

## Pittsburgh Extends Mandatory COVID-19 Paid Sick Leave

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In July 29, 2021, Pittsburgh Mayor Bill Peduto signed a [COVID-19 paid sick leave ordinance](#) granting emergency paid sick leave for certain employees for COVID-19–related reasons. The ordinance will remain in effect for one year and will expire on July 29, 2022.

The new ordinance closely resembles the city’s December 8, 2020, [temporary emergency paid leave ordinance](#), which expired on June 17, 2021, and supplements [Pittsburgh’s Paid Sick Days Act](#). Its preamble calls attention to an increase in Delta variant cases in Allegheny County, the resumption of physical attendance at Pittsburgh public schools, and the risk to vulnerable groups, such as the elderly and terminally ill, of contracting the Delta variant or other potential variants of COVID-19. The new ordinance primarily acts as a temporal extension of the December 2020 ordinance, and it does not impose additional sick time requirements beyond the formula set forth in that ordinance.

### ***Which employees are covered under the ordinance?***

The ordinance applies to employees who have been employed for at least 90 days who (1) are working within the city of Pittsburgh after the effective date of the ordinance; (2) normally work for their employers within the city of Pittsburgh but are currently teleworking from another location due to COVID-19; or (3) work for their employers from multiple locations but spend at least 51 percent of their time working within the city of Pittsburgh.

### ***What leave must be provided under the ordinance?***

Pittsburgh employers with 50 or more employees must provide 80 hours of COVID-19 sick time to employees who work at least 40 hours per week. An employee who works fewer than 40 hours per week is entitled to either the time the employee was otherwise scheduled to work or the time the employee works on average in a 14-day period—“whichever is greater.” Employers may choose to designate a higher COVID-19 sick leave limit. COVID-19 sick time must be provided *in addition* to other forms of paid leave provided by the employer, including accrued paid sick time under the Paid Sick Days Act.

To the extent an employer has adopted a policy that provides employees with paid leave specifically for COVID-19–related purposes, that employer may generally substitute leave under that policy for leave required under the ordinance as long as the policy was enacted after March 13, 2020 (though

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the employer must provide additional leave to the extent that the ordinance's requirements exceed those of the employer's leave policy). Employers that have already provided this leave under the December 2020 ordinance need not issue employees a new bank of COVID-19 paid sick leave.

### ***Is there a set accrual rate for COVID-19 sick time?***

No. Under the ordinance, employers may not withhold sick time on an accrual basis if the reason for sick time relates to COVID-19 or any of its variants. The leave must be made available to employees immediately. The ordinance does not prevent employers from utilizing an accrual basis for other types of sick leave.

### ***When may COVID-19 sick time be used?***

Like the December 2020 ordinance, the new ordinance allows employees who are unable to work or telework to use COVID-19 sick time for reasons related to the following:

- A determination by a public official or public health authority, a healthcare provider, or an employer that the employee's presence (or the employee's family member's presence) on the job or in the community would jeopardize the health of others because of the [e]mployee's or the employee's family member's "exposure to COVID-19 or because the individual is exhibiting symptoms that might jeopardize the health of others, regardless of whether the individual has been diagnosed with COVID-19"
- An employee's need to (1) self-isolate and care for himself or herself or a family member due to a COVID-19 diagnosis; (2) self-isolate and care for himself or herself or a family member due to "experiencing symptoms of COVID-19"; or (3) "seek or obtain medical diagnosis, care, or treatment if experiencing symptoms of an illness related to COVID-19"

The July 2021 ordinance also provides a new qualifying reason: "An [e]mployee's need to obtain a vaccine or vaccine booster for themselves or a family member."

The new legislation makes clear that its references to "COVID-19" also refer to any variants of COVID-19. It also clarifies that employees may use COVID-19 sick time to self-isolate and care for themselves or family members "*under the guidelines promulgated by the Allegheny County Health Department* due to experiencing symptoms of COVID-19 or its variants." (Emphasis added.)

### ***Are there notice requirements?***

Employees must provide notice of "the need for COVID-19 [s]ick [t]ime as soon as practicable." Employers are prohibited from requiring employees who are taking COVID-19 sick time to search for or find replacement workers to cover the hours they are unable to work.

While the new ordinance remains silent on whether employers must provide notice of this available leave to their employees, [city guidance](#) recommends that employers develop their own internal policies for advising their workers of their rights under the act.

### ***How may COVID-19 sick time be used?***

“An [e]mployee may use their COVID-19 [s]ick [t]ime in the smallest increment that the [e]mployer’s payroll system uses to account for absences or use of other time.”

***How does this ordinance interact with federal and state leave laws?***

“To the extent that federal or state laws require employers to provide paid leave or paid sick time related to COVID-19 or any of its variants, [e]mployers may substitute leave under the federal or state law for [their] obligations under [the] ordinance to the extent they coincide and the relevant federal or state law permits such concurrent use of paid leave. Employers shall be required to provide additional COVID-19 [s]ick [t]ime under [the ordinance] to the extent that the requirements of [the ordinance] exceed the requirements of those laws and to the extent permitted under the federal or state law.”

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