

Employment Discrimination

PHILADELPHIA COMMISSION ON HUMAN RELATIONS

EMPLOYMENT DISCRIMINATION IS AGAINST THE LAW

KNOW YOUR CIVIL RIGHTS

It is illegal to discriminate against anyone in hiring, firing, obtaining tenure, job benefits, union membership and privileges, job referrals, interviews, and applications because of:

Race	Age	Familial Status
Ethnicity	Religion	Domestic/Sexual Violence
Color	National Origin	Victim Status
Sex	Ancestry	Genetic Information
Sexual Orientation	Disability	Retaliation
Gender Identity	Marital Status	

THE PHILADELPHIA COMMISSION ON HUMAN RELATIONS

Phone: (215) 686-4670

Email: pchr@phila.gov

The Curtis Center
601 Walnut Street, Suite 300 South
Philadelphia, PA 19106
www.phila.gov/humanrelations

Domestic Violence

Know Your Civil Rights

Philadelphia Commission on Human Relations

Your Rights to

Unpaid Leave Due to Domestic or Sexual Violence

In the City of Philadelphia, if you, or a family or household member, have been the victim of domestic violence, sexual assault or stalking you may be entitled to take certain amounts of unpaid leave from work under an ordinance called "Entitlement to Leave Due to Domestic or Sexual Violence."

Reasons for Taking Leave

- You may take leave to do any of the following for yourself or your household or family member:
- Seek medical attention for physical or psychological injuries;
 - Obtain help from an organization that provides services to domestic or sexual violence victims;
 - Obtain counseling or therapy;
 - Make safety plans, including possibly relocating to increase safety;
 - Seek legal assistance.

Advance Notice and Certification

- You must provide your employer with at least 48-hours notice of the leave unless it is not practicable for you to do so.
- Your employer can require you to provide a certification of the domestic or sexual violence and the reason that you must take the leave.

Job Benefits and Protection

- You may take up to 8 workweeks of leave in a 12-month period if you work for an employer who employs 50 or more employees.
- You may take up to 4 workweeks of leave in a 12-month period if you work for an employer who employs fewer than 50 employees.
- This leave, when added to any leave you have taken under the Family and Medical Leave Act (FMLA), cannot be more than the 12 weeks in a 12-month period provided under the FMLA.
- You may take this leave intermittently or on a reduced work schedule.
- You may use any paid leave available under your employer's policies during this leave, but it will not increase the amount of leave you can take.

- You are entitled to maintain all benefits accrued prior to taking the leave.
- For the duration of your leave, your employer must continue the health benefits for you and your family or household members on the same terms as if you were not on leave; you must continue to pay your share of the cost.
- Upon return from leave, you must be restored to your original position or an equivalent position with equivalent benefits, pay and other terms and conditions of employment.
- All information provided by you to your employer pursuant to the law must be kept confidential.

Unlawful Acts by Employers

You may file a complaint against your employer if your employer refuses to grant you leave or retaliates against you for taking or requesting to take leave.

Enforcement and Add'l Information

To file a complaint or for more information, contact:

The Philadelphia Commission on Human Relations
The Curtis Center, 601 Walnut Street,
Suite 300 South
Philadelphia, PA 19106
Phone: 215-686-4670
TTY: 215-686-3238
e-mail: faqpchr@phila.gov
www.phila.gov/humanrelations

This official notice must be posted wherever employees are performing work.

Paid Sick Time

Promoting Healthy Families and Workplaces

Chapter 9-4100
Effective May 13 2015

Requires Paid or Unpaid Leave

Examples of violations include:

- Denied use of paid or unpaid sick leave;
- Not tracking accrual of sick leave;
- Not notifying employees of this benefit;
- Not allowing to carry over sick leave each year;
- Requiring a note for two days or less;
- Not accepting a reasonable note;
- Requiring a worker to find coverage;
- Requiring a worker to make up hours;
- And not allowing sick leave for sexual assault or domestic abuse.

Employees exempted from this law:

- Hired to work 6 months or less
- Hired for a 16 week period/ seasonal worker
- Independent contractor/ 1099 tax form
- Covered by a collective bargaining agreement
- Adjunct professor
- Pool employee or Per Diem
- Student intern

If you believe you have been misclassified contact our office.

