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CORONAVIRUS MEASURES BY NEW JERSEY & PHILADELPHIA TRIGGER PAID LEAVE LAWS

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By Jennifer Platzkere Snyder & Ben Teris

Recent actions by the State of New Jersey and City of Philadelphia to close businesses and schools to combat the novel coronavirus (COVID-19) will allow eligible employees to take paid leave under the paid sick leave laws of the respective jurisdictions. This Alert provides information for New Jersey and Philadelphia employers on their obligations with respect to same and considerations as we all grapple with the unpredictable challenges that the worldwide pandemic is creating.

New Jersey

On March 16, 2020, New Jersey Governor Phil Murphy issued an [order](#), which, among other things, temporarily closed all public and private schools in the State and various businesses, including, “casinos, racetracks, gyms, fitness centers, movie theaters, performing arts centers, other concert venues, nightclubs, and other entertainment centers.”

Pursuant to the New Jersey Earned Sick Leave Law, which was enacted in 2018, employers must allow eligible employees affected by the order to take paid leave. Specifically, the Earned Sick Leave Law permits employees to take leave when:

- A public official orders the closure due to an epidemic or other public health emergency of:
 - An employee’s workplace, or
 - The school or place of care of an employee’s child; or
- A public health authority issues a determination that the presence in the community of the employee – or a member of the employee’s family in need of care by the employee – would jeopardize the health of others.

Philadelphia



E-ALERT

On March 16, 2020, the City of Philadelphia temporarily shuttered all [nonessential businesses](#). City schools had previously been ordered closed. In addition to closing nonessential businesses, the City also expanded its paid sick leave ordinance to allow employees affected by such closures to take paid leave.

Specifically, the “City’s [‘Promoting Healthy Families and Workplaces Act,’](#) . . . has been expanded so that covered workers can use their paid sick leave for COVID-19 related business closures, quarantine, and to stay home with their children during school closures without fear of retaliation.”

Additionally, the portion of the City’s [Fair Workweek law](#), concerning predictability pay, which was set to take effect on April 1, 2020, has been suspended until further notice. Employers still must comply with other portions of the law.

Takeaways

All businesses are working quickly to grapple with the implications of the COVID-19 pandemic, with new developments occurring daily. We highly suggest reviewing all of your paid time off and leave policies to assess your current and future obligations, including how employees earn time and when payment for earned time will need to be issued. Employers with unions should review their collective bargaining agreements, as many contain language imposing employer obligations in the event of workforce reductions affect bargaining unit employees. We are available to help you analyze and address all of the new legal issues your organization is facing, including how these paid sick leave obligations along with other leave benefits may apply.

For Further Information

If you have questions about this Alert or other coronavirus preparedness steps your business should take, please contact [Jennifer Platzkere Snyder](#), [Benjamin Teris](#), or any other member of our [Labor & Employment Group](#).