

Paid Family and Medical Leave (PFML): Frequently Asked Questions (FAQ)

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This overview provides some basic facts about PFML and will be updated on an ongoing basis as more information becomes available. Information on PFML from the Minnesota Department for Employment and Economic Development is available here: <https://paidleave.mn.gov/>

General information

What is Paid Family and Medical Leave (PFML)?

Paid Family and Medical Leave (PFML) program was established by the Minnesota legislature in 2023 and the program is governed by MN Statutes 268B et seq., Family and Medical Benefits. It provides paid time off when a serious health condition prevents you from working, when you need time to care for a family member or a new child, for certain military-related events or for certain personal safety issues.

What can I use PFML for if I need to be out of work?

There are two main types of leave:

- (1) Family Leave to care for a family member with a serious health condition, or if you're bonding with a new baby or child in your family; and,
- (2) Medical Leave when your own serious health condition prevents you from working.

Additionally, you will be able to take family leave to support a family member in the military deploying overseas, or if you or a family member are facing a significant personal safety issue.

When does it go into effect?

The premiums will be assessed beginning January 1, 2026, the same time at which benefits are set to be available.

How will it work, generally?

The law establishes a family and medical insurance account modeled after the state's unemployment insurance fund. It will be managed by a new Family and Medical Benefits Insurance Division within the Department of Employment and Economic Development.

You will need to notify your employer at least 30 days before you plan to take leave if the event is foreseeable. You will need to experience a qualifying event of at least seven calendar days. A qualifying event is something that would make you eligible for one of the types of leave. You will need to apply to the Paid Leave program for the leave. You or your family member's medical professional will provide certification of the reason for leave.

How do I certify that my reason for seeking leave is covered as a qualifying condition under the rules of PFML? What medical providers are considered eligible providers?

Rulemaking by the state will establish a process for identifying eligible providers who can certify leave under the law. DEED will be providing initial information in coming months about the application process.

What happens if I work for a Minnesota employer but live in a different state?

The payroll tax that pays for this is for Minnesota employers. If you or your employer contribute to the PFML system, you are covered by it.

What situations could be covered for an approved leave? What constitutes a “qualifying condition” for leave?

For medical leave:

- MEDICAL DISABILITY DUE TO PREGNANCY: An employee can take PFML leave if they are unable to work due to a pregnancy-related disability.
- ILLNESS OR INJURY: An employee can use leave for one’s own serious physical or mental illness, an injury that leads to inpatient care or incapacity, their need for recurring treatment or a stretch of recovery.

For family leave:

- BONDING: The most common might be bonding time around a child’s birth, adoption or foster care arrangement so long as it is used within the first 12 months of that event.
 - o Bonding leave can be taken by both parents within 12 months of a birth, adoption, or foster placement. This means that parents who welcome a child in 2025 may each take up to 12 weeks of bonding leave in 2026. That leave must be taken by the date of the child’s first birthday, or the first anniversary of the child’s adoption or placement.
- CARE FOR FAMILY: Caregiving leave applies to a family member’s serious physical or mental illness, an injury that leads to inpatient care or incapacity, their need for recurring treatment or a stretch of recovery.
- MILITARY DEPLOYMENTS OR RETURNS: Leave could also stem from a family member’s military deployment or a need to reconnect with someone coming back from active-duty service.
- SAFETY LEAVE: Leave could also surround an instance of domestic abuse or sexual assault if the employee is injured or a family member in cases where the need for time away from a job isn’t expected to be brief.

Different leave programs such as the federal Family Medical Leave Act (FMLA) provisions, Earned Sick and Safe Time (ESST), Long-term disability (LTD), and Workers Compensation (WC) may apply to individual situations where leave from work is required.

How is the PFML program paid for? Do I have to contribute to this program to receive benefits?

The initial down payment for the PFML program was made from the state’s historic 2023 budget surplus. The up front, one-time cost was ~\$670 million. Eventually, the ongoing costs will be split among employers and workers.

The payroll tax (or “premium”) was initially set at 0.70 percent but 2024 legislation now allows the commissioner to increase the rate based on actuarial data annually. The full premium rate is now expected to be 0.88 percent. The legislature also placed a cap on the total contribution at 1.2 percent. There are exceptions to lower the cost for employers with fewer than 30 workers. Some employers could opt out if it

offers a leave benefit that meets or exceeds the new state standard; school districts may not opt out. There is also money allocated to help employers hire temporary staff or pay costs associated with employees on leave.

