

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.

Safety Leave

Minnesota [Statutes, section 268B.01](#), subdivision 34 defines the term “safety leave” as “leave from work because of domestic abuse, sexual assault, or stalking of the applicant or applicant's family member” to seek medical attention, victim services, psychological or other counseling, relocation, legal advice or to take legal action. Applicants seeking safety leave must obtain certification pursuant to Minnesota Statutes, section 268B.06, subdivision 3(g). DEED is considering adopting rules to further define the certification process for safety leave.

Draft rule to further define the certification process for safety leave

Below are draft rules further defining the certification process for safety leave:

A qualified person who is eligible to sign documentation certifying safety leave includes:

- A. An individual who is licensed, certified, or otherwise authorized under law to practice as a mental health professional or a mental health practitioner as defined in Minnesota Statutes, section 2451.04 and operating within the scope of their practice;
- B. A licensed health care professional operating within the scope of their license;

- C. A domestic abuse advocate or sexual assault counselor as defined by Minnesota Statutes, section 595.02, acting in their official capacity;
- D. A victim's advocate who is employed by, under contract with, or appointed by the court, acting in their official capacity;
- E. A judge, referee, court administrator, prosecutor, or probation officer, acting in their official capacity.
- F. A Title IX Coordinator, as defined by 34 C.F.R. § 106.8, acting in their official capacity.
- G. A peace officer, part-time peace officer, or reserve officer as defined by Minnesota Statutes, section 626.84, acting in their official capacity.

For discussion:

- What should DEED consider when making rules regarding qualified persons eligible to sign documentation?
- Is there feedback or concerns on this topic?

Potential rule on additional certifying parties

The department may consider additional certifying parties beyond those listed in statute and rules. The department may request additional documentation and reasoning for those certifying parties, from the individual seeking leave and/or the desired certifying party.

The department may offer a registration process for verifying identity and credentials of certifying parties.

For discussion:

- What should DEED consider regarding the qualifications of certifying parties or their organizations?
- What should DEED consider if developing a registration process?
- Is there feedback or concerns on this topic?

Potential rule on documentation to verify credentials of a qualified person and/or their organization

DEED may request documentation to verify the credentials of the qualified person providing a certification for an applicant seeking safety leave.

For discussion:

- What should DEED consider regarding the qualifications of certifying parties or their organizations?
- Is there feedback or concerns on this topic?

Draft rule establishing necessary elements for certification of safety leave

Below are draft rules establishing necessary elements for the certification of safety leave:

To provide certification for safety leave, a qualified person must attest that:

- A. The applicant requires leave from work because of domestic abuse, sexual assault, or stalking of the applicant or the applicant's family member; and
- B. The leave is necessary to:
 - a. Seek medical attention for a physical or psychological injury caused by domestic abuse, sexual assault, or stalking;
 - b. Obtain services from a victim services organization;
 - c. Obtain psychological or other counseling;
 - d. Seek relocation due to the domestic abuse, sexual assault, or stalking; or
 - e. 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.

For discussion:

- What should DEED consider regarding the certification of safety leave?
- Is there feedback or concerns on this topic?