COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE ON PUBLIC HEALTH AND

HUMAN SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, November 25, 2024
3:40 p.m.

PRESENT:

COUNCILWOMAN NINA AHMAD, JR., CHAIR
COUNCILWOMAN QUETCY M. LOZADA, VICE-CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN MIKE DRISCOLL
COUNCILMAN ISAIAH THOMAS

BILL: 240932

- - -

THE CLERK: Good afternoon. The Public Health hearing that was originally scheduled at 1:00 p.m. has been moved to 3:30 p.m. Thank you for your understanding.

(Recess.)

COUNCILWOMAN AHMAD: Good afternoon, everyone. Welcome to Philadelphia City Council's Committee on Public Health and Human Services. I now note that the hour has come.

Mr. Sham, would you please call the roll.

THE CLERK: Councilmember O'Rourke.

(No response.)

THE CLERK: Councilmember Landau.

(No response.)

THE CLERK: Councilmember Bass.

COUNCILWOMAN BASS:

Present.

THE CLERK:

Councilmember Driscoll.

COUNCILMAN DRISCOLL:

Present.

THE CLERK:

Councilmember Thomas.

COUNCILWOMAN LOZADA:

Present.

COUNCILWOMAN AHMAD:

Thomas.

COUNCILWOMAN LOZADA:

Oh, sorry.

THE CLERK: Vice-Chair

Lozada.

COUNCILWOMAN LOZADA:

Present.

THE CLERK: Chair Ahmad.

COUNCILWOMAN AHMAD:

Present. Thank you, Mr. Sham.

Joining us also will be

Councilmember Squil -- not yet.

Okay. I note for the record that a

quorum of this Committee is present and the hearing is called to order. This is a public hearing of the Committee on Public Health and Human Services considering testimony on Bill No. 240932.

Before we begin, do any of my colleagues have any opening remarks?

(No response.)

COUNCILWOMAN AHMAD: No? Going once, twice. All right.

Mr. Sham, there are no comments. Would you please read the title of the first bill.

THE CLERK: Bill No. 240932, amending Chapter 9-4100 of The Philadelphia Code, entitled "Promoting Healthy Families and Workplace," to modify the manner in which certain leave benefits are administered during a pandemic or epidemic and making technical changes, all under certain terms

and conditions.

COUNCILWOMAN AHMAD: Okay. Clerk, will you please call up the first witness to testify on this bill.

THE CLERK: The first witness to testify is Ben Hartung, Public Policy Advisor of the Philadelphia Department of Public Health.

(Witness approached Witness table.)

COUNCILWOMAN AHMAD: Please state your name for the record and proceed with your testimony.

MR. HARTUNG: Thank you. My name is Ben Hartung and I'm the Public Policy Advisor with the Philadelphia Department of Public Health. Good afternoon, Chair Ahmad, Vice-Chair Lozada and members of the Committee on Public Health and Human Services. On

behalf of Interim Health Commissioner Dr. Franklin, thank you for allowing the Department of Public Health to testify regarding Bill No. 240932.

The purpose of this bill is to add a definition of public health emergency to Chapter 9-4100 of The Philadelphia Code which is titled "Promoting Healthy Families and Workplaces." During the COVID-19 pandemic, City Council added a section to this chapter to address compensating health care employees during a declared pandemic or epidemic event.

This section of The Philadelphia Code currently states that health care workers are to be compensated for lost wages and medical expenses if they contract a communicable disease during a pandemic or epidemic that is declared to exist by the World

Health Organization, the Centers for Disease Control and Prevention or other recognized public interest health organizations.

Bill No. 240932 removes references to the World Health organization, the CDC and the catchall phrase public interest health organizations. The existence of a public health emergency as defined in the new bill will be related to a disease pandemic or epidemic that has been triggered by a declaration made by a federal, state or local official that affects Philadelphia.

This proposed change more precisely aligns the health care worker benefits in Chapter 9-4100 with the legal actions that would govern the operations of the City of Philadelphia in pandemic or epidemic events and will provide more clarity for individuals and

organizations impacted by Philadelphia law. For this reason, the Department of Public Health supports Bill No. 240932.

The Department of Public Health would like to thank City Council for their work to protect frontline health care workers during the COVID-19 pandemic and in any future pandemics or epidemics. I would be happy to answer any questions you have at this time.

COUNCILWOMAN AHMAD: Thank you.

Do we have any questions?

(No response.)

