

**3317.4600 SCHEDULES AND MODIFICATIONS.**

Subpart 1. **Schedule adherence.** Covered individuals must adhere to the leave schedule approved by the commissioner.

A. A covered individual is not eligible for benefits for days not included in their approved leave schedule.

B. A covered individual may, subject to Minnesota Statutes, section 268B.04, subdivision 8, request reimbursement for absences taken outside of an approved leave schedule if the covered individual applies for and is granted a leave schedule modification.

Subp. 2. **Reporting additional income.** If a covered individual receives additional income during a leave that they did not report in the initial application for benefits, the covered individual must notify the commissioner. The covered individual does not need to notify the commissioner of income designated as a supplementary benefit by the covered individual's employer.

Subp. 3. **Ending a leave early.** A covered individual who intends to end their leave before the approved leave period ends must provide advance notice of at least two business days, where foreseeable, to the commissioner and any employer from whom they are taking leave.

Subp. 4. **Extending an approved leave.**

A. If a covered individual seeks an extension of benefits after the approved leave period ends, the covered individual must request an extension with the commissioner pursuant to this subpart and inform any employer from whom they are taking leave.

B. The covered individual must make the request for an extension to the commissioner in writing no less than 14 calendar days, or as soon as practicable, prior to the expiration of the original approved leave period. If a covered individual requests an extension less than 14 calendar days prior to the expiration of the original approved leave period, the covered individual must show good cause for the delay. Good cause means timely notification was delayed due to circumstances outside of the control of the covered individual.

C. A request for an extension must include:

- (1) the reason for the extension;
- (2) the requested duration of the extended leave;
- (3) information included in the notice to employer set forth under part 3317.4100, subpart 1; and
- (4) documentation sufficient to support the request for extension from a health care provider or a certifying party, except in the case of bonding leave.

D. An employer may dispute a covered individual's claim that the covered individual provided notice pursuant to this subpart. The commissioner shall provide a process for impartial review of the dispute in which the commissioner must review all information provided by the covered individual and the employer. If the commissioner finds that the employer has not been

properly notified, the commissioner shall require the applicant to provide the need for a leave and a proposed leave schedule with any employer before the commissioner makes a determination regarding an extension of benefits.

**Subp. 5. Changing intermittent leave schedules.**

A. If a covered individual seeks to change an approved intermittent leave schedule, the covered individual must request a change in schedule from the commissioner and notify any employer from whom they are taking leave.

B. The covered individual must make the request for a change to an intermittent leave schedule in writing no less than 14 calendar days, or as soon as practicable, prior to the expiration of the original approved leave. If a covered individual requests an extension less than 14 calendar days prior to the expiration of the original approved intermittent leave schedule, the covered individual must show good cause for the delay. Good cause means timely notification was delayed due to circumstances outside of the control of the covered individual.

C. A request for a change in schedule must include:

- (1) the reason for the change;
  - (2) the requested changes to the schedule;
  - (3) information included in the notice to employer under part 3317.4100, subpart 1;
- and
- (4) documentation sufficient to support the request for change from a health care provider or a certifying party, except in the case of bonding leave.

D. An employer may contact the commissioner to dispute a covered individual's claim that the covered individual provided notice pursuant to this subpart. The commissioner shall provide a process for impartial review of the dispute in which the commissioner shall review all information provided by the covered individual and the employer. If the commissioner finds that the employer has not been properly notified, the commissioner shall require the applicant to share the need for a leave and a proposed leave schedule with any employer before the commissioner makes a determination regarding a change to the intermittent leave schedule.

**Subp. 6. Changing from intermittent to continuous leave.**

A. If a covered individual seeks to change from an approved intermittent leave schedule to a continuous leave schedule, the covered individual must request a change in schedule from the commissioner and notify any employer from whom they are taking leave.

B. The covered individual must make the request for a change in writing no less than 14 calendar days, or as soon as practicable, prior to the expiration of the original approved intermittent leave schedule. If a covered individual requests a change less than 14 calendar days prior to the expiration of the original approved intermittent leave schedule, the covered individual must show good cause for the delay. Good cause means timely notification was delayed due to circumstances outside of the control of the covered individual.

C. A request for a change in schedule must include:

- (1) the reason for the change;
- (2) the requested start and end date of the continuous leave;
- (3) information included in the notice to employer under part 3317.4100, subpart 1;

and

(4) documentation sufficient to support the request for change from a health care provider or a certifying party, except in the case of bonding leave.

D. An employer may contact the commissioner to dispute a covered individual's claim that the covered individual provided notice pursuant to this subpart. The commissioner shall provide a process for impartial review of the dispute in which the commissioner shall review all information provided by the covered individual and the employer. If the commissioner finds that the employer has not been properly notified, the commissioner must require the applicant to share the need for a leave and a proposed leave schedule with any employer before the commissioner makes a determination regarding a change from an approved intermittent leave schedule to a continuous leave schedule.

**Subp. 7. Changing from continuous to intermittent leave.**

A. If a covered individual seeks to change from an approved continuous leave schedule to an intermittent leave schedule, the covered individual must request a change in schedule from the commissioner and notify any employer from whom they are taking leave.

B. The covered individual must make the request for a change in writing no less than 14 calendar days, or as soon as practicable, prior to the expiration of the original approved leave. If a covered individual requests a change less than 14 calendar days prior to the expiration of the original approved leave, the covered individual must show good cause for the delay. Good cause means timely notification was delayed due to circumstances outside of the control of the covered individual.

C. A request for a change in schedule must include:

- (1) the reason for the change;
- (2) the requested start and end date of the intermittent leave;
- (3) information included in the notice to employer under part 3317.4100, subpart 1;

and

(4) documentation sufficient to support the request for change from a health care provider or certifying party, except in the case of bonding leave.

D. An employer may contact the commissioner to dispute a covered individual's claim that the covered individual provided notice pursuant to this subpart. The commissioner shall provide a process for impartial review of the dispute in which the commissioner shall review all information provided by the covered individual and the employer. If the commissioner finds that the employer has not been properly notified, the commissioner shall require the applicant to share the need for

a leave and a proposed leave schedule with any employer before the commissioner makes a determination regarding a change from an approved continuous leave schedule to an intermittent leave schedule.

**Statutory Authority:** *MS s 268B.02*

**History:** *49 SR 1368*

**Published Electronically:** *July 9, 2025*