

Paid Leave for educators

This document provides answers to common questions about Paid Leave for educators.

Can teachers take Paid Leave when they are not scheduled to work?

Yes, teachers can take Paid Leave when they are not scheduled to work if they otherwise meet all eligibility requirements. The Minnesota Paid Leave Law does not create an exception for teachers from other employees covered by Paid Leave. A covered individual can take Paid Leave when:

- 1) They are unable to perform regular work due a qualifying condition; and
- 2) they meet all other eligibility requirements.

How will payments be calculated for teachers who get paid on different schedules?

Benefit payments are based on the highest quarter of earnings from the previous four quarters. This means teachers paid on a 10-month schedule may have more wages in their highest quarter than a teacher paid on a 12-month schedule, and may receive a higher payment.

Benefit payments are based on wages from all jobs. Teachers with summer employment may have additional wages count towards their payments.

How will pay be handled if a teacher starts leave over the summer?

Employees cannot work in a job they are taking leave from, and must report any hours worked for wages during a leave. For example, if someone on Paid Leave starts working a second job during their leave, they must report wages from that second job to Paid Leave, which may reduce their benefit payments.

Pay for work completed before a leave, such as bonuses, commissions and backpay, will not affect their benefit payment. For example, if a teacher is paid over the summer for work they did during the school year, that pay does not reduce their Paid Leave payments.

Can an employer deny an employee's intermittent leave schedule if it presents staffing challenges to the school?

The Paid Leave law allows employees to take all types of leave, including Bonding Leave, either all at once (a continuous leave schedule) or a little at a time (an intermittent leave schedule). Unlike FMLA, there is no specific ability for an employer to deny an intermittent leave schedule.

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An employee taking intermittent leave must provide the employer with a schedule of needed workdays off as soon as practicable. At least 30 days of advance notice is required, when the leave is foreseeable. Employees must make a reasonable effort to not disrupt unduly the operations of the employer. Employers cannot require employees to change their leave schedule.

Employers can communicate proactively with employees about their planned leave schedule and how they could minimize negative disruptions to schools and students, while being mindful of avoiding interference or retaliation.

If an employee fails to notify their employer prior to applying for Paid Leave, employers can file a dispute. Filing a dispute will delay the adjudication process but will not prevent someone from taking leave.

Can employees take Paid Leave from stipend-based positions, like coaching roles and department chair positions?

Casual positions that are paid by a stipend are considered covered employment. These wages would count towards someone's eligibility and could increase their payment amount.

When someone applies for Paid Leave, they can take leave from one or more jobs. If an employee continues to work a second job, as a coach or otherwise, those wages should be reported to Paid Leave and may reduce their benefit payment.

Are school employees allowed to split their Bonding Leave in multiple blocks, such as four weeks in January and then another five weeks in April?

Employees can take bonding leave in multiple blocks as long as the leave is completed before the child's first birthday or the first anniversary of their adoption or foster placement. There are no exceptions for schools.

Employers can communicate proactively with employees about their planned leave schedule and how they could minimize negative disruptions to schools and students, while being mindful of avoiding interference or retaliation.

Are education employers required to provide supplemental payments?

The decision to offer supplemental payments is up to the employer unless a collective bargaining agreement relationship exists.

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If an employer is offering supplemental payments, how will they let Paid Leave know?

When an employee applies for leave, employers will be asked to review certain information. As part of this review, employers will inform Paid Leave if they plan to provide supplemental payments.

If they plan to offer supplemental payments to that employee, employers must ensure that the total amount the employee receives each week while on leave will not exceed what they are normally paid.

Supplemental Payments (Pay or PTO)

What are Supplemental Payments? +

* For this leave application, do you plan to offer this employee Supplemental Payments, through either pay or PTO?

☒ Yes

☐ No

* Will you ensure that this employee won't ever receive more than what they would normally be paid for each week?

☐ I will ensure that the total amount the employee receives each week while on leave (state benefit plus any Supplemental Payments) will not exceed what the employee would normally be paid for each week.

Answers to these questions are informational only and only apply to the Minnesota Paid Leave law. These answers are not a source of law or legal advice, and do not contemplate the applicability or effect of any other law or regulation. Furthermore, these answers do not contemplate the impact of provisions contained in a collective bargaining agreement.

To review the requirements under Minnesota Paid Leave Law, see [Minnesota Statutes, chapter 268B](#) and [Minnesota Rules, chapter 3317](#).

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