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Emergency Paid Leave & the American Rescue Plan: What Happened & What You Need to Know

In March 2020, the federal government enacted landmark [emergency COVID-19 paid leave provisions](#) through the Families First Coronavirus Response Act (FFCRA). These provisions gave most private sector employees whose employers have fewer than 500 employees, along with government employees, the right to paid, job-protected leave for a range of COVID-19 related needs. Recognizing this emergency situation, paid leave under the FFCRA was 100% paid for by the federal government through tax credits to employers (except government employers); self-employed people experiencing the same needs could also claim tax credits.

The FFCRA offered an invaluable lifeline to [workers across the country](#). Unfortunately, the FFCRA provisions were **temporary**, ending on December 31, 2020. In [December 2020](#), Congress extended the existing tax credits (for both employers and self-employed people) through March 31, 2021, but did *not* extend employees' rights to take paid leave from work under the law.

On March 11, 2021, President Biden signed into law the American Rescue Plan (ARP). Like the December package, the ARP does *not* reinstate employees' right to take paid leave from work under the law. However, it does provide tax credits to cover the costs of providing certain kinds of COVID-19 related leave from **April 1, 2021 through September 30, 2021**. Like the previous credits, these credits are available to private sector employers with fewer than 500 employees and to self-employed workers; unlike previous credits, these credits are also available to state and local governments.

Credits are available for covered costs of providing leave for a total of up to 14 weeks for workers who:

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 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 seeking or waiting for results of a coronavirus test or diagnosis due to exposure or at their employer's request (even if they are not symptomatic);
7. are obtaining or recovering from a coronavirus vaccination; or
8. are accompanying someone to obtain a coronavirus vaccination or caring for someone who is recovering from a coronavirus vaccination.

The ARP also grants many [federal employees](#) the right to up to 600 hours per employee (pro-rated for part-time employees) of emergency paid leave for a similar set of COVID-19 related needs, subject to certain caps, through September 30, 2021.



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What do I need to know now?

- **For employees:**
 - **If your private-sector employer has fewer than 500 employees:** Your employer is no longer *required* by federal law to provide paid leave. However, if they do provide paid leave for covered purposes, they can get a tax credit to cover the *full* cost. If you have a covered need, you can ask about leave and let your employer know about the tax credit. In effect, employers can choose to extend FFCRA protections at no cost to themselves. You can find more information on these tax credits [here](#).
 - *Note: The specific conditions of the credits available to your employer depend on when your leave was taken. For more information on credits for leaves taken between January 1 and March 31, 2021, click [here](#).*
 - **If your employer is a state or local government:** Your employer is no longer *required* by federal law to provide paid leave. However, if they do provide paid leave for covered purposes between April 1 and September 30, 2021, they can get a tax credit to cover the *full* cost. If you have a covered need, you can ask about leave and let your employer know about the tax credit. In effect, employers can choose to extend FFCRA protections at no cost to themselves.
 - **If your employer is the federal government:** You may have the right to COVID-19 related paid leave from your employer. You can find out more about these rights [here](#).
 - **For all employees:** You may still have important rights under state or local paid leave laws. You can find out more [here](#) or call our free legal helpline at 1-833-NEED-ABB.
- **For self-employed workers:** You still have the right to tax credits to cover leave for covered purposes and can find out more [here](#).
- **For state and local policymakers:** States and cities across the country are stepping up to protect their workers. [Contact A Better Balance](#) for more information.