



From FMLA to Paid Leave

Paid Leave for healthcare providers
October 9, 2025

FMLA and Paid Leave



Get to know the basics of the program

- How does Paid Leave coverage compare to FMLA?
- Who is eligible to take Paid Leave?
- What are benefits and job protections like under Paid Leave?



Paid Leave and FMLA

Minnesota Paid Leave was enacted in 2023 and **begins Jan. 1, 2026.**

Like FMLA:

- The law provides **job protections** when people need time off to care for themselves or their loved ones.
- Medical providers will need to **certify** most leaves.

Unlike FMLA:

- The law also provides **payments** from the state to individuals on approved leave.
- **Paid Leave differs** in coverage, eligibility, and protections.





Covered leave

Medical Leave

1 to 12 weeks

FMLA

Paid Leave



Medical

Leave to care for an individual's own serious health condition.

Family Leave

1 to 12 weeks

FMLA

Paid Leave



Bonding

Leave to bond with an individual's child during the first 12 months after the child's birth or after the placement of the child through adoption or foster care.

FMLA

Paid Leave



Military Family

Leave because a family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces

FMLA

Paid Leave



Caring

Leave to care for a family member with a serious health condition.

Paid Leave



Safety

Leave because of domestic abuse, sexual assault, or stalking of the individual or individual's family member.

Paid Leave: Maximum of 20 weeks combined in one year if someone qualifies for both medical and family leave



Coverage: FMLA and Paid Leave

FMLA

- Covered employers:
 - Private companies:
 - 50 or more employees
 - within 75 miles of their worksite
 - for 20 or more weeks of the year
 - All public employers
- Covered employees:
 - Employed for at least 12 months, and
 - Worked 1,250 hours or more in the past 12 months

Paid Leave

Most Minnesota employers and most Minnesota employees are covered by Paid Leave



Paid Leave: Covered individuals

Covered individuals include:

Full-time and part-time workers

Most seasonal employees

Owner-officers who draw a salary

Agricultural workers

Employees of religious organizations

Temporary workers

Student workers

Employed family members

First responders

Elected and appointed officials

Not covered, can opt in:

Independent contractors

Self-employed individuals

Tribal Nations

Not covered, can't opt in:

Federal government employees

Exempt seasonal employees

Railroad employees



Coverage: Work in Minnesota

Paid Leave covers people who work in Minnesota. The Paid Leave law defines this as:

- A. People who worked 50 percent or more of the prior year in Minnesota, or
- B. For people who did not work 50 percent or more of the year in any one state, those who live in Minnesota.

Scenarios

- A business is located in Minnesota, but some of their employees live in Wisconsin.

Are they covered?

It depends on where they physically work.

- A business is located in Iowa, but some of their employees work remotely in Minnesota.

Are they covered?

Yes.

- I work in multiple states, but I live in Minnesota.

Am I covered?

It depends on (1) time in each and (2) state of residence.



Employment protection

Paid Leave and FMLA have largely the same protections:



- **Job protections:** Generally, you must be restored to your job or an equivalent position when returning from leave. For Paid Leave, this take effect 90 days after your date of hire.
- **Health insurance continuation:** Generally, employers must continue to fund their portion of healthcare and other group insurance premiums while you are on leave.
- **No retaliation or interference:** Employers must not interfere with or retaliate against you if you apply for or use Paid Leave. Employers cannot take your Paid Leave payments.



Leave schedules

Like FMLA, leave under Paid Leave can be taken either continuously or intermittently.

- **Continuous leave is taken in a single block of time.**
(ex. 4 weeks of leave)
- **Intermittent leave is taken in smaller blocks of time**
(ex. 2 days a week for 4 hours each over 2 months)

Unlike FMLA, the employer does not have to agree for Bonding Leave to be taken intermittently.

Continuous Leave

M	T	W	Th	F

Intermittent Leave

M	T	W	Th	F



Paid Leave payments

- **Unlike FMLA, Paid Leave offers payments** to help Minnesotans focus on what matters most.
- **Minnesotans can get up to 90% of usual wages**, up to a maximum of \$1,423 per week (based on 2025 numbers).
- **Those earning a lower wage get more support.** If you earn less, you'll get a higher percentage of your paycheck covered while on leave.
- You must have earned at least 5.3% of the statewide average annual wage in the past year to be eligible (\$3,900 in 2025).



If you receive payments from Unemployment Insurance, Workers' Compensation, or Social Security Disability Insurance during an absence, you are not eligible for Paid Leave payments.



Paid Leave premiums

Premiums will be shared between employers and employees.

- When Paid Leave starts, the premium rate will be 0.88%. This covers both family and medical leave.
- Small employers pay less. Their effective premium rate is 0.66% of wages.
- The premium rate is applied on wages up to the Social Security cap (\$176,000).
- The first premiums are due April 30, 2026.





Providers: Your role and responsibilities

Certify Leave	Educate and Inform	Prepare as an Employer
<ul style="list-style-type: none">• Assess whether your patient qualifies for Paid Leave.• Fill out and sign certification forms for Paid Leave.	<ul style="list-style-type: none">• Provide information and resources to patients.• Help patients who need assistance to apply.	<ul style="list-style-type: none">• Set up your accounts• Notify your employees• Update workplace policies

One Certify need for leave



Determine if your patient needs Paid Leave
and complete a certification form.

Certification of Health Care Provider for Employee's Serious Health Condition under the Family and Medical Leave Act

U.S. Department of Labor
Wage and Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR.
RETURN TO THE PATIENT.

OMB Control Number: 1235-0003
Expires: 6/30/2026

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. 29 U.S.C. §§ 2613, 2614(c)(3); 29 C.F.R. § 825.305. The employer must give the employee at least 15 calendar days to provide the certification. If the employee fails to provide complete and sufficient medical certification, his or her FMLA leave request may be denied. 29 C.F.R. § 825.313. Information about the FMLA may be found on the [WHD website](http://www.dol.gov/agencies/whd/fmla) at www.dol.gov/agencies/whd/fmla.

SECTION I - EMPLOYER

Either the employee or the employer may complete Section I. While use of this form is optional, this form asks the health care provider for the information necessary for a complete and sufficient medical certification, which is set out at 29 C.F.R. § 825.306. **You may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308.** Additionally, you may not request a certification for FMLA leave to bond with a healthy newborn child or a child placed for adoption or foster care.

Employers must generally maintain records and documents relating to medical information, medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

(1) Employee name:
First Middle Last

(2) Employer name: Date: (mm/dd/yyyy)
(List date certification requested)

(3) The medical certification must be returned by (mm/dd/yyyy)
(Must allow at least 15 calendar days from the date requested, unless it is not feasible despite the employee's diligent, good faith efforts.)

(4) Employee's job title: Job description ☐ is / ☐ is not attached.

Employee's regular work schedule:

Statement of the employee's essential job functions:

(The essential functions of the employee's position are determined with reference to the position the employee held at the time the employee notified the employer of the need for leave or the leave started, whichever is earlier.)

SECTION II - HEALTH CARE PROVIDER

Please provide your contact information, complete all relevant parts of this Section, and sign the form. Your patient has requested leave under the FMLA. The FMLA allows an employer to require that the employee submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to the serious health condition of the employee. For FMLA purposes, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves **inpatient care** or **continuing treatment by a health care provider**. For more information about the definitions of a serious health condition under the FMLA, see the chart on page 4.



What is certification?

Like with FMLA, certification shows that individuals need Paid Leave.

- Most types of leave require a certification form completed by a medical professional:
 - Medical Leave
 - Caring Leave
- Military Family Leave, Bonding Leave, and most cases of Safety Leave use other documentation for certification.





Who can certify leave?

Under FMLA

- A doctor of medicine or osteopathy
- A podiatrist, dentist, clinical psychologist, optometrist, or chiropractor (with limitations)
- A nurse practitioner, nurse-midwife, clinical social worker, or physician assistant
- A Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston, Massachusetts
- Any health care provider from whom the employer will accept a medical certification for a claim for benefits

Under Paid Leave

- **Anyone who can certify FMLA**
- Licensed alcohol and drug counselors
- Licensed midwives
- Mental health professionals

Other social service providers and legal professionals may be able to certify certain types of leave or certain situations, like Safety Leave.



How will certification work?

Certification is simple and straightforward.

- Paid Leave certification forms are **modeled on FMLA**, so providers don't have to learn a whole new process.
- We will even **accept FMLA forms** to certify Paid Leave.
- Certification forms can be filled out on a computer or printed and filled by hand.
- Forms can be sent to Paid Leave by the applicant or certifier. They can be uploaded electronically, faxed, mailed, or sent by email.

Certification of Health Care Provider for
Employee's Serious Health Condition
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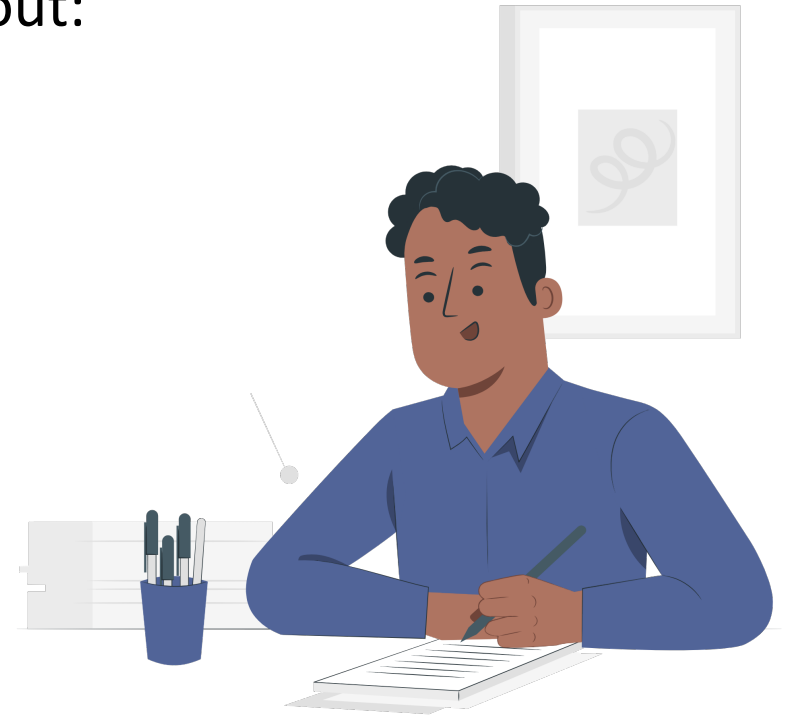
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What information is needed for certification?

- The first section of the form will be completed by the applicant.
- As a healthcare provider, you will fill in information about:
 - Start date & length of condition
 - Length of leave time and schedule needed
 - Medical facts about the condition
 - Essential job function affected
 - Type of leave needed
 - Your professional and contact information

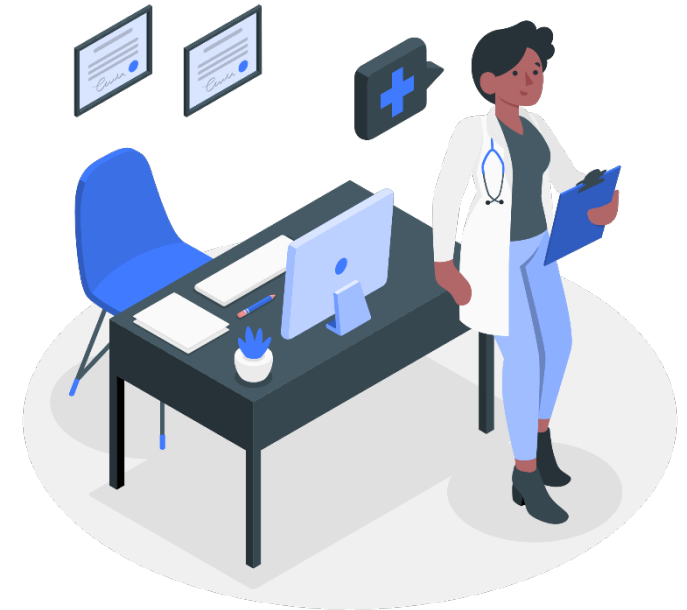




Serious health conditions

Like FMLA, Paid Leave is for serious health conditions.

- Generally, this means the condition lasts at least seven days and requires inpatient care or continuing treatment or supervision. These days do not need to be continuous.
- You can certify any physical or mental health condition that meets these criteria and falls within your scope of practice.
- Paid Leave does not define or exclude specific diagnoses. Your certification should be based on your professional assessment and your patient's needs.





Authorized representatives

Individuals can choose an authorized representative to help apply for Paid Leave and navigate any hearings or appeals.

- An authorized representative can be anyone the individual designates, but it cannot be their certifying provider.
- If someone is incapacitated, their certifying provider can request a form to certify an authorized representative on their behalf.
- Minors and people under guardianship or conservatorship are not required to have an authorized representative.





About Bonding Leave

Bonding Leave is time to bond with a new child through birth, adoption, or foster care. Both parents can take leave. Leave must take place within 12 months of child's birth, adoption, or placement.

How Bonding Leave is certified:

Bonding Leave for birth is certified with a hospital discharge document, birth certificate, or letter from a healthcare provider.

These must include the child's name and date of birth, the parents' names who will take leave, and a **provider signature**.

Bonding Leave can also be certified with adoption or foster paperwork





About Caring Leave

- Like FMLA, Paid Leave provides time to care for family members with a serious health condition.
- Under Paid Leave, this type of Family Leave is called **Caring Leave**.

Healthcare providers will certify:

Caring Leave for family members of their patient, certifying that their patient has a serious health condition and needs care. They will also certify the type of care needed and the individuals approved to provide that care.





Who is a family member?

Under Minnesota Paid Leave, a family member can include:

- Spouse or domestic partner of the applicant
- Child (including biological, adopted, step, or foster children, children of a domestic partner, or of a legal guardian)
- Parent (includes biological, adoptive, de facto custodian, or foster parent, stepparent, or legal guardian of an applicant or the applicant's spouse)
- Sibling of the applicant
- Grandchild or grandparent of the applicant
- Sons- or daughters-in-law of the applicant (meaning the spouse of the applicant's child)
- Any other individual who has a personal relationship with the applicant that creates an expectation and reliance that the applicant care for the individual without compensation.





About Safety Leave

Safety Leave is a type of Family Leave under Paid Leave that is not covered by FMLA.

Safety Leave covers situations where a person or their family member is affected by domestic violence, sexual assault, or stalking.

- Safety Leave can be certified in several ways, including by healthcare providers.
- Certifiers are not expected to report specific details or circumstances, only to affirm that Safety Leave is needed.
- Safety Leave can be used to seek medical attention or counseling, or to seek other services or manage legal or logistical issues.



Two Educate and inform

- Provide information and resources about Paid Leave to patients and family members.
- Help patients who face barriers to applying.





Share information with patients

You can help your patients learn about Paid Leave.

- This is a new program, so your patients may not know it is available to them.
- Recommend Paid Leave when you believe it will aid treatment or recovery for a serious health condition.
- Share resources from Paid Leave such as handouts, brochures, or flyers in your patient's language.
- Hang an informational poster where you practice or offer patient and family education sessions.



2. Pregnancy and parental leave from work

Minnesota's Paid Leave program provides paid time off and job protections for most workers during pregnancy, after childbirth or to bond with a child.

You may be able to take Paid Leave for:

- ♦ pregnancy-related health needs;
- ♦ childbirth and recovery;
- ♦ bonding time as a birthing or non-birthing parent; and
- ♦ bonding after adoption or foster care placement.

If you qualify, you can take up to 12 weeks for your own care and 12 weeks for bonding, with a combined total of up to 20 weeks. Bonding leave must be used within 12 months of the birth, adoption or foster placement. While on Paid Leave, you'll receive part of your normal pay from the state.

Paid Leave may overlap with federal Family and Medical Leave Act (FMLA) protections. If you do not qualify for Paid Leave or FMLA, Minnesota law still provides 12 weeks of job-protected unpaid parental leave.

Good to know:

Paid Leave is run by the Minnesota Department of Employment and Economic Development. Learn about eligibility, how to apply and employer requirements at paidleave.mn.gov.



Connect your patients to assistance

Your patients might need help to apply for Paid Leave.

For example, this could happen if your patient:

- Does not have reliable computer or internet access
- Has limited English proficiency or limited literacy
- Has a disability or health condition that impacts their ability to apply

Paid Leave Contact Center

- Support for individuals in their language
- Applications can be taken over the phone
- Connect to other state resources

Other ways to help

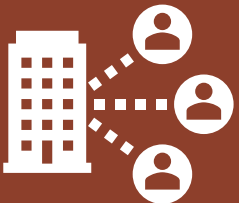
- Resources or support from your health system
- Community organizations offering assistance

Three Prepare as an employer

Healthcare providers and systems may also need to work with Paid Leave as an employer.

There are three simple steps for employers to prepare for Paid Leave:

1. Set up your accounts
2. Notify your employees
3. Set workplace policies





Step one: Set up your accounts

You will need an **Employer Account** (at uimn.org) and an **Administrator Account** (at paidleave.mn.gov) to meet your responsibilities under Paid Leave.

Employer Account (at uimn.org):

- Submit wage detail reports
- Pay premiums

Administrator Account (at paidleave.mn.gov):

- Review leave applications
- See Paid Leave determinations

PREPARE TODAY

Access your Employer Account at uimn.org to **designate a Paid Leave Administrator**.

