

Philadelphia City Council Extends COVID-19 Leave Until December 2023

At the same time as Philadelphia and other governmental units are lifting COVID-19 restrictions, the Philadelphia City Council recently voted to extend special COVID-19 sick leave protection for another 20 months. On March 3, 2022, Council amended Philadelphia's Public Health Emergency Leave Ordinance and created a specific COVID-19 sick leave protection.

Employers with more than 25 employees must provide 40 hours of paid sick time specifically for COVID-19 related issues. Covered employees include those working within Philadelphia, as well as individuals teleworking from another location as a result of COVID-19. The leave is no longer connected to a public health emergency declaration. However, employers that provide at least 120 hours of paid time off will not be required to provide the additional 40 hours of paid time off if the existing paid time off may be utilized for COVID-19-related absences in the same manner as prescribed in the ordinance.

The leave is available immediately and may be utilized by an employee regardless of tenure with the employer. The leave is in addition to other leave provided by an employer and an employer may not require an employee to use other paid leave before using this special COVID-19 leave entitlement.

Unlike the prior ordinance, leave is now available if an employee has tested positive for COVID-19. The ordinance does not provide any guidance as to what testing regimen is required to satisfy the positive test requirement. Presumably, a home administered nasal swab would be sufficient to allow employees to receive paid leave. Additionally, leave must be available to care for a family member or child, if the child's school is closed, to provide time off for immunization, including boosters, or to recover from a "side effect" related to vaccination.

If you have any questions about compliance with this new law, please contact a member of our team.



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