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Minnesota Family and Medical Leave

The Minnesota family and medical-related leave laws discussed on this page are as follows:

- The Minnesota Paid Leave law, with premiums and benefits starting on January 1, 2026, will provide eligible employees with job-protected, partial wage replacement for 12 to 20 weeks of leave in a 52-week period for certain family and medical reasons. The law applies to all employers.
- The state's Pregnancy and Parenting Leave law requires all employers to grant an unpaid leave of absence to pregnant employees and to eligible employees upon the birth or adoption of a child.
- The Adoptive Parent Leave law requires covered employers to allow eligible employees to take leave for the adoption of a child under the same rules that apply if the employer provides leave for the birth of a child.
- The Family Military Leave law requires employers to allow employees to take up to two consecutive days or six days in a calendar year of unpaid leave to attend certain events related to their family member's military service.
- The Family of Injured Military Personnel Leave law requires employers to provide up to 10 working days of unpaid leave to an employee whose immediate family member, as a member of the U.S. Armed Forces, has been injured or killed while in active service.
- The law providing Leave for Families of Mobilized Military Members requires employers to provide an unpaid leave of absence to employees whose immediate family member, as a member of the U.S. Armed Forces, has been ordered into active service in support of a war or other national emergency.

Note: Minnesota does not have a general family and medical leave law. Employers may be subject to the federal Family and Medical Leave Act (FMLA).

Minnesota Paid Leave Law

The Minnesota Paid Leave law (also referred to as the Paid Leave program) will provide eligible employees with job-protected, partial wage replacement for 12 to 20 weeks of leave in a 52-week period for certain family and medical reasons. Premiums and benefits begin on January 1, 2026. Eligible employees will be permitted to take family and medical leave and receive compensation funded through employer and employee premiums. Covered employers can participate in the program or maintain an approved private plan for one or both types of leave (medical or family leave), and private plans may be insured or self-funded.

Small employers with 30 or fewer employees are eligible for reduced premiums and may be eligible for small business assistance grants (see [Minn. Stat. §§ 268b.14] and [268B.29], respectively, for more information). The program is administered by the Department of Employment and Economic Development (DEED). The DEED has a Paid Leave website with resources, including FAQs (see **Additional Resources**).

Minn. Stat. §§ 268B.01 – 268B.29

Covered Employers

The law covers all employers with at least one employee performing services for wages, engaged in ***covered employment***, which means an employee's entire employment during a calendar year if at least 50% of the employment during the calendar year is:

- Performed in Minnesota; or
- Not performed in Minnesota or any other single state, U.S. territory, or foreign nation, but some of the employment is performed in Minnesota and the employee's residence is in Minnesota during 50% or more of the calendar year.

Eligible Employees

To be eligible, an employee must have earned at least 5.3% of the state average annual wage over the base period rounded down to the next lower $100. ***Base period*** is the most recent four completed calendar quarters before the employee's application for benefits. If the application has an effective date after the month following the most recent quarter, the law prescribes certain date periods. An employee can aggregate wages earned from multiple employers to satisfy the financial eligibility test.

Exceptions

Independent contractors and certain seasonal employees are not eligible.

Use

Coverage falls into two categories:

1. Leave for an employee's own serious health condition (medical leave); and
2. Other leave (family leave), including family care, child bonding, safety leave, or qualifying exigency leave, all of which are defined below.

Specifically, employees may take:

- Medical leave: For their own serious health condition, including medical care related to pregnancy; and
- Family leave:
    - For their family member's serious health condition or caring for a family member who is a military member (family care);
    - To bond with a new child (bonding leave);
    - To address needs related to domestic abuse, sexual assault, or stalking of the employee or their family member (safety leave); and
    - To address certain needs arising from a family member's military deployment (qualifying exigency leave).

Definitions

A ***family member*** is an employee's:

- Spouse or domestic partner;
- Biological, adopted, or foster child, stepchild, child of a domestic partner, or child for whom the employee has assumed parental responsibility (stands in loco parentis), is a legal guardian, or is a de facto custodian;
- Biological, adoptive, or foster parent, de facto custodian, stepparent, legal guardian, legal guardian of the employee's spouse, or an individual who assumed parental responsibility of the employee when they were a child (stood in loco parentis);
- Sibling;
- Grandchild;
- Grandparent or a spouse's grandparent; and
- Son-in-law or daughter-in-law.

