



**PAID PARENTAL LEAVE – MEMORANDUM OF UNDERSTANDING
QUESTIONS & ANSWERS
Nov. 21, 2016**

Note: Minnesota Management and Budget (MMB), has posted the new PPL policy and its own FAQ at:

Policy: www.mn.gov/mmb/assets/1435-paidparentalleave_tcm1059-263213.pdf

FAQ: www.mn.gov/mmb/assets/2016-1-ppl-generalmemo_tcm1059-263372.pdf

This document is meant to answer basic questions about paid parental leave (PPL) and the approval process. Many of the answers are based on work completed by the governor's Paid Parental Leave Workgroup, a labor and management committee that developed policy recommendations for PPL.

GENERAL

What is paid parental leave?

Paid parental leave (PPL) provides eligible state employees who are the parents of a new child six consecutive weeks of paid time off. PPL is to be used for bonding with the new child. PPL is available following the birth of a new child or the adoption of a child. PPL is available to both parents of the newborn or newly adopted child or when a child is placed in a home for adoption.

Why is PPL important?

The first weeks and months following the birth of a child is an exceptionally important bonding time for families, and a critical moment in a child's development. Many childcare programs will not accept a child into their programs until the infant is at least six weeks old.

PPL also benefits employers by helping them recruit and retain employees who might otherwise leave employment. Minnesota will become the fourth state to offer paid parental leave of this nature to state employees. Minnesota's private sector is leading in this effort here with the Mayo Clinic, U.S. Bank, Target, Ecolab and General Mills already offering employees PPL.

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

An eligible full-time state employee experiencing a qualifying event is eligible to use six weeks of PPL (to a maximum of 240 hours) per qualifying event. PPL is available only once per fiscal year (July 1 through June 30).

A “qualifying event” is when a child is born to a state employee, or placed in a state employee’s home for adoption by the employee, or placed in a state employee’s home to adjudicate the state employee as the child’s parent in cases of surrogacy.

PPL is only available to employees legally recognized as “parents” including unmarried parents, but does not include foster parents, legal guardians, stepparents, surrogates or grand parents.

If both parents are state employees who meet the eligibility criteria for PPL, do they both receive six weeks of PPL?

Yes, if both parents are eligible state employees, each will be entitled to six weeks of PPL for one qualifying event per fiscal year.

How much PPL is available to an eligible part-time, seasonal or intermittent employee?

An eligible non-full-time employee experiencing a qualifying event will receive six weeks pro-rated leave based on the average hours worked or paid, excluding premium pay (e.g., overtime, shift differential), in the 12 months prior to the start of PPL (to a maximum of 240 hours) per qualifying event.

Is PPL retroactive?

Qualified employees who had a child or adopted children on or after July 1, 2016 also will be eligible for this benefit and must use it within six months of child’s birth/adoption. Such employees will not, however, be allowed to swap out leave (sick leave, vacation, etc.) taken prior to the start date of PPL.

ELIGIBILITY

Who is eligible to take PPL?

A state employee (within a union bargaining unit) who has worked for the state for at least 12 months and has worked at least 1,250 hours in the 12 months immediately prior to taking PPL is eligible for PPL. Only actual regular hours worked (not overtime, sick, vacation, etc.) count for the purpose of determining eligibility.

Are all MAPE-represented state employees who meet the eligibility requirements covered by the PPL policy regardless of appointment type?

Yes the agreement creating PPL includes all the state unions. Note also that eligibility is based on hours worked (see above), not appointment type. It includes classified, unclassified, permanent and temporary employees who meet the eligibility requirements. It also includes MAPE employees working for MNSCU.

USE

When can leave be used?

An eligible state employee must use the six weeks of PPL within the six months following the birth or adoption of a child. With approval of the Appointing Authority (i.e., agency management where you work), an employee may use PPL within 12 months of the qualifying event.

Does PPL have to be taken consecutively (all in one block)?

PPL is intended to be used consecutively within six months of the qualifying event. However, the policy does provide for exceptions to this with approval from the Appointing Authority.

Do I use sick leave or PPL during a certified FMLA period?

The basic rules on the use of sick leave during FMLA related leave have not been changed as a result of PPL. If leave stemming from the birth of the child has been certified as FMLA leave, accrued sick leave must be used prior to other forms of leave. Normally, new mothers need six weeks of recovery time from child birth (without complications) and eight weeks of recovery time for a C-section birth.

While on FMLA and receiving short-term disability, can an employee use PPL?

Yes. 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 the short-term disability benefits end, use of PPL is required to run concurrently with any unpaid leave(s) to which parents may be entitled (i.e., FMLA, leave under the state parenting leave statute M.S. 181.941, and parenthood leave under applicable contracts).

Can PPL be used for pregnancy-related bed rest, 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.

What if a mother has a miscarriage?

PPL is intended for bonding time upon the birth or adoption of a child, not for other types of leave. Unfortunately, a miscarriage would not be covered under paid parental leave, but may be covered under other types of medical leave and FMLA.

NOTICE

When should an employee provide a PPL request form to his/her Appointing Authority?

Employees must provide sufficient notice for foreseeable leave. When the need for leave is not foreseeable, employees must provide notice as soon as practicable under the circumstances. Notice forms and other related details will be developed by MMB and Agency HR staff.

GRIEVANCES

Will the new PPL MOU be grievable if it is not properly followed?

Yes.

FUNDING

How is PPL being funded?

The PPL workgroup estimates that the annual costs of PPL will be around \$6 million per year. This is extraordinarily inexpensive in the context of a multi-billion-dollar state budget.

Research also shows that workplace policies that improve employee retention like PPL can actually save employers money. According to the President's Council of Economic Advisors, policies like paid parental leave benefit employers by improving their ability to recruit and retain talent, lowering costly worker turnover and boosting employee morale and productivity.

Agencies will have to cover the costs of PPL, which will be minimal in most cases. State agencies have already budgeted for employees' annual salaries, so PPL will not add to the salary costs of those employees taking PPL. While all leave (sick leave, vacation, PPL or otherwise) programs have budget implications, Governor Dayton believes that PPL, on the whole, will benefit state government.

APPROVAL AND IMPLEMENTATION

What is the approval process for PPL memorandum of understanding (MOU)?

MAPE members have already voted to approve the MOU. The legislative Subcommittee on Employee Relations (SER), by not acting on Nov. 14, caused the MOU to go into interim effect. For the MOU to become permanent, the full Legislature must affirmatively vote to approve the MOU during its next session. If it fails to do so, the MOU will become void.

What is the earliest the House and Senate could vote on the MOU?

Technically, they could vote as soon as the start of session (Jan. 3), but that is unlikely given the committee processes of the Legislature. It's more likely to occur later in the session. It's also possible that the Legislature would not take a vote on the MOU, thus causing it to expire at the end of session.

If the Legislature fails to approve the MOU will employees have to pay back PPL benefits already paid out?

No. There is no legal precedent for this. If the Legislature fails to approve the MOU by the end of its next session, it may, however, interrupt PPL that is in progress at the time. At this point, employees would have to decide whether to come back to work, use accrued vacation or take unpaid leave.

How can members help this pass the Legislature?

The PPL Organizing committee is working on a strategic plan and will be reaching out to MAPE members to encourage their involvement. Contact your MAPE representative if interested in getting involved in this effort or email at action@mape.org.

When will the new PPL MOU be implemented?

Implementation began on Nov. 15, 2016.