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Allegheny County Judge Rejects Pittsburgh Paid Sick Days Act

Allegheny County Court of Common Pleas Judge Joseph M. James struck down the Pittsburgh Paid Sick Days Act ("PSDA") on December 22, which required all employers within the Pittsburgh city limits to provide paid sick leave to all full and part-time employees, finding it to be "invalid and unenforceable."

The ordinance and implementing regulations, which were released in October, were to become effective on January 11, 2016, and would have required employers to provide one hour of paid sick leave for every 35 hours an employee worked. Businesses with 15 or more employees were required to offer a minimum of 40 hours (five days) of sick leave per year, and those with fewer than 15 employees were to offer a minimum of 24 hours (three days) per year. The ordinance followed on the heels of a similar measure signed into law in Philadelphia in February requiring businesses there with at least 10 employees to provide those employees with upward of 40 hours of sick leave annually.

After an appeal by the Pennsylvania Restaurant and Lodging Association and several local restaurants, the Court held that the city exceeded its municipal authority in enacting the PSDA, finding that Pennsylvania state law prohibits municipalities from regulating businesses by determining their duties, responsibilities, or requirements. (For the full text opinion, please see *Pennsylvania Restaurant and Lodging Association et al. v. City of Pittsburgh*, Case Number GD-15-016442).

Comment: Employers in the Pittsburgh city limits should cease implementing any policies to comply with the PSDA. While it is unclear whether the City of Pittsburgh will appeal the ruling, we will follow any challenges closely and alert our clients accordingly.

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