

Alert

September 17, 2020



Philadelphia Mandates Two Weeks of Paid Sick Leave for Workers Impacted by COVID-19

Continuing a national trend that has seen many cities and municipalities enact strong worker-protection laws, Philadelphia's City Council has passed a sweeping new ordinance that makes two weeks of paid sick leave available to thousands of Philadelphia workers impacted by COVID-19. The ordinance applies to workers, including part-time workers, who were not covered by the paid leave requirements of the federal Families First Coronavirus Response Act (FFCRA), including employees of companies with 500 or more employees; employees of medical practices, hospitals, nursing homes, and other health care workers; first responders; employees of small companies with fewer than 50 employees; domestic service workers, including home health care workers, home companions, and housekeepers; and many gig-economy workers and contractors, including drivers for app-based services.

This "Public Health Emergency Leave" will allow workers to stay at home with pay for up to two weeks for the following reasons: to self-quarantine due to a government quarantine or isolation order or pursuant to a doctor's advice; where a worker shows symptoms of COVID-19; to care for a sick or quarantining member of the employee's household; or to stay home with a child when child care facilities or schools are closed due to COVID-19. An employer must also continue an employee's health insurance benefits while the employee is using Public Health Emergency Leave.

The ordinance contains a number of exceptions. For example, it provides that employees who can telework successfully despite dealing with one of the qualifying conditions are not required to be given Public Health Emergency Leave. Also, employees who already receive 10 days of paid sick leave or PTO time that can be used for the same reasons under their employer's existing policies are not eligible for additional leave. Supporters of the measure note it will provide much-needed income security for health care and other essential workers on the front lines of battling the pandemic whose jobs require in-person work, but were excluded from coverage by the FFCRA. Many in the business community assert that the cost of providing this benefit will be particularly devastating for small businesses, especially those that have already been hit hard by business downturns in connection with the pandemic.

The ordinance also has a posting requirement, which includes providing notice of the ordinance's benefits to remote workers through email and website postings.

Philadelphia Mayor James Kenney is expected to sign the measure into law in a matter of days. The public health emergency leave benefit is only in effect through the end of this year and will sunset on December 31, 2020. Impacted businesses with operations in the city of Philadelphia should take steps now to prepare for this new benefit requirement.



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