Additionally, ***family member*** includes an individual who has a personal relationship with the employee that creates an expectation and reliance of care for the individual without compensation, regardless of whether the employee and the individual cohabitate.

A ***serious health condition*** is a physical or mental illness, injury, impairment, condition, or substance use disorder that involves inpatient or outpatient care or continuing treatment or supervision by a healthcare provider involving various types of incapacity for specified periods of time, including a period of incapacity due to medical care related to pregnancy.

Medical care related to pregnancy includes prenatal care or incapacity due to pregnancy or recovery from childbirth, stillbirth, miscarriage, or related health conditions.

Bonding leave is time off for a parent to spend time with a biological, adoptive, or foster child in connection with the child's birth, adoption, or foster care placement. Bonding leave begins at a time requested by the employee and must end within 12 months of the birth, adoption, or placement of a foster child. However, in the case where the child must remain in the hospital longer than the mother, the leave must end within 12 months after the child leaves the hospital. An employee may also use bonding leave before the actual placement or adoption of a child in situations that include, but are not limited to, where the employee may be required to:

- Attend counseling sessions;
- Appear in court;
- Consult with the attorney or doctors representing the birth parent;
- Submit to a physical examination; or
- Travel to another country to complete an adoption.

Safety leave is leave from work because of domestic abuse, sexual assault, or stalking of the employee or their family member, when the leave is to:

- Seek medical attention related to the physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
- Obtain services from a victim services organization;
- Obtain psychological or other counseling;
- Seek relocation; or
- Seek legal advice or take legal action.

Qualifying exigency leave means time off due to a military member's active duty service or notice of an impending call or order to active duty in the U.S. Armed Forces, including caring for the military member's child or dependent, making financial or legal arrangements, attending counseling, attending military events or ceremonies, spending time with the military member during a rest and recuperation leave or following return from deployment, or making arrangements after the death of a military member.

A ***military member*** means a current or former member of the U.S. Armed Forces, including a member of the National Guard or reserves, who is a resident of the state and is a family member of the employee taking leave related to the qualifying exigency.

Duration of Leave

Employees may take up to 12 weeks of paid leave per benefit year for medical leave and up to 12 weeks of paid leave per benefit year for family leave. The total amount of combined leave is limited to 20 weeks in a full year. Meaning, if an employee has used the full 12 weeks of medical leave, the employee could take only eight more weeks for the other types of leave. Conversely, if an employee took 12 weeks of child bonding and family care leave, the employee would be limited to eight weeks of medical leave.

A ***benefit year*** is generally the 52 calendar weeks beginning the ***effective date of leave***, which means the date of the first absence. For an effective date of leave that is any January 1, April 1, July 1, or October 1, the benefit year will be a period of 53 calendar weeks. The definition of benefit year is different for individuals with multiple employers participating in the state plan, for private plans, and for individuals with multiple employers with at least one employer participating in the state plan and at least one participating in a private plan (see [Minn. Stat. § 268B.01]).

Period of Qualifying Event

Except for bonding leave, a claim for benefits must be based on a single qualifying event of at least seven calendar days. The days must be consecutive unless the leave is intermittent. The minimum duration to receive benefits is one workday in a workweek.

Intermittent Leave

Employees may take leave intermittently. Medical leave may be taken intermittently only if the leave is reasonable and appropriate to the needs of the employee. There is no similar restriction for other types of leave. The weekly benefit amount is prorated for those who take leave on an intermittent schedule.

Employees requesting intermittent leave must provide their employer with their leave schedule as soon as practicable and must make a reasonable effort to schedule intermittent leave so as not to unduly disrupt the operations of the employer. If this cannot be done to satisfy the employee and the employer, the employer cannot require the employee to change their schedule to accommodate the employer.

Employers may cap intermittent leave at 480 hours (12 weeks) per 12-month period and require the employee to take any remaining leave continuously. Employers may run intermittent leave concurrently with leave available under the FMLA.

