

Minnesota Paid Family & Medical Leave

k8bisch

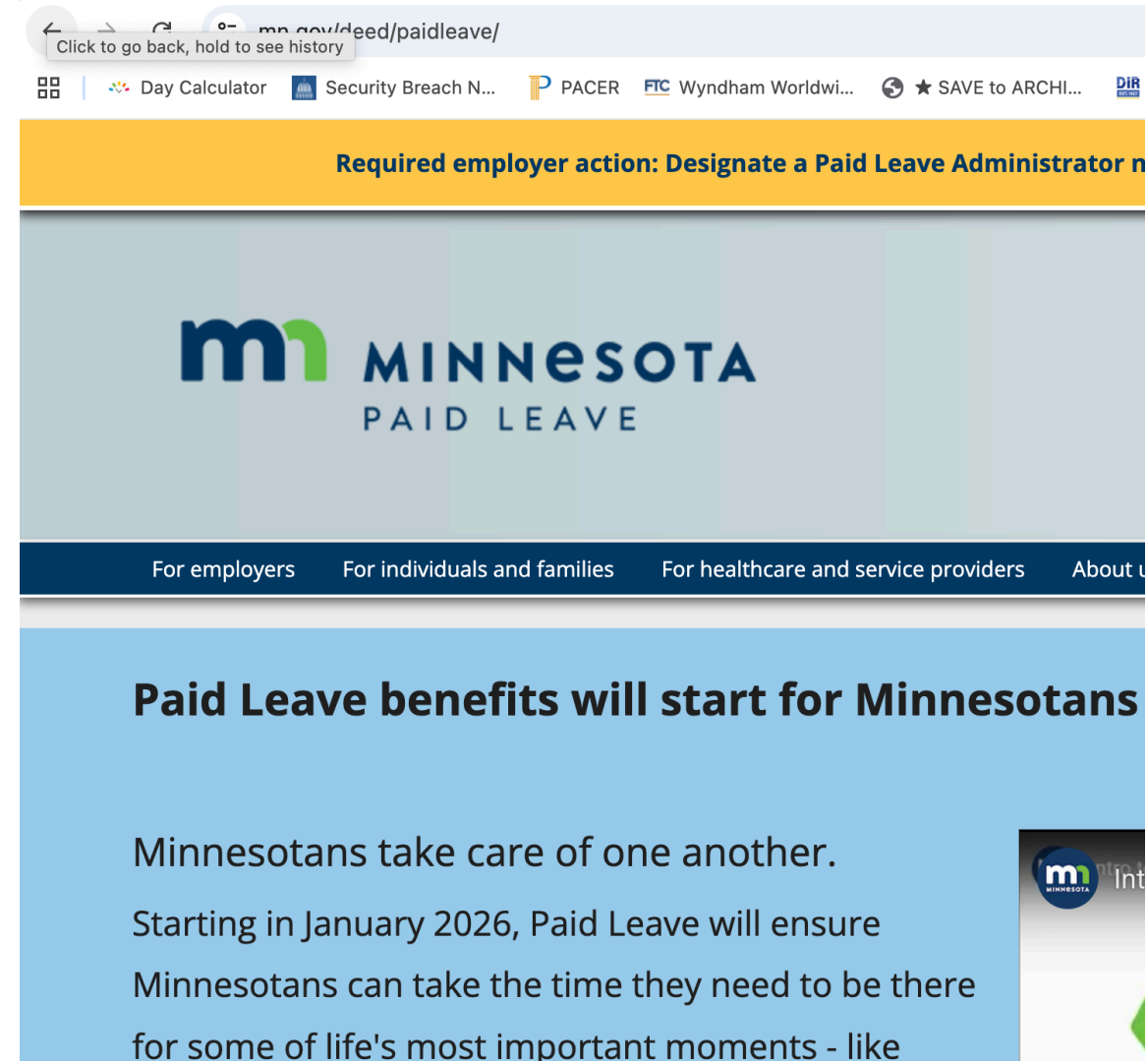
About Me

- Management-side Employment Attorney & HR Consultant
- Human Resources Officer for the U.S. Department of State in Jerusalem & Zambia
- Investigations
- Policies
- Trainings



