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Paid Sick Leave Guidance – Seasonal and Temporary Employee
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On February 12, 2015, Mayor Nutter signed the Promoting Healthy Families and Workplaces: Paid Sick Leave Ordinance. As of May 13, 2015 the ordinance went into effect, and employees began accruing sick leave. Under the Paid Sick Leave law, companies with ten or more employees must provide 1 hour of paid sick leave for every 40 hours worked within the City of Philadelphia boundaries, up to a maximum of 40 hours per calendar year of paid sick leave to employees (any chain establishment must provide paid sick leave regardless of the employee count.). Employers may also choose to allow employees to earn sick leave at a rate more generous than the required minimum rate. Beginning on August 11, 2015, employees can start using accrued paid sick leave, provided they have been employed for ninety calendar days.

The purpose of this guidance is to define who qualifies as a seasonal worker. The Guidance also serves to outline the criteria that will be evaluated in determining who qualifies as a temporary employee.

Seasonal Worker Guidance

- **Seasonal Workers** are not included in the Law's definition of employees who qualify for paid and unpaid sick leave. Seasonal workers are not eligible for this benefit under the Paid Sick Leave Law.
- **As Defined by the Paid Sick Leave Law:** *"Seasonal worker" means a person who has been hired for a temporary period of not more than sixteen weeks during a calendar year.*

Temporary Employee Guidance

Temporary Employees whose employment terms are more than six months are eligible to accrue paid sick leave. The worker does not qualify for Paid Sick Leave benefits under the law if the contractual term of his or her assignment is 6 months or less. The employer of record is responsible for accounting for the employee's paid sick time. The following instances below, independently or collectively will be considered when determining who the employer of record is.

- Who provides benefits

- Who signs the paycheck
- Who issues the 1099
- Who issues the W2
- Who is the legal custodian of the employee personnel and payroll records

Regulations will be available in the Fall of 2015. Until then, employers should follow the paid Sick Leave Ordinance and published guidance issued by the Managing Director of the City of Philadelphia.