

Philadelphia Enacts Paid Sick Leave Ordinance

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On February 12, 2015, after two prior vetoes, Philadelphia Mayor Michael Nutter signed into law the “Promoting Healthy Families and Workplaces” Ordinance. Under the Ordinance, almost all Philadelphia employers will be required to provide employees up to 40 hours of paid sick leave for personal illness, a family member’s health condition, or leave related to domestic violence, sexual assault, or stalking. The Ordinance becomes effective 90 days after signing, on May 13, 2015.

The Ordinance applies to all employers with 10 or more employees and to employees who work at least 40 hours in a year in Philadelphia. Independent contractors, seasonal workers, adjunct professors, temporary employees, interns, pool employees, government employees, and employees covered by a collective bargaining act, are excluded from coverage. However, all of the above-mentioned employees count for determining whether the 10-employee threshold has been met.

For current employees, accrual begins on the effective date of the Ordinance. Employees who become employed after that date begin to accrue paid sick leave at the start of their employment. All covered employees may accrue one hour of sick time for every 40 hours worked, up to 40 total hours of sick leave. Accrued sick leave shall carry over to the following year unless an employer provides 40 hours of sick leave at the beginning of the year. There is no requirement to pay a departing employee his or her accrued, but unused sick time. Employers with a paid time off policy that meets the requirements of the Ordinance need not provide additional paid sick leave.

The Ordinance also imposes recordkeeping and notice requirements. Employers must provide employees with notice of their right to sick leave as well as the amount of sick leave available—which may be provided via employee handbooks or by displaying a poster in a conspicuous and accessible place. In addition, employers must keep records documenting the hours worked and sick time taken by employees, as well as any payments made pursuant to sick leave taken. The Ordinance also prohibits an employer from discriminating or retaliating against an employee who requests paid sick leave. Any violation of the Ordinance may result in civil and administrative penalties and remedies to the aggrieved employee, including lost wages and benefits, injunctive relief, liquidated damages, and attorney’s fees.

With the Ordinance’s passage, Philadelphia becomes the 20th city to enact paid sick leave legislation. Three states, Connecticut, California, and Massachusetts also mandate paid sick leave. Employers are encouraged to review the

Ordinance and consult with an attorney to ensure policies and procedures are in compliance with the Ordinance prior to its effective date.

The full text of the Ordinance may be found [here](#).

2 Min Read

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