

PFML Side by Side Walk Through

(H0002-8 and UEH0002-1)

SbyS Page	House Sec.	Bill Page	Senate Sec.	Bill Page	Comparison	Description
R1	1	1.14	1	1.13	Different	Family and medical insurance data. <i>Senate language clarifies that data may be exchanged between DEED and DLI and DEED and DOC and adds the purpose for sharing data with DOC.</i>
R1	2	2.2	--	--	House only	Allows insurance carriers to offer paid family and medical leave insurance products.
R1	3	2.7	2	2.4	Same	Adds certain provisions of the PFML program to the sections the DLI commissioner can issue a compliance order for.
R2	4	2.28	3	2.25	Same*	Adds premium deductions and chargebacks to the information required on the required statement of earnings from employers.
R4	-	-	1	68.15	Senate only	Modifies the medical assistance eligibility requirements for employed people with disabilities by allowing them to maintain medical assistance eligibility during any time the person is receiving either an unemployment benefit or family and medical leave benefits.
R6	5	4.28	--	--	House only	Makes the PCA choice provider responsible for managing payment of premiums.
R6	6	5.16	--	--	House only	Clarifies how premiums are managed under CFSS budget model.
R7	7	6.16	--	--	House only	Requires the financial management services provider to assist CFSS program participants seeking family and medical leave benefits.
R9	8	8.13	4	4.24	Same	Allows DEED to use UI data as necessary to administer the PFML program.
R11	9	10.17	5	6.28	Different	Provides definitions of terms used in chapter 268B. <i>Differences in the following definitions: base period, benefit, benefit year, covered active duty (House only), covered employment, employee (seasonal employee carveout in Senate), employer (employee leasing</i>

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						<p><i>companies clarification in Senate), estimated self-employment income, family and medical benefit insurance enforcement account (House only), family care, family member, health care provider, incapacitated person (Senate only), medical benefit program, self-employed individual, serious health condition (3 days v. 7 days), supplemental benefit payment, wage detail report, and wages (House provides definition language which is the same as the definition in section 268.035, subd. 29 (UI).</i></p> <p><i>Other definition differences are purely technical.</i></p>
R24	10	24.1	6	17.1	Different	<p>Creates the family and medical benefit insurance program and creates a division within DEED to administer and operate the program.</p> <p><i>Senate specifies that employees of the division are in the classified service. Senate also provides for an exemption from certain statutory procurement requirements.</i></p> <p><i>Other technical differences.</i></p>
R25	11	24.23	7	17.28	Different*	<p>Requires the commissioner to pay benefits to an applicant when certain requirements are met.</p> <p><i>House clarifies that benefits are paid from state funds and not considered a special insurance plan or paid by an employer.</i></p> <p><i>Other minor technical differences.</i></p>
R26	12	25.18	8	18.14	Different*	<p>Provides benefit account requirements, calculation of weekly benefit amounts, timing, maximum length of benefits, and a process and timeline for an amended determination.</p> <p><i>House and Senate differ on the maximum length of benefits. The House provides for a maximum amount of 18 weeks plus six weeks for pregnancy recovery or complications (total 24). The Senate provides for a maximum of 20 weeks of benefits.</i></p> <p><i>House and Senate differ on the minimum period for which benefits are payable (eight hours v. one day in a work week).</i></p> <p><i>House contains language clarifying benefit accounts.</i></p>
R29	13	29.1	9	21.9	Same*	Requires applicant to notify DEED of any changed circumstances.

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R29	14	29.6	10	21.14	Different*	<p>Provides eligibility requirements for applicants, including what constitutes a seven-day qualifying event. Includes certification requirements based on type of leave.</p> <p><i>House refers to pregnancy and recovery from pregnancy, which are covered under serious health condition.</i></p> <p><i>Language differences for certifications and other minor wording and technical differences.</i></p>
R33	15	33.14	11	25.21	Different*	<p>Provides for content of notification to employer when an employee is granted benefits under the program.</p> <p><i>Senate has additional provisions to allow the employer to submit relevant information and providing that the commissioner must ensure that only one family member is taking leave for an incapacitated person at a time.</i></p>
R35	16	35.1	12	27.12	Same*	<p>Establishes appeal process for the PFML program similar to the UI system.</p>
R35	17	35.27	13	28.8	Different*	<p>Provides for notice to employers about the need for leave. Provides specifics for bonding and intermittent leaves and reduced-leave schedule (House only).</p> <p><i>House provides right to leave 90 days from the date of hire for applicants who meet eligibility criteria.</i></p> <p><i>Senate moved 90-day start of job protection to employment protections section. House requires oral, telephone, or text notification to the employer regarding leave. Senate does not include reduced-schedule leave option and provides additional parameters for intermittent leave. Other smaller language differences.</i></p>
R38	18	38.3	14	30.19	Different*	<p>Contains provisions providing employment protections for employees with regard to requesting or obtaining benefits.</p> <p><i>House contains additional restrictions on a waiver of rights and provides that such agreements are void. Senate contains language regarding exclusion of bonus payments that were paid. Senate allows for like pay, benefits if employer experiences extenuating circumstances. House and Senate differ on language in the remedies subdivision regarding jury trial,</i></p>

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						<i>standard, and awarding of fees. Other smaller language differences.</i>
R43	19	43.19	15	35.27	Different	Allows an employer to apply to substitute a private plan for either paid family, or paid medical, or both benefit programs. <i>House requires commissioner to consider when approving a private plan any coverage with respect to concurrent employment for weekly benefits payable. House allows private plans to provide intermittent leave in the minimum increment the employer offers. House and Senate differ on weekly benefit amount and duration. House has clarifying language about private plans provided through an insurance program. Other smaller language and technical differences.</i>
R49	20	49.16	16	41.16	Different*	Allows for self-employed individuals and independent contractors to elect participation in the program. <i>House and Senate differ on calculation of self-employed individual's net earnings (House is most recent 2 years and Senate one year) and amount of premium due (House half of premium and Senate full premium percentage).</i>
R50	21	50.24	17	42.24	Similar*	Provide wage detail report requirements for employers. Models UI. <i>Slight technical differences in word choice. House language refers to missing information omitted under this <u>section</u>. Senate language refers to under this <u>chapter</u>.</i>
R51	22	52.21	18	44.21	Similar*	Requires employers to establish premium accounts with DEED. <i>House language makes technical exclusion for employers with private plans.</i>
R52	23	52.28	19	44.28	Different*	Provides specifics regarding premiums paid for the PFML program and employee charge backs. Includes a premium reduction for employers with fewer than 30 employees. <i>Senate caps the annual premium increase at 1 percent of taxable wages paid to each employee. Other small language and technical differences.</i>
R54	24	55.11	20	47.8	Same*	Addresses federal income tax treatment of PFML benefits.

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R54	25	55.18	21	47.15	Similar*	Provides for treatment of premium collection under the PFML program. <i>Senate language eliminates the separate enforcement account so fees and costs would go into the family and medical benefit insurance account.</i>
R56	26	57.29	22	49.24	Same*	Requires deduction from PFML benefits for child support owed.
R57	27	58.26	23	50.21	Same*	Allows DEED commissioner to compromise certain amounts under the PFML program.
R57	28	59.7	24	51.3	Similar*	Provides percentage for administrative costs to DEED. <i>Senate language also adds interagency agreements with Department of Commerce.</i>
R58	29	59.18	25	51.15	Similar*	Provides percentage for public outreach to DEED. <i>Senate language also adds interagency agreements with Department of Commerce.</i>
R58	30	59.28	26	51.26	Different*	Requires an applicant to repay overpaid benefits based on a determination or amended determination or a benefit law judge's decision. <i>House creates and retains the separate enforcement account. Senate contains a provision regarding termination for misrepresentation.</i>
R60	31	61.25	27	53.20	Same*	Sets penalties for employer misconduct.
R60	32	62.18	28	54.15	Same*	Provides recordkeeping and audit requirements for the PFML program.
R61	33	63.16	29	55.12	Same*	Authorizes DEED commissioner to issue subpoenas and oaths to administer the PFML program.
R61	34	63.27	30	55.23	Same*	Provides for a lien, levy, setoff, and civil action for amounts owed by an employer or applicant under the PFML program.
R66	35	68.18	31	60.14	Same*	Authorizes DLI to provide conciliation services for violations of employment protections.
R66	36	68.24	32	60.20	Similar*	Requires annual report to MMB and the legislature on PFML program finances, and a public report on benefit use and demographics. <i>Senate adds race and ethnicity of the benefit claimant to reportable</i>

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						<i>demographics.</i>
R67	37	69.27	33	61.23	Different*	Requires employers to post notices regarding rights and benefits under chapter 268B. <i>House requires notice regarding the program to be given by employers to independent contractors. House contains language requiring DEED to prepare a uniform notice form in five most common languages used in Minnesota.</i>
R68	38	71.20	34	62.25	Different*	Allows an employer to require leave taken under chapter 268B to run concurrently with leave taken for the same purpose under FMLA. <i>House contains additional language regarding relationship of this chapter to collective bargaining agreements and federal law.</i>
R69	39	72.16	35	63.13	Same*	Severability provision.
R70	40	72.26	36	63.23	Different*	Provides for small business assistance grants to defray certain costs of the PFML program. <i>House grants are for employers with 50 or fewer employees for grants up to \$3,000 and \$1,000 for costs related to hiring temporary workers and wages. Senate allows grants to businesses when more than 15 percent of their employees are receiving benefits for temporary workers or increased wages based on a formula.</i>
R71	-	-	37	64.15	Senate only	Creates a direct care provider account. Allows money in the account to pay 50 percent of the annual premium due from a direct care worker.
R71	-	-	38	64.22	Senate only	Requires the commissioner of human services, in collaboration with the commissioner of employment and economic development, to convene a stakeholder group to address issues surrounding the impacts of premium collection on direct care workers. Requires a report to be submitted to the legislature with recommendations by January 1, 2025.
R71	41	73.19	40	65.22	Same	PFML benefits may be applied for and paid starting July 1, 2025.
R71	1	73.24	2	71.1	Same	Clarifies treatment of PFML benefits under MFIP and other assistance programs.

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R71	2	74.1	3	71.6	Similar	Clarifies treatment of PFML benefits under MFIP and other assistance programs. <i>House language makes technical change to update cross reference numbers. Staff recommend House language.</i>
R72	3	74.29	4	72.4	Same	Clarifies treatment of PFML benefits under MFIP and other assistance programs.
R73	4	75.28	5	73.1	Same	Clarifies treatment of PFML benefits under MFIP and other assistance programs.
R73	5	76.4	6	73.10	Different	Appears to be a technical difference in the effective dates and interaction with MFIP benefits. <i>House language is effective when benefits can be paid, July 1, 2025.</i> <i>Senate language is effective six months earlier on January 1, 2024.</i>
R73	1	76.8	39	65.2	Different	Requires the DEED commissioner to contract with an independent actuarial consultant to determine the financial soundness of the family and medical benefit insurance program to be completed no later than October 31, 2023. <i>Senate requires the commissioner to present options to adjust the PFML program if the study indicates the premium rate is not actuarially sound.</i>
R74	1-12	76.23	1-13	65.27	Different	Appropriations. See fiscal spreadsheet for details and differences.

* Indicates a technical cross reference difference in the effective date for nonpartisan staff purposes.