

## **KNOW YOUR RIGHTS: Philadelphia, PA Paid Sick Time**

### **1) What does the Philadelphia Paid Sick Time law do?**

It gives workers up to 40 hours of sick time a year, which can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care; or to address needs that may arise if the worker or a family member is a victim of domestic violence, a sexual offense, or stalking.

On March 16, 2020, the City released emergency regulations clarifying that sick time under Philadelphia's sick time law can also be used for certain COVID-19 related reasons, including:

- Receiving preventive care or being evaluated for possible COVID-19;
- Self-quarantining for 2 weeks due to symptoms of COVID-19, after returning from travel to a Tier 2 or Tier 3 country (as defined by the Center for Disease Control) with respect to COVID-19, or as the result of having come into close contact with someone who has been diagnosed with COVID-19;
- Caring for a family member whose school, daycare, adult care facility, or other care facility (where care would otherwise be provided for the family member) is closed;
- Remaining at home because their workplace is closed as the result of a requirement by the Governor, the Pennsylvania Secretary of Health, the Mayor, or the Health Commissioner;
- Being unable to report to work because of travel restrictions due to a requirement by the Governor, the Pennsylvania Secretary of Health, the Mayor, or the Health Commissioner; or
- Self-quarantining as a result of the recommendations of a health care professional, the CDC, the Governor, the Pennsylvania Secretary of Health, the Mayor, or the Health Commissioner because the worker or a family member is at greater risk of harm than the general population is the worker or their family member contracts COVID-19.

The emergency regulations went into effect immediately and remain in effect until the local disaster emergency declared by the Mayor in response to COVID-19 is lifted.

Additionally, Philadelphia's City Council amended the City's sick time law to give covered workers (as described in Question #2) public health emergency leave, effective September 17, 2020. Public health emergency leave can be used if the worker is unable to work because they are:

- Subject to a federal, state, or local quarantine or isolation order related to a declared public health emergency;
- Advised by a health care provider to self-quarantine due to concerns related to a declared public health emergency;

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- Experiencing symptoms related to a declared public health emergency and seeking a medical diagnosis;
- Caring for an individual who is 1) subject to a federal, state, or local quarantine or isolation order related to a declared public health emergency, or 2) advised by a health care provider to self-quarantine due to concerns related to a declared public health emergency;
- Caring for their child whose school or place of care has been closed, or whose childcare provider is unavailable, due to precautions taken in accordance with the public health emergency response; or
- Experiencing any other substantially similar condition specified by the U.S. Secretary of Health and Human Services in consultation with the U.S. Secretary of the Treasury and U.S. Secretary of Labor.

Public health emergency leave is available beginning on the date a public health emergency that affects Philadelphia is declared by a federal, state, or local official—or on the date of hire for covered individuals hired while such public health emergency is in effect—until up to 1 month following the conclusion of the emergency. The provisions that create public health emergency leave expire on December 31, 2020.

Furthermore, beginning September 9, 2020, during a pandemic or epidemic affecting Philadelphia (declared by the World Health Organization, the Centers for Disease Control and Prevention, or another recognized public interest health organization), certain healthcare workers who contract the pandemic- or epidemic-related disease will be reimbursed for related medical expenses and regular lost wages for the days they're unable to work. For more information from the City of Philadelphia, click [here](#).

## **2) Am I covered?**

Under Philadelphia's permanent paid sick time law: if you work as an employee in Philadelphia for at least **40 hours** in a calendar year, you are probably covered, whether you are a **full-time or part-time** worker. However, the law does not cover federal and state employees, independent contractors, seasonal workers (hired for a temporary period of not more than 16 weeks a year), adjunct professors, interns (students working for the institution where enrolled), workers hired for a term of less than 6 months, health care professionals who only work when indicating they are available and have no obligation to work when they do not indicate availability, and workers covered by a bona fide collective bargaining agreement.

Additionally, if you **work for a healthcare organization** (including but not limited to a hospital, nursing home, or home healthcare provider), or are a **healthcare "pool employee,"** and you worked for your employer for at least **40 hours** in the three months prior to contracting the pandemic- or epidemic-related disease, you are probably eligible for the pandemic- or epidemic-related wage and medical expense reimbursements mentioned above (see Question #1). Under

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this Philadelphia law, a “pool employee” is defined as a person licensed under Federal or Pennsylvania law to provide medical or emergency services who works only when indicating availability for work and has no obligation to work when the individual doesn't indicate availability, but does *not* include an employee of a temporary placement agency.

Under Philadelphia’s temporary public health emergency leave provisions:

- If you work as an employee in Philadelphia for at least **40 hours** in a year and you are not eligible for leave from your employer or hiring entity under the federal Families First Coronavirus Response Act, you are probably covered, whether you are a **full-time, part-time, or temporary** worker.
- Certain additional workers listed below are also covered, **regardless of whether they are regarded as an employee**, as long as they work in Philadelphia for at least **40 hours** in a year and are not eligible for leave from the employer or hiring entity under the federal Families First Coronavirus Response Act. These workers include:
  - 1) certain individuals who work in a residence to provide: caretaking; housekeeping; cooking; food, butler, car, gardening, laundry, personal organizing, or other domestic services;
  - 2) certain individuals providing services—including as a driver—under a participant directed and agency homecare model;
  - 3) certain individuals that work for a food delivery network that offers food delivery services for compensation using an online-enabled application or platform;
  - 4) individuals that work—including as a driver—for a transportation network company that offers prearranged transportation services for compensation using an online-enabled application or platform, such as an application dispatch system; and
  - 5) certain individuals who work as a health care professional only when indicating availability for work and with no obligation to work when they don’t indicate availability.

**3) How much sick time can I earn under Philadelphia’s permanent paid sick time law and receive under the temporary public health emergency leave provisions?**

Under Philadelphia’s permanent paid sick time law: you earn **1 hour** of sick time for **every 40 hours worked**, up to a maximum of **40 hours** per year. If your workplace has **10 or more workers**, that time must be paid. If your workplace has **fewer than 10 workers**, your sick time may be unpaid—but you can’t be fired or punished for taking it. Certain chain establishments must provide **paid sick time** regardless of the numbers of workers in an establishment.

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During a pandemic or epidemic, healthcare workers and pool employees that contract the pandemic- or epidemic-related disease can seek reimbursement as discussed in Question #1 for as long as the worker is unable to work.

Under temporary public health emergency leave provisions: if you work **40 hours or more per week**, you can take up to **80 hours** of public health emergency leave or the average hours you work over a 14-day period up to **112 hours**, whichever is greater. If you work **less than 40 hours per week**, you can take public health emergency leave equal to the amount of wages received on average in a 14-day period. If your wages or compensation vary from week to week, you can take public health emergency leave equal to the amount of wages received per day over the 6-month period ending on the date the public health emergency was declared, multiplied by 14. Unlike paid sick time under Philadelphia’s permanent paid sick time law, workers do not have to earn—based on hours worked—public health emergency leave.

Under both the permanent paid sick time law and the temporary public health emergency leave provisions, all covered employees are protected against being fired or punished for using or requesting their sick time (including threats, discipline, demotion, reduction in hours, termination, etc.).

**4) What if my work or my child’s school or daycare is closed for a health emergency?**

Under Philadelphia’s permanent paid sick time law: usually, you cannot use your sick time because your work or your child's school or day care is closed unless you would otherwise be able to use your sick time (for example, if you are sick or caring for a sick family member).

However, while the emergency regulations are effective, you can use your sick time when your workplace is closed as the result of a requirement by the Governor, the Pennsylvania Secretary of Health, the Mayor, or the Health Commissioner, or to care for a family member whose school, daycare, adult care facility, or other care facility (where care would otherwise be provided for the family member) is closed.

Under the provisions described above that reimburse health care workers and pool employees for lost wages and medical expenses related to contracting a pandemic- or epidemic-related disease: you are only eligible for reimbursement of wages lost because of your own isolation, treatment, or recovery.

Under temporary public health emergency leave provisions: you can use public health emergency leave to care for your child whose school or place of care has been closed, or whose childcare provider is unavailable, due to precautions taken in accordance with the public health emergency response.

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**5) Which of my family members are covered by the law?**

Under Philadelphia's permanent paid sick time law: you can take sick time to care for yourself or a child, spouse, parent, parent of a spouse, grandchild, grandparent, sibling, spouse of a sibling or grandparent, or a life partner (a long-term committed relationship between two unmarried individuals of the same sex or gender identity who meet certain requirements).

Under the provisions described above that reimburse health care workers and pool employees for lost wages and medical expenses related to contracting a pandemic- or epidemic-related disease: you are only eligible for reimbursement of wages lost because of your own isolation, treatment, or recovery.

Under temporary public health emergency leave provisions: you can take public health emergency leave to care for any individual who is subject to a quarantine or isolation order related to a declared public health emergency, or who is advised by a health care provider to self-quarantine due to concerns related to a declared public health emergency.

**6) What if I already have paid leave or paid time off?**

Under Philadelphia's permanent paid sick time law: if you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time **and** it's **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

Under the temporary public health emergency leave provisions: if you are entitled to leave under the federal Families First Coronavirus Response Act, you are not entitled to public health emergency leave.

**7) When can I begin using my sick time?**

Under Philadelphia's permanent paid sick time law: you start earning sick time immediately but cannot use it until 90 calendar days after the start of your employment.

Under the provisions described above that reimburse health care workers and pool employees for lost wages and medical expenses related to contracting a pandemic- or epidemic-related disease: if you are covered, you are eligible as long as you worked at least 40 hours during the three months prior to contracting the disease.

Under temporary public health emergency leave provisions: you can take leave immediately.

**8) Do I need a doctor's note?**

Under Philadelphia's permanent paid sick time law: usually, an employer can require you to provide reasonable documentation, including a doctor's note, but only after more than 2 consecutive days of absence (and the note does not have to specify your illness). However, while



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the emergency regulations (mentioned under Question #1 above) are effective, you cannot be required to provide a doctor's note for absences due to physical illness, a personal or family member's health condition involving a fever, dry cough, shortness of breath, or other respiratory illness, and/or the COVID-19 purposes covered by the emergency regulations described in Question #1—though other documentation (such as a signed statement from you that you've used your sick time for a covered purpose) may still be required.

Under temporary public health emergency leave provisions: your employer or hiring entity (as defined in the law) may request a self-certified statement that you used public health emergency leave for a covered purpose.

*The Mayor's Office of Labor, Office of Benefits and Wage Compliance is in charge of enforcing this law.*

**All covered workers are protected against being fired or punished for using or requesting sick or safe time.** If you have a problem—or want more information—call A Better Balance's free legal clinic at **1-833-NEED-ABB**.

*Please note that this fact sheet does not represent an exhaustive overview of the paid sick time law described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker's specific circumstances or category of employment.*