

**PHILADELPHIA –
PROMOTING HEALTHY FAMILIES AND WORKPLACES
ORDINANCE
(PAID SICK LEAVE LAW)**

Eligibility

Workers employed in Philadelphia for at least 40 hours in a calendar year (January 1 to December 31) will accrue one hour of paid sick time for every 40 hours worked in Philadelphia.

The time is required to be **paid** by employers with ten or more employees.

Employees will not accrue more than 40 hours of paid sick time in a calendar year. Accrual time cannot be used until after 90 calendar days of employment.

Exceptions

The following workers are **exempted**: independent contractors; **seasonal workers (hired for a temporary period of not more than 16 weeks a year)**; adjunct professors; interns (students working for an educational institution only); **workers hired for a term of less than 6 months**; pool employees (other than an employee of a temporary placement agency), State and Federal employees, and employees covered by a bona fide collective bargaining agreement;

Note: Other types of paid leave—paid time off, vacation, personal days, short-term disability benefits, etc.—will count for purposes of complying with the law as long as it is sufficient to meet or exceed all requirements of this law (e.g., may be used for the same purposes and under the same conditions). An employer is not required to provide additional paid sick time.



EFFECTIVE: 5/13/2015

It shall be unlawful for an employer's absence control policy to count paid sick time taken under this ordinance as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action; provided, however, that nothing in this ordinance shall prevent an employer from taking action against an employee who uses paid sick time under this ordinance for purposes other than those outlined in the law.

Employees who request or use sick time as required by this ordinance have the right to file a complaint or bring a civil action if sick time as required by this ordinance is denied by the employer or the employee is retaliated against for requesting or taking sick time.

Please notify your branch representative or the benefits department at 1-800-568-8310 if a customer has a problem with you taking time off for purposes that have been outlined in this ordinance.

Paid Sick Leave Law Uses

Any accrued paid sick leave may be used for the following reasons:

- The employee's mental or physical illness, injury or health condition;
- The employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition;
- The employee's need for preventive medical care;

Leave can be used in increments of one hour.

"Paid sick time" or "paid sick days" – is compensated at the same hourly rate with the same benefits, including health care benefits, as the employee normally earns from the employee's employment at the time the employee uses the paid sick time.

Paid Sick Leave Law Uses (Cont.)

- Care of a family member with a mental or physical illness, injury or health condition; who needs medical diagnosis, care, or treatment or a mental or physical illness, injury or health condition; or who needs preventive medical care;
- Absence necessary due to domestic abuse, sexual assault or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member:
 - Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence or stalking;
 - Services from a victim services organization;
 - Psychological or other counseling;
 - Relocation due to the domestic or sexual violence or stalking; or
 - Legal services or remedies, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic or sexual violence.

Employee Notice Requirements

Accrued paid sick time shall be provided upon the oral or written request of an employee. When possible, the request shall include the expected duration of the absence.

- When the need for paid sick leave is known to the employee in advance, such as for a scheduled appointment with a health care provider, the employee shall provide notice of the need for such leave to your branch representative (and the customer) in advance of the use of the sick time and shall make a reasonable effort to schedule the use of sick time in a manner that does not unduly disrupt the operations of the customer.
- For all other absences, the employee shall notify your branch representative (and the customer) before the start of the employee's scheduled work hours, or as soon as practicable if the need arises immediately before or after the employee has reported for work.

Note: The company (or customer) must keep any health related information or information pertaining to domestic abuse, sexual assault or stalking confidential unless the employee (or employee's family member) permits the employer/customer to disclose it or the disclosure is required by law, regulation or licensing standard.

An employer may require an employee to provide written verification that the employee used sick leave for sick leave purposes.

For sick time of more than two (2) consecutive workdays, the company may require reasonable documentation from a licensed health care professional.

For other absences documentation signed by a health care professional; a police report indicating that the employee was a victim of domestic abuse, stalking or sexual assault; a court order; or a signed statement from a representative of a victim services organization as defined in the law, affirming that the employee was a victim of domestic abuse, stalking, or sexual assault shall be considered reasonable documentation.

Under this sick pay ordinance, an employer may not require that the documentation explain the nature of the illness or the details of the violence. Disclosure may be required by other laws (e.g., Family Medical Leave).

Paid Sick Leave Accrual and Use – Important Dates

Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use
1 hour for every 40 hours worked	May 15, 2015 (Existing employee)	Must have worked 90 calendar days counting from your first day of employment (Existing employee)
	First day of employment (New employee)	90 days after first day of employment (New employee)

Family Members:

The law recognizes the following as family members:

- Children (biological, adopted or foster children, stepchildren, legal wards or a child to whom the employee stands in loco parentis);
- A biological, foster, stepparent or legal guardian of an employee or an employee’s spouse or a person who stood in loco parentis when the employee was a minor child;
- Person to whom the employee is legally married under the laws of Pennsylvania;
- Grandparent or spouse of a grandparent;
- Grandchild;
- A biological, foster, or adopted sibling or a spouse of a biological, foster or adopted sibling;
- Life partner as defined in Section 9-1102 of law.

- Employees are required to begin accruing sick leave as indicated above, but cannot take accrued leave until after 90 days of employment with the company.
- Only the hours that an employee works in Philadelphia count toward the 40 hours, and the sick leave can only be used when the employee is working in Philadelphia.
- If an exempt employee works 40 hours or more in a week, paid sick leave still accrues based on a 40-hour workweek but not beyond the 40 hours. If an exempt employee works less than 40 hours in a week, sick leave accrues based on the employee’s normal workweek.

Unused Sick Leave

- Any accrued unused sick time hours will carry over to the following year. An employee’s use of sick time in each calendar year shall not exceed 40 hours.

No Pay Out Upon Termination

- There will be no pay out of accrued but unused sick leave upon termination, resignation, retirement, or other separation from employment.

City of Philadelphia City Zip Codes Included – In SmartSearch, if the employee is working in “Philadelphia”, mark Personnel subarea as “Philadelphia.” If they live in Philadelphia but do not work in Philadelphia, mark Personnel subarea as “Other Locations”.

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Philadelphia's Paid Sick Time

Promoting Healthy Families and Workplaces

EFFECTIVE MAY 13, 2015



Starting **May 13, 2015** employees who work at least 40 hours a year within the City of Philadelphia limits will be eligible to earn paid/unpaid sick leave.

- Employees are eligible to earn 1 hour of sick time for every 40 hours they work.
- Employers with 10 or more employees are required to provide paid sick leave. Employers with 9 or fewer employees are required to provide unpaid sick leave.
- A maximum of 40 sick time hours may be earned in a calendar year. Accrued sick time may be used after an employee has worked a minimum of 90 days. Accrual begins May 13, 2015 for all current employees.
- Earned sick time can be used for the employee's own health needs, to care for a family member or for leave due to domestic abuse or sexual assault.
- If an employer refuses to provide earned sick time or retaliates against employees for utilizing sick time, the employee can make a formal complaint to the City of Philadelphia's Sick Leave Agency after September 2015.

Bill No. 141026

EMPLOYEES COVERED

- Work in the City of Philadelphia
- Work at least 40 hours a year

EMPLOYEES NOT COVERED

- Independent Contractors
- Seasonal Workers
- Adjunct Professors
- Employees hired for a term of less than 6 months
- Interns
- Pool employees
- Employees covered by collective bargaining agreements
- State and federal employees

EMPLOYER INFORMATION

- Employers with 10 or more employees must provide paid sick leave.
- Large chains with employees who work within the City of Philadelphia limits must provide paid sick leave.
- Employers with 9 or fewer employees must provide unpaid sick leave.

Employers must notify employees that they are entitled to sick time, the amount of sick time and the terms of its legal use.

FOR MORE INFORMATION- SUBMIT QUESTIONS TO: paysickleave@phila.gov