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# New City of Pittsburgh Employment Laws

By Mario R. Bordogna / Aug 07, 2019

Thanks to the consistent gridlock we have at the congressional level in Washington, D.C., employment laws are increasingly being passed at the state and local level all over the country, and the City of Pittsburgh has not been immune from this trend. Recently, two such pieces of local legislation have been teed up for City employer compliance – one newly passed adding to the protected categories of discrimination in the City, and another one relating to Paid Sick Leave fresh from survival of a court challenge.

The newly passed ordinance amended the City's Human Rights Ordinance – first enacted 50 years ago – to add "gender identity" and "gender expression" to the list of those classes protected from discrimination. Gender identity is defined in the bill as "a person's actual or perceived identity as it relates to the gender spectra." Gender expression is defined in it as "a person's actual or perceived expression of gender identity through appearance, dress, behavior, mannerisms, or other traits." Thus, under the City's Human Rights Ordinance, it is now unlawful for employers within the City to discriminate on account of these protected classes in hiring, compensation, promotion, discharge or other terms or conditions of employment. As a result of this law, covered employers in the City should – at a minimum – consider updating any employee handbook language they have which addresses discrimination and harassment to add these categories and make sure all employees, including supervisory and managerial employees, are aware of the changes.

Meanwhile, employers in the City of Pittsburgh have now officially been put on the clock to provide certain paid sick leave to certain employees. Following a four-year court battle, the Pennsylvania Supreme Court finally issued a long-awaited ruling on the legality of Pittsburgh City Council's Paid Sick Days Act. The Court ruled that the Act – first passed in 2015 but then put on hold during subsequent legal challenges – was lawful and not prohibited by Pittsburgh's Home Rule Charter, which says that the City "shall not determine duties, responsibilities, or requirements placed upon businesses, occupations, and employers." In so ruling on July 17, the Pennsylvania Supreme Court disagreed with (and thus, effectively overturned) two lower Pennsylvania court opinions which invalidated the Paid Sick Days Act because of the Charter.

Generally speaking, the Paid Sick Days Act covers all private employers in the City of Pittsburgh, but has certain different requirements depending on the size of the employer. Generally speaking, it requires employees of covered businesses within the City with 15 or more workers to accrue up to 40 hours of sick leave per year, starting when they are hired or on the effective date of the Act. Meanwhile, employees of covered entities in the City with fewer than 15 employees are allowed to accrue 24 hours of paid leave annually under the Act starting 1 year after the Act is effective (prior to that, from the date the Act is first effective to 1 year after passage, the leave accrues but is *unpaid*). The rates of accrual in either category require a minimum of 1 hour of leave for every 35 hours worked, and employees may use the leave for personal illness or care of a family member. There are numerous other provisions in the Act related to use, notice, accrual, carryover, and other details, so covered employers within the City are advised to at least update their employment policies and/or handbooks as a best practice, and as necessary, further consult with competent employment counsel to ensure compliance with this law.

While the new protections against discrimination on the basis of gender identity and expression in the City's Human Rights Ordinance are effective immediately, the exact date when employers in the City need to provide the required paid sick leave has not been set, in part because the City's Commission on Human Relations must pass and publicize regulations for employers and allow them 90 days from that point to be in compliance. While the absence of those regulations may – for now – create questions about exactly how the Act will be construed in certain areas, starting to prepare for compliance with the Act *now* remains wise for all covered employees within the City of Pittsburgh.

If you have questions about these new laws or any other employment issue, please call Mario Bordogna or the Clark Hill attorney with whom you work.