

HR/LR Policy #1435

## Paid Parental Leave

**Date Issued:** 11/16/2016

**Date Revised:** 1/28/2020

**Authority:** Enterprise Human Resources/Labor Relations

### OVERVIEW

#### Objective

To provide parents the opportunity to bond with their new child, to ensure that agencies of the State of Minnesota can attract and retain a diverse and qualified workforce, and to demonstrate the commitment of the State of Minnesota to be a model employer.

#### Policy Statement

Eligible state employees are provided up to six (6) consecutive weeks of Paid Parental Leave (“PPL”) following: the birth of a child; the placement of a child in the employee’s home for adoption; or the placement of a child in the employee’s home to adjudicate parentage in cases of surrogacy when the employee is the intended parent. PPL is available to both parents if they are both eligible state employees.

#### Scope

This policy applies to executive branch, Minnesota State Retirement System, Public Employee Retirement System, and Teachers’ Retirement System employees whose terms and conditions of employment are established by a collective bargaining agreement negotiated by Minnesota Management and Budget or a compensation plan approved by Minnesota Management and Budget that contains a provision that provides eligible employees to up to six (6) weeks of PPL.

#### Definitions and Key Terms

##### *Appointing Authority*

For purposes of this policy, “Appointing Authority” refers to the agency head or the designee of the agency head.

##### *Child*

For purposes of this policy, the term “child” refers to a person who is under the age of 18 at the time that PPL is to commence.

##### *Eligible Employee*

For purposes of this policy, the term “eligible employee” refers to:

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1. An employee who qualifies as an “eligible employee” under the federal Family and Medical Leave Act (FMLA) (an employee who has been employed by the State for at least 12 months, and has worked for at least 1,250 hours during the 12-month period immediately preceding the start of leave); and
2. An employee whose terms and conditions of employment are established by a collective bargaining agreement negotiated by Minnesota Management and Budget or a compensation plan approved by Minnesota Management and Budget that contains a provision that provides eligible employees to up to six (6) weeks of PPL.

### *New Parent*

For purposes of this policy, the term “new parent” refers to an eligible employee who experiences a qualifying event.

### *Qualifying Event*

For purposes of this policy, the term “qualifying event” refers to:

1. The employee or the employee’s spouse/partner giving birth to the employee’s child;
2. The placement of a child in the employee’s home for adoption; or
3. The placement of a child in the employee’s home to adjudicate parentage in cases of surrogacy when the employee is intended to be the permanent legal parent of the child.

The birth of multiples (twins, etc.), the concurrent placement with the employee of more than one child in a home for adoption, or the concurrent placement with the employee of more than one child to adjudicate parentage in cases of surrogacy when the employee is the intended parent constitutes a single qualifying event.

### **Exclusions**

N/A

### **Statutory References**

M.S. 181.940; 181.941; 181.942; 181.943

29 U.S.C. Ch. 28 and 29 C.F.R. Part 825 Family and Medical Leave Act (“FMLA”)

## **POLICY REQUIREMENTS**

### **Notice**

Employees are required to provide reasonable notice to their Appointing Authority in advance of taking PPL.

### **Proof of parent-child relationship**

To confirm a parent-child relationship, an Appointing Authority may require the employee requesting PPL to provide reasonable documentation or statement of family relationship. Examples of this documentation include, but are not limited to, a child's birth certificate, a court document establishing parentage, etc. The Appointing Authority is entitled to examine documentation, but must return the official document to the employee.

## Amount of PPL

Full-time eligible employees are provided up to six (6) consecutive weeks of PPL, up to 40 hours per week (240 hours total), per qualifying event. Eligible employees who are not full-time employees are provided up to six (6) consecutive weeks of PPL, up to a weekly prorated amount based upon their normal work schedule, per qualifying event. For example, a 50 percent time employee may receive up to 20 hours per week of PPL for 6 weeks (120 hours total).

Eligible employees are limited to one PPL per qualifying event and one qualifying event per fiscal year. The fiscal year is July 1 to June 30.

## Use

PPL hours are intended to be taken consecutively, and within six (6) months of the qualifying event. At the Appointing Authority's discretion, eligible employees may be allowed intermittent or reduced schedule use of PPL, which must be completed within twelve (12) months of the Qualifying Event.

PPL is intended to provide eligible employees who are new parents of a child paid time off to bond with the child. Therefore, PPL cannot be used:

- Prior to the child's birth;
- Prior to the date of the child's placement in the employee's home for adoption by the employee; or
- Prior to the date of the child's placement in the employee's home to adjudicate the employee as the child's parent in the case of surrogacy.

PPL not used within the required timeframe (i.e., within six months of the qualifying event, or a term allowed by the Appointing Authority not to exceed twelve months from the qualifying event) cannot be carried over or cashed out.

PPL cannot be used retroactively to substitute previously taken paid or unpaid leave.

## Interaction with other paid and unpaid leaves

PPL will run concurrently with leave for the purpose of bonding with the employee's new child available under the FMLA and the State parenting leave statute, Minn. Stat. § 181.941. PPL will also run concurrently with any unpaid leave(s) that employees may be provided under other provisions of the applicable labor contract or compensation plan for the purposes of bonding with the employee's new child.

Prior to using PPL, employees must first exhaust accrued sick leave hours for reasons that qualify for sick leave usage under the applicable labor contract or compensation plan. PPL, whether it is taken on a continuous, intermittent, or reduced schedule basis, is to be used consecutively following the use of sick leave. For the hours for which employees receive PPL, employees cannot also be paid for other types of paid leave, such as sick, vacation, or compensatory time.

An employee who is taking FMLA leave must inform the agency if they will receive short-term disability benefits, long-term disability benefits, or workers' compensation benefits. Employees who are on FMLA leave and receiving such benefits are not considered to be on unpaid leave under the FMLA and are, therefore, not required to substitute or supplement with accrued sick leave or PPL. In the event the employee chooses to use PPL under these circumstances, the employee must comply with the terms and conditions of the applicable labor agreement or compensation plan, this policy, and the agency's normal leave policies.

PPL will be treated like other forms of paid leave for purposes of accruals, benefit eligibility, and rate of pay.

## RESPONSIBILITIES

### **Agencies are responsible for:**

Adopting this policy, providing PPL to eligible employees, and coordinating leave with other paid and unpaid leave entitlements under federal and state law, state policies, and bargaining agreements.

### **MMB is responsible for:**

Updating this policy as necessary.

## REFERENCES

HR/LR General Memo #2016-1 Paid Parental Leave Frequently Asked Questions

## CONTACTS

MMB Enterprise Human Resources

MMB Labor Relations Representative