Important Sources

- <https://mn.gov/deed/paidleave/>
- The poster
- Language for your policy
- Where to verify your account is set up
- Design an administrator
- Frequently asked questions





What's New

- Effort to support employees & their families at times they need the support the most
- If you have more than 50 employees, it works just like FMLA
- If you have fewer than 50 employees, giving the leave & job protections will be new

Not New

- You're not going to terminate:
 - Having a baby
 - Having a heart attack
 - Kid is really sick
- More than 15 employees, requirement to reasonably accommodate an employee, including after 12 weeks of leave



The Leave

- Up to 12 weeks of leave for
 - Serious health condition of employee or their immediate family
 - Bonding leave (birth or placement)
 - Domestic abuse, sexual assault, stalking – safety
 - Active duty/injury
 - Combined uses can be for up to 20 weeks
- Starts after seven days





Unemployment-like

- Employers are required to give the time
- State gives the money as a partial wage replacement
- Joint accounts with unemployment
- Employers are free to “top off”

Taxation

- Like unemployment, taxation will fund the program
- Amount of tax depends on the size of the employer
 - More than 30 employees, total taxation of .88%
 - Fewer than 30 employees AND an average employee wage less than or equal to 150% of the statewide weekly average (\$1,423), total taxation of .66%
- Tax can be split with employees

Employer type	Total premium	Employer pays	Employee pays
Large employer	0.88%	At least 0.44%	Up to 0.44%
Small employer	0.66%	At least 0.22%	Up to 0.44%

Equivalent Program

- Self-insured or insurance company
- Must provide the same benefits for up to at least 26 weeks after separation
- Can split costs with employees
- Approval November 10





How It Works

- Employee explains a need for the leave
- Employer gets information
 - Medical information
 - Criminal information
 - Copy of military orders
- Employer gives the leave with sufficient information
- Employer makes sure employee has the link to apply

Serious Health

- Inpatient care
- Continuing treatment
 - 2 or more times in 30 days
 - Chronic condition requiring continuing treatment of at least twice a year
- Can be intermittent
 - Every Tuesday/Friday for dialysis
 - When child has an asthma attack
 - Appointments for pregnancy
- Certification to both employer & state



Scenario – José

While operating the fax machine, Jose severely burnt his hand, requiring hospitalization. He will be out for at least five weeks for surgery and recovery.

How will leave work?





Other Situations

- Birth or placement (bonding)
 - Having a baby
 - Foster parent
 - Adoptive parent
- Domestic violence, sexual assault, stalking
- Active military
 - Planning for being called up
 - Or while on active duty
 - Could be at any time during active service



