

Paid Family and Medical Leave (PFML) (Minnesota)

Minnesota's Paid Family and Medical Leave (PFML) program provides eligible employees with job-protected, paid time off in connection with:

- 1) Medical leave, which is leave taken in connection with an employee's serious health condition.
- 2) Family leave, which is leave taken for any of the other reasons described in this policy.

Eligibility, amount of leave, and benefit year

Employees are eligible to receive wage replacement benefits through the PFML program starting on their date of hire. However, the job protections and right to reinstatement provided under the law do not begin until an employee has successfully completed 90 calendar days of employment.

PFML provides employees with up to 12 weeks of medical leave and up to 12 weeks of family leave per benefit year. However, no more than 20 total weeks of PFML time may be taken in any single benefit year, regardless of the number of reasons for leave that an employee might have. So, for example, an employee taking 12 weeks of medical leave will only have 8 weeks of family leave that can be taken during the benefit year.

The benefit year in which up to 20 weeks of PFML time can be taken is the 52-calendar week period that begins on the effective date of a PFML claim formally filed with and approved by the State of Minnesota. For instance, an employee who files a claim with the state PFML program that is approved effective August 1 would be able to take no more than 20 total weeks of PFML time between August 1st and July 31st of the following year. However, if the effective date of an employee's approved claim is January 1, April 1, July 1, or October 1, the benefit year will be a period of 53 calendar weeks, rather than 52.

Reasons for which leave can be used

PFML may be used for the following reasons:

- An employee's serious health condition
- Medical care related to an employee's pregnancy (*including prenatal care, and recovery from childbirth, stillbirth, and miscarriage*)
- Bonding with a new child (*including time off in connection with adoption and foster care placement of a child*)
 - Bonding time must be taken within 12 months from the date of birth or placement, unless the newborn remains in the hospital longer than mother
- Family care for a family member's or military family member's serious health condition
- Qualifying exigencies arising from a family member's military active duty
- Safety leave for employees or family members who are the victims of domestic assault, sexual assault, or stalking

"Family members" for whom leave can be taken include:

- Spouse
- Child (includes foster child, in loco parentis, legal guardian, and "de facto" custodians)

- Parent/legal guardian (includes foster parent, in loco parentis, legal guardian, and “de facto” custodians)
- Domestic partner
- Sibling
- Grandparent (including spouse’s grandparent)
- Grandchild
- Son / daughter-in-law
- Any individual who has a relationship with the employee that creates an expectation and reliance that the employee provide care for the individual, whether or not the employee and the individual reside together

Employee notice of need for leave and leave approval

As a condition of taking leave and receiving benefits under this policy, employees must provide at least 30 days of advance notice of foreseeable needs for leave. Where a leave need isn’t foreseeable, or where it is impossible to provide at least 30 days’ notice, employees must provide notice as soon as practicable of their need for leave and follow the absence reporting procedures set forth in our Attendance and Punctuality policy. Delayed notification to supervisors, or failure to follow proper reporting procedures, may result in disciplinary action.

At least 14 days’ advance notice will also need to be provided for changes to leave needs, such as an increase in the expected duration of a leave need, or the frequency with which intermittent absences may be necessary. Where 14 days’ advance notice isn’t possible, notice of changes must be provided as soon as practicable, and employees may be required to show good cause for the inability to provide sufficient notice. Employees seeking to end an approved leave earlier than planned must provide at least 2 days’ advance notice of their intent.

Employees who are undergoing planned medical treatments are required to make a reasonable effort to schedule the treatments to minimize disruptions to our operations.

In addition to providing us with notice of the need for leave, employees will have to file a claim with the State of Minnesota, which is responsible for making the ultimate determination as to whether a leave request is approved, and benefits will be payable. If we have reason to believe a claim has been approved in error, we may appeal the determination.

Wage replacement benefits and coordination with other policies and laws

A statutory formula is used to determine the percentage of an employee’s wages payable through the PFML program. Employees may be eligible to receive up to 90% of their regular weekly wages, capped at an amount equal to the State of Minnesota’s average weekly wage (which is reset on October 1st of each year). With the exception of leave taken for purposes of bonding with a new child, eligibility for wage replacement benefits requires a seven-calendar day qualifying event or waiting period, after which, benefits will be paid retroactive to the first day of leave (benefits paid for bonding purposes do not require a waiting period).

Leave taken under this policy that is also covered by other leave laws or policies in this handbook will run

concurrently. For instance, a non-birth parent's time off in connection with the birth of their child may be covered by PFML, the Minnesota Parental Leave Act (MPLA), and the federal Family Medical Leave Act (FMLA), in which case any leave taken under this policy will run concurrently with, and count against, leave under those laws/policies (see our MPLA and FMLA policies for more details about leave rights under those laws).

Use and accrual of paid leave

Because wage replacement benefits through the PFML program will always be less than 100% of an employee's regular weekly wages, we will automatically use accrued PTO or ESST that employees may have to supplement or "top off" payments received through the PFML program in order to bring an employee's weekly wages up to their usual levels. As a result, employees may receive two payments for any given week: one from the PFML program and one from us. Payments from us will be subject to the standard withholdings, including insurance premium payments.

Employees who do not want their PTO or ESST to be used to supplement PFML payments must submit a written request to the Human Resources Department specifically asking that PTO not be used for that purpose.

In general, PTO will not accrue during periods when employees are absent for PFML-covered reasons.

Continuation of insurance programs

Employee benefit programs, such as health and dental insurance, will be continued in place for the duration of an employee's leave under the same conditions as if the employee had continued to work.

Employees using PTO to supplement the payments they receive through the PFML program will have insurance premiums deducted from those payments as usual. Employees who request not to use PTO to supplement PFML payments, who choose to supplement but who run out of PTO, or whose supplemental PTO payments are not enough to cover their insurance premiums will be subject to our normal employee insurance payment practices as described in our Impact of Leaves of Absence on Employee Benefits policy.

Returning from leave

Job protections under this program begin after 90 days of employment. If an employee has been employed for at least 90 days prior to the leave starting, employees taking leave under this policy will be returned to the same jobs they held when their leaves began. If that is not feasible, employees will be returned to a position that entails substantially equivalent skill, effort, responsibility and authority as the position they previously held. Limited exceptions to this rule may occur, such as in the circumstances of layoffs or reorganizations, where an employee's position would have been eliminated even if they had not been on leave.

Retaliation, right to file complaint

It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting PFML leave or otherwise exercising their PFML rights under the law. Employees who believe that they have been retaliated against or improperly denied PFML benefits can file a complaint with the Labor Standards Division at the Minnesota Department of Labor and Industry.