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Philadelphia Issues Employer Poster for New Paid Sick Leave Ordinance and Creates New Agency for Enforcement

By Barbara Rittinger Rigo and Ben Huggett

The Managing Directors Office for the City of Philadelphia has issued the notification poster for employers to use to comply with the new “Promoting Healthy Families and Workplaces” Ordinance. This Ordinance requires certain employers located in the City of Philadelphia to allow their employees to accrue up to 40 hours of sick leave in a year.¹ The poster is one of the primary ways identified in the Ordinance to notify employees of their rights under the new law.

The poster sets forth eligibility requirements for employees and employers in a concise format, but does not note some of the important aspects of the Ordinance, such as the broad definition of “family member.” Interestingly, the poster states that a new “Philadelphia Sick Leave Agency” will be created by September 2015 where employees can file their specific complaints against employers. There is no indication how complaints are to be made or handled prior to September 2015. The poster also identifies an information email box—paidsickleave@phila.gov where employers and employees can submit questions and requests for further information.

The Ordinance goes into effect on May 13, 2015. Current employees will begin accruing sick time under the Ordinance immediately on that date. Employers need to evaluate their existing paid leave policies to determine if they meet or exceed the accrual requirements of the Ordinance and if leave can be taken under the same conditions as required in the Ordinance. Employers that do not currently offer paid sick leave, or whose existing policies do not conform to the requirements of the Ordinance, must be compliant by May 13, 2015.

Now that the poster has been released, employers should also complete their plan to ensure compliance with the notice and posting requirements of the law. The Ordinance mandates that employees be provided written notice that they are entitled to sick time, the amount of sick time, and the terms of its use; that retaliation against employees who request or use sick time is prohibited; and that each employee has the right to file a complaint or bring a civil action if the employer denies the request for sick time or retaliates against the employee for requesting or taking sick time. This information can be provided to employees either by utilizing the City-provided poster or by issuing individual written notice to all employees. Employers are also required to include a compliant paid sick leave policy in any handbook distributed to employees. Fines for a willful violation of the posting requirements are \$100 per occurrence.

¹ See Ben Huggett and Barbara Rittinger Rigo, [Philadelphia Enacts Paid Sick Leave Ordinance for Virtually All Employers](#), Littler ASAP (Feb. 14, 2015).

While there has been some recent action in the Pennsylvania Legislature to overturn paid sick leave laws such as the one passed in Philadelphia, there is no indication that such a bill will pass prior to May 13, or survive a probable veto by the governor. Therefore, all employers should plan for a May 13, 2015 implementation absent final legislative action.

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