

# **GUIDELINES FOR ADMINISTERING THE ALLEGHENY COUNTY PAID SICK LEAVE ORDINANCE [ARTICLE XXIV OF THE ALLEGHENY HEALTH DEPARTMENT RULES AND REGULATIONS]**

## **SECTION 1. GENERAL PROVISIONS.<sup>1</sup>**

(a) Background Information. Pursuant to the authority granted under the Pennsylvania Local Health Administration Law, Sections 12010(f) and 12011(c), on July 14, 2021 the Allegheny County Board of Health approved an amendment to its Rules and Regulations by adopting a new Article XXIV entitled “Paid Sick Days.” The Board of Health’s approval of this new Article occurred following a 30-day public comment period. On September 14, 2021, Allegheny County Council ratified the Health Department’s Paid Sick Days Rules and Regulations by passing Bill No. 11988-21. The Allegheny County Chief Executive signed the bill and the bill thereby officially became a County ordinance - Ordinance No. 15-21-OR (the “Allegheny County Sick Leave Ordinance”).

(b) Purpose of these Guidelines. The general purpose of Allegheny County’s Sick Leave Ordinance is to provide paid sick time to Employees to prevent and control the transmission of illnesses and disease among coworkers and to allow Employees and their families to have the time to recover from the illness and thereby reduce the likelihood of more severe illness, hospitalizations and loss of work. This document is intended to provide guidance in the interpretation of the County’s Sick Leave Ordinance.

(c) Conflict with Allegheny County Sick Leave Ordinance. If there is a conflict between the Allegheny County Sick Leave Ordinance and these Guidelines, the Sick Leave Ordinance shall prevail.

(d) Expiration Date. These Guidelines will remain in effect until rescinded or superseded. The County, through the Agency, reserves the right to revise or replace these Guidelines or a portion thereof at any time. Any updated Guidelines will be posted on the County’s website at [www.alleghenycounty.us/Services/Health-Department/Special-Initiatives/Paid-Sick-Leave-Act](http://www.alleghenycounty.us/Services/Health-Department/Special-Initiatives/Paid-Sick-Leave-Act).

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<sup>1</sup> Based upon Section 2401 of the Allegheny County Health Department Rules and Regulations, Article XXIV – Paid Sick Days. Citations to other provisions shall hereinafter be as follows: “ACHA Rules & Regulations, Art. XXIV, § \_\_\_\_).

## **SECTION 2. DEFINITIONS.<sup>2</sup>**

The following words, terms and phrases when used in these Guidelines shall be defined as follows, unless the context clearly indicates otherwise:

*Agency* - The Allegheny County Department of Administrative Services.

*Calendar Year* - A regular and consecutive 12-month period, as determined by an Employer and communicated to all Employees.

*Employ* - This word shall have the same meaning as defined in the Act of January 17, 1968, P.L. 11, No. 5, 43 P.S. § 333.103(f).

*Employee(s)* - This word shall have the same meaning as defined in 43 P.S. Section 333.103 (h). For the purposes of this Article, “Employee” shall not include Independent Contractors, State and Federal Employees or Seasonal Employees.

*Employer* - A person, partnership, limited partnership, association, or unincorporated or otherwise, corporation, institution, trust, government body or unit or agency, or any other entity situated or doing business within the geographical boundaries of Allegheny County and that employs one (1) or more persons for a salary, wage, commission or other compensation. For the purposes of this Article, “Employer” does not include either of the following: (1) The United States Government; and (2) The Commonwealth of Pennsylvania including any office, department, agency, authority, institution, association or other body of the state, including the legislature and the judiciary.

*Family Member* - Any one of the following: (1) A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the Employee stands in loco parentis; (2) A biological, foster, adoptive, or step-parent, or legal guardian of an Employee or an Employee’s spouse or domestic partner or a person who stood in loco parentis when the employee was a minor child; (3) A person to whom the Employee is legally married under the laws of any state; (4) A grandparent or spouse or domestic partner of a grandparent; (5) A grandchild; (6) A biological, foster, or adopted sibling; (7) A domestic partner; or (8) Any individual for whom the Employee has received permission from the employer to care for at the time of the Employee’s request to make use of paid sick time.