Premiums

Employers must begin making quarterly premium payments on January 1, 2026. Employers may charge a maximum of half the premium to their employees through a wage deduction. Employers may choose to pay part of the employees' premiums. Beginning in 2027, the annual premium rate will be adjusted by July 31 of every year.

Wages includes all compensation, including commissions, tips, gratuities, back pay and on-call pay, bonuses, severance payments, vacation and holiday pay, and sickness and accident disability payments.

There are different premium amounts for employers only participating in one benefit plan and using an approved private plan (see the **Private Plan** section) for the other benefit.

Small employers may be eligible for reduced premiums if the employer:

- Has 30 or fewer employees; and
- Pays an average wage to employees that is less than or equal to 150% of the state's average wage in covered employment for the basis period.

More information on reduced premiums for small employers, determining employee count, and calculating an employer's average wage is outlined in [Minn. Stat. § 268B.14](). Additionally, small employers may be eligible for small business assistance grants (see [Minn. Stat. § 268B.29]()).

Pay

Employees do not receive their full wages for paid family and medical leave. The state applies a maximum weekly benefit amount computed by statute. Employees' wage replacement benefits depend on their average weekly wage (AWW) compared to the state AWW. Lower earners will receive a higher percentage of their AWW, while higher earners will receive a lower percentage, based on a sliding scale.

Private Plan

Employers may apply to the DEED for approval to meet the requirements of the law through a private plan that provides paid family, paid medical, or paid family and medical benefits. A private plan must provide the same or greater rights, protections, and benefits to employees than those that are required by law. Employers with an approved private plan do not have to pay the tax premiums. Employers with an approved private plan must post a notice of the plan prepared or approved by the DEED for their employees and notify employees of the benefit within 30 days of the plan's approval and at the time of hire.

Employer Notice

By December 1, 2025, employers must post a workplace notice poster prepared by the DEED describing the program and its benefits in a conspicuous place at each worksite. The notice must be in English and each language that is the primary language of five or more workers at that worksite, if available from the DEED.

Additionally, employers must provide each employee with a new hire/initial notice no later than 30 days from the beginning of employment or 30 days before premium collections begin, whichever is later, containing the following information in the primary language of the employee:

- An explanation of the availability of family and medical leave benefits, including rights to reinstatement and continuation of benefits;
- The amount of premium deductions made by the employer;
- The employer’s premium amount and obligations under the law;
- The name and mailing address of the employer;
- The identification number assigned to the employer by the DEED;
- Instructions on how to file a claim;
- The mailing address, email address, and telephone number of the DEED; and
- Any other information required by the DEED.

Employers must also obtain a written or electronic acknowledgment of receipt of the new hire/initial notice. In cases where an employee refuses to acknowledge receipt, employers must be able to demonstrate the way the employee had been notified. The new hire/initial notice may be provided in paper or electronic format. For notices provided in electronic format only, employers must provide employees access to an employer-owned computer during their regular working hours to review and print required notices. The DEED will develop a uniform notice in English and the five most common languages spoken in the state.

The DEED provides the required workplace notice poster and the employee (initial/new hire) notice on its *Employer Resource Toolkit* webpage, linked in **Additional Resources** (see the last link listed under “Program Information”).

Employee Notice

Employees must give sufficient notice orally or in writing to make their employer aware that they need leave, including the anticipated timing and duration of the leave. If the need for leave is foreseeable, employees must provide at least 30 days’ advance notice before taking leave. If the need for leave is unforeseeable, notice must be given as soon as practicable. Employees only need to provide notice once (e.g., for intermittent leave), but they must notify their employer as soon as practicable if dates change.

As soon as practicable means as soon as both possible and practical, considering all the facts and circumstances in the individual case. When employees become aware of a need for leave less than 30 days in advance, it should be practicable for them to provide notice of the need for leave either the same day or the next day, unless the need for leave is based on a medical emergency. In all cases, however, the determination of when employees could practicably provide notice must take into account the individual facts and circumstances.

However, employers may require that employees comply with their usual notice and procedural requirements for requesting leave, unless unusual circumstances cause the reason for an employee’s need for leave.

