

Philadelphia Enacts COVID-19 Paid Sick Leave

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April 1, 2021

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Philadelphia has joined a growing [list](#) of [localities](#) to require employers to provide employees paid COVID-19-related sick leave.

When the federal [Families First Coronavirus Response Act](#) (FFCRA) expired on December 31, 2020, many employees lost guaranteed paid COVID-19-related leave. As of March 29, 2021, employers with employees working in Philadelphia must provide them paid COVID-19-related sick leave.

The new 2021 [Public Health Emergency Leave](#) (PHEL) amends and expands Philadelphia's previous COVID-19 paid leave ordinance that had expired on December 31, 2020. The amended PHEL ordinance is similar to the FFCRA, minus the tax credits, and expands existing paid sick leave requirements by mandating Philadelphia businesses with at least 50 employees provide additional paid time off to employees who have worked for the business at least 90 days.

PHEL leave is available immediately for qualifying employees. To qualify for PHEL leave, an employee must satisfy one of the following location-based requirements:

- i. Work within Philadelphia;
- ii. Normally work for an employer in Philadelphia but is currently teleworking due to the pandemic; or
- iii. Work for an employer from multiple locations with 51% or more of their time spent working within Philadelphia.

Under the PHEL, qualifying employees who work at least 40 hours a week are entitled to up to 80 hours of leave; while those working up to 40 hours per week are provided paid leave in an amount equal to the average amount of time the employee works in a 14-day period. For employees with changing schedules, leave time is calculated as the average number of hours the employee was scheduled to work over the past 90 days multiplied by 14.

Like the FFCRA, qualifying employees are eligible for PHEL if they are:

- i. Caring for themselves or a family member diagnosed with, exposed to, or showing symptoms of COVID-19, regardless of a diagnosis;
- ii. Caring for themselves or a family member isolating due to a public quarantine order or advised to self-quarantine by a healthcare provider due to COVID-19-related concerns;
- iii. Caring for a child whose school or place of care has closed, or whose childcare provider is unavailable, due to COVID-19; or
- iv. Obtaining or recovering from a COVID-19 vaccine.

Covered employers are required to provide notice to employees of eligibility for leave under the ordinance.

Further, covered employers are prohibited from retaliating against employees for utilizing PHEL, and aggrieved employees have the right to file a civil action against an employer for an alleged violation of the ordinance.

Finally, the ordinance contains a sunset provision providing that the ordinance “shall expire upon the expiration of the Proclamation of Disaster Emergency of the Governor of Pennsylvania related to the COVID-19 pandemic.”

Employers with workers in Philadelphia should evaluate COVID-19-related leave requests under PHEL.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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