

City of Pittsburgh
COVID-19 Emergency Paid Sick Leave Frequently Asked Questions

1. What is the COVID-19 Emergency Paid Sick Leave Act?

The COVID-19 Emergency Paid Sick Leave Act is a temporary ordinance effective for the City of Pittsburgh that gives employees emergency paid time off when that employee has been directly impacted by the novel coronavirus COVID-19.

2. When is the Act effective?

The Act was voted in by Pittsburgh City Council on Tuesday, December 8, 2020. It was immediately signed into effect by the Mayor of Pittsburgh with full enforcement purposes. The Act has subsequently been extended as of July 27, 2021. Under the new extension, the Act will terminate one (1) year after the signing of the extension.

3. Who may collect paid time off under the Emergency Paid Sick Leave Act?

Employees of a company with fifty (50) or more employees may collect time under this Act. Employees may collect paid time under this Act in five (5) specific instances:

- i) If a healthcare provider or public health authority or employer determines that an employee would be a health risk to others due to exposure to COVID-19, or due to that employee exhibiting symptoms of COVID-19.
- ii) If an employee must care for a family member due to that family member being determined as a health risk to others due to exposure to COVID-19, or due to that family member showing symptoms of COVID-19.
- iii) If an employee needs to quarantine due to being diagnosed with COVID-19, showing symptoms of COVID-19, or needs to seek diagnosis or other care for COVID-19.
- iv) If an employee must care for a family member who needs to quarantine or otherwise seek treatment/diagnosis under item iii) above.
- v) An employee's need to receive a vaccine or booster shot from any approved pharmaceutical company.

An employee's need to receive a booster shot should be construed to include any boosters already approved by the FDA, as well as any boosters to be approved in the future within the extended time period.

NOTE: The most definitive example of who would qualify as a "public health authority" for purposes of this Act would be a contact tracer who contacts the employee by phone.

4. How much time off can I collect under this Act?

Employees who work forty (40) or more hours per week are allowed eighty (80) hours of Emergency Paid Sick Time. Employees who work less than forty hours per week shall be allowed an amount of time equal to the average hours worked by that employee in a 14-day period.

5. Do I need to work a certain amount before this time is available?

No. Other than satisfying one of the criteria set out in Question 3 above, an employee shall be allowed emergency time off after being employed for the employer for ninety (90) days.

6. I have previously allowed employees to use (X) hours of paid time off via the Federal FFCRA Act, do I need to provide additional time off?

Under Section M of the City's Emergency Act, "Employers may substitute leave under the federal or state law for its obligations under this Ordinance." The Families First Federal Coronavirus Response Act (FFCRA) is an applicable Federal law under the City's Act, and may be used to satisfy the requirements of this Act up to eighty (80) hours of time off. If an Employer has allowed less than eighty hours of paid time off under the FFCRA, they are still responsible for making available the remainder of the mandatory time under the City's Emergency Act.

7. Does the new extended Sick Leave Act (626B) require additional banks of time to be afforded to affected employees?

At this time, 626B, as amended, only changes the original Temporary Sick Leave ordinance to extend its effective period (until July 27, 2022), and requires employees to be afforded sick time to receive a vaccine or subsequent booster. 626B does not impose any additional sick time requirements other than the original formula to be applied (80 hours for full time employees, or a two-week average of the time worked for part-time employees).

8. If an Employer has a Coronavirus-related Paid Sick Leave policy that meets or exceeds the requirements of this Act, must it provide additional time off under this Act?

No. According to Section N of the City's Emergency Act, an Employer may substitute time off as provided by their own internal policy, as long as that policy was enacted after March 13, 2020, and that policy provides for additional time off due specifically to COVID related instances. The Employer is responsible for making available any remaining time up to the mandatory 80 hours under this Act.

9. How should I tell my employees that this is available to them?

While the new Emergency Act remains silent on notice requirements, it would be best practice for employers to develop their own internal policy for advising their workers of their rights under this Act. Employers may use the same guidance as set out in Chapter 626 of the City Code, which may be found here:

https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=COOR_TITSIXCO_CH619MUWARE_CH626PASIDAAC

10. How is the Act enforced?

The Act is enforced and monitored by the Mayor's Office of Equity (MOE). The MOE will use the same investigation and enforcement procedures as set out in Chapter 626 of the City Code.

11. Who should I contact if I have any questions, or if I would like to file a complaint?

Anyone with questions, needing more info, or with complaints should contact the MOE at the following email: paidsickleave@pittsburghpa.gov