

Paid Leave Rulemaking Listening Session – Topic Guide

Minnesota's [Paid Leave law](#) and [statute](#) to implement the Family and Medical Benefit Insurance Program (“Paid Leave”) will help covered individuals take time off when they need to care for themselves or their loved ones. The Minnesota Legislature passed Paid Leave into law in 2023 and charged the Minnesota Department of Employment and Economic Development (DEED) with administering the Paid Leave program. Additionally, DEED has authority under this law to adopt rules necessary to carry out the Paid Leave program. Rulemaking in Minnesota follows procedures outlined in the Minnesota Administrative Procedure Act in Minn. Stat. Chap. 14.

During this listening session, we welcome your written or verbal comments on the topics within this discussion guide.

We also welcome your comments through the Office of Administrative Hearings website: [Office of Administrative Hearings Comments On Rules \(granicusideas.com\)](#). Comments received are public and will be available for review at the OAH Rulemaking eComments website.

Modifications

Sometimes, circumstances change before or during a leave, and the person taking leave needs to adjust their personal details or leave schedule.

Potential rule on updating information previously provided on application

If an applicant requests a change in personal information that was provided to the department as part of an application for benefits, the department may require verification of the newly provided information.

For discussion:

- What personal information changes might DEED consider if DEED makes rules on this topic?
- What feedback, questions, or concerns do you have on this topic?

Draft rule on reporting additional income

Below is a draft rule on reporting additional income:

If a covered individual receives additional income during a leave that was not reported in the initial application for benefits, the covered individual must notify the department. The covered individual does not need to notify the department of income designated as a supplementary benefit by the covered individual's employer.

For discussion:

- What other guidance on reporting additional income should DEED consider?
- What feedback, questions, or concerns do you have on this topic?

Draft rule on changing dates

Below is a draft rule on changing the dates of a leave schedule:

- A. **Ending a leave early:** A covered individual must inform the department and employer(s) from whom they are taking leave as soon as practicable that they will return to work before the end of their approved leave. As soon as practicable in this context is at least 7 calendar days.
- B. **Extending an approved leave:** If a covered individual seeks an extension of benefits, the covered individual must request an extension with the department and inform employer(s) from whom they are taking leave.
 - a. An application for extension must be filed 14 calendar days prior to the expiration of the original approved leave. The department will allow extension applications that are filed closer to expiration of the original approved leave if good cause is shown for the late application.
 - b. A request for an extension must include all information required by the department, including:
 - i. The reason for the extension;
 - ii. The requested duration of the extended leave;
 - iii. The date on which the covered individual provided notice for the request for extension to the employer (if applicable); and
 - iv. A newly completed or updated certification from the covered individual's health care provider or a certifying party, except in the case of bonding leave.
- C. **Changing intermittent leave schedules:** If a covered individual seeks to change an intermittent leave schedule, the covered individual must request a change in schedule from the department.
 - a. A request for change in schedule must be filed 14 calendar days prior to the expiration of the original approved leave; the department will allow a late filed request for change in schedule for good cause shown.
 - b. A request for a change in schedule must include all information required by the department, including:
 - i. The reason for the change;
 - ii. The proposed changes to the schedule;
 - iii. The date on which the covered individual provided notice to employer(s) for the request for extension (if applicable); and
 - iv. A newly completed or updated health care provider certification document, except in the case of bonding leave.

- D. **Changing from intermittent to continuous leave:** If a covered individual seeks to change from an intermittent leave schedule to a continuous leave schedule, the covered individual must request a change in schedule from the department.
- a. A request for change in schedule must be filed 14 calendar days prior to the expiration of the originally approved leave; the department will allow a late filed request for change in schedule for good cause shown.
 - b. A request for a change in schedule must include all information required by the department, including:
 - i. The reason for the change;
 - ii. The requested start and end date of the continuous leave;
 - iii. The date on which the covered individual provided notice to employer(s) for the request for extension (if applicable); and
 - iv. A newly completed or updated certification document, except in the case of bonding leave.
- E. **Changing from continuous to intermittent leave:** If a covered individual seeks to change from a continuous leave schedule to an intermittent leave schedule the covered individual must file an application to request a change in schedule.
- a. An application for change in schedule must be filed 14 calendar days prior to the expiration of the original approved leave; provided, however, that the Commissioner will allow a late filed request for change in schedule for good cause shown.
 - b. A request for a change in schedule must include all information required by the department, including:
 - i. The reason for the change;
 - ii. The new requested schedule;
 - iii. The requested duration of the extended leave;
 - iv. The date on which the covered individual provided notice to employer(s) for the request (if applicable); and
 - v. A newly completed or updated certification document, except in the case of bonding leave.

For discussion:

- What other guidance on changing leave schedule dates should DEED consider?
- What feedback, questions, or concerns do you have on this topic?

Overpayments

Potential rule on collecting overpayments

In some cases, due to changing circumstances or insufficient information, the department may distribute to a covered individual a larger benefit payment than they should receive. If this happens, the department needs a process for collecting the overpayment.

For discussion:

- What other guidance on overpayments should DEED consider?
- What feedback, questions, or concerns do you have on this topic?