Workers may be required to split the premium share up to 50% with their employer. If the premium is set at .88%, an employee could therefore pay a payroll tax of 0.44% of their wages through an automatic payroll deduction to support the state program. This premium share can be negotiated between the employer and union.

Who will be eligible for Paid Leave benefits? Are school districts required to participate?

Most Minnesota employees will become eligible to take paid leave after they have earned more than about \$3,500 in wages within the state over a period of a year.

All public employers including school districts must participate either in the state program or in a private plan approved by the state. Any school district with fewer than 30 total workers on their payroll will be eligible for a lower premium, or payroll tax.

Specific leave provisions

How does it coordinate with other leave (sick / dedicated family leave / ESST / FMLA)?

Different leave programs such as FMLA, ESST, LTD, WC may apply to individual situations where leave from work is required. Please refer to the leave comparison chart for more information. PFML is intended to longer-term need and is not available for events fewer than 7 days; ESST or individual accrued contractual leave is more suitable for day to day leaves or as a supplemental benefit.

The state has provided a comparison between PFML and ESST:

https://paidleave.mn.gov/deed/assets/paid-leave-comparison-acc_tcm1045-611627.pdf

Can my employer deny a request for PFML? Is there an appeal process in the event leave is denied?

If leaves are covered under statute, a district cannot deny the leave. In fact, employers do not approve or deny leaves; the approval of a leave request is made by the state agency reviewing claims (DEED).

Employees and employers can submit information on eligibility to DEED. DEED will also establish an appeal process in the event that leave is denied.

Are there limits on who counts when the leave is for bonding or caregiving?

Bonding is defined in state law as “time spent by an applicant who is a biological, adoptive, or foster parent with a biological, adopted, or foster child in conjunction with the child’s birth, adoption, or placement.

The law is specific about family member definitions; it covers:

- A spouse or domestic partner.
- A child where the applying worker is the parent, legal guardian or de facto parent. Sons-in-law or daughters-in-law count.
- A sibling.
- A grandchild, grandparent or spouse’s grandparent.

- A person where there is a clear reliance relationship regardless of whether there is a family tie or housing connection

Collective bargaining agreements may provide additional family leave as a contractual right; we recommend maintaining all existing rights to paid leave.

How many weeks could somebody be away from their job each year? What does a year mean when it comes to paid leave? Once I take leave, when can I take it again?

An individual can take up to 20 total weeks of leave in a benefit year if they have a combination of medical and family leave events. Family leave and medical leave can be taken on their own to a maximum of 12 weeks; a combination of family leave and medical leave is allowable up to 20 weeks. Individuals cannot take 20 weeks of only medical leave or 20 weeks of only family leave.

A benefit year is the 12-month period that starts when paid leave is first taken by an individual; the clock starts on someone's leave year with their first usage and cannot be taken again until the anniversary of their first usage.

20 week example: On March 1, an individual could begin 12 weeks of family bonding leave with an adopted child and then 8 more weeks in October to deal with their own serious health issue. Once 20 weeks of leave is exhausted, the individual cannot use the state program until March 1 of the subsequent year.

Leave does not have to be taken consecutively. A person who needs to be away for regular health care treatments could work out a schedule where leave is taken days here and there for a stretch of time. Applications for leave along with some kind of certification of the qualifying event will be submitted through a state-developed system managed by DEED.

If I change jobs and have not yet earned \$3,500 at my new job, am I still eligible for PFML based on my previous service?

Yes; you do not need to wait until you have earned \$3,500 at your new employer.

Who can certify that the reason I am using PFML is a qualifying reason?

State law defines healthcare providers who can sign off that leave is for a qualifying reason as follows: "an individual who is licensed, certified, or otherwise authorized under law to practice in the individual's scope of practice as a physician; physician assistant; podiatrist; osteopath; surgeon; advanced practice registered nurse; an alcohol and drug counselor as defined in section 148F.01, subdivision 5; or a mental health professional as defined in section 245I.02, subdivision 27."

This list is likely to be clarified in rule-making, and more information will be provided by DEED during the rule-making process.

Will I have to take all my leave at once? Does my leave need to be continuous?

No, you do not have to take your Paid Leave all at once. Leave use can be intermittent, but when you claim leave, the law says it must be taken "in increments consistent with the established policy of the employer." For example, if your contract or existing practice allows you to use leave in 4-hour increments, you can take one-half a day off each week for several months to care for a family member undergoing chemotherapy treatment. Or you can take your leave in full weeks to recover from your own major surgery.

Is Paid Leave the same thing as FMLA?

