

## 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.

### Private Plans

Minnesota [Statutes, section 268B.10](#) allows employers to apply to DEED to substitute a private plan that offers paid family, paid medical, or paid family and medical benefits instead of participating in the state Paid Leave program. The private plan must provide employees all the same rights, protections, and benefits that employees receive in the state Paid Leave program.

### Potential rule on private plan applications

The Department may adopt rules or procedures to further define the application process DEED will use to assess private plans.

#### ***For discussion:***

- What should DEED consider regarding the application process for private plans?

### Draft rule on private plan reporting requirements

Below is a draft rule on private plan reporting requirements:

Private plan providers shall submit an annual report to the department that includes all required information pursuant to Minnesota Statutes, section [268B.25](#).

***For discussion:***

- What should DEED consider regarding self-insured private plans?
- Is there anything else DEED should consider regarding private plan?

## **Claims Administration**

Minnesota Statutes, section [268B.06 subdivision 3](#) provides the requirements to certify leave taken to care for a family member. DEED is considering making rules to further define the process to certify applicants' eligibility to take leave to care for family members.

### **Draft rule on certification of caring leave**

Below is a draft rule on the certification of caring leave:

Certification for an applicant taking leave to care for a family member with a serious health condition must include:

- A. The relationship of the applicant to the family member who needs care;
- B. The appropriate medical facts within the knowledge of the health care provider establishing that the family member requires care;
- C. The proposed leave schedule for the applicant to care for the family member; and
- D. An attestation by the health care provider signing the certification that affirms that the health care provider is treating the family member.

***For discussion:***

- What should DEED consider regarding the certification of caring leave?
- Are there feedback, questions, or concerns on this topic?

### **Draft rule requiring caring leave applicants to attest to relationship with family member**

Below is a draft rule regarding the required attestation:

Applicants seeking leave to care for a family member with a serious health condition must attest that the person the applicant is taking leave to care for is the applicant's "family member" as defined in Minnesota Statutes, section 268B.01, subdivision 23. Providing false information will be considered a misrepresentation under Minnesota Statutes, section 268B.185 or other applicable laws.

***For discussion:***

- What should DEED consider regarding the attestation statement applicants must make?
- What should DEED consider including in this process to deter fraudulent applications?
- Is there feedback, questions, or concerns on this topic?

## **Draft rule on multiple applicants seeking caring leave for the same family member**

Below is a draft rule regarding the certification requirements when multiple applicants seek caring leave to care for the same family member:

If more than one applicant seeks leave to provide care for the same family member with a serious health condition, the certification must be completed by the same health care provider. Covered individuals taking leave to care for the same family member may only take leave at the same time if the family member's health care provider includes information in the certification documenting that more than one person is necessary to provide the family member's care.

### ***For discussion:***

- What should DEED consider regarding the adoption of rules to administer caring leave taken by multiple applicants for the same family member?
- Is there feedback, questions, or concerns on this topic?