Employers cannot, as a condition of employees taking leave, require employees to seek or find a replacement worker to cover their leave hours.

Certification

Certification is required by the DEED, but not employers, when employees apply to obtain paid leave benefits. However, employers may require employees to provide a copy of the certification. The type of certification depends on the type of leave sought and generally requires that employees provide some sort of proof of the need for leave.

Continued Benefits

During any leave for which employees are entitled to benefits, employers must maintain coverage under any group insurance policy, group subscriber contract, or healthcare plan for the employees and any dependents as if the employees were not on leave. Employees must continue to pay any employee share of the cost of these benefits. Construction industry employees may waive this continuation of benefits provision under a bona fide collective bargaining agreement that requires employer contributions to a multi-employer health plan only if the waiver is set forth in clear and unambiguous terms.

Benefits include all benefits provided or made available to employees by employers, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether benefits are provided by practice or written policy.

Benefits must be resumed in the same manner and at the same levels as provided when the leave began, subject to any changes in benefits levels that may have occurred during an employee’s leave period that affected the entire workforce, unless otherwise elected by the employee. Employees may not be required to requalify for any benefits they had before the leave began, including family or dependent coverages. For purposes of changes to benefit plans, employees on leave must be treated as if they continued to work. Leave must not be treated as or counted toward a break in service for purposes of vesting or eligibility to participate in pension and other retirement plans. Employees may, but are not entitled to, accrue any additional benefits or seniority during leave. Benefits accrued at the beginning of leave must be available upon return from leave.

Job Protection

Upon return from leave, employees who have worked at least 90 days for an employer are entitled to be restored to the same position or to an equivalent position with the same benefits, pay, and other terms and conditions of employment. Employees are entitled to reinstatement even if they were replaced or their position was restructured to accommodate their absence. Employees are entitled to any unconditional pay increases that may have occurred while they were on leave (e.g., cost of living increases). Pay increases conditioned on seniority, length of service, or work performed must be granted in accordance with the employer’s policy, practice, or contract with respect to other employees on an equivalent leave status for a reason that does not qualify under the program.

An ***equivalent position*** is one that is virtually identical to the employee’s former position in terms of pay, benefits, and working conditions, including privileges, prerequisites, and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

Coordination and Interaction with Other Laws and Benefits

Employers may require leave taken under the program to run concurrently with leave taken under the FMLA and the state’s pregnancy and parenting leave law, if applicable (see the **Pregnancy and Parenting Leave** section for more information).

Employees may use paid vacation, paid sick leave, paid time off, or disability insurance payments instead of family or medical leave program benefits, in which case employment protections provided by the law apply. Employers cannot require employees to use or exhaust paid vacation, paid sick leave, or other paid time off under an employer’s policy before or during approved paid family and medical leave. Employees are ineligible to receive benefits for any week they receive separation, severance, or bonus pay, or any other payments due to separation from employment.

Employers may offer supplemental benefit payments to employees taking leave. ***Supplemental benefit payment*** means a payment:

- Made by an employer to an employee as a salary continuation or as paid time off. This payment must be in addition to any family or medical leave benefits the employee receives under the program; and
- Offered by an employer to an employee who is taking leave to supplement the family or medical leave benefits the employee is receiving.

Supplemental benefit payments are not required to be provided by employers, but if they are offered, employees have the choice to accept the payments.

Mandatory Quarterly Reporting

Employers must electronically submit a quarterly wage report to the DEED. The report must include, for each employee in covered employment, the:

- Employee’s name;
- Total wages paid to the employee; and
- Total number of paid hours worked.

For exempt employees, employers must report 40 hours worked for each week that any duties were performed by a full-time employee, as well as a reasonable estimate of the hours worked for each week that any duties were performed by a part-time employee. The report is due and must be received on or before the last day of the month following the end of the calendar quarter.

Recordkeeping

Employers must keep accurate records containing information the DEED may require for no less than four years, in addition to the current calendar year. Employers with an approved private plan must maintain applicable records for at least six years.

Retaliation

Employers cannot discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against employees for requesting or obtaining benefits or leave, or for exercising any other right afforded by the law. Further, employers cannot obstruