAID SICK TIME SUMMARY		
EMPLOYER SIZE (Past twelve (12) months)	Less than fifteen (15) employees	Fifteen (15) or more employees
ACCRUAL RATE OF SICK TIME UNDER THE ACT	1 hour of Paid Sick Time for every 35 hours worked within the geographic boundaries of the City of Pittsburgh. NOTE: For the first year after the Effective Date below, only Unpaid Sick Time must accrue at this rate.	1 hour of Paid Sick Time for every 35 hours worked within the geographic boundaries of the City of Pittsburgh

ACCRUAL CAPS UNDER THE ACT (Note: your Employer may have a more generous leave policy.)	No more than 24 hours of Paid Sick Time in a Calendar Year unless the <u>Employer</u> designates a higher amount. NOTE: For the first year after the Effective Date listed below, only Unpaid Sick Time must accrue at this rate.	No more than forty (40) hours of Paid Sick Time in a Calendar Year unless the Employer designates a higher amount.
EFFECTIVE DATE	March 15, 2020	March 15, 2020

Retaliation against Employees who request or use accrued Sick Time is prohibited. If you feel your rights have been violated because you have been denied the right to accrue or use accrued Sick Time, you have the right to file a complaint with the Mayor’s Office of Equity. For more information or to file a complaint please visit <http://paysickleave.pittsburghpa.gov>.

Initial Issue Date: 12/16/2019

Revised Issue Date: 12/17/2019