

LAWYERS JOURNAL

ACBA and ACBF begin to hold in-person events

By Zandy Dudiak

In the days before the COVID-19 pandemic, the ACBA had numerous events, programs and CLE courses each year that were live, in-person gatherings. Virus mitigation efforts taken by the bar association, like those implemented by most businesses and organizations, sent these gatherings onto virtual platforms for more than a year.

Since July 2021, some in-person events have been reintroduced. Several were held by late September, according to Executive Director David Blaner: the passing-the-gavel reception for incoming ACBA President Joe Williams, the retreat for the ACBA Board of Governors, and an orientation breakfast for Committee, Division and Section Chairs. In addition, 75 members attended the ACBA's in-person Happy Hour event on Sept. 22 at Southern Tier Brewery sponsored by Fraggasso Financial Advisors.

In August and September, the ACBA also offered three CLE seminars that gave attendees the choice of attending in-person or viewing the presentation virtually.

"Normally, prior to the pandemic, 35 people would attend each CLE, so we tried to do some trial CLEs," Blaner said. "We had nine in-person in one, 11 in another, 14 in the next one – relatively small numbers – and nearly three times the number virtually."

Membership and CLE Director Christina Daub said because of the low in-person attendance, the ACBA is encouraging virtual CLEs instead.

"It's too labor intensive for us on the back end to continue to do this to accommodate such a small number of people," she said.

And there are some other advantages. The ACBA's "Bridge the Gap" CLE, which is required of all new attorneys, attracted attendees from throughout the state, including Philadelphia.



PHOTO BY JAMES PIAGGIO

All members were invited to join their ACBA colleagues for happy hour at Southern Tier Brewery on Sept. 22, the ACBA's first in-person happy hour in more than 18 months! See more photos of the event on page 4.

"We're getting people from everywhere," Daub said. "Folks found it was more convenient to stay where they were and watch the CLE as a webinar."

Remote access means attendees don't have to travel, find and pay for parking, or leave their downtown offices to walk to the ACBA offices for a CLE, meeting or seminar that lasts only one or two hours. When the virtual presentation is over, they can go right back to work, Blaner said.

"People are saying, 'Look, we like the Zoom web conference seminars,'" he noted. "More than anything, people are realizing it's extremely efficient."

The Pennsylvania CLE Continuing Education Board has ruled that though Dec. 31, 2021, synchronous webinar CLEs are considered live, so technically attorneys can get all their credits through virtual CLEs – meaning a mix of live webinar and on-demand programs. Prior to COVID-19, attorneys had to earn a minimum of 12 CLEs a

year, only six of which could be through distance learning, Daub said.

Blaner and Daub both said they are not sure whether the CLE Board will continue to allow that option in 2022, or whether the previous six CLE hours in-person/six CLE online course requirements will return.

Each ACBA section, committee and or division has the authority to self-select how they want to conduct regular meetings. Some planned to re-evaluate after holding in-person meetings while others have just chosen to meet virtually or in a hybrid format via Zoom.

In the case of the orientation breakfast in September, the event was recorded and posted on the website for those who did not attend in-person. Though the ACBA can provide virtual options for most events, it does not have the technological capability to provide that option for all live programs held at external locations.

ACBA's Hispanic Heritage Month Celebration ended up as a virtual event on Oct. 7. As of late September, the ACBA's 34th Annual Western District of Pennsylvania Bankruptcy Symposium is scheduled on Dec. 10 as a day-long, in-person event at the Westin Pittsburgh Convention Center.

For any in-person events held at the ACBA offices, masks are required, except when eating. Attendees are required to provide their name and email address in case contact tracing is necessary.

"We are asking people to be considerate of others," Blaner said. "We're trying to follow the CDC guidelines." ■

ACBA recommends voting "yes" for retention election candidates

By ACBA Staff

Election Day is Tuesday, Nov. 2 and when Allegheny County voters head to the polls, they will be asked to vote "yes or no" regarding whether four local judges should be retained.

The ACBA polled its members during the spring, asking its members to indicate whether each Allegheny County judicial candidate running for retention should be "recommended" or "not recommended" for retention. This year, all of the Allegheny County judges who were included in the survey received a "recommended" rating. The ACBA Judicial Excellence Committee managed an umbrella campaign for these judges, recommending the public to "vote yes" and keep these four qualified judges on the bench.



