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Pittsburgh's latest COVID-19 paid sick leave ordinance

On July 29, Pittsburgh enacted a new Temporary COVID-19 Paid Sick Leave Ordinance, which is slated to remain in effect through July 29, 2022. The ordinance requires employers with 50 or more employees to provide up to 80 hours of emergency paid sick leave for certain COVID-19-related reasons. It replaces a similar ordinance that was in effect from December 8, 2020 through June 17, but with some important differences.

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Authors

Nancy Vary, JD

Abe Dubin, JD

Background

On December 9, 2020, the City of Pittsburgh enacted a Temporary COVID-19 Emergency Paid Sick Leave Ordinance (original ordinance), which expired on June 17. It required covered employers to provide up to 80 hours of paid "COVID-19 Sick Time" for eligible full-time employees and a prorated amount for part-time employees — generally in addition to other paid sick leave they provide (including under the Pittsburgh Paid Sick Days Act (PSDA)). Qualifying reasons for leave included the employee's need to self-isolate after being exposed to, diagnosed with or experiencing symptoms of COVID-19 or to obtain a medical diagnosis, care or treatment of symptoms related to COVID-19. Leave could also be used to care for a family member with those same needs.

A new Temporary COVID-19 Paid Sick Leave Ordinance

On July 29, the City of Pittsburgh adopted a new Temporary COVID-19 Paid Sick Leave Ordinance (new ordinance). It will remain in effect through July 29, 2022.

The new ordinance, which largely mirrors the original ordinance, covers employees who work in Pittsburgh, normally work in the city but are teleworking from another location due to COVID-19, or work from multiple or mobile locations with at least 51% of their time in the city. It requires employers with 50 or more employees to provide up to 80 hours of emergency paid sick leave to full-time employees and a prorated amount for part-time employees for certain COVID-related reasons. Once employees have been employed for ninety (90) days, they generally are entitled to COVID-19 Sick

Time in addition to PSDA or other paid leave or sick time provided by the employer and can use the time without any waiting period or accrual requirements.

Buck comment. The American Rescue Plan Act of 2021 allows small and midsize employers to claim refundable federal tax credits for the cost of providing COVID-related paid sick and family leave from April 1, 2021 through September 30, 2021. (See our [March 19, 2021 FYI](#).) Employers with fewer than 500 employees should explore the availability of those credits for leave provided under Pittsburgh’s new ordinance.

While the new ordinance generally follows the original ordinance, it has several notable changes. For example, it broadens the term COVID-19 to cover the original virus and “any of its variants.” It also expands the qualifying reasons for leave to include an employee’s need to:

- Obtain a vaccine or a vaccine booster for themselves or a family member
- Self-isolate after being diagnosed with COVID-19 or any of its variants, self-isolate under the guidelines promulgated by the Allegheny County Health Department due to experiencing COVID-related symptoms, or to seek or obtain medical diagnosis, care, or treatment if symptomatic
- Care for a family member who is self-isolating or needs medical diagnosis, care, or treatment for COVID-related reasons

Unlike the original ordinance, the new ordinance does not include a grace period to use leave following the end of the public health emergency.

Importantly, the new ordinance is silent as to whether employers will have to provide a new leave bank to employees who used all leave available under the original ordinance or whether employers may count that leave against their current obligation. The Mayor’s Office of Equity (MOE) is charged with promulgating guidelines and working with the Allegheny County Health Department to promulgate any required regulations.

In closing

Employers should update existing leave policies to ensure compliance and watch for additional guidance from both the MOE and the Allegheny County Health Department clarifying their obligations under the new Temporary COVID-19 Paid Sick Leave Ordinance.

COVID-19 Compliance check-in

Buck’s latest version of the [COVID-19 Compliance check-in](#) is updated to reflect the retirement, health, labor and employment issues facing employers now. Review the checklist to help your team manage priorities and determine next steps.

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