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Labor and Employment Alert: Court Invalidates Pittsburgh Paid Sick Leave Law

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CLIENT ALERT | 1.14.2016

In August 2015, the City of Pittsburgh, Pennsylvania, enacted a paid sick leave law (see our previous *Labor and Employment Alert* on the ordinance). The ordinance would have required all private employers in the City of Pittsburgh to provide their eligible employees with at least one hour of sick leave for each 35 hours worked. This would have meant 40 hours of sick leave for employers with 15 or more employees, and 24 hours of sick leave for employers with fewer than 15 employees. Soon after it was enacted, several businesses challenged the ordinance in court. On December 21, 2015, the Allegheny County Court of Common Pleas found the ordinance to be “invalid and unenforceable.”

The Court explained that, under state law, a home rule charter municipality (like Pittsburgh) is prohibited from determining duties, responsibilities, or requirements placed upon businesses, occupations, and employers except as expressly provided by a Pennsylvania state statute. Based on this, the Court held that the ordinance is invalid because no state statute expressly permitted Pittsburgh to enact it. Employers need not comply with the city’s paid sick leave requirements. However, the city may still appeal the decision or lobby the state legislature for statutory authority to enact local paid sick leave laws.

The Court’s recent action highlights the difficulties employers – especially multi-state employers – face when trying to comply with the nation’s patchwork quilt of paid sick leave laws. Contact your Vorys lawyer if you have questions about state or local paid sick leave laws and their impact on your business.