



One Minute Memo®



Pittsburgh Sets Effective Date for Paid Sick Days Act and Issues Model Poster

By William P. Perkins, Joshua D. Seidman, and Samuel Sverdlov

Yesterday, the City of Pittsburgh announced that its Paid Sick Days Act ("PSDA") will become **effective on January 11, 2016**. [As we previously reported](#), the effective date is occurring 90 days after the Pittsburgh Office of the City Controller (the "Agency") posted the paid sick leave regulations and notice information for employers on its [website](#).

This City of Pittsburgh is moving forward with the PSDA despite a lawsuit that was filed last month challenging the PSDA as unconstitutional and creating a financial hardship. The lawsuit was filed in the Allegheny Court of Common Pleas by several local businesses and trade groups. [A similar lawsuit](#) challenging the constitutionality of the Trenton, NJ paid sick leave law was dismissed earlier this year. While there has been no resolution to this matter as of yet, we expect this case to move quickly, so stay tuned for further updates.

The PSDA requires that employers with 15 or more employees provide each eligible employee with one hour of paid sick time for every 35 hours worked in Pittsburgh by the employee, up to 40 hours (i.e., five days) of paid sick leave per year. Moreover, for the first year the PSDA is in effect, employers with fewer than 15 employees will be required to provide their employees with one hour of unpaid sick leave for every 35 hours worked in Pittsburgh, up to 24 hours (i.e., three days) of unpaid sick leave per year. After January 11, 2017, employers with fewer than 15 employees will be required to provide paid sick leave at the same accrual rate and up to the same 24-hour cap as set forth during the PSDA's inaugural year.

Beginning on January 11, 2016, employers must comply with the PSDA's notice and posting requirements. According to the Agency, employers must post two separate notices in an area that is easily accessible and visible for all employees to see. The [first notice](#), titled "Pittsburgh Paid Sick Time," summarizes several substantive topics, including which employees are covered by the PSDA, how much sick time employees will accrue, when employees can use their accrued sick time, compensation for using sick time, employer options for requiring notice and doctor's notes, the PSDA's prohibition against retaliation, and employees' right to file a complaint for alleged violations of the PSDA. The [second notice](#), titled "Notice to Employees," contains similar, although not identical, information. An employer's failure to comply with the PSDA's notice requirements may result in penalties of up to \$100 for each violation.

Employers with operations in Pittsburgh should review their sick leave or PTO policies immediately to ensure that they meet at least the minimum requirements of the PSDA, including the above notice requirements, prior to January 11, 2016.

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