Scenario – Monica

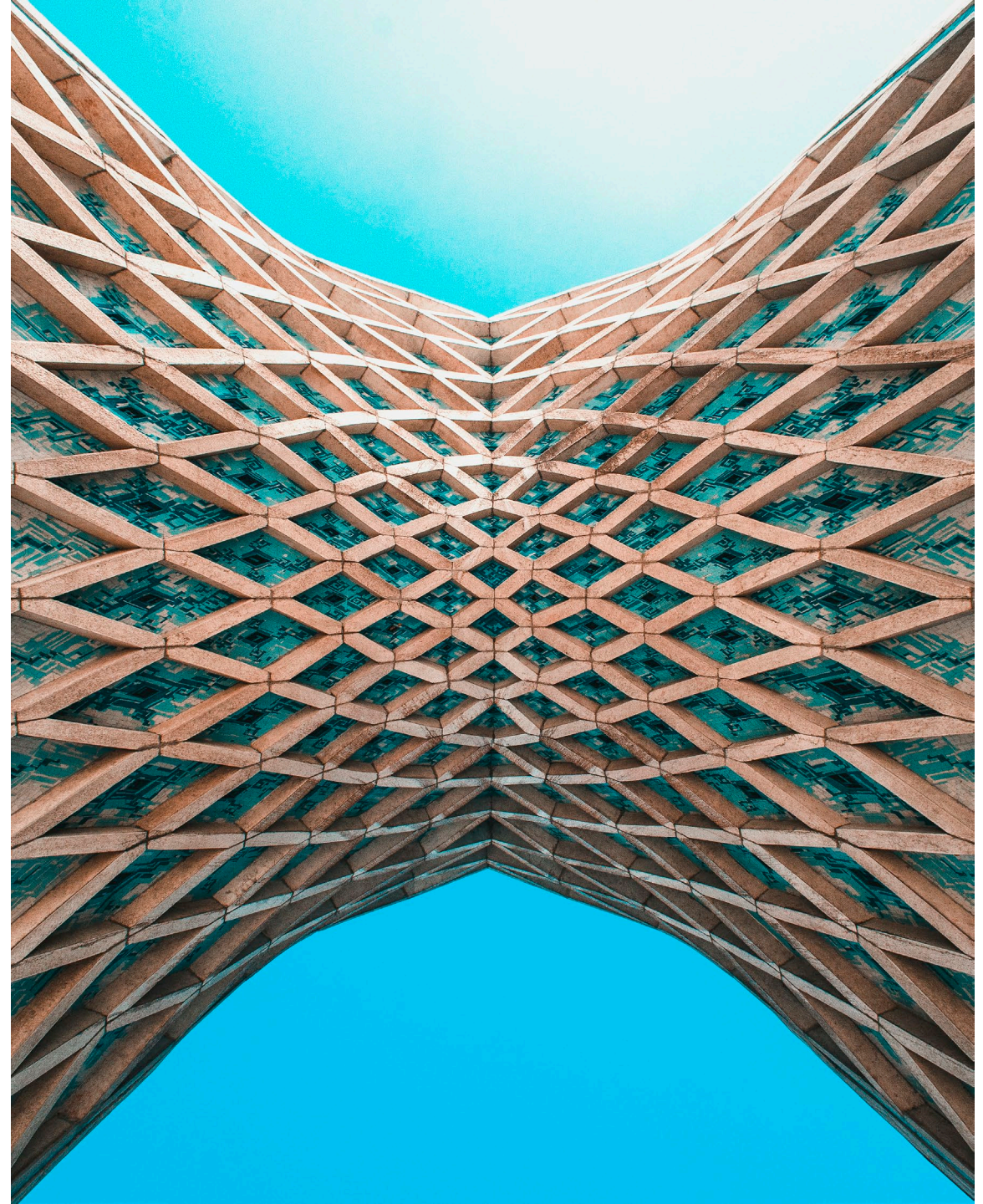
Employer has 40 employees, one of whom is Monica.

Monica is pregnant. Her due date is December 8, 2025.

How will leave work?

Interactions

- When known leave is going to happen, then use leave from the get-go
- Unexpected, it's possible that will use ESST first then up to 12 weeks after
- State paid leave program covers the rest up to 12 weeks (480 hours)
- Intermittently will be the same



The Intermittent Conundrum

Marcy has been acting goofy. You think she might be having some depression & anxiety issues. You have asked her how things are going & even suggested that she talk with someone from your EAP. She finally does & it turns out your Grey's Anatomy medical license is correct – she has depression. Her provider certifies that she needs intermittent leave.



Marcy – Part II

Marcy's team is really getting frustrated that she gets to decide at the last minute when she's not going to be at work. They have to pick up all her work.

- What's your messaging to them?
- How do you handle communication with Marcy?
- Are you concerned about retaliation?





Protections

- Employees must be returned to same or equivalent position with same pay, status, benefits, length of service & seniority
- Failure creates liability for employer
- Protected from retaliation & interference

Small Support

- Grants available to help
- Up to \$6,000 per employer
- Up to \$3,000 per leave
- Cover the cost of hiring replacement, increasing the wages, hours, or training of current employees
- Apply through account



Takeaways

- Minnesota paid family & medical leave is a good thing for employees
- It also levels the playing field between big & little employers
- Employers give the leave, state or private plan pay
- The sky is not falling



Questions?



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