

# EMPLOYMENT LAW SUMMARY

## Minnesota Employee Leave Laws— Overview



Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, Minnesota employers must comply with state employment laws requiring employee leave for specific purposes. (Employers must also follow federal laws not discussed here, such as the Family and Medical Leave Act, that require employee leave.)

Minnesota has state laws that mandate:

- Paid sick leave;
- Pregnancy and parenting leave;
- School activities leave;
- Witness and crime victim leave;
- Domestic abuse leave;
- Jury duty leave;
- Election leave;
- Military and military family leave;
- Civil Air Patrol leave; and
- Bone marrow donation leave.

In addition, Minnesota has enacted a paid family and medical leave law that will provide up to 20 weeks of job-protected leave, starting Jan. 1, 2026.

The chart below provides a high-level overview of Minnesota's employee leave laws.

### Overview of Minnesota Employee Leave Laws

TYPE OF LEAVE	REQUIREMENTS
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## TYPE OF LEAVE

## REQUIREMENTS

Employers with at least one employee must provide eligible employees with up to **48 hours** of paid sick time per year. Staffing agencies that supply temporary employees are covered, as are employee leasing agencies and professional employer organizations, if they are the taxpaying employer under state law.

Employees, including part-time and temporary employees, are eligible for leave if their employer anticipates they will work at least 80 hours per year in Minnesota for the employer. The law does not cover elected officials, volunteer and on-call firefighters and ambulance personnel, and farm workers who work less than 28 days per year.

Employees accrue one hour of leave for every 30 hours worked, up to 48 hours per year, and unused leave carries over into the following year. Employers that front-load leave at the beginning of the year are exempt from the carryover requirement, as follows: If the employer pays out unused leave at the end of the year, the amount required to be front-loaded is 48 hours; if there is no payout, the employer must front-load 80 hours.

Employees may use leave when it accrues, for purposes related to the worker's or a family member's well-being, including purposes arising from domestic abuse, sexual assault or stalking. Qualified reasons for use also include public emergency and public health reasons, and bereavement.

### **Paid Sick Leave**

"Family member" is defined broadly and includes those with the equivalent of a family relationship as well as one designated person annually.

Employers may require seven days' notice of foreseeable leave and documentation that leave of more than three consecutive days was for a qualified reason. Employers must provide a [notice](#) to all employees in English and the primary language of the employee at the start of employment or Jan. 1, 2024, whichever is later. The notice must be posted at the workplace or electronically, and it must be included in employee handbooks.

Information containing the amount of accrued and used leave must be provided at the end of each pay period to employees, in written or electronic form. Employers must use a "reasonable system" to convey the information, such as a pay stub or an electronic system employees have access to during working hours and can review and print from. The records must be kept for three years.

Accrual and use of leave must be included in employee earnings statements required by law. Nondiscrimination and nonretaliation provisions apply, and employers may not count leave against employees as part of an absence control policy or attendance point system. Repeated or willful violations are subject to civil penalties of up to \$10,000 each. Employers are also liable for compensation for any leave improperly denied, in the amount of the leave denied plus an equal amount in liquidated damages.

TYPE OF LEAVE	REQUIREMENTS
<p><b>Pregnancy and Parenting Leave</b></p>	<p>Employers with <b>one or more employees</b> must provide eligible employees with up to <b>12 weeks</b> of unpaid <b>parenting leave</b> for the birth or adoption of a child (must generally be taken within 12 months of the birth or adoption), prenatal care, or incapacity due to pregnancy, childbirth or related health conditions. Effective Aug. 1, 2024, the required leave amount may not be reduced by time taken for prenatal medical care appointments.</p> <p>An employer must provide <b>reasonable accommodations</b> to an employee for health conditions related to pregnancy or childbirth, if the employee requests it (with the advice of her licensed health care provider or certified doula). Reasonable accommodations can include a temporary leave of absence.</p> <p>Job protections apply, and employers must continue health insurance benefits during any leave taken. Until Aug. 1, 2024, employers are not required to pay for the health insurance; however, after that date, employers and employees must continue to pay their portion of the cost of the benefits during leave as if the employee were not on leave.</p> <p>Finally, employers who permit paternity or maternity leave for biological parents must, upon request, grant a leave of absence of the same amount to an adoptive parent to arrange a child's placement or care for the child after placement.</p>
<p><b>School Activities Leave</b></p>	<p>All employers must provide employees with up to <b>16 hours of unpaid leave during any 12-month period</b> to attend their child's school conferences or school-related activities, provided the conferences or school-related activities cannot be scheduled during nonwork hours. The requirement covers child care and prekindergarten programs. When the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer.</p>
<p><b>Witness and Crime Victim Leave</b></p>	<p>Employers must allow reasonable time off for victims or witnesses to testify in court if they are subpoenaed or requested to testify by the prosecutor. Employers must also allow a victim of a violent crime, or the spouse or immediate family member of a victim of a violent crime, a reasonable amount of time off from work to attend criminal proceedings related to the victim's case. Notice and certification requirements apply.</p>
<p><b>Domestic Abuse Leave</b></p>	<p>Employers must allow a victim of domestic abuse or harassment a reasonable amount of time off from work to obtain a protective order or harassment restraining order.</p> <p>Notice and certification requirements apply.</p>
<p><b>Jury Duty Leave</b></p>	<p>Employers cannot discharge, threaten or coerce an employee because the employee received or responded to a summons, served as a juror or attended court for prospective jury service.</p> <p>Notice requirements apply. Leave may be <b>paid or unpaid</b>, at the employer's discretion.</p>