After you receive an email confirmation, navigate to paidleave.mn.gov to **create your Administrator Account**.

You can have one or multiple administrators.

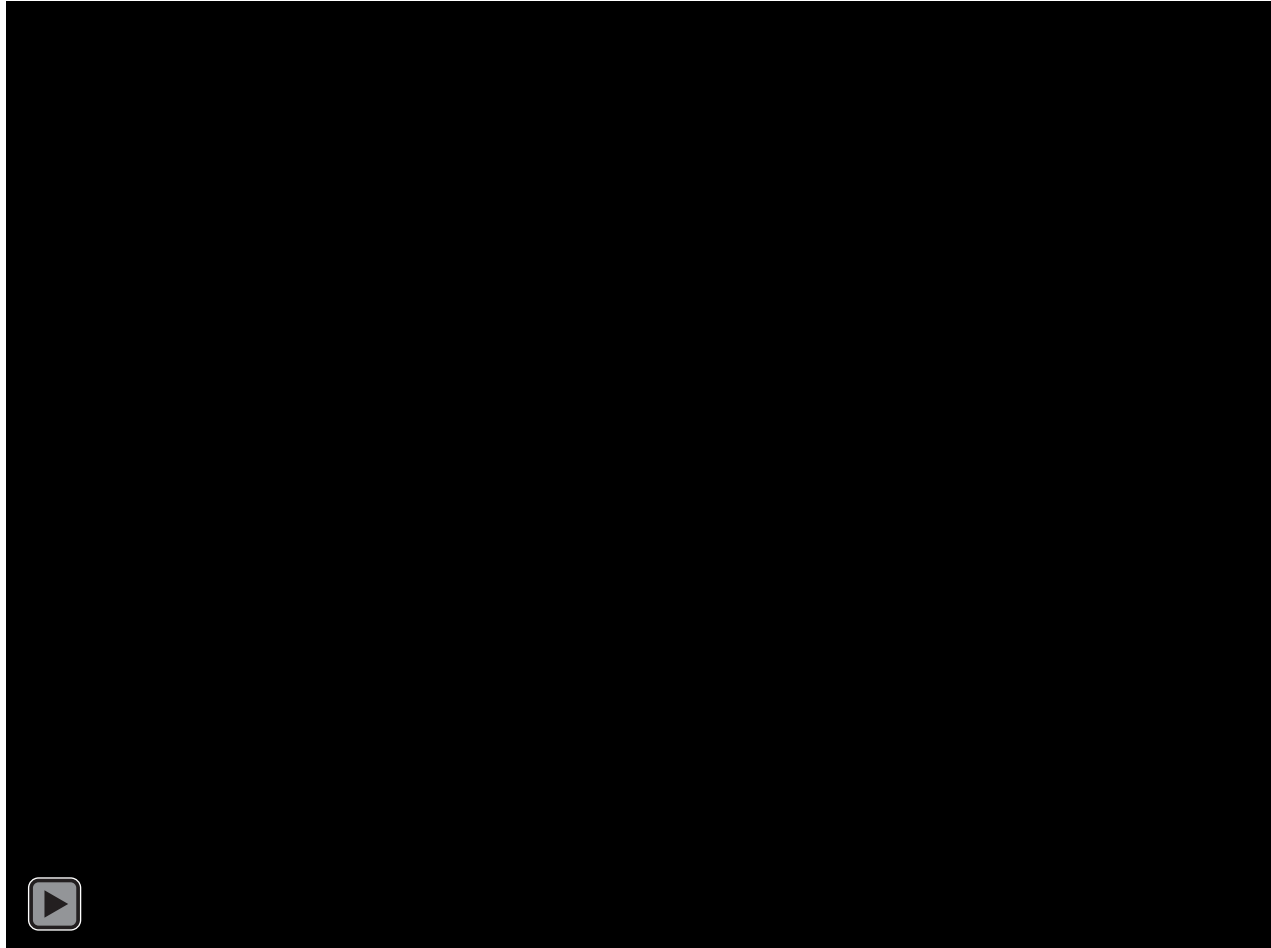


Paid Leave application review

Employers with a leave administrator account will be able to:

- **Review leave applications** submitted by employees
- **Confirm the information submitted** by employees is correct.
- **Track the status** of applications
- **View past determinations** from Paid Leave
- **Access benefit information** for tax purposes

[video has no sound]






Step two: Notify your employees

By December 1, 2025, Minnesota employers must:



Display a workforce poster

in English and any language spoken by five or more employees or independent contractors.



