



Philadelphia Enacts Paid Sick Leave Requirement

Philadelphia has joined 16 cities and three states (California, Connecticut and Massachusetts) to enact a paid sick leave law. Here are the fundamental components of the new law.

Starting May 13, 2015, employers with 10 or more employees in Philadelphia must provide covered employees one hour of *paid* sick leave for every 40 hours worked in Philadelphia, and employers with less than 10 employees in Philadelphia must provide covered employees one hour of *unpaid* sick leave for every 40 hours worked in Philadelphia. Employers who already provide sick pay equal to or exceeding the law's requirements do not need to change their policies. There are separate rules for chain stores.

Employees will start accruing sick leave starting May 12, 2015. They can use accrued sick leave after 90 days of work, up to 40 hours per year for their own illnesses, or those of family members, or to seek support in dealing with domestic violence or sexual assault. Sick time can be used in hourly increments. For sick time of more than two consecutive days, an employer can request reasonable documentation that the sick time is covered by the law, but cannot request further details.

Covered employees can carry over any unused sick leave to the following year, but employers are not required to pay for unused accrued sick leave at the end of employment.

Both part-time and full-time employees are eligible to earn sick leave. The following are not covered: independent contractors; seasonal workers; interns; workers hired for a term of less than 6 months; workers covered by a bona fide collective bargaining agreement; and health care professionals who only work when they indicate that they are available to work.

The law also imposes notice, posting, and record keeping requirements. Employers must notify their employees about their entitlement to sick time, how they accrue and use sick time, that retaliation against employees who use sick time is prohibited and that employees can file suit if the employer wrongfully denies sick time or retaliates against an employee for using sick time. Employers must include this notice in their handbooks, or display a notice poster (to be created by the Mayor's office) if the employer does not have a handbook.

Employers must also document employees' hours worked, sick time used and sick time payments made, and retain these records for two years.

Employers who violate the law will be subject to fines, penalties, and restitution.