COUNCILWOMAN AHMAD: Just a point of clarification, I know you stated it. Could you just explain one more time what exactly this bill is doing in terms of removing the reference to who and all these organizations, so who

will be able to declare the emergency, just the City of Philadelphia?

MR. HARTUNG: No. So the language is broad enough to encompass -- there's multiple layers of jurisdiction, so the federal government can make emergency declarations, the Governor can and the Governor, as state law empowers the Mayor to do so and City Council is also empowered, the Mayor can do so without City Council's approval. So there's a section of the Code, I believe it's 10-819 that states state of emergencies in the Philadelphia Code that our local pandemic was declared under. But the World Health Organization has no legal jurisdiction. We look to them as experts, but this more aligns the jurisprudence across the country with the operations.

COUNCILWOMAN AHMAD: So in other words, just a scenario since we're having a lot of change in government right now if the City of Philadelphia were to declare a health emergency and not the federal government, so we're able to manage our own affairs with our own pronouncement?

MR. HARTUNG: Yes. Under this language, yes.

COUNCILWOMAN AHMAD: Correct. Okay. I was more concerned about that than the other piece of it, which means that the workers will be eligible for these benefits, the leave and sick leave and all of that, if we triggered the pandemic pronouncement by the City?

MR. HARTUNG: Yes. A mayor's declaration would trigger this law, yes.

COUNCILWOMAN AHMAD:

Okay. Thank you. Thank you for the clarification.

Anybody else?

(No response.)

COUNCILWOMAN AHMAD: We are good. Thank you for your testimony.

Will the Clerk please call the next witness.

THE CLERK: The next witness to testify is Neil Fishman, Chief Medical Officer at the Hospital of the University of Pennsylvania.

(Witness approached Witness table.)

DR. FISHMAN: Hi. Good afternoon.

COUNCILWOMAN AHMAD: Please state your name and proceed.

DR. FISHMAN: Sure. I'm Neil Fishman. I'm the Chief Medical Officer at the Hospital of the University of Pennsylvania and

an infectious disease physician. Good afternoon, Councilwoman Ahmad and members of the City Council Committee on Public Health and Human Services.

Thank you for your work on behalf of the people of Philadelphia. Thanks for the opportunity to testify in support of Bill No. 240932. The bill introduced by Councilmember Squilla amends the Promoting Healthy Families and Workplaces ordinance to clarify when health care institutions are required to provide pandemic-related leave separate from normal sickly benefits.

The Promoting Healthy Families and Workplaces ordinance is powerful legislation that helped the City endure the pandemic by ensuring that health care workers received adequate pay and benefits

continuation during the COVID-19 pandemic when they tested positive for the disease.

Recall the early days of the pandemic when there was rightful uncertainty amongst the employees of hospitals and nursing homes about contracting COVID-19 viruses in their workplaces. Thankfully much has changed since 2020 when this ordinance was enacted.

By mid-2023 the World Health Organization and the United States federal government, including the Department of Health and Human Services, declared an end to the COVID-19 public health emergency and state and local authorities also discontinued their emergency declarations.

Earlier this year a CDC official told the press that COVID-19 is no longer a pandemic. It's

what we consider an endemic disease. In our hospitals, far fewer patients are hospitalized with COVID-19. Effective vaccines and treatments are available and hospital-based transmission is increasingly rare.

Today you're significantly more likely to contract the virus at a family gathering, while shopping or in a crowded restaurant or bar. Furthermore, most people who contract COVID-19 fully recover in short order and require no special treatment other than a few days of rest.

However, due to the vague wording of the original ordinance, there is no clear sunset to the pandemic paid leave requirement. Bill No. 240932 addresses this issue by specifying that the ordinance applies only

during a declared public health emergency as defined in the text.

In the unfortunate event of another pandemic and related public health emergency, the requirement would automatically go back into effect, thus protecting our health care workers. Penn Medicine provides our employees robust health benefits, including generous sick vacation and personal leave allocations.

In fact, Penn Medicine and the other major hospital systems were considered generous employers under the broader legislation passed by City Council requiring employers across all sectors of the economy to provide public health emergency leave during the COVID-19 pandemic. That legislation sunset close to about a year ago at the end of 2023.

If an employee contracts

the COVID-19 virus and misses work, they will still be paid out of their regular sick leave in the same way Penn Medicine manages employees who contract other respiratory infections such as seasonal influenza.

At Penn Medicine and the other hospital networks in the city, employees have more than enough sick time to cover them should they contract COVID-19. On behalf of Penn Medicine and the Philadelphia hospital community, I ask that you vote to approve this legislation as it will relieve a substantial administrative burden on hospitals while providing protections for health care workers during the unfortunate event of another pandemic emergency.