Employer requirements:

Employees will earn 1 hour of sick leave for every 40 hours of work, which may be limited to 40 hours each year.

The employer will keep records of sick leave accrual and use for all employees for **2 years**.

The employer will notify all employees of their right to this benefit.

The employer will provide **unpaid** sick leave for 9 or less employees.

The employer will provide **paid** sick leave for 10 or more employees at the regular rate of pay.

The employer will allow unused sick leave time to carry over from one year to the next year or front load.

The employer will provide earned unpaid sick leave once the employee has exhausted paid sick leave.

Retaliation is prohibited under this law.



The Office of Benefits and Wage Compliance
215.686.0802
paidicksickleave@phila.gov

Employers
Request compliance assistance by contacting the Office of Benefits and Wage Compliance

Employees
File a complaint by contacting the Office of Benefits and Wage Compliance

Wage Theft

Wage Theft

Chapter 9-4300
Effective July 1 2016

Provides Protection Against Wage Theft

Examples of Wage Theft include:

- Failure to pay overtime
- Failure to pay minimum wage
- Failure to pay all hours worked
- Failure to pay benefits
- Failure to pay amount promised
- Work off the clock
- Wrongful tip deductions
- Wrongful pay deduction

Employer requirements:

- The employer must pay all compensation to all employees.
- The employer will inform each employee of their rights under this law.
- The employer will include this information in any employee handbook.
- The employer will keep records of hours worked and/or records of compensation provided to all employees.

File a complaint with our office if:

- The complaint is filed within 3 years of when wage theft occurred
- The Wage Theft occurred within city limits.
- The amount of stolen wages is more than \$100 and less than \$10,000
- Or file a lawsuit in court.

Retaliation is prohibited under this law.



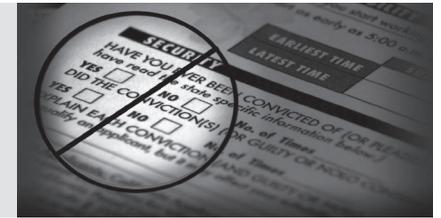
The Office of Benefits and Wage Compliance
215.686.0802
wagetheft@phila.gov

Employers
Request compliance assistance by contacting the Office of Benefits and Wage Compliance

Employees
File a complaint by contacting the Office of Benefits and Wage Compliance

Fair Chance

PHILADELPHIA'S FAIR CHANCE HIRING LAW



ENSURING PEOPLE WITH CRIMINAL RECORDS HAVE A FAIR CHANCE TO WORK

Starting March 14, 2016, stronger protections under the City's "Ban the Box" law go into effect.

It is illegal in Philadelphia for employers* to ask about your criminal background during the job application process.

This means that:

Employers **cannot** ask about your criminal background on job applications or during any job interview.

Employers can run your criminal background check ONLY AFTER a **conditional offer of employment** is made (final hiring depends on the results of your background check).

- Criminal convictions can be considered ONLY if they occurred less than 7 years from when you apply (not counting time of incarceration).
- Arrests that did not lead to conviction cannot be used in employment decisions.

If your background check reveals a conviction, the employer must consider:

- The type of offense and the time that has passed since it occurred;
- Its connection to the job you are applying for; and
- Your job history, character references, and any evidence of rehabilitation.

Employers can reject you based on your criminal record ONLY if you pose an unacceptable risk to the business or to other people.

If you are rejected, the employer must send the decision to you in writing with a copy of the background report used to make the decision.

- You have 10 days to give an explanation of your record, proof that it is wrong, or proof of rehabilitation.

WE CAN HELP!

If you believe an employer has violated the law, you can file a complaint with the PCHR.

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Philadelphia, PA 19106
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email: pchr@phila.gov
www.phila.gov/humanrelations

*Some employers are exempt.

Pregnancy Accommodation

PROTECTING PREGNANT EMPLOYEES is a matter of *law* in Philadelphia!!!

As of January 2014, the Fair Practices Ordinance requires reasonable workplace adjustments so YOU can do your job.

PREGNANT?

RECOVERING FROM CHILDBIRTH?

HAVE RELATED MEDICAL CONDITIONS?

It's your **RIGHT** to ask for . . .

Bathroom breaks

Rest breaks

Help with manual labor or lifting items

Changes to your work environment

OR
Unpaid medical leave

without penalty

Questions? Concerns?
Contact us!



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