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> SICK LEAVE POLICY

Philadelphia Sick Leave Policy Samples

Below are sample sick leave policies for Philadelphia employers. Included are paid and unpaid policies for all Philadelphia employers. Whether sick leave is paid or unpaid is determined by the business size and business type. The following samples are written in accordance with Philadelphia “Promoting Healthy Families and Workplaces” ordinance, also known as Philadelphia Paid Sick Leave, released in February, 2019.

Select one of the below policies to implement:

- [Philadelphia Paid Sick Leave Policy \(10 or More Employees or Chain Establishments*\)](#)
- [Philadelphia Unpaid Sick Leave Policy \(9 or Fewer Employees\)](#)

Note: *Many aspects of these policies are up to the discretion of the employer and may not be required by law. Before using any of these policies remove the italicized notes (like this note) and any superscript (that appears like this = ¹). These notes are intended for employers and administrators of employers only and should not be included in your policy / employee handbook.*

[1] *"Chain establishment" means an establishment doing business under the same trade name used by 15 or more establishments, regardless of whether the other establishments are in Philadelphia or elsewhere (and regardless of the type of ownership of each individual establishment).*

Philadelphia Paid Sick Leave Policy (10 or More Employees and Chain Establishments)

The Philadelphia “Promoting Healthy Families and Workplaces” ordinance provides paid sick leave to eligible employees under certain circumstances.

Eligibility

All full-time and part-time employees who work 40 or more hours per calendar year are eligible to receive paid sick leave. Temporary employees whose employment terms are more than 6 months are also eligible for paid sick leave.

Note: *All independent contractors, seasonal workers, adjunct professors, employees hired for a term of 6 months or fewer, interns, pool employees, state and federal employees, employees covered by a bona fide collective bargaining agreement are not covered by this law.*

Access and Usage

Employees will be entitled to up to 40 hours of paid sick leave per year.¹

At the commencement of employment, employees in Philadelphia will begin accruing one hour of paid sick leave for every 40 hours worked, up to a cap of 40 hours of paid sick leave per calendar year.²

Exempt employees will be assumed to work 40 hours each work week, unless they are regularly scheduled to work fewer than 40 hours, in which case accrual will be based on their usual schedule.

Employees may carry over up to 40 unused hours of paid sick leave at the end of the calendar year to be used the following year.³

Employees can start taking paid sick leave after working for at least 90 days for their employer. Leave may be taken in hour increments⁴ and employees may not use more than 40 hours of paid sick leave in each calendar year.¹ For leave of more than 2 consecutive days, the company may require reasonable documentation that the paid sick leave is covered by the ordinance.

Company may choose to loan paid sick leave to an employee in advance of its accrual at its discretion.

The company will not retaliate against an employee requesting or using paid sick leave in accordance with this policy, or force an employee to find a replacement worker to cover the employee's sick leave hours.

Reasons for Usage / Purposes of Sick Leave

Employees may take paid sick leave for the following reasons:

- An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
- For the care of a family member for any of the same reasons above
- Absence(s) necessary due to domestic abuse, sexual assault, or stalking, provided the leave is to allow the employee to obtain (for the employee or his or her family member):
 - Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence or stalking;
 - Services from a victim services organization;
 - Psychological or other counseling;
 - Relocation due to the domestic or sexual violence or stalking; or

- Legal services or remedies, including preparing for (or participating in) any legal proceeding related to or resulting from the domestic or sexual violence.
- Employees who use paid sick leave due to domestic abuse, sexual assault, or stalking may take unpaid leave after accrued paid sick leave has expired.

For additional information about this policy, please contact your human resources department.

[1] *Employers may set a higher limit if they wish.*

[2] *Alternatively, employers may frontload at least 40 hours of sick leave at the beginning of each calendar year.*

[3] *Carry over is only allowed if the employer does not front load sick leave at the start of the year.*

[4] *Accrued sick leave may be used in the smaller of: 1) hourly increments; or 2) the smallest increment that the employer's payroll system uses to account for absences or use of other leave.*

Philadelphia Unpaid Sick Leave Policy (9 or Fewer Employees)

The Philadelphia “Promoting Healthy Families and Workplaces” ordinance provides unpaid sick leave to eligible employees under certain circumstances.

Eligibility

All full-time and part-time employees who work 40 or more hours per calendar year are eligible to receive unpaid sick leave.

Note: *All independent contractors, seasonal workers, adjunct professors, employees hired for a term of 6 months or fewer, interns, pool employees, state and federal employees, employees covered by a bona fide collective bargaining agreement are not covered by this law.*

Access and Usage

Employees will be entitled to up to 40 hours of unpaid sick leave per year.¹

At the commencement of employment, employees in Philadelphia will begin accruing one hour of unpaid sick leave for every 40 hours worked, up to a cap of 40 hours of unpaid sick leave per calendar year.²

Exempt employees will be assumed to work 40 hours each work week, unless they are regularly scheduled to work fewer than 40 hours, in which case accrual will be based on their usual schedule.

Employees may carry over up to 40 unused hours of unpaid sick leave at the end of the calendar year to be used the following year.³

Employees can start taking unpaid sick leave after working for at least 90 days for their employer. Leave may be taken in hour increments⁴ and employees may not use more than 40 hours of unpaid sick leave in each calendar year.¹ For leave of more than 2 consecutive days, the company may require reasonable documentation that the unpaid sick leave is covered by the ordinance.

Company may choose to loan unpaid sick leave to an employee in advance of its accrual at its discretion.

The company will not retaliate against an employee requesting or using unpaid sick leave in accordance with this policy, or force an employee to find a replacement worker to cover the employee's sick leave hours.

Reasons for Usage / Purposes of Sick Leave

Employees may take unpaid sick leave for the following reasons:

- An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
- For the care of a family member for any of the same reasons above
- Absence(s) necessary due to domestic abuse, sexual assault, or stalking, provided the leave is to allow the employee to obtain (for the employee or his or her family member):
 - Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence or stalking;
 - Services from a victim services organization;
 - Psychological or other counseling;
 - Relocation due to the domestic or sexual violence or stalking; or
 - Legal services or remedies, including preparing for (or participating in) any legal proceeding related to or resulting from the domestic or sexual violence.

For additional information about this policy, please contact your human resources department.

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This content is provided as a sample and may not be suitable for all situations. This should NOT be considered legal advice or legal opinion. If you use this policy (either "as is" or by modifying it in its original state), you are legally responsible and liable for its contents.

Note that you should always consult experienced counsel for legal advice.