

Pittsburgh to Appeal Block of City's Paid Sick Leave Ordinance

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The Commonwealth Court of Pennsylvania has affirmed a lower court's ruling invalidating the Pittsburgh Paid Sick Days Act ("PSDA"), the ordinance adopted in 2015 requiring all employers of employees within the Pittsburgh city limits to provide paid sick leave to all full- and part-time employees. The Mayor's office has confirmed that it will appeal the May 17, 2017, court decision.

In September 2015, the Pennsylvania Restaurant and Lodging Association joined several local restaurants in challenging the PSDA, arguing that the City exceeded its municipal authority in enacting the PSDA. On December 21, 2015, the Court of Common Pleas of Allegheny County formally struck down the PSDA, finding that Pennsylvania state law prohibits municipalities like Pittsburgh from regulating businesses by determining their duties, responsibilities, or requirements.

The Service Employees International Union Local 32BJ and the City of Pittsburgh appealed the decision to the intermediate appellate court. On appeal, the Commonwealth Court highlighted that a provision of the Pennsylvania Home Rule Charter Law states that a "municipality which adopts a home rule charter shall not determine duties, responsibilities or requirements placed upon businesses, occupations and employers ... except as expressly provided by statutes which are applicable in every part of this Commonwealth or which are applicable to all municipalities or to a class or classes of municipalities." Relying on the provision, the Court found the PSDA impermissibly required employers to provide sick leave, directed the manner in which sick leave was paid and calculated, and imposed certain recordkeeping requirements.

While the issue of the PSDA's validity ultimately may reach Pennsylvania's high court, a Senate bill under consideration would render the PSDA (and its Philadelphia counterpart) null and void. Senate Bill 128 would bar Pennsylvania municipalities from requiring employers to provide employee leave not otherwise required under state or federal law. The bill, which would apply retroactively to January 1, 2015, would also strike down existing local leave ordinances requiring such leave. The bill is in the Senate Local Government Committee.

We will continue to provide updates regarding the PSDA. Please contact a Jackson Lewis attorney if you have any questions.

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