

Philadelphia, The City of Brotherly Love, Shows Love To Employees By Finally Enacting Paid Sick Leave

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Joining the ranks of states and local municipalities enacting paid sick leave, the Philadelphia City Council passed the Promoting Healthy Families and Workplaces Ordinance on February 12, 2015, making it the 17th major city to do so. The ordinance, set to take effect on May 13, 2015, came as a result of a hard fought battle dating back to when the bill was first introduced in 2008 and included two vetoes. When passed last week, Philadelphia Mayor Michael Nutter wasted no time signing the legislation into law.

The Philadelphia law, covering full-time, part-time, and some temporary workers working 40 hours a year, requires employers with 10 or more employees to provide one hour of paid sick leave for every 40 hours worked by an employee in the city, for a maximum accrual of 40 hours in a calendar year. Employers with fewer than 10 employees must provide employees with *unpaid* sick leave at the same rate. Employees denied paid sick leave will be entitled to the dollar amount equivalent to the paid sick time withheld, in addition to liquidated damages capped at \$2,000 and attorney's fee for any civil action. Other unspecified penalties may be sought by the city enforcement agency, which has yet to be designated by the Mayor's Office.

As required by the ordinance, Philadelphia employers have just three short months to bring existing yet less generous policies into compliance and notify their employees of the new protections by the May 13, 2015, effective date. Notices can be distributed to employees (in English or other language spoken by at least 5% of the employees) or displayed on a poster to be prepared by the city and must include the amount of paid sick time to which employees are entitled, the terms under which leave can be used, the guarantee against retaliation, and the right to file a complaint regarding violations of the ordinance. An employer's failure to provide such notices is subject to a civil penalty of up to \$100 per offense.

Unlike [New York City's Earned Sick Time Act](#), the Philadelphia law expands permitted uses beyond simply diagnosis, care, or treatment of an existing health condition and preventative care of an employee or a "family member," but also allows use of paid sick time for issues relating to the employee being a victim of domestic violence, sexual assault, or stalking. Also unlike its New York counterpart, which applies to union employees subject to bargaining agreements entered into after its April 2014 effective date absent a waiver to the contrary, employees covered by a "bona fide" collective bargaining agreement are not covered under the Philadelphia ordinance.

Kelley Drye will continue monitoring and updating you on the developments in this area, as enactment efforts are still underway in a number of states and cities across the country. In the meantime, Philadelphia employers and those with operations in multiple jurisdictions should reach

out to Kelley Drye for any questions or guidance on complying with the myriad of laws across jurisdictions. On the federal level, the Healthy Families Act bill was reintroduced in the U.S. Congress, hoping to provide most private-sector employees with up to seven days of paid sick leave per year. Stay tuned.