File #: 220813, **Version:** 0

Amending Bill No. 220051-A, entitled "An Ordinance amending Section 9-4116 of The Philadelphia Code, entitled '2021 Public Health Emergency Leave,' to establish additional leave time under certain circumstance, modify existing provisions concerning the paid sick leave, and make technical changes, all under certain terms and conditions," to clarify the modifications to The Philadelphia Code intended to be made by the Bill, and make technical changes; all under certain terms and conditions.

Whereas, on January 27, 2022 Bill No. 220051 (the "Bill") was introduced and proposed, in part, amending the definition of "employer" in subsection (1)(a) of Section 9-4116 of The Philadelphia Code, to regulate all employers in Philadelphia who employ ten (10) or more employees; and

Whereas, the Bill was amended on subsequent occasions in numerous respects, and it was Council's intent to modify the definition of employer to regulate those employers who employ twenty-five (25) or more employees; and

Whereas, errors in signaling changes being made to the Code both in the original Bill, with respect to the definition of the term "employee;" and in an amendment to the Bill, with respect to the definition of "employer," did not properly reflect additions and deletions being proposed to the Code consistent with Section 1-105 of the Code or the explanations provided on the Bill and amendment, respectively; and

Whereas, it is Council's desire to correct these errors; and now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1: Bill No. 220051-A (approved March 9, 2022), entitled "An Ordinance Amending Section 9-4116 of The Philadelphia Code, entitled '2021 Public Health Emergency Leave,' to establish additional leave time under certain circumstance, modify existing provisions concerning the paid sick leave, and make technical changes, all under certain terms and conditions," is hereby amended to read as follows (additions to the Bill in **bold**; deletions from the Bill in ~~strike through~~):

Section 1. Chapter 9-4100 of The Philadelphia Code is hereby amended as follows:

CHAPTER 9-4100. PROMOTING HEALTHY FAMILIES AND WORKPLACES

* * *

§ 9-4116. [2021 Public Health Emergency Leave.] *COVID-19 Leave.*

(1) Definitions. For the purposes of this Section 9-4116 the following definitions shall apply in place of any definition provided under Section 9-4103:

(a) "COVID-19" is SARS-CoV-2 and any of its variants.

[(a)] *(b)* "Employer" is as defined in the Act of January 17, 1968, P.L. 11, No. 5, § 3 (43 P.S. § 333.103(g), excluding employers who employ less than **[fifty (50)]** ~~twenty-five (25)~~ ***twenty-five (25)*** employees.

[(b)] *(c)* ~~Employee" is an individual (i) working for that Employer within Philadelphia after the effective date of this Ordinance, (ii) who normally works for that Employer within the City of Philadelphia but is currently teleworking from any other location as a result of COVID-19, or (iii) works for that Employer from multiple locations or from mobile locations, provided that 51% or more of such employee's time is present within the City of Philadelphia.~~

"Employee" is an individual [that has worked for a given employer for ninety (90) or more days and (.1) who works within Philadelphia,] ***(.1) working for an Employer within Philadelphia after March 9, 2022,*** **(.2) who normally works for [a given employer]** ***an Employer*** **within the City of Philadelphia but is currently teleworking from any other location as a result of COVID-19, or (.3) who works for [a given employer]** ***an Employer*** **from multiple locations or from mobile locations, provided that 51% or more of such employee's work time [is spent]** ***takes place*** **within the City of Philadelphia.**

* * *

SECTION 2: Section 1 of this Ordinance shall be retroactive to March 9, 2022.

powered by Legistar™