

## **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.

*\*Between September 17, 2020 and December 31, 2020, a public health emergency leave law may have provided certain workers with additional sick time rights in relation to COVID-19. For more information, see the expired law [here](#).*

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

**Headquarters**

40 Worth Street, 10<sup>th</sup> Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

**Southern Office**

2301 21<sup>st</sup> Avenue South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

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?**

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 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.

**3) How much sick time can I earn?**

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.

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.

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.).

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

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, of 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.

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

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

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.

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

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.

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

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 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.

*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.*