

Minnesota Paid Family and Medical Leave Act

Currently Pending before the Minnesota Legislature
Not currently enacted, changes to all of this could occur.

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This is not a legal guide, but simply a brief overview of pending legislation

Key Provisions - Funding

- The bill would establish a self-funding family and medical insurance benefit account modeled after the state's unemployment insurance fund.*
- To start, the bill would appropriate \$1.7 billion in seed money for the account in fiscal year 2024 before money collected via a new tax on employers and employees would fund the account.*
- Money paid into the state fund by employers and employees would vary depending on an employee's salary. For example, someone earning \$52,000 per year would pay in \$3.50 each week.*



Key Provisions - Administration

- Leave programs would be administered by a new Family and Medical Benefits Insurance Division within the Department of Employment and Economic Development. **Benefits would be available starting July 1, 2025.***
- Employers would be allowed to institute private plans and not be required to pay premiums into the state program. However, private plans would need to meet or exceed all the same rights, protections, and benefits provided to employees under the state plan.*

Key Provisions – What/Who is Covered

- All Employers and All Employees (Self employed and independent contractors could opt-in)
- The law would provide Minnesota workers with up to 12 weeks of paid family leave and up to an additional 12 weeks of paid medical leave per year.*
- Seven calendar day waiting period (except bonding)
- Maximum to be set based on the state average weekly wage. An applicant's weekly benefit is calculated by adding the amounts obtained by applying the following percentage to an applicant's average typical workweek and weekly wage during the high quarter of the base period:
 - (1) 90 percent of wages that do not exceed 50 percent of the state's average weekly wage; plus
 - (2) 66 percent of wages that exceed 50 percent of the state's average weekly wage but
 - (3) 55 percent of wages that exceed 100 percent of the state's average weekly wage.
- Benefits would be available to an employee unable to work due to a family member's serious health condition, a qualifying exigency, safety leave, bonding leave, or the employee's own pregnancy, pregnancy recovery, or serious health condition.*



Key Provisions – Definition of Family

- **Broad** Family definition –

- Spouse including domestic partner in a civil union or other registered domestic partnerships recognized by the state and spouses parent
- Child and a child's spouse - includes stepchild, biological or adopted child or foster child or a child for whom the applicant stood in loco parentis
- Parent and a parent's spouse (includes step, biological, adopted or foster)
- Sibling and a sibling's spouse
- Grandparent, a grandchild or a spouse of a grandparent or grandchild (includes step, biological, adopted or foster)
- Any other individual who is related by blood or affinity and whose association with the applicant is equivalent of a family relationship. Included but not limited to child or a sibling, a sibling of a parent, a child-in-law, a sibling-in-law and a grandparent-in-law



Key Provisions - Safe Leave

- Safe leave is defined as - leave from work because of domestic abuse, sexual assault, or stalking of the applicant or applicant's family member, provided the leave is to:
 - seek medical attention related to the physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
 - obtain services from a victim services organization;
 - obtain psychological or other counseling;
 - seek relocation due to the domestic abuse, sexual assault, or stalking; or
 - seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to, or resulting from, the domestic abuse, sexual assault, or stalking



Key Provisions - Other

- Employee is eligible 90 days after date of hire
- Employee must give 30 days notice when practical
- Bonding must be taken within 12 months of the birth
- Intermittent or reduced schedule allowed
- Reinstatement to same or equivalent positions
- Retaliation and interference are prohibited



For expertise on State Paid Family and Medical Leave Plans

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