



## **Philadelphia Council Proposes Sweeping Public Health Emergency Leave Law In Wake Of COVID-19**

Insights

5.07.20

Late last week, three Philadelphia city councilmembers introduced a bill seeking to permanently amend the city's mandatory paid sick leave law, "Promoting Healthy Families and Workplaces." As proposed, the bill would provide a significant increase in benefits to a much larger group of workers when faced with a public health emergency.

The bill would provide 112 hours (or 14 days—the recommended quarantine time for people potentially exposed to COVID-19) of public health emergency leave, which could be used for: 1) obtaining medical care, including preventive care, for the individual or a family member; 2) engaging in isolation or quarantine due to a variety of circumstances; 3) to care for a family member who is remaining home due to quarantine or closure of a care facility; 4) not reporting to work due to an order closing businesses; 5) not reporting to work due to an employer's discretionary closure of a business; 6) not reporting to work due to an order restricting travel; and 7) to care for a family member who is remaining home as a result of an order.

The bill would allow for use of the leave up to one month following the conclusion of the public health emergency. Further, it provides replenishment of an additional 112 hours of leave for each health emergency, including a second health emergency based on the same health concern if more than one month after the first health emergency officially ended.

The sweeping expansion would apply to all employers, regardless of size, including those with fewer than 10 employees. The bill would also apply to gig economy workers by establishing a portable benefits system for those workers performing work for multiple employers. In the interim, a mathematical formula would be used to determine how many hours are required by each employer. The proposal also includes a retroactivity provision that would allow the use of the paid leave for employees separated after the public health emergency is declared but before the bill goes into effect (and who are not eligible for unemployment compensation).

Notably absent are any exceptions for healthcare workers or other essential personnel to assist employers in managing multiple requests for leave at the same time. Further, there is no funding by the city. The proposal comes after the city issued emergency regulations of the current law on March 16, 2020 that provides application of the current 40 hours of paid sick time provided to the current pandemic situation.

As drafted, the proposed bill would provide unprecedented benefits to workers in Philadelphia. While we doubt the bill in its current form is likely to survive, employers in Philadelphia should pay attention as an expansion of the current ordinance is certainly possible.

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