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<sup>2</sup> ACHA Rules & Regulations, Art. XXIV, § 2402.

*Health Care Professional* - Any person licensed under Federal or Pennsylvania law to provide medical or emergency services, including but not limited to doctors, nurses, and emergency room personnel.

*Independent Contractor* – A person who controls the method and manner in which work is done, but for whom a business controls the results of the work. E.g., a self-employed individual who receives a 1099-MISC tax form based on work performed for a business client who pays the contractor more than \$600 per year.

*Paid Sick Time* - Time that is compensated at the same base rate of pay, and with the same benefits, including health care benefits, as an Employee would have earned at the time of their use of the Paid Sick Time. In no case shall the hourly wage with which an employee making use of Paid Sick Time is compensated be less than that provided under 43 P.S. § 333.104(a). Employees making use of Paid Sick Time shall not be entitled to compensation for lost tips or commissions, and compensation shall only be required for hours that an Employee was scheduled to have worked.

*Tipped Employee* - An Employee who customarily and regularly receives more than \$30 a month in tips from the same employment.

*Seasonal Employee* - A person who has been hired for a temporary period of not more than sixteen weeks during a calendar year and has been notified in writing at the time of hire that the individual's employment is limited to the beginning and ending dates of the employer's seasonal period, as determined by the employer.

### **SECTION 3. ACCRUAL OF SICK TIME.**

(a) Accrual Start Date. Employees currently employed by an Employer on the Effective Date of the County's Sick Leave Ordinance shall begin to accrue Sick Time in accordance with Section 2403 of the Ordinance. As stated in Section 2413, the Effective Date of the County's Sick Leave Ordinance is the 90th calendar day following the Agency's posting of the notice information for Employers as required by Section 2406. That date is December 15, 2021. Employees currently employed on such date by Employer shall accrue Sick Time at the rates specified in the County's Sick Leave Ordinance. All Employees who become employed after such Effective Date shall begin to accrue Paid Sick Time at the commencement of their employment.<sup>3</sup>

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<sup>3</sup> ACHA Rules & Regulations, Art. XXIV, § 2403 D.

(b) Accrual Rates. An Employer with twenty-six (26) or more employees shall provide each Employee at least one hour of Paid Sick Time for every 35 hours worked for the Employer within the geographic boundaries of the County. Employees shall be permitted to accrue no more than 40 hours of Paid Sick Time in a Calendar Year, unless the Employer designates a higher amount. At no point shall an Employee of an Employer with 26 or more Employees be permitted to have access to more than 40 hours of Paid Sick Time, unless the Employer designates a higher amount.<sup>4</sup>

(c) Determining the Number of Employees. For purposes of calculating the number of Employees of an Employer to determine whether the Employer meet the threshold of 26 or more Employees, the Employer should count all Employees, excluding the owner(s). If the number of Employees employed at any one time has varied over the last twelve (12) months, the Employer should use the highest number at any one time. An Employer should count part-time Employees as one Employee rather than as a fraction of an Employee. Employees should be counted whether or not they are an Employee as defined in the County's Sick Leave Ordinance.

(d) FLSA-Exempt Employees. An Employee who is exempt from overtime requirements under the Fair Labor Standards Act, 29 U.S.C. Section 213(a)(1) will be assumed to work forty (40) hours per week unless the normal workweek is less than forty (40) hours per week, in which case time will accrue based on the normal workweek.<sup>5</sup>

(f) Accrual Increments. Sick Time is accrued in one-hour increments, unless an Employer's written policies establish the accrual of Sick Time to be in fraction of an hour increments.

(g) Carryover of Sick Time.

(1) Accrued, unused Sick Time shall be carried over from one Calendar Year to the next up to the maximum of 40 hours of Paid Sick Time in a Calendar Year as provided in Section 2403 B of the County's Sick Leave Ordinance.<sup>6</sup>

(2) Alternatively, if the Employer provides for at least the maximum number of hours of Paid Sick Time mandated by the County's Sick Leave Ordinance (based on number of Employees) to be available as of the beginning of the Calendar

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<sup>4</sup> ACHA Rules & Regulations, Art. XXIV, § 2403 B.

