

**3317.4700 INTERMITTENT LEAVE.**

Subpart 1. **Calculating benefits for intermittent leave.** The commissioner shall calculate a total weekly benefit payment for intermittent leave using the process specified in Minnesota Statutes, section 268B.04, subdivision 3, except that the weekly benefit payment must be prorated as follows:

A. The commissioner shall calculate the hourly replacement by dividing the total weekly benefit by the number of hours worked in an applicant's typical workweek.

B. The commissioner shall calculate the benefit payment by taking the number of hours used during the intermittent leave multiplied by the hourly replacement.

Subp. 2. **Definition.** For the purposes of this part, "reasonable effort" means that an applicant must communicate the need for a leave and a proposed leave schedule with any employer before applying for paid leave benefits.

Subp. 3. **Disagreements between employees and employers on intermittent leave schedules.** If an employer believes that an applicant has failed to make a reasonable effort to share the need for a leave and a proposed leave schedule with any employer before applying for paid leave benefits, and the leave schedule is not identified as necessary by a health care provider's certification under Minnesota Statutes, section 268B.06, subdivision 3, paragraphs (a) to (c) and (f) to (g), an employer may file a dispute with the commissioner. The commissioner shall provide a process for impartial review of the dispute in which the commissioner shall review information provided by the applicant and the employer. If the commissioner finds that the employee has not made a reasonable effort, 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 on an application for intermittent leave.

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

**History:** *49 SR 1368*

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