Notify individual employees

directly in their native language. Employees must acknowledge receipt.

PREPARE TODAY

Download and display the workplace poster from our website.

Download the sample notice, fill in your employer information, and deliver the notice to employees.

Have employees **acknowledge receipt** or document how they were notified.



Step three: Set workplace policies

If employers take the last two steps, you are compliant when Paid Leave launches on January 1, 2026.

But there are other important decisions you can make today to make Paid Leave work best for your organization such as:

- **How to split and collect premiums**
- **Coordination of other benefits**
- **Leave notice policies**
- **Intermittent leave policies**

PREPARE TODAY

Visit our website to learn more about the decisions employers can make today.

Update your payroll system and employee handbooks to reflect your choices.



Employer tax responsibilities for premiums

Premiums:

- Premiums are collected on post-tax wages.
- Employers can deduct their required premium contributions as an excise tax.
- If an employer pays more than the minimum share of the premium, they can deduct this additional contribution as an ordinary and necessary business expense.
- Employers should put the amount of the employee contribution and the amount of any employer pickup contribution in Box 14 of the W2 labeled as MNPFML.

22222		Employee's social security number		OMB No. 1545-0008	
b Employer identification number (EIN)		1 Wages, tips, other compensation		2 Federal income tax withheld	
c Employer's name, address, and ZIP code		3 Social security wages		4 Social security tax withheld	
		5 Medicare wages and tips		6 Medicare tax withheld	
		7 Social security tips		8 Allocated tips	
d Control number		9		10 Dependent care benefits	
e Employee's first name and initial		Last name		Suff.	
		11 Nonqualified plans		12a	
		13a		12b	
		13b		12c	
		13c		12d	
f Employer's address and ZIP code		14 Other			
15 State Employer's state ID number		16 State wages, tips, etc.		17 State income tax	
				18 Local wages, tips, etc.	
				19 Local income tax	
				20 Locality name	

W-2 Wage and Tax Statement
Form
Copy 1 - For State, City, or Local Tax Department

Department of the Treasury - Internal Revenue Service



Employer tax responsibilities for payments

Family Leave Payments:

- These payments are not counted as wages.
- Paid Leave will issue employees who take Family Leave a 1099 at the end of the year.

Medical Leave Payments:

- Part of the Medical Leave payments sent to employees will be counted as wages (third party sick pay) and subject to Social Security and Medicare taxes.
 - This amount will be 50% for most employers, and 33% for small employers.
 - This amount should be reported as wages on a W2.
- The state will provide employers the taxable amount of Medical Leave payments.

Additional information on taxes for Paid Leave, including responsibilities for employees, can be found on the Paid Leave website.

Next

Collaborate and improve



Partner with Paid Leave to:

- Share what works well
- Tell us what we can improve
- Reduce administrative burden in healthcare



Collaboration: We're listening



**Small
Employers**



**Larger
Employers**



**HR
Professionals**



**Medical
Providers**



**Equity
Groups**



**Domestic
Violence and
Sexual Assault
Advocates**



**Social Service
Organizations**



**Insurance
Industry**



**Third Party
Administrators**

- Input from businesses, healthcare providers, organizations, and individuals helps to make Paid Leave work better for all Minnesotans.
- We've held over 250 engagement sessions with a variety of stakeholders to answer questions and gather input on the program.
- We are also conducting user research interviews to get feedback on everything from leave administration to Safety Leave certification.



Collaboration: Provider feedback

We are always looking for providers who want to work with us to figure out:

- What works well
- How we can make Paid Leave more accessible to more people
- How we can **reduce administrative burden** and make Paid Leave **an efficient and effective tool for providers** to improve patient outcomes.

If you're ready to partner with us, please get in touch.





Collaboration: Help make Paid Leave work

Your partnership and experience help make Paid Leave work. Visit the [Paid Leave website](#) to:

- Review information for providers, employers, and individuals/families.
- Check out frequently asked questions.
- Sign up to receive Paid Leave updates.
- Send us questions.

To reach the Contact Center by phone, call 651-556-7777 or 844-556-0444 (toll-free). Paid Leave staff are available 8:00 a.m. to 4:00 p.m., Monday through Friday, except state holidays.



Thank you + Questions

Greg Norfleet | Minnesota Paid leave

Help us improve!



Use this QR code to provide feedback about today's session. [Paid Leave Feedback Survey](#)