No. Paid Leave is a paid leave program run by the State of Minnesota. It entails both wage loss benefits for a covered leave, as well as a right to reinstatement at the end of a qualifying leave. FMLA (leave under the federal Family and Medical Leave Act of 1993) is unpaid, job-protected leave. Please refer to the draft leave comparison chart for more information. Learn more about FMLA from the [Department of Labor and Industry](#).

FMLA contains provisions that permit it to run concurrently with other leaves if there is a FMLA-qualifying basis for the leave. For example, the birth of a child is a qualifying reason for leave under both PFML and FMLA. Both types of leave would run during the course of that period. This means that individuals would generally *not* be able to “stack,” or use consecutively, two types of leave.

Is Paid Leave the same thing as Earned Sick and Safe Time?

No. Minnesota's new earned sick and safe time law requires employers to allow workers to earn paid time off in case they are sick or their safety is at risk. Learn more about earned sick and safe time from the [Department of Labor and Industry](#).

Are there conditions under which another leave, like FMLA, Long-Term Disability, or leave under the ADA are preferable?

Different leave programs such as FMLA, ESST, LTD, WC may apply to individual situations where leave from work is required.

How can I coordinate leave with a member of my family?

Paid Family Medical Leave will be available on an individual and not family basis. For example, two caregivers of the same child who work for the same employer could take leave at the same time for the same reason without the employer denying the leave. A collective bargaining agreement could, however, place limitations on contractual leave benefits for either “topping up” pay to full wage replacement or using leave concurrently.

How would PFML work when I work for two different employers?

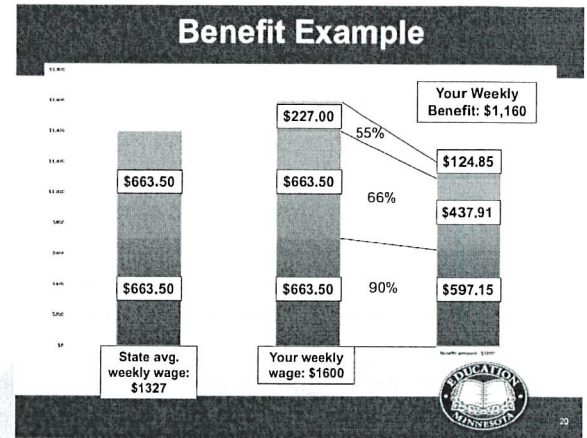
The calculation of the wage replacement rate will be calculated by DEED based on wage rates from different employers. More information will be shared from the agency as it becomes available. Employees will be able to appeal the wage replacement rate determination.

Specific pay and benefit provisions

How is the level of pay I receive on my leave determined?

There is a scale that factors in a person's wages and the state's average weekly wage. As of May 2025, the state calculation of an average weekly wage is \$1,327. Wages will be replaced on marginal rates of 55%, 66% or 90%.

- **The portion of an individual's wages are that are 50% or less than the Minnesota average week wage are replaced at 90%**
- **The portion of an individual's wages are over 50% but not quite 100% of the average wage are replaced at 66%**
- **The portion of an individual's wages that are 100% or greater than the average weekly wage are replaced at 55%**



1 Example using a worker's average weekly wage of \$1,600

Our interpretation at this time is that all earnings reported to the state through the wage detail report will be used to determine the replacement wage. DEED's process will account for wages as they are paid rather than possible future wages. Pay from an extracurricular coaching job held at the time of one's leave that is included in a paycheck, for example, would be included in the calculation of earnings. An extracurricular coaching role that is not being paid at the time of leave would not be used as a projection of future income and therefore not used in determining one's pay while on leave.

DEED will launch a calculator on their website in coming months to estimate possible wage replacement rates.

Who will pay me for Paid Leave? How quickly will I get wage replacement checks? Will pay be retroactive to the start of my leave?

Paid Leave benefits will be paid by the State of Minnesota. Pay will be retroactive to the date you apply for the leave following an initial 7-day qualifying period.

More information will be forthcoming on the timing on wage replacement checks but employees should not expect payment until at least the second week after applying.

Will my paid leave earnings be taxed?

Paid Leave benefit payments will be considered taxable income under state law. The IRS has yet to provide guidance on the federal tax treatment of Paid Leave benefits.

Because PFML wage replacement income comes from the state, contributions like healthcare and pension contributions are not deducted. Employees will need to work with employers to address deductions or payments to the employer or pension fund.

Can an employer make up the difference between partial and full wage replacement for an employee while they are on leave?

