

# Paid Parental Leave Frequently Asked Questions

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## GENERAL GUIDANCE AND INFORMATION

### 1. What is paid parental leave?

Paid parental leave (PPL) provides eligible state employees who are parents of a new child paid time off to bond with the child. An eligible employee is limited to one PPL per qualifying event and one qualifying event per fiscal year. PPL is paid at the employee's hourly rate at the time PPL is taken, not including any premium pay (e.g., overtime, differentials, etc.).

### 2. How much PPL is available to an eligible full-time state employee?

An eligible full-time state employee is provided up to six (6) weeks of PPL, up to a maximum of 40 hours per week (240 hours total), per qualifying event. Any unused PPL hours cannot be cashed out.

### 3. How much PPL is available to an eligible part-time employee?

An eligible part-time employee is provided up to six (6) weeks of PPL, up to a weekly amount based on the employee's normal work schedule, not to exceed a maximum of 40 hours per week (240 hours total), 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). Any unused PPL hours cannot be cashed out.

### 4. How much PPL is available to an eligible employee with a varying work schedule?

An eligible employee whose normal work schedule cannot be ascertained because the employee has a schedule that varies from week to week is provided up to six (6) weeks of PPL, up to a weekly amount based on the weekly average of the hours worked plus any time spent on paid and unpaid leave over the 12 months preceding to the start of PPL, per qualifying event. This amount shall not exceed a maximum of 40 hours per week for six (6) weeks (240 hours total), per qualifying event. If there has been a permanent or long-term change to the employee's schedule within the 12 months preceding the start of PPL, the hours worked under the new schedule are to be used for making this calculation. Any unused PPL hours cannot be cashed out.

### 5. How much PPL is available to an eligible seasonal employee?

An eligible seasonal employee is provided up to six (6) weeks of PPL, up to a weekly amount based on the employee's normal work schedule, per qualifying event. This amount shall not exceed 40 hours per week for six (6) weeks (240 hours total). Seasonal employees can only use PPL during the period of their appointment, and any unused PPL hours cannot be cashed out.

### 6. How much PPL is available to an employee with multiple appointments?

An eligible employee is allowed one PPL covering all appointments the employee takes leave from at the time the PPL begins, up to a maximum PPL leave of 40 hours per week for six (6) weeks (240 hours total, per qualifying event). The weekly amount of PPL is calculated based on the employee's normal work schedule (or average, if a varying schedule), including all currently active appointments.

### **7. When is the amount of PPL calculated?**

The amount of PPL to be provided is calculated as of the date of the first PPL absence.

## **Eligibility**

### **8. Who is eligible to take PPL?**

A state employee, regardless of appointment type, who has a "qualifying event" is eligible for PPL if:

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

Note: This PPL guidance does not apply to employees who are appointed solely in the State Universities Instructional Unit.

### **9. When is eligibility determined?**

Eligibility for PPL is determined as of the date PPL is to start. The employee is not allowed to use PPL until the employee meets eligibility criteria.

### **10. If an employee has met the eligibility criteria at the time of the qualifying event or when the employees commences a parenting leave related to the qualifying event, do we need to check eligibility for PPL when the employee begins PPL?**

Yes. Eligibility for PPL must be determined as of the date PPL is to start.

### **11. What is a "qualifying event" for PPL?**

PPL is intended to be used for bonding with a new child. A qualifying event occurs when:

- a child is born to a state employee;
- a child is placed in a state employee's home for adoption by the employee; or
- a child is placed in a state employee's home to adjudicate the state employee as the child's parent in cases of surrogacy.

### **12. What happens if an employee experiences more than one qualifying event in the fiscal year?**

An eligible employee is limited to only one PPL-covered qualifying event per fiscal year. An eligible employee is also limited to one PPL per qualifying event. For example, even when an eligible employee experiences two qualifying events within one fiscal year, an eligible employee will be limited to PPL for only one of the qualifying events. The fiscal year is July 1 to June 30.

The birth of multiples (twins, etc.), the concurrent placement of more than one child with the employee for adoption, or the concurrent placement of more than one child with the employee to adjudicate the employee as the child's parent in cases of surrogacy constitutes a single "qualifying event."

**13. Are employees who are gestational carriers / surrogate mothers, or egg, sperm, or other reproductive cell donors, eligible for PPL?**

PPL is intended to provide eligible employees paid time off to bond with their new child. Therefore, employees who are gestational carriers, surrogate mothers, egg, sperm, or other reproductive cell donors are eligible for PPL if they meet eligibility criteria, have a qualifying event, and will be bonding with their new child.

**14. If both parents are state employees who meet the eligibility criteria for PPL, can they each receive six weeks of PPL?**

Yes. If both parents are state employees and each meet the eligibility criteria, each is entitled to receive up to six weeks of PPL.

**15. Is an employee eligible for PPL if the new child lives in the employee's home but the employee is not the biological parent or intended legal parent of the child (for example, the new child of the employee's daughter or sister who lives with the employee)?**

No. The new child must be born to the employee, or the employee must be the intended legal parent (in the case of adoption or surrogacy) of the new child.

**16. Is an employee required to be married to the mother or father of the new child to be eligible for PPL?**

No, as long as the new child is born to the employee, or the employee is the new child's intended legal parent (in the case of adoption or surrogacy), and the employee meets all eligibility criteria.

**17. Must an eligible employee have FMLA leave available to take PPL?**

No. An employee must meet FMLA eligibility requirements at the time PPL begins, but the employee does not need to have an FMLA leave entitlement available in order to take PPL.

## Use

**18. When can PPL be used?**

An eligible state employee must complete PPL within six (6) months following the qualifying event. With approval of the Appointing Authority, an eligible employee may complete PPL within twelve (12) months of the qualifying event. However, in no instance will PPL be granted in excess of the maximum number of hours for which the employee qualifies, nor will employees be allowed to use PPL beyond twelve (12) months from the qualifying event.

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

PPL not used within the required timeframe cannot be carried over or cashed out.

**19. Can PPL be used for pregnancy-related bedrest, other conditions, or preparatory activities for birth, adoption, or surrogacy prior to the qualifying event?**

No. PPL may not be used until the qualifying event occurs. It does not cover conditions or activities prior to the qualifying event.

## **20. Does PPL have to be taken consecutively (all in one block)?**

PPL hours are intended to be used consecutively and within six (6) months of the qualifying event. With approval of the Appointing Authority, an eligible employee may use PPL on an intermittent or reduced work schedule basis. However, if PPL is used on an intermittent or reduced leave schedule, the employee must use other paid hours (e.g., regular, sick if absence is sick leave qualified, vacation, or compensatory time) to fill the remainder of the employee's scheduled work hours.

Use of PPL, whether alone or in combination with other paid hours, cannot exceed the employee's normal work schedule.

## **21. What is the smallest increment of PPL that can be used?**

The Appointing Authority may authorize an eligible employee to use PPL on an intermittent or reduced schedule basis. However, when using PPL in less than full work-day increments, the employee must use other paid hours (e.g., regular, sick if absence is sick leave qualified, vacation, or compensatory time) to fill the remainder of the employee's scheduled work hours.

## **22. What does intermittent or reduced schedule mean?**

A PPL schedule is intended to be preapproved and scheduled in advance of the use of the leave. PPL hours are intended to be taken consecutively. However, the Appointing Authority may approve PPL on an intermittent or reduced schedule basis.

An intermittent schedule is prearranged and approved smaller blocks of PPL use. For example, with the Appointing Authority's approval, an eligible employee may take four weeks (160 hours) of PPL, then return to work for a period of time, and later may take the remaining two weeks of PPL.

A reduced schedule occurs when an employee works less than the employee's normal work schedule, and supplements with PPL. For example, with the Appointing Authority's approval, a full time eligible employee may work 20 hours per week and use 20 hours of PPL per week, up to a total of 240 hours. Another example may be a full time employee who takes a four week block of PPL, and then uses the remaining 80 PPL hours on a reduced work schedule.

## **23. Can employees use other forms of paid leave (such as sick, vacation, etc.) while on PPL?**

Employees are not allowed to receive other types of paid leave for hours for which they are receiving PPL.

While on PPL, an employee may work a reduced schedule with approval of the Appointing Authority, and must use other paid hours (e.g., regular, sick if absence is sick leave qualified, vacation, or compensatory time) to fill the remainder of the employee's scheduled work hours.