Hon. John T. Bender



Hon. Mary Jane Bowes



Hon. Alexander P. Bicket



Hon. Randy Todd

Participants in the 2021 Judicial Retention Election Campaign are the Hon. John T. Bender and the Hon. Mary Jane Bowes, Pennsylvania Superior Court judges; and the Hon.

Alexander P. Bicket and the Hon. Randy Todd, Allegheny County Court of Common Pleas judges.

For more information, visit JudicialVote2021.org. ■

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I N S I D E T H I S I S S U E

Allegheny County Council unanimously passes paid sick leave legislation

By Kimberly J. Kisner

Allegheny County Council unanimously passed a bill Tuesday, September 14, requiring most private employers with 26 or more employees to provide employees with as many as five paid sick days per year. The sick leave bill, revised after County Executive Rich Fitzgerald vetoed it in March due to procedural deficiencies, guarantees both full and part-time employees one hour of paid sick leave for every 35 hours worked, with a cap at 40 hours per calendar year unless the employer allows for additional accrual.

The legislation, expected to be signed by Fitzgerald, allow employees to use sick time to care for themselves or a sick family member or to be paid when the employee's place of business, child's school, or child care provider is closed by order of a public official due to public health emergency. The law will not cover seasonal employees, state and federal employees, or independent contractors. Employers who meet or exceed the requirements of the county's sick leave law through their own internal policies or collective bargaining agreements do not need to provide additional leave under this new law as long as the paid leave can be used under the same conditions and for the same purposes.

The legislation will take effect 90 days after signed into law and employers are required to provide written notice



Kimberly J. Kisner

to employees of their paid leave rights. Employees must work 90 days before they can begin to use accrued leave. Employers are not required to pay out unused sick leave at termination. Employees who are rehired within six months of termination shall have their accrued sick leave reinstated upon re-commencement of employment. Employers who violate the policy can be fined by the county up to \$100 per occurrence and may also subject themselves to unwanted attention and scrutiny.

Allegheny County's sick leave law comes a year and a half after it was first proposed and following paid sick leave laws enacted in the city of Pittsburgh in 2020 and 2021. On Tuesday, July 27, 2021, Pittsburgh City Council passed legislation requiring businesses with 50 or more

employees to provide paid sick leave to employees for COVID-19 convalescence, care or quarantine. The law took effect immediately and remains in effect for 365 days. COVID-19 paid leave legislation was initially passed in December 2020 when the requirement to provide paid leave under the federal Families First Coronavirus Response Act (FFCRA) was expiring.

The city's 2015 sick leave law took effect on March 15, 2020, after the city's authority to pass such a law was challenged in court. The law requires businesses with 15 or more employees to provide 40 hours of paid sick leave per year and those with fewer than 15 employees 24 hours of sick leave each year.

Neither county nor city leave laws will provide any tax incentives for employers for providing sick leave. Although the mandate to provide leave under FFCRA expired on December 31, 2020, employers who voluntarily provide paid leave under FFCRA are entitled to take tax credits extended through The American Rescue Plan Act (ARPA) through at least September 30, 2021. With the federal announcement of a vaccine mandate for employers of 100 or more, Congress may revisit extending additional tax relief to employers who provide employees time off for COVID-19 testing, illness or vaccination. ■

If you have questions regarding Allegheny County's Paid Sick Leave or any other employment-related legal matter, please contact Leech Tishman's Employment & Labor Practice Group. Kimberly J. Kisner is a Partner with Leech Tishman, and a member of the firm's Employment & Labor Group. Kimberly is based out of the Pittsburgh office and can be reached at 412-261-1600 or kkisner@leechtishman.com.

Office Depot, OfficeMax discounts

Through the ACBA's partnership with Office Depot and OfficeMax, individual members and entire firms can enjoy discounts of up to 55 percent on the purchase of office supplies and discounts of up to 70 percent on printing and copying services. Firms that spend \$6,000 or more on office supplies annually are eligible for additional discounts. For more information or to enroll, see ACBA.org/OfficeDepot or contact David Jarvis at David.Jarvis@officedepot.com.

Disabled Veterans
 Vietnam Veterans: VA Announces New Presumptive Conditions Tied to Agent Orange

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