

## 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.

### Seasonal Employment

[Minnesota Statutes, section 268B.01, subdivision 35](#) defines the term “seasonal employee.”

#### Potential rule to clarify the receipt threshold, formula, and process

In order to establish that an employer meets the receipts threshold in Minnesota Statutes, section 268B.01, subdivision 35, an employers will need to submit actual revenues, disaggregated by month, to DEED.

#### *For discussion:*

- DEED is considering adopting a rule to define the term, “receipts.” What should DEED consider when drafting the definition of the term “receipts?”
- What should DEED consider regarding collection of documentation regarding receipts from employers?
- What, if any, other aspects of the receipt formula concept require clarification?
- How could this process be simplified for employers?
- Is there feedback, questions, or concerns on this topic?

## Potential rule to clarify working “in hospitality”

Under Minnesota Statutes, section 268B.01, subdivision 35, an employee is considered to work “in hospitality” if their employer is a business that falls under the definitions in Minnesota Statutes, section [157.15, subdivisions 4 to 9 and 11 to 14](#).

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

- What should DEED consider if it defines “seasonal employee” to clarify that “seasonal employees” must work for an employer that meets the definition of a hospitality business under Minnesota Statutes, section 157.15, subdivisions 4 to 9 and 11 to 14?
- Is there feedback, questions, or concerns on this topic?

## Potential rule to clarify 150-day maximum employment

Under Minnesota Statutes, section 268B.01, subdivision 35, to be designated as a seasonal employee by an employer, an employee must not be employed by that same employer for more than 150 days.

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

- DEED is considering adopting a rule to clarify that the 150-day maximum number of days means calendar days, not working days, shifts, or any other interpretation of “day.”
- Is there feedback, questions, or concerns on this topic?

## Opting in

### Potential rule to provide guidance for the opt-in process

Under Minnesota Statutes, section 268B.11, self-employed individuals and independent contractors may opt into coverage by establishing an online Paid Leave account through DEED for opt-in and program participation.

Organizations not included in Paid Leave coverage may opt in by establishing an online Paid Leave account through DEED, and following any additional procedures provided by the department for opt-in and program participation.

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

- What should DEED consider when designing a clear process for self-employed individuals, independent contractors, and organizations not included in Paid Leave to opt-in?
- What additional feedback, questions, or concerns do you have on this topic?