Yes. Employers will be able to designate certain paid benefits like Paid Time Off, vacation and sick time as "supplemental benefits." If an employer designates payments as supplemental benefits, the employee can

choose to receive up to full salary continuation during their leave. The decision to offer supplemental benefits is subject to negotiations between the employer and union.

Will I still be covered by my health insurance while on PFML?

Yes. Coverage continues while you are on a protected leave. Existing cost-sharing provisions will apply but employers cannot withhold insurance coverage.

PFML and other legal rights or contractual considerations

Does the time I am on leave under the PFML program count towards my probationary period?

Like other leave time, time not at work won't contribute to the minimum number of days of service towards probation. A day absent from teaching service for any reason does not count towards the probationary period. An extended leave may result in an employee failing to reach the minimum number of days of service towards probation.

Minnesota Statutes 122A.40 and 122A.41 permit an employee to continue their probationary period after a year in which a medical, parental, or military leave results in a service year that is under 90 days. Consult with your field staff if you believe that a medical or parental leave will reduce your teaching year to under 90 days.

Does being on PFML impact my seniority or rights under my contract's ULA/layoff protections?

In situations where a district elects to lay off employees, someone on a protected leave could still be subject to layoff, but will still have reinstatement rights under the ULA provisions of the contract. The same contractual provisions on accrual of seniority rights apply to someone on PFML or any other protected leave.

A probationary employee on PFML who is non-renewed would not have a right of return but would still be eligible for all benefits of the state program during their leave. A non-renewed probationary employee concurrently using contractual leave along with PFML would remain covered by the contract during their leave until their non-renewal took effect.

While I am on leave under the PFML program, do I earn service credit in TRA or PERA?

Pension contributions will not be withheld or remitted for leave used under this program. Service credit, for the time on leave under this program, would only be eligible if earned on a qualifying medical leave and employees and/or employers pay the contributions into the pension fund. Education Minnesota believes that employers should certify a corresponding qualifying leave for those using PFML for medical or family leave.

Pension contributions should be withheld from employee pay any time the employee is using contractual leave, including as a "top up" to PFML.

From TRA:

Under Minnesota Paid Leave, the State of Minnesota, and not the employer, will provide partial wage replacement and job protection to Minnesota workers who need time away from work for medical or family reasons.

*TRA must receive the equivalent employee and employer contributions for a teacher to receive TRA service credit while on a leave. It is our general understanding and expectation that the State of Minnesota will not be withholding and remitting employee and employer contributions to TRA under this program. **If that is the case, the employer would also have to grant the individual a family or medical leave of absence to allow for the individual and employer to make the appropriate contributions to receive TRA service credit for the period of time that the employer is not paying the teacher while on leave.***

How does Paid Family Medical Leave coordinate with sick leave pools/banks?

Employee's use of a sick leave bank or pool will be covered by individual collective bargaining agreements. State law does not direct a particular order of use for employer-provided leave and state-provided leave. Consult your contract for specifics.

Will my job be protected if I take Paid Leave? How will reinstatement work?

Yes. Minnesota's Paid Leave law protects you from losing your job if you take leave for a qualifying event. The law also offers protection against retaliation.

Upon return from a PFML, an employee is entitled to return to the same position held when the leave commenced or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

Could I lose my reinstatement rights if I take PFML?

Provided that it is a qualifying leave and you are an eligible employee, your right to reinstatement is protected by Minnesota Statutes Section 268B.09, subd. 6.

Do I have any options for job-protected leave before Paid Leave goes into effect on January 1, 2026?

Yes. In addition to FMLA, the state's Pregnancy and Parental Leave Act provides a right for certain employees to take up to 12 weeks of unpaid, job-protected leave for pregnancy-related leave and upon the birth or adoption of their child. Learn more about state's unpaid pregnancy and parental leave law from the [Department of Labor and Industry](#).

Process questions

How do I actually apply for PFML to the state?

There will be an online application through the Department of Employment and Economic Development. Individuals are advised to apply for leave as soon as you know that the leave may be necessary. In cases where the need for leave is not foreseeable, individuals should apply as soon as the need is apparent.

Do I have to use PFML?

You are not required to apply for wage replacement through the state and can use other contractual or unpaid leave to cover situations covered by PFML. It is likely, however, that employers will impose a

premium-share and therefore employees may wish to take advantage of a program that you are paying for via payroll taxes.

Is there anyone available to help me navigate the application for PFML?

No determination has been made by the state about navigation support.

Full text of the Paid Family and Medical Leave statute can be found here:
<https://www.revisor.mn.gov/statutes/cite/268B>