<sup>5</sup> ACHA Rules & Regulations, Art. XXIV, § 2403 C.

<sup>6</sup> ACHA Rules & Regulations, Art. XXIV, § 2403 F.

Year, (i.e. “front-loads” Sick Time), it is not required to carry over the Employee's unused accrued Sick Time from the previous Calendar Year.

(3) If the Employer chooses to “front-load” Sick Time to make the yearly cap of Sick Time available to Covered Employees at the beginning of the year, it must:

(i) ensure that the requirements of the County’s Sick Leave Ordinance are otherwise met throughout the year; and

(ii) For Employers who make a portion of the yearly cap of Paid Sick Time available to Covered Employees at the beginning of the Calendar Year, the Employer shall use a reasonable calculation, consistent with the accrual requirement set forth in the County’s Sick Leave Ordinance, to ensure that the accrual meets or exceeds the amount of Paid Sick Time an Employee would have otherwise accrued.

(h) Loaned Sick Time. An Employer may loan Sick Time to an Employee in advance of accrual by such Employee.

(i) Transfer of Employers. A new Employer acquiring the business of a prior Employer at the same location shall honor all previously earned Paid Sick Time accrued by Employees who remain employed and allow such Employees to use that time.

(j) Equivalent or Excess Paid Leave Policies. If an Employer has a Paid Sick Time policy and makes available an amount of Paid Sick Time sufficient to meet the accrual requirements of the County’s Sick Leave Ordinance and that Paid Sick Time can be used for the same purposes and under the same conditions as Paid Sick Time under the County’s Sick Leave Ordinance, then that Employer is not required to provide additional Paid Sick Time. Paid Sick Time benefits provided by an Employer in excess of what is required by the County’s Sick Leave Ordinance are not subject to the requirements of the County’s Sick Leave Ordinance.<sup>7</sup>

(k) Paid Leave Under CBA. If an Employer with a Collective Bargaining Agreement makes available an amount of Paid Sick Time sufficient to meet the accrual requirements of the County’s Sick Leave Ordinance and that Paid Sick Time can be used for the same purposes and under the same conditions as the Paid Sick

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<sup>7</sup> ACHA Rules & Regulations, Art. XXIV, § 2403 K.

Time under the County's Sick Leave Ordinance, then that Employer is not required to provide additional Paid Sick Time.<sup>8</sup>

#### **SECTION 4. EMPLOYMENT BASED OUTSIDE ALLEGHENY COUNTY.**

An Employee who works for an Employer located outside of the geographic boundaries of Allegheny County but who performs work within the geographic boundaries of the County is an Employee as defined in the County's Sick Leave Ordinance once the Employee performs at least 35 hours of work within the geographic boundaries of the County in a Calendar Year.

(a) In such instance, only the work performed within the County is required to be included in the computation of accrued Sick Time.

(b) The within-County portion of regular travel time into and out of the County, such as that performed by truck drivers or delivery services, may be calculated by reference to the average travel time for the particular route.

#### **SECTION 5. USE OF EARNED SICK TIME.**

(a) Authorized Use. An Employee is entitled to use accrued Paid Sick Time for an absence from work for any use authorized by Section 2404 A (1-3) of the County's Sick Leave Ordinance.

(b) Employment Period Prior To Use. The use of accrued Paid Sick Time shall begin on the 90th calendar day following an Employee's commencement of employment.<sup>9</sup>

(c) Work Site Transfer. An Employer shall continue to allow an Employee to use previously earned Paid Sick Time accrued under the County's Sick Leave Ordinance after that same Employee transfers to a separate division, entity or location for a work site for the same Employer located within Allegheny County.<sup>10</sup>

(d) Requests and Prior Notification of Use. Advance written requests to use Paid Sick Time are permitted but not required. At minimum, an advance oral request must be provided to the Employer by an Employee for the use of Paid Sick Time

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<sup>8</sup> ACHA Rules & Regulations, Art. XXIV, § 2403 L.

<sup>9</sup> ACHA Rules & Regulations, Art. XXIV, § 2403 E.

<sup>10</sup> ACHA Rules & Regulations, Art. XXIV, § 2403 H.

according to the requirements of the County's Sick Leave Ordinance. The request shall include the anticipated duration of the absence when possible.<sup>11</sup>

(e) Employer Advanced Notification Policies. An Employer is permitted to maintain its own reasonable advanced notification policy to state how soon before a shift an Employee must make an oral request to use Paid Sick Time. In the absence of any such policy, an oral request shall be provided to an Employer at least one (1) hour prior to the start of the affected employee's shift where it is possible to do so. An Employee must make a good faith effort to notify the Employer as soon as possible regarding the need to use Paid Sick Time.<sup>12</sup>

(1) Foreseeable Circumstances. If the need for the use of Paid Sick Time is foreseeable, such as a prior scheduled appointment with a Health Care Professional, the Employer may include in its advanced notification policy a requirement for advanced notice of an Employee's intention to use Paid Sick Time. The advance notice requirement should not exceed seven (7) days prior to the date that the requested use of Paid Sick Time is to begin. An Employee shall make a reasonable effort to schedule the use of Paid Sick Time in a manner that does not unduly disrupt the Employer's operations.<sup>13</sup>

(2) Unforeseeable Circumstances or Inability to Provide Stated Advanced Notice. If the need for the use of Paid Sick Time is unforeseeable or the Employee is unable to provide the stated required advanced notice for a foreseeable absence (e.g. - seven (7) days), the Employer must still allow the Employee to use accrued Sick Time for a qualified absence. In such instance, the Employee must make a good faith effort to notify the Employer as soon as possible as to the need to use Paid Sick Time.<sup>14</sup>

(f) Use Increments. An Employee may use accrued Paid Sick Time in the smaller of hourly increments or the smallest increment that the Employer's payroll system uses to account for absences or use of other time.<sup>15</sup>

(g) No Requirement to Find Replacement. An Employer may not require that a Covered Employee making use of accrued Paid Sick Time to search for or find a

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<sup>11</sup> ACHA Rules & Regulations, Art. XXIV, § 2404 B (1).

<sup>12</sup> ACHA Rules & Regulations, Art. XXIV, § 2404 B (2).

<sup>13</sup> ACHA Rules & Regulations, Art. XXIV, § 2404 C.

<sup>14</sup> ACHA Rules & Regulations, Art. XXIV, § 2404 C.

<sup>15</sup> ACHA Rules & Regulations, Art. XXIV, § 2404 D.

replacement worker to cover the hours during which the employee is using Paid Sick Time as a condition for providing such Paid Sick Time.<sup>16</sup>

## **SECTION 6. VERIFICATION PROCEDURES.**

(a) In General. For the use of Paid Sick Time that lasts three (3) or more full consecutive days, an Employer may require the Employee to present reasonable documentation that the Paid Sick Time has been used for a purpose covered by the County's Sick Leave Ordinance; however, it may not require that the documentation specify the precise nature of the illness. As an example, documentation signed by a Health Care Professional indicating that Paid Sick Time is necessary shall be considered reasonable documentation.<sup>17</sup>

(b) Employee Privacy. Other than reasonable documentation required for absences spanning three (3) or more full consecutive days, an Employer shall not require an Employee making use of Paid Sick Time to explain the specific details or nature of the Employee's or an Employee's Family Member's medical condition.<sup>18</sup>

(c) Confidentiality of Information. If an Employer possesses any health information about an Employee or that Employee's Family Member, the Employer should treat such information as confidential and take reasonable steps to protect its confidentiality. No such information should be disclosed except to the affected employee or with the prior written permission of the employee in accordance with applicable law/regulations.<sup>19</sup>

(d) FMLA Exception. When an Employee's absence is covered by the County's Sick Leave Ordinance and also may be covered by the federal Family and Medical Leave Act ("FMLA"), an Employer does not violate the County's Sick Leave Ordinance by seeking medical certification in accordance with the FMLA for that absence, regardless of its length.

## **SECTION 7. RATE OF PAY FOR USE OF PAID SICK TIME.**

(a) Use of Base Rate of Pay. As provided in Section 2 of these Guidelines and in Section 2402 of the County's Sick Leave Ordinance, "Paid Sick Time" is defined as time off from employment that is provided by an Employer for the use

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<sup>16</sup> ACHA Rules & Regulations, Art. XXIV, § 2404 F.

<sup>17</sup> ACHA Rules & Regulations, Art. XXIV, § 2404 E.

<sup>18</sup> ACHA Rules & Regulations, Art. XXIV, § 2409 A.

<sup>19</sup> ACHA Rules & Regulations, Art. XXIV, § 2409 B.



enumerated in Section 2404 A (1-3) of the County's Sick Leave Ordinance, and that is "compensated at the same base rate of pay and with the same benefits, including health care benefits, as an employee would have earned at the time of their use of the Paid Sick Time."

(1) Employees who are compensated based on a set salary or on time worked at a fixed hourly rate shall be compensated for any accrued Paid Sick Time based on the same rate as they would normally earn from work.

(2) Tipped Employees and Commission Paid Employees shall be compensated for any accrued Paid Sick Time at a rate not less than the minimum hourly rate for hours worked, as required under the Pennsylvania Minimum Wage Act of 1968, 43 P.S. 333.104(a). Rate of pay shall be the base rate of pay and shall not include lost tips or commissions.

(3) The Employer is required to compensate an Employee only at his or her regular hourly rate (or at minimum wage) whether or not the Employee has earned or could have earned pay at an overtime rate during some part of the relevant pay period.

(b) Sample Calculations of Normal Hourly Compensation. An Employer shall calculate an Employee's normal hourly compensation using a reasonable calculation based on the hourly rate that an Employee would have earned for the time that the Employee used Paid Sick Time. Examples for specific types of rates include, but are not limited to:

(1) Piece Rate. For a Covered Employee paid partially or wholly on a piece rate basis (i.e. - paid for each unit of production at a fixed rate), dividing the total earning by the total hours worked in the most recent work week in which the employee performed identical or substantially similar work to the work the employee would have performed had the employee not used Paid Sick Time.

(2) Salaried Employees. For a salaried Employee, dividing the gross annual salary by 52 to determine the Employee's weekly salary, and then dividing the weekly salary by the number of hours in the Employee's normal work week, even if the Employee actually works more or fewer hours in a particular work week.

(3) Fluctuating Pay. For an Employee whose hourly rate of pay fluctuates:

(i) Where the Employer can identify the hourly rates of pay for which the Covered Employee was scheduled to have worked, a calculation equal to the scheduled hourly rates of pay the employee would have earned during the period in which Paid Sick Time is used.

(ii) Where the Employer cannot identify the hourly rates of pay which the Covered Employee would have earned if the employee worked, a calculation based on the employee's average hourly rate of pay in the current and preceding 30 days, whichever yields the higher hourly rate.

(4) Shift of Indeterminate Length. For an Employee scheduled to work a shift of indeterminate length (e.g., a shift that is defined by business needs rather than a specific number of hours), the rate of pay may be calculated by multiplying the employee's normal hourly compensation by the total hours worked by a replacement Employee in the same shift, or similarly situated Employees who worked that same or a similar shift.

## **SECTION 8. RECOMMENDED TIME OF PAYMENT OF PAID SICK TIME.**

(a) Employer Not Requiring Verification. Unless an Employer requires verification for use of Paid Sick Time of three (3) or more full consecutive days, it is recommended that an Employer pay for accrued Paid Sick Time to an Employee no later than the payday for the pay period in which the Paid Sick time was used by that Employee. The ultimate choice of time of payment must comply with applicable wage payment laws.

(b) Employer Requiring Verification. If an Employer requires verification of the use of Paid Sick Time of three (3) or more full consecutive days as provided by the County's Sick Leave Ordinance and Section 6 herein, it is recommended that an Employer provide Paid Sick Time no later than the payday for the pay period during which verification is provided to the Employer. The ultimate choice of time of payment must comply with applicable wage payment laws.

## **SECTION 9. BREAKS IN SERVICE.**

(a) General. Except as provided in this Section, an Employee who is rehired by the same Employer, whether at the same or a different location, within six (6) months following separation from employment with that Employer shall have any

previously accrued Paid Sick Time reinstated and available for use at the time of recommencement of employment.<sup>20</sup>

(b) No Requirement for Employer to Pay Out Unused Paid Sick Time. An Employer is not required to provide financial or other reimbursement to an Employee upon that Employee's termination, resignation, retirement or other separation from employment for unused Paid Sick Time that has accrued. An Employer may choose, but is not required, to pay an Employee for any portion of that Employee's unused accrued Paid Sick Time at the time that the Employee separates from employment. However, if that Employee is rehired by the same Employer within six (6) months after having received a payout of Paid Sick Time, the Employer is not required to reinstate the Paid Sick Time that was paid out to the Employee at the time of separation.<sup>21</sup>

## **SECTION 10. EMPLOYER NOTIFICATION OF PAID SICK TIME AND RECORD RETENTION.**

(a) Notice of Time Accrued. It is recommended that Employers choose a reasonable system for providing notification of accrued Paid Sick Time, including listing updated amounts of Paid Sick Time available on pay stubs (e.g., regular payroll statements) or in an online system where Employees can access the information.

(b) Records Retention. Employers shall retain records required under the County's Sick Leave Ordinance documenting hours worked by Employees and Paid Sick Time taken by Employees for a period of two (2) years.<sup>22</sup>

(c) Presumption in Absence of Records. In the event that an issue arises as to the entitlement of an Employee to Paid Sick Time under the County's Sick Leave Ordinance, and the Employer does not maintain or retain adequate records documenting hours worked and Paid Sick Time used, it shall be presumed that the Employer has violated the County's Sick Leave Ordinance absent clear and convincing evidence otherwise presented.<sup>23</sup>

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<sup>20</sup> ACHA Rules & Regulations, Art. XXIV, § 2403 I.

<sup>21</sup> ACHA Rules & Regulations, Art. XXIV, § 2403 G.

<sup>22</sup> ACHA Rules & Regulations, Art. XXIV, § 2407 A.

<sup>23</sup> ACHA Rules & Regulations, Art. XXIV, § 2407 B.

## **SECTION 11. NOTICE AND POSTING.**

(a) Content of Sign. As required by Section 2406 of the County's Sick Leave Ordinance, an Employer shall display a sign at each worksite that provides notice to Employees of their rights to Paid Sick Time under the County's Sick Leave Ordinance, available limits, and terms of use. The sign also must provide notice that retaliation against Employees who request, or use Paid Sick Time is prohibited and that an Employee has the right to file a complaint with the Agency if Paid Sick Time authorized by the County's Sick Leave Ordinance is denied by the Employer or if the Employee is retaliated against for requesting or using accrued Paid Sick Time. A sample sign for this purpose (Notice Form) is provided on the County's website at [www.alleghenycounty.us/Services/Health-Department/Special-Initiatives/Paid-Sick-Leave-Act](http://www.alleghenycounty.us/Services/Health-Department/Special-Initiatives/Paid-Sick-Leave-Act)<sup>24</sup>

(b) Display of Sign; Timing. Employers must display the sign, in a conspicuous and accessible location where any of their Employees work, in English, Spanish, and any other primary languages of the Employees at the particular workplace. If display of a sign is not feasible, including a situation where the Employee works remotely or does not have a regular workplace, Employers may provide the sign on an individual basis in the Employee's primary language in a physical or electronic format that is reasonably conspicuous and accessible.

(c) Size of Sign. Each sign displayed in accordance with this Section must be at least 8.5 inches by 11 inches in area.

(d) Multi-Lingual Materials. The Agency shall begin to develop multilingual versions of written notices and forms required for the implementation and enforcement of the County's Sick Leave Ordinance.

(e) Complaint Forms. Complaint forms as further discussed in Section 14 below shall be posted at [www.alleghenycounty.us/Services/Health-Department/Special-Initiatives/Paid-Sick-Leave-Act](http://www.alleghenycounty.us/Services/Health-Department/Special-Initiatives/Paid-Sick-Leave-Act) or are available in paper form from the Agency.