COUNCILWOMAN AHMAD: Thank you.

Anybody have any

questions?

(No response.)

COUNCILWOMAN AHMAD:

Thank you for your testimony.

Clerk, if you would call the next witness.

THE CLERK: The next witness to testify is William Carter, Vice-president of Local Government Affairs of the Greater Philadelphia Chamber of Commerce.

(Witness approached Witness table.)

MR. CARTER: Thank you. Good evening, everyone. And as the Clerk just mentioned, I am William Carter, Vice-president of Local Government Affairs for the Chamber of Commerce for Greater Philadelphia. I have testimony that I turned in already. I'm just going to briefly summarize, but I think the good doctor here thoroughly and eloquently made

every point I was going to make. And since I took time to type this and write this, I'm going to read some of this.

This bill, which is Bill No. 240932, as technical language, The Philadelphia Code clarifying that health care institutions are required to provide pandemic-related emergency leave separate from normal sick leave benefits.

In early 2020, Council passed several COVID-related bills, including a bill that was introduced by then Councilmember Oh. That one being one of the first introduced, passed without an on-off mechanism, as subsequent more fully and thoroughly considered legislation by Council was. Today authorities, including the World Health Organization, the Biden Administration, the state, including the CDC, have declared an

end to COVID-19 as an emergency or have declared the pandemic as endemic.

This current bill addresses the disparity that now exists within the Code by specifying that leave pursuant to that early legislation applies during a declared public emergency as defined in the text. The bill further holds that should an emergency once again be declared, previous leave provisions would automatically be reinstated.

Adding this language rectifies a significant disparity in the Code while continuing to ensure protection for health care workers during health emergencies. And on behalf of our City's exceptional health care organizations, some of whom are represented behind me, we appreciate Council's attention to

this technical amendment and respectfully ask for its approval. Thank you.

COUNCILWOMAN AHMAD: Thank you for that.

Anybody have any questions?

(No response.)

COUNCILWOMAN AHMAD: Thank you so much.

Would you call the next witness? Anybody else?

THE CLERK: No.

COUNCILWOMAN AHMAD: Okay. We, I think, are done with our witness list.

At this time if there are no comments, asking once, twice from the members of this Committee, we will go into the public comment part of this hearing.

Okay. So I once again would like to thank all of our witnesses for joining us today. As

we go into the public meeting, I will note for the record -- we don't have a quorum. Let me call her.

(Brief recess.)

COUNCILWOMAN AHMAD:

Okay. I will note for the record that a quorum of the Committee is present and now I recognize Councilmember Lozada for a motion on Bill No. 240932.

COUNCILWOMAN LOZADA:

Thank you, Madam Chair. Thank you, Madam --

COUNCILWOMAN AHMAD:

Yeah, there we go.

COUNCILWOMAN LOZADA:

Thank you, Madam Chair.

I move that Bill No. 240923 be reported from this Committee with a favorable recommendation and further move that the rules of Council be suspended to permit first reading

of this bill at the next session of Council.

(Duly seconded.)

COUNCILWOMAN AHMAD: It has been moved and properly seconded that Bill No. 240932 be reported from this Committee with a favorable recommendation and further move that the rules of Council be suspended to permit first reading of this bill at the next session of Council.

All those in favor of this motion will signify by saying aye.

(Aye.)

COUNCILWOMAN AHMAD: Okay. Ayes have it. Any opposed?

(No response.)

COUNCILWOMAN AHMAD: In the opinion of the Chair the ayes have it. The motion carries. Bill No. 240932 will be reported from this Committee with a favorable

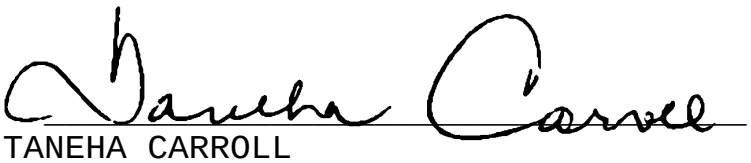
recommendation with the request that the rules of Council be suspended to permit first reading at the next session of Council.

This concludes the business before this Committee on Public Health and Human Services today. Thank you very, very much for your attendance. All right. We're done.

(Committee on Public Health and Human Services concluded at 3:59 p.m.)

C E R T I F I C A T I O N

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.



TANEHA CARROLL
Court Reporter - Notary Public

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