## **24. If an employee becomes sick or has another sick leave qualifying condition while on PPL, does the employee use the earn code SIK for the sick time?**

Employees on a continuous block of PPL (e.g. not an approved reduced schedule or intermittent PPL) use earn code "PPL," or if on FMLA, earn code "FPL," even if sick. Employees on an approved reduced schedule or intermittent PPL may use sick leave for a sick leave-qualifying reason during the hours that are not part of the PPL reduced schedule or intermittent PPL.

## **25. Must eligible employees use their sick leave for a qualifying event before they are permitted to use PPL?**

Yes. Before beginning to use PPL, eligible employees must first exhaust accrued sick leave hours for reasons which qualify for sick leave usage under the applicable labor contracts or compensation plans. PPL is to be used consecutively following the use of sick leave, unless the employee returns to work, or intermittent or reduced schedule use of PPL is authorized by the Appointing Authority.

It is permissible for an employee who returns to work immediately after sick leave use to take a consecutive block of PPL at a later date, but it is not permissible for an employee to remain out on an unpaid leave and use PPL after the unpaid leave. If an employee remains out on leave, PPL runs consecutively after sick leave.

#### **26. While on FMLA and receiving short term disability, can an employee use PPL?**

An employee on FMLA and receiving short term disability benefits is not required to, but may choose to use sick leave, and then PPL after exhausting sick leave. After short term disability benefits end, use of PPL is required to run concurrently with any unpaid leave(s) to which parents may be entitled (e.g., FMLA, leave under the State parenting leave statute (M.S. 181.941), and parenthood leave under applicable contracts and compensation plans).

#### **27. What happens if the qualifying event falls on the eve of the new fiscal year?**

An eligible employee is entitled to only one PPL per qualifying event, and one qualifying event per fiscal year. An eligible employee would be entitled to 6 weeks of PPL for that qualifying event as long as the PPL is taken within six months of the qualifying event (12 months with Appointing Authority approval), and as long as the employee has not already had a qualifying event in that fiscal year.

It is possible for an employee to take two PPLs in a fiscal year, as long as each qualifying event occurs in a different fiscal year.

When there is a single qualifying event and PPL crosses over two fiscal years, the balance does not reset with the new fiscal year. In other words, the employee will receive only six weeks of PPL for that qualifying event, regardless of the fact that it is a new fiscal year.

#### **28. If an eligible employee gives birth and the child remains in the hospital after the mother is released, what is the effective date of the qualifying event for purposes of PPL?**

The effective date of the qualifying event for PPL is the date of birth.

#### **29. Must an employee who is adopting a child or becoming a parent through surrogacy wait until after the child physically arrives at the employee's home before the employee can use PPL?**

The intent of PPL is to permit parents paid time off to bond with a child at the time the child is "placed" with the employee for adoption, which in some circumstances, could begin prior to the time that a child physically arrives at the employee's home. An employee who is adopting a child or becoming a parent in a surrogacy scenario may begin using PPL once they are in a physical position to begin bonding with the child and the legal adoption process has been initiated.

For example, this point may come immediately after the child's birth, if the employee is charged with making medical decisions for the child, feeding the child, etc. while the child is still in the hospital or birthplace. For other intended parents, this may be the day that they take physical custody of the child in another state or country and need to travel to return to the employee's home.

#### **30. Will an employee receive holiday pay if the holiday occurs while they are using PPL?**

Use of PPL is considered being in “payroll status.” Eligibility for holiday pay is determined by the labor contract or compensation plan under which the employee is covered. Employees should consult with their HR Office to understand their holiday pay eligibility.

Paid holidays during an employee’s PPL do not count against the employee’s PPL bank. Employees on PPL whose normal work schedule includes a holiday and who do not receive holiday pay in cash, will use PPL in place of regular hours on the holiday (e.g., AFSCME Unit 208).

**31. If a holiday occurs while the employee is on PPL, and it occurs on a day the employee would normally be scheduled off, is the employee entitled to holiday pay?**

An employee will receive holiday pay in accordance with the provisions of the applicable labor contract or compensation plan.

## REFERENCES

HR/LR Policy #1435 Paid Parental Leave

## CONTACTS

MMB Enterprise Human Resources

MMB Labor Relations Representative