

No. 10-22-OR

AN ORDINANCE

An Ordinance of the Council of the County of Allegheny ratifying amendments to Allegheny County Health Department Rules and Regulations pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

Whereas, Allegheny County, pursuant to the Local Health Administration Law, 16 P.S. §12001 et seq., created the Allegheny County Health Department, and the Allegheny County Board of Health; and

Whereas, the Local Health Administration Law at Section 12011 provides for the Board of Health to adopt regulations and submit such regulations to Allegheny County for approval or rejection; and

Whereas, on March 2, 2022, during its regularly scheduled public meeting, the Allegheny County Board of Health adopted by affirmative vote the attached amendment to the Allegheny County Health Department Rules and Regulations, Article XXIV, "Paid Sick Days," and,

Whereas, it is the desire of Council to ratify the Allegheny County Health Department regulation amendments as approved by the Board of Health.

The Council of the County of Allegheny hereby resolves as follows:

SECTION 1. Incorporation of Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2. Ratification of Regulations.

Acting pursuant to the Local Health Administration Law and the Allegheny County Home Rule Charter, County Council hereby ratifies the amendment to the Allegheny County Health Department Rules and Regulations, Article XXIV, "Paid Sick Days," attached hereto as Exhibit "A."

SECTION 3. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.


SECTION 4. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Resolution.

Enacted in Council, this 12th day of April, 2022.

Council Agenda No. 12234-22.



Patrick Catena
President of Council

Attest: 
Jared Barker
Chief Clerk of Council

Chief Executive Office April 15, 2022.

Approved: 
Rich Fitzgerald
Chief Executive

Attest: 
Jennifer M. Liptak
Chief of Staff

Proposed amendment to Allegheny County Health Department Rules and Regulations, Article XXIV, Paid Sick Days ---

LEGISLATIVE SUMMARY

Pursuant to the authority granted to it under the Pennsylvania Local Health Administration Law, Sections 12010(f) and 12011(c), on March 2, 2022 the Allegheny County Board of Health approved an amendment to Section 2402 (Definitions) of Article XXIV, "Paid Sick Days." This approval was preceded by a 30-day public comment period during which the Allegheny County Health Department ("ACHD") received approximately 49 comments supporting, opposing or offering revisions to the proposed amendment.

In particular, the ACHD is proposing an amendment to Article XXIV, Section 2402 (Definitions). As currently written, Section 2402 provides a specific exemption from the regulation to state, federal, and local government employees as well as seasonal employees. The proposed amendment would add an exemption for members of the construction labor unions. The proposed amendment enjoys widespread support through public comment from construction labor unions and industry organizations. The specific exemption is necessary to address the unique nature of the work performed by construction labor unions and the challenges posed by the current regulation.

EXHIBIT "A"

PROPOSED AMENDMENT

Allegheny County Health Department Rules and Regulations

Article XXIV, Paid Sick Days

Additions are shown in **larger font, bolded, and underlined.**

**PROPOSED REVISIONS
TO
Allegheny County Health Department Rules and Regulations
Article XXIV, Paid Sick Days**

Section 2402. DEFINITIONS.

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

* * *

Employee. Is defined as in 43 P.S. Section 333.103 (h). For purposes of this article "employee" shall not include independent contractors, State and Federal employees, **any member of a Construction Labor Union covered by a collective bargaining agreement, as defined in this Article,** or seasonal employee. **For the purpose of this Article, the term 'Construction Labor Union' shall be a labor union that represents, for purposes of collective bargaining, employees involved in the work of construction, reconstruction, demolition, alteration, custom fabrication or repair work and who are enrolled or have graduated from a "registered apprenticeship program," as defined below in this Article.**

* * *

End of Regulation Changes

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: March 3, 2022

RE: Proposed Ordinance

Attached is an Ordinance of the Council of the County of Allegheny ratifying amendments to Allegheny County Health Department Rules and Regulations pursuant to Section 12011 of the Local Health Administration Law, 16 P.S. §12001 et seq.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.