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Federal Employee Paid Leave Rights Under the American Rescue Plan

On March 11, 2021, President Biden signed into law the American Rescue Plan (ARP), which among other important provisions provides new emergency paid leave rights to federal employees for certain COVID-19 related needs from the effective date of the act through September 30, 2021. Here's what federal employees need to know about these new rights.

Note: The ARP allocated \$570 million dollars to create the Emergency Federal Employee Leave Fund to cover the costs of providing this new emergency leave, along with an additional \$102 million to create separate funds to cover emergency leaves for certain TSA, FAA, and VA employees. Federal employees only have the right to paid leave under the ARP to the extent that money remains in the funds to cover the costs of this leave.

Who can take federal employee paid leave under the ARP?

Those covered include many executive branch employees (civil service employees entitled to annual and sick leave under federal law), United States Postal Service and Postal Regulatory Commission employees, employees of the Public Defender Service of the District of Columbia and the District of Columbia Courts, TSA employees, FAA employees, and many healthcare personnel employed by the Department of Veterans Affairs.

What needs can covered employees take leave for?

Covered employees can take leave under the law when they:

1. have coronavirus symptoms and are seeking a medical diagnosis;
2. are subject to a federal, state, or local quarantine or isolation order related to coronavirus;
3. have been advised to self-quarantine by a health care provider due to coronavirus-related concerns;
4. need to care for their child because their child's school or childcare has been closed (or their child's school requires or makes optional virtual learning or hybrid virtual and in-person learning) or childcare is unavailable due to coronavirus;
5. are caring for someone who is subject to a federal, state, or local quarantine or isolation order related to coronavirus, or who has been advised by a health care provider to self-quarantine due to concerns related to coronavirus;
6. are caring for a family member with a mental or physical disability or who is 55 years old or older and incapable of self-care because that family member's place of care is closed or direct care provider is unavailable due to coronavirus; or
7. are obtaining or recovering from a coronavirus vaccination.



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How much leave can covered employees take?

Covered full-time employees can take up to 600 hours (the equivalent of fifteen 40-hour work weeks) of emergency paid leave, while covered part-time employees can take a pro-rated amount of time, as can covered employees with seasonal work schedules or an uncommon tour of duty.

Emergency leave under the ARP is in addition to any other leave provided to a covered employee and may not be used concurrently (at the same time as) any other paid leave.

How much will covered employees be paid during leave?

Covered employees will be paid at the same hourly rate as other leave payments. However, leave payments under the ARP cannot exceed \$2,800 in aggregate for a biweekly pay period for a full-time employee (the equivalent of approximately \$35 per hour) or a proportional amount for a part-time employee.

When can covered employees take leave?

Emergency leave under the law is available for covered federal employees between the effective date of the ARP and September 30, 2021. However, as noted above, leave is only available under the ARP to the extent that money remains in the Emergency Federal Employee Leave Fund or equivalent FAA, TSA, or VA leave funds to cover the costs of the leave.

If you have questions about your workplace leave rights or other related protections, contact A Better Balance's [free and confidential legal helpline](#) at 1-833-NEED-ABB.

Please note that this fact sheet does not represent an exhaustive overview of the law described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to your specific circumstances.