Paid Parental Leave

OVERVIEW

Objective

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

Policy Statement

Eligible state employees are entitled to up to six (6) consecutive weeks of paid parental leave (PPL) following: the birth of a child; placement of a child in the employee’s home for adoption; or placement of a child in the employee’s home to adjudicate parentage in cases of surrogacy when the employee is the intended parent. This leave 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 that contains a provision that entitles eligible employees to up to six (6) weeks of Paid Parental Leave.

Definitions and Key Terms

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

An employee within the scope of this policy who is 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 for at least 1,250 hours of service during the 12-month period immediately preceding the start of leave).
**New Parent**

An eligible employee who experiences a qualifying event.

**Qualifying Event**

An employee or employee’s spouse/partner gives birth to the employee’s child; a child is placed in the employee’s home for adoption; or a child is placed 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. For purposes of this policy, the birth of multiples (twins, etc.) or the concurrent placement of more than one child in a home for adoption 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 (FMLA)

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**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. This documentation may be a child’s birth certificate, a court document, 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 entitled to up to six (6) consecutive weeks of PPL, up to 40 hours per week (240 hours total), for one qualifying event per fiscal year. The fiscal year is July 1 to June 30. Eligible employees who are not full-time employees are entitled to a prorated amount of PPL based upon their normal work schedule. Eligible employees are limited to one PPL per qualifying event.

**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 state employees who are parents of a new child paid time off to bond with the child.

- PPL cannot be used prior to the child’s birth.
- PPL cannot be used prior to the date of the child’s placement in the employee’s home for adoption by the employee.
- PPL cannot be used 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 agreed to by the Appointing Authority and employee 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 parenting leave under the FMLA and leave under the State parenting leave statute, M.S. 181.941. PPL will also run concurrently with any unpaid leave(s) that parents may be entitled to under other provisions of the applicable labor contract.

Prior to using PPL, employees must first exhaust accrued sick leave hours for reasons which qualify for sick leave usage under the applicable labor contract. PPL is to be used consecutively following the use of sick leave, unless intermittent or reduced schedule use of PPL is authorized by the Appointing Authority. For the hours for which employees receive PPL, employees cannot also receive other types of paid leave, such as sick, vacation, or compensatory time.

An employee who is taking FMLA leave must inform the agency if he or she will receive short-term disability benefits, long-term disability benefits, or workers’ compensation benefits. Individuals who are on FMLA leave and also receiving such benefits are not considered to be on unpaid leave, and are not required to substitute or supplement with accrued sick leave or PPL. In the event the employee chooses to use accrued paid leave or PPL under these circumstances, the employee must comply with the terms and conditions of 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 the request:**

Implementing 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, creating and maintaining a companion “Frequently Asked Questions” General Memo.
N/A

REFERENCES

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

CONTACTS

Labor Relations Representative

*Date policy content moved to new document template featuring updated branding, logo, formatting, and corrections to typographical errors. No change to policy content.