(f) Violation of Notice Requirements. An Employer found to have willfully violated this notice provision of set forth herein shall be subject to a fine not to exceed \$500 for each offense.<sup>25</sup>

<sup>24</sup> ACHA Rules & Regulations, Art. XXIV, § 2406 A.

<sup>25</sup> ACHA Rules & Regulations, Art. XXIV, § 2406 E.

## **SECTION 12. RETALIATION PROHIBITED.**

(a) Prohibition. An Employer may not transfer, demote, discharge, suspend, reduce hours, or directly threaten such actions against an Employee who requests or uses accrued Paid Sick Time, reports or attempts to report a violation of these Guidelines or the County's Sick Leave Ordinance, participates or attempts to participate in an investigation or proceeding under these Guidelines or the County's Sick Leave Ordinance, or otherwise exercises any rights afforded under the County's Sick Leave Ordinance. Retaliation may include the following: considering use of Paid Sick Time in performance reviews or setting wages, disciplining or terminating Employees for using accrued Paid Sick Time, reporting or threatening to report an Employee or Employee's Family Member to law enforcement in connection with the use of Paid Sick Time, or discouraging or denying Employees from using their accrued Paid Sick Time. For example, an Employer may not establish a point system in which Employees receive points for using their Paid Sick Time, and after receiving a specific number of points, the Employee is terminated.<sup>26</sup>

(b) Action Allowed If Not Qualified Use. The prohibition against retaliation does not prevent an Employer from taking reasonable action (e.g., discipline) when an Employee's use of Paid Sick Time is not for a qualified use enumerated in Section 2404 A (1-3) the County's Sick Leave Ordinance.

## **SECTION 13. COORDINATION WITH OTHER POLICIES.**

(a) More Generous Policies. Nothing in the County's Sick Leave Ordinance shall be construed to discourage or prohibit an Employer from adopting or retaining a paid sick time policy that is more generous than the requirements set forth in the County's Sick Leave Ordinance.<sup>27</sup>

(b) No Diminishment of Other Obligations. Nothing in the County's Sick Leave Ordinance shall be construed as diminishing the obligation of an Employer to comply with any contract, collective bargaining agreement, employee benefit plan or other agreement providing more generous sick time to an Employee than required here.<sup>28</sup>

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<sup>26</sup> ACHA Rules & Regulations, Art. XXIV, § 2405 A.

<sup>27</sup> ACHA Rules & Regulations, Art. XXIV, § 2410 A.

<sup>28</sup> ACHA Rules & Regulations, Art. XXIV, § 2410 B.

(c) No Diminishment of Rights of Public Employees. Nothing in the County's Sick Leave Ordinance shall be construed as diminishing the rights of public employees regarding Paid Sick Time or the use of Paid Sick Time as provided in the laws of the Commonwealth of Pennsylvania.

(d) Additional Purposes. Employers are not prevented from permitting use of Paid Sick Time for additional purposes.

#### **SECTION 14. ADMINISTRATION AND ENFORCEMENT.**

(a) An Employer, Employee, or an authorized representative of an Employer or Employee may report any suspected violation of the County's Sick Leave Ordinance to the Agency. The complaint alleging a violation shall be filed within six months of the date that the complainant knew or should have known of the alleged violation.

(b) The Agency shall have the authority, in its sound discretion, to enforce the County's Sick Leave Ordinance and these Guidelines.

(c) The Agency shall adopt appropriate policies or guidelines relating to the confidentiality of the complainant and to implement and enforce the County's Sick Leave Ordinance and these Guidelines.

(d) An Employer who willfully violates the County's Sick Leave Ordinance shall be subject to a fine or penalty in an amount not to exceed \$100 for each separate offense, provided, however, that no fines or penalties shall be levied by the Agency against any Employer within one Calendar Year of the Effective Date of the County's Sick Leave Ordinance.

(e) Where an allegation of violation of the County's Sick Leave Ordinance may involve violations of other applicable laws, the Agency may refer the matter to the relevant agency for further action.