



**KISTLER TIFFANY
BENEFITS**

Philadelphia City Ordinance Requires Unpaid Leave for Victims of Domestic or Sexual Violence

The City of Philadelphia has enacted an ordinance requiring that employers provide up to eight weeks of unpaid leave annually to victims of domestic abuse, sexual assault, or stalking. All employers within the City of Philadelphia are required to comply and post a notice regarding the new leave entitlement. An employer with 50 or more employees must provide eight workweeks of unpaid leave during any 12-month period. The domestic violence leave runs concurrently with any leave under the Family and Medical Leave Act (FMLA) if the leave is taken for qualifying reasons under both statutes. If both leaves apply, the total amount of leave an employee may take is 12 weeks. An employer with fewer than 50 employees must provide four workweeks of unpaid leave during any 12-month period. Employers are barred from interfering with an employee's rights under the law.

Reasons for Leave

Under the ordinance, Philadelphia employers are obligated to provide unpaid leave to an employee who is a victim of domestic or sexual violence, or has a family or household member who is a victim of domestic or sexual violence, to enable the employee to do any of the following for themselves or for the family member:

- Seek medical attention or recover from physical or psychological injuries
- Obtain help from an organization that provides services to domestic or sexual violence victims
- Obtain counseling or therapy
- Take action to prevent future domestic or sexual violence or seek "economic security" related to the domestic or sexual violence, such as making safety plans or relocating
- Seek legal assistance, including preparing for or participating in any civil or criminal legal proceeding, relating to the domestic or sexual violence

Leave may be taken in continuous blocks of time or intermittently.

Notice and Certification

Employees must provide the employer with at least 48 hours advance notice of the need for leave when practicable. Employers may require certification that the employee or family or household member is a victim of domestic or sexual violence and the purpose of the leave. Certification may be provided by: documentation from an employee, agent or volunteer of a victims services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing the violence or its effects; a police or court record; or "other corroborating evidence." All such documentation must be kept confidential.

Paid Leave, Health Coverage, Seniority and Job Restoration

Employers may substitute paid leave time for some or all of their leave. An employer must continue the health benefits of the employee and his or her family or household members during the leave on the same terms as if the employee were not on leave. If the employee does not return to work after the leave for reasons other than the continuation, recurrence or onset of domestic or sexual violence which triggered the need for leave, the employer may recover the premium paid for maintaining health coverage. Employers are not required to continue to accrue any seniority or employment benefits for employees who are on leave. Upon return from leave, employers must reinstate the employee to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment.

The Philadelphia Domestic Violence Leave Poster, which must be posted in a conspicuous place, is available in the KTB HR Services Library under the Benefits section.