

## **KNOW YOUR RIGHTS: Pittsburgh, PA Paid Sick Time**

### **1) What does the Pittsburgh Paid Sick Time law do?**

Pittsburgh's permanent paid sick time law gives workers sick time that can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care; when the worker's place of business is closed by order of a public official due to a public health emergency or to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency; or to care for a family member when a public health authority or health care provider determines that the family member's presence in the community presents a public health risk because of exposure to a communicable disease (regardless of whether the individual has contracted the disease).

And pursuant to the emergency COVID-19 ordinance explained below, workers who need to use their sick time under Pittsburgh's permanent paid sick time law for reasons arising directly from COVID-19 are immediately able to use the maximum sick time they'd be able to earn in a year, regardless of whether they've accrued that time.

On December 9, 2020, an emergency COVID-19 paid sick leave ordinance became effective in Pittsburgh. The law gives covered workers (as described in Question #2) additional emergency paid sick leave specific to COVID-19 if the worker is unable to work or telework because:

- A public official or public health authority, a health care provider, or a worker's employer determines that the worker's presence on the job or in the community would jeopardize the health of others because of the worker's exposure to COVID-19 or because the worker is exhibiting symptoms that might jeopardize the health of others, regardless of whether the worker has been diagnosed with COVID-19;
- The worker is caring for a family member due to a determination by a public official or health authority having jurisdiction, a health care provider, or the family member's employer that the presence of the family member on the job or in the community would jeopardize the health of others because of the family member's exposure to COVID-19 or a determination by the employer that the worker is a danger to the health of others because they are exhibiting symptoms that might jeopardize the health of others, regardless of whether the family member has been diagnosed with COVID-19;
- A worker's need to: (a) self-isolate and care for oneself because the worker is diagnosed with COVID-19; (b) self-isolate and care for oneself because the worker is experiencing symptoms of COVID-19; or (c) seek or obtain medical diagnosis, care, or treatment if experiencing symptoms of an illness related to COVID-19; or
- The worker is caring for a family member who: (a) is self-isolating due to being diagnosed with COVID-19; (b) is self-isolating due to experiencing symptoms of

**Headquarters**

40 Worth Street, 10<sup>th</sup> Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

**Southern Office**

2301 21<sup>st</sup> Avenue South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

COVID-19; or (c) needs medical diagnosis, care, or treatment if experiencing symptoms of an illness related to COVID-19.

The emergency ordinance remains in effect until Pennsylvania’s COVID-19 Emergency Disaster Declaration or Pittsburgh’s COVID-19 Emergency Disaster Declaration expires, whichever occurs first.

**2) Am I covered?**

Under Pittsburgh’s permanent paid sick time law: if you work as an employee in Pittsburgh, you are probably covered, whether you are a **full-time or part-time** worker. However, the law does not cover federal and state employees, independent contractors, construction union members covered by a collective bargaining unit, and certain seasonal workers hired for a seasonal period of no more than 16 weeks in a calendar year—and notified of such in writing at the time of hire.

Under the emergency paid sick leave ordinance:

- Workers described above (those individuals covered by the city’s permanent paid sick time law) who need to use their sick time for reasons arising directly from COVID-19 are immediately able to use the maximum sick time they’d be able to earn in a year, regardless of whether they’ve accrued that time.
- Individuals who work as an employee in Pittsburgh for an employer with 50 or more employees are probably eligible for the additional emergency sick leave described in question #1.

**3) How much sick time can I earn?**

Under Pittsburgh’s permanent paid sick time law: you earn **1 hour** of sick time for **every 35 hours worked**. If your workplace has **15 or more workers**, you can earn up to a maximum of **40 hours** of paid sick time per year. If your workplace has **fewer than 15 workers**, you can earn up to **24 hours** of per year and until March 15, 2021, this time will be unpaid; beginning March 15, 2021, this time will be paid. However, as explained in Question #1 about the emergency sick leave law, workers who need to use their sick time for reasons arising directly from COVID-19 are immediately able to use the maximum amount sick time they’d be able to earn in a year, regardless of whether they’ve accrued that time.

Under the emergency paid sick leave ordinance, if you are a covered worker whose employer has 50 or more employees: if you work 40 hours or more per week, you can take up to 80 hours of emergency paid sick leave; and if you work fewer than 40 hours per week, you can take up to the average number of hours you’re scheduled to work or work on average in a 14-day period, whichever is greater. Unlike paid sick time under Pittsburgh’s permanent paid sick time law, you do not have to earn or accrue—based on hours workers—this emergency paid sick leave.

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40 Worth Street, 10<sup>th</sup> Floor  
New York, NY 10013  
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2301 21<sup>st</sup> Avenue South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

Under both the permanent paid sick time law and the emergency paid sick leave ordinance, all covered employees are protected against being fired or punished for using their sick time (including threats, discipline, demotion, reduction in hours, termination, etc.).

**4) What if my work or my child’s school or daycare is closed for a health emergency?**

Under Pittsburgh’s permanent paid sick time law, you can also use your sick time if your place of business is closed by order of a public official due to a public health emergency or to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency.

However, you cannot use your leave under the emergency paid sick leave ordinance because your work or your child’s school or day care is closed unless you would otherwise be able to use your emergency paid sick time (for example, if your doctor advises you to stay home because of COVID-19 concerns).

**5) Which of my family members are covered by the law?**

Under Pittsburgh’s permanent paid sick time law, you can take sick time to care for yourself or a child, spouse, domestic partner, parent, parent of a spouse or domestic partner, grandchild, grandparent, sibling, grandparent’s spouse or domestic partner, or for any individual for whom you’ve received oral permission from your employer to care for at the time of your sick time request. Although it is not explicit in the law, the same family member definition likely applies under the emergency paid sick time law.

**6) What if I already have paid leave or paid time off?**

Under Pittsburgh’s permanent paid sick time law: if you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time for the same purposes and under the same conditions of this law **and** it’s **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

Under the emergency paid sick leave ordinance: emergency paid sick leave is in addition to paid sick time under Pittsburgh’s paid sick time law, and you cannot be required to use any other paid leave provided by your employer before using emergency paid sick leave. However, if after March 13, 2020, your employer adopted a policy that provided additional paid sick time specifically for COVID-19-related use, leave under that policy can be substituted for emergency paid sick leave under the Pittsburgh law (therefore reducing the time available to you under the Pittsburgh law), to the extent that the leave under the employer policy and Pittsburgh law coincide. The emergency paid sick leave law also prohibits employers from changing any paid leave off policies on or after December 9, 2020 to avoid being subject to the emergency paid sick leave law.

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**7) When can I begin using my sick time?**

Under Pittsburgh’s permanent paid sick time law, you start earning sick time immediately beginning March 15, 2020 but cannot use it until 90 days after the start of your employment.

Similarly, under the emergency paid sick leave ordinance, you may take leave once you have worked for your employer for 90 days. However, emergency paid sick leave is not earned or accrued on an hourly basis and can be taken immediately after this 90-day period.

**8) Do I need a doctor’s note?**

Under Pittsburgh’s permanent paid sick time law: only after 3 or more full consecutive days of absence (and the note does not have to specify your illness).

Under the emergency paid sick leave ordinance: it is unclear if your employer may request documentation regarding emergency paid sick leave.

*The Mayor’s Office of Equity is in charge of enforcing this law.*

**All covered workers are protected against being fired or punished for using sick time.** If you have a problem—or want more information—call A Better Balance’s **free** legal clinic at **1-833-NEED-ABB**.

*Please note that this fact sheet does not represent an exhaustive overview of the paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker’s specific circumstances or category of employment.*