



HIGHLIGHTS OF PHILADELPHIA'S PAID SICK LEAVE LAW

Chapter 9-4100 ET SEQ. Effective May 13, 2015

“Employee” - Any individual employed by an employer who performs work within the geographic boundaries of the City of Philadelphia for at least 40 hours in a year. Excludes independent contractors, seasonal workers, adjunct professors, employees hired for a term of less than six months, interns, pool employees, State and Federal employees, and employees covered by a bona fide collective bargaining agreement.

“Employer” – An employer that employs fewer than ten employees for at least forty weeks in a calendar year shall not be required to provide paid sick time. In determining the number of persons employed, all persons performing work for compensation on a full-time, part-time or temporary basis must be counted. A chain establishment must provide paid sick time regardless of the number of employees in that establishment.

Accrual of Paid Sick Time:

- Employers employing ten or more employees must provide the required paid sick time. Employees not entitled to paid sick time must get unpaid sick time.
- All employees must accrue a minimum of one hour of sick time for every 40 hours worked in Philadelphia. Employees cannot accrue more than 40 hours of sick time in a calendar year, unless the employer selects a higher limit.
- Employees exempt from overtime requirements under federal law (Federal Fair Labor Standards Act) are assumed to work 40 hours each week for purposes of accruing sick time, unless their normal work week is less than 40 hours, in which case sick time accrues based on that normal work week.
- Sick time begins to accrue as of the effective date of this ordinance.
- Employees may use accrued sick time beginning on the 90th calendar day after commencement of their employment. After the 90th day, they can use sick time as it is accrued.
- Sick time is carried over to the following calendar year unless the employer provides at least 40 hours of sick time at the beginning of each calendar year. Employees' use of sick time each year cannot exceed 40 hours unless the employer chooses to allow a higher limit.

- Employers who have a paid leave policy with sufficient time to meet or exceed these accrual requirements, as long as the time can be used for the same allowable purposes, is not required to provide additional sick time.
- This ordinance does not apply to employees covered under a bona fide collective bargaining agreement.
- Employers are not required to provide financial or other reimbursement to employees upon the employee's termination, resignation, retirement, or other separation from employment for accrued sick time that has not been used.
- Employers can, if they wish, loan sick time to an employee in advance of the employee's accruing it.

Use of Paid Sick Time:

- Mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition, need for preventive medical care – either for the employee or a family member.
- Time off due to domestic abuse, sexual assault or stalking, provide the leave is to allow the employee to obtain for themselves or a 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 violence or stalking
 - Legal services including prep for proceedings.
- No written request for time off needed. Oral request sufficient.
- If they know in advance employees must provide notice in advance and make a reasonable effort to schedule use of sick time that does not unduly disrupt the operations of the employer. Employees must notify the employer before the start of the employee's scheduled work hours, or as soon as practicable if the need arises immediately.
- Accrued sick time can be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences.
- If more than two consecutive days, employers may require reasonable documentation. If applicable, documentation signed by a health care professional. For domestic abuse, sexual assault or stalking, documentation signed by a health care professional, police report, a court order, or signed statement from a representative of a victim services organization is required. But the employer may not require that the documentation explain the nature of the illness or the details of the violence.
- Employers cannot require the employee to search for a replacement before taking sick time.

No Retaliation:

- Employers cannot take retaliatory personnel action or discriminate against an employee because the employee has exercised rights protected under this ordinance.
- Employers cannot count time taken in accordance with this ordinance as an absence that may lead to discipline, discharge, demotion, suspension or other adverse action. But employers can take action against an employee who uses sick time for purposes other than for what it is allowed (except good faith mistakes).

- Rebuttable presumption of unlawful retaliation on the part of the employer if the employer discharges, suspends, demotes or takes other adverse action against a person within 90 days of when that person:
 - Files a complaint with the agency designated by the Mayor to enforce this ordinance or a court alleging a violation.
 - Informs any person about the employer's alleged violation of this ordinance
 - Cooperates with the agency designated by the Mayor or others in the investigation or prosecution of any alleged violation of this ordinance or
 - Opposes any policy, practice or act that is unlawful under this ordinance.

Notice and Posting:

- Employers must give employees notice about sick time allowances, etc. and prohibitions against retaliation. The notice must also be part of any employee handbooks.
- Notice must be in English and any language that is the first language spoken by at least 5% of the workforce. Can be a poster.

Employer Records:

- Records documenting hours worked, sick time taken and payment made for the sick time.
- Must retain records for two years. Must allow the Agency designated by the Mayor access to the records with appropriate notice. The presumption is if records are not clear or sufficient that the employer has violated the ordinance.

Regulations and Enforcement:

The Agency designated by the Mayor is authorized to promulgate appropriate guidelines or regulations, and enforce.