

Public Health Emergency Leave Bill FAQ

While the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief and Economic Security (CARES) Act create some emergency sick time provisions for workers, many essential workers have been left out.

Councilmember Brooks' [Public Health Emergency Leave Bill](#) (No. 200303) will:

- Cover workers exempt or excluded from FFCRA benefits including:
 - Covered individuals of businesses with 500 or more workers;
 - healthcare workers;
 - domestic workers; and
 - gig economy workers
- Provide typical pay during a 14-day time period, up to 112 hours during the two-week span.
- Provide full pay for workers who need to stay home
- Provide paid sick time immediately

How will expanded paid sick leave help essential workers in Philadelphia?

The ordinance requires a hiring entity to provide emergency public health emergency leave to workers through the end of the year (Dec. 31, 2020). This benefit only applies to those hiring entities that are not covered under the FFCRA.

How many sick days will be provided for part time workers?

A worker will be provided their typical pay during a 14-day time period, up to 112 hours during a two-week span. An individual who works for more than one hiring entity is entitled to pay that is typical during a 14-day time period, separately, from each individual hiring entity.

Is this a new paid sick leave law?

No. The public health emergency leave bill amends Philadelphia's already-existing paid sick leave law ([Chapter 9-4100 of the Philadelphia Code, "Promoting Healthy Families and Workplaces"](#)) by adding additional language specifically for instances of public health emergencies and disasters through the end of 2020.

Who is covered? Who is considered a covered individual?

A covered individual during a declared public health emergency is defined as anyone who performs work for a hiring entity while physically present within the geographic boundaries of the City for at least 40 hours in a year.

Does this sick time have to be accrued? Can I get access to leave if I was recently hired?

Sick time does not need to be accrued since we are currently under a declared public health emergency. Covered individuals who have worked 40 hours or more in the City over the course of the year can access Public Health Emergency Leave immediately.

Would workers covered under a collective bargaining agreement be able to use Public Health Emergency Leave?

Unionized workers covered by a collective bargaining agreement may be exempt if waiver of benefit is explicit; the agreement provides a comparable paid leave benefit; and the agreement is in effect contractually.

When can a covered individual use Public Health Emergency Leave?

Public Health Emergency Leave allows a covered individual to take time off when that person is:

- (a) subject to a quarantine or isolation order related to COVID-19; or
- (b) advised by a healthcare provider to self-quarantine; or
- (c) experiencing symptoms related to COVID-19 and seeking a medical diagnosis;
or
- (d) caring for an individual who is subject to an order as described in subsection (a) or has been advised as described in subsection (b); or
- (e) caring for a child the child's school or place of care has been closed, or the childcare provider is unavailable;
- (f) experiencing any other substantially similar condition specified by the United States Secretary of Health and Human Services

Why are the federal emergency paid sick time under FFCRA and the CARES Act not enough to protect essential workers who need to take time off?

Many employers are not required to provide paid sick leave under the federal provisions.

The federal law does not cover anyone working at still-open businesses with more than 500 employees. Many of these workers have had to use their regular paid sick time, or to take unpaid sick time, when they fall ill or need to care for a family member. This bill would provide them access to public health emergency leave, which will ensure they are paid while at home.

Healthcare Providers and Emergency Responders are not covered.

Under the FFCRA and CARES Act, employers can choose to exempt “employees who are health care providers or emergency responders” from both paid sick days and paid child care leave requirements, a category that the Department of Labor defined broadly to include not only health care providers, but also virtually anyone else who works in any health care facility—from janitorial staff to cafeteria workers.¹

¹ See [29 CFR 826](#); see also

<https://www.americanprogress.org/issues/economy/news/2020/04/17/483287/coronavirus-paid-leave-exemptions-exclude-millions-workers-coverage/>