TYPE OF LEAVE	REQUIREMENTS
<p><b>Election Leave</b></p>	<p>Employers must permit certain employees to take time off from work without penalty, as follows:</p> <ul style="list-style-type: none"> <li>• <b>Eligible voters</b> are entitled to be absent from work for the time necessary to appear at the employee’s polling place, cast a ballot and return to work on the day of an election, including presidential primary elections. Leave is <b>paid</b>.</li> <li>• Employees may take sufficient time off from work to serve as an <b>election judge</b>. Notice and certification requirements apply. Leave is <b>unpaid</b>.</li> <li>• Employees who are appointed by a major political party to be a <b>state central committee member</b> or <b>executive committee member</b> may be absent from work to attend committee meetings. Notice and certification requirements apply. Leave is <b>unpaid</b>.</li> <li>• Employees appointed by a major political party to be a <b>convention delegate</b> or <b>alternative convention delegate</b> may be absent from work to attend the delegates’ convention, including official convention committee meetings. Notice and certification requirements apply. Leave is <b>unpaid</b>.</li> </ul>
<p><b>Military and Military Family Leave</b></p>	<p>In addition to USERRA, Minnesota law provides employment protections for Minnesota and U.S. military members.</p> <ul style="list-style-type: none"> <li>• National Guard members are entitled to up to <b>four years</b> of <b>unpaid</b> leave to engage in active military service during times of state-declared emergencies.</li> <li>• Employers must grant up to <b>10 working days</b> of <b>unpaid leave</b> to an employee who is an immediate family member of a member of the U.S. armed forces who has been injured or killed while engaged in active service.</li> <li>• Employers must grant up to <b>one day per calendar year</b> of <b>unpaid</b> leave to an employee who is an immediate family member of a member of the U.S. armed forces who has been ordered to active service.</li> <li>• Nondiscrimination protections apply for all military service members and their families.</li> </ul>
<p><b>Civil Air Patrol Leave</b></p>	<p>Employers with at least <b>20 employees</b> working in at least one site must provide an <b>unpaid</b> leave of absence to any employee who:</p> <ul style="list-style-type: none"> <li>• Is a Civil Air Patrol member;</li> <li>• Performs services for the employer for an average of <b>20 or more hours per week</b>; and</li> <li>• Renders service in his or her capacity as a Civil Air Patrol member on the request and under the authority of the state or any of its political subdivisions.</li> </ul>
<p><b>Bone Marrow Donation Leave</b></p>	<p>Employers with <b>20 or more employees</b> working in at least one site must provide eligible employees with <b>paid leave</b> for bone marrow donation. Employees are eligible for bone marrow donation leave if they:</p> <ul style="list-style-type: none"> <li>• Perform services for hire for an employer for an average of <b>20 or more hours per week</b>; and</li> <li>• Seek to undergo a medical procedure to donate bone marrow.</li> </ul> <p>Leave may be taken intermittently, but may not exceed <b>40 work hours</b>, unless the employer agrees otherwise. Certification requirements apply.</p>

**SPECIAL NOTE:** The information in this chart focuses on statewide laws. Cities, towns and counties across the country (including [Minneapolis](#), [St. Paul](#), [Duluth](#) and [Bloomington](#)) have also enacted employee leave ordinances. Employers must generally comply with both local and statewide law where it applies.

## **More Information**

Contact Heffernan Insurance Brokers for more information on employee leave laws in Minnesota.

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