

## **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 March 29, 2021.\* Public health emergency leave can be used if an employee is unable to work because:

- A public official or public health authority, a health care provider, or an employer has determined that the employee's presence on the job or in the community would jeopardize the health of others because of the employee's exposure to COVID-19 or because the employee is exhibiting symptoms that might jeopardize the health of others, regardless of whether the employee has been diagnosed with COVID-19;

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- They are caring for a family member because a public official or health authority, a health care provider, or the family member's employer has determined that the presence of the family member on the job or in the community would jeopardize the health of others because of the family member's exposure to COVID-19 or a determination by the employer that the employee is a danger to the health of others because they are exhibiting symptoms that might jeopardize the health of others, regardless of whether the family member has been diagnosed with COVID-19;
- They need to: (i) self-isolate and care for themselves because they are diagnosed with COVID-19; (ii) self-isolate and care for themselves because they are experiencing symptoms of COVID-19; (iii) seek or obtain medical diagnosis, care, or treatment if experiencing symptoms of an illness related to COVID-19;
- They are caring for a family member who: (i) is self-isolating due to being diagnosed with COVID-19; (ii) is self-isolating due to experiencing symptoms of COVID-19; (iii) needs medical diagnosis, care, or treatment if experiencing symptoms of an illness related to COVID-19;
- They are caring for a child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to precautions taken in accordance with the public health emergency response;
- They need to obtain immunization (vaccination) related to COVID-19; or
- They need to recover from any injury, disability, illness or condition related to such vaccination.

Public health emergency leave is available beginning on March 29, 2021. The law remains in effect until the [Proclamation of Disaster Emergency](#) of the Governor of Pennsylvania related to the COVID-19 pandemic expires.

*\*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 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

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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.

Under temporary public health emergency leave provisions: if you have worked as an employee for at least **90 days** for an employer who has **50 or more** employees and you work in Philadelphia (for at least 51% of your work time) or normally work in Philadelphia but are currently teleworking, you are probably covered, whether you are a **full-time or part-time** worker. However, the law does not cover federal or state employees.

**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.

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. If you work **less than 40 hours per week**, you can take public health emergency leave up to the amount of time you’re scheduled to work or actually work on average in a 14-day, whichever is greater. If your schedule varies from week to week, you can take public health emergency leave equal to the average number of daily hours you were scheduled to work over the past 90 days of work

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(including hours for which you took leave of any type), 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.

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

Under Philadelphia’s permanent paid sick time law and the temporary public health emergency leave provisions: 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:

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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?**

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 temporary public health emergency leave provisions: public health emergency leave is in addition to all other paid leave benefits offered by an employer, and you cannot be required to use any other paid leave before using public health emergency leave. However, if as of January 1, 2021, your employer provided you with additional paid leave for use during the COVID-19 pandemic that meets the requirements of this law *or* if in 2021 your employer gives you 160 or more hours of paid time off that can be used for the same purposes as public health emergency leave, then you may not be entitled to public health emergency leave. Employers may require that public health emergency leave be used at the same time as paid leave or paid sick time required by federal or state law in relation to COVID-19.

**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 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.



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*Under temporary public health emergency leave provisions:* your employer 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.*