



Philadelphia Requires Employers with 10+ Employees to Provide Paid Sick Time

On Feb. 12, 2015, Philadelphia Mayor Michael Nutter signed into law a new chapter in the Philadelphia Code, “Promoting Healthy Families and Workplaces,” that requires employers with 10 or more employees to provide paid sick time to certain workers. The ordinance takes effect 90 days after it becomes law, which would be on or about May 13, 2015.

Under the new law, employees “accrue a minimum of one hour of sick time for every 40 hours worked in Philadelphia.” Although employers may provide as much paid sick time as they would like, they are *required* to provide a maximum of 40 hours per calendar year for each employee who earns it under the new law.

The Philadelphia law contains some exclusions, however. It only applies to employers with 10 or more employees (unless the employer is a “chain establishment”), and it does not require paid sick time for independent contractors, seasonal workers, adjunct professors, employees hired for a term of less than six months, interns, certain health care professionals that work based on their availability, state and federal employees, and employees covered by bona fide collective bargaining agreements.

Covered employers who already offer some form of paid leave may not be affected. For example, if an employer’s policy is to offer at a minimum, one hour of paid leave for every 40 hours worked, up to 40 hours per year, then that is sufficient to meet the requirements of the new law. Such paid leave could include vacation time, short-term disability, floating holidays, parental leave, personal days, or any type of PTO that may be used as sick time.

Employees may use the paid sick time that they have earned at any point after 90 calendar days of working for their employer. Employees may utilize their paid sick time for a variety of reasons, including to care for personal mental or physical illnesses or those of family members. Notably, the law also provides for paid sick time to seek medical attention, victim services, counseling, relocation, or legal services or remedies in conjunction with domestic abuse, sexual assault or stalking.

Retaliation or interference with the rights created by the law is prohibited, and employees can seek administrative and ultimately, judicial relief for an employer's violation of any part of the new law. Damages for such a violation include the full amount of any unpaid sick time to which an employee is entitled, actual damages, liquidated damages up to \$2,000, equitable relief (including reinstatement) and attorneys' fees.

In addition to actually requiring paid sick time, the law also requires employers to keep records related to sick time earned and sick time used, and to provide notice of the new sick time law to employees. Notice may be provided in the form of posters, and must be included in employee handbooks as well.

Ambiguities in the new law may result in confusion as to what it means to work "in Philadelphia." For now, however, employers should review the established provisions of the new law and compare those with their own policies and procedures to assess what changes, if any, to implement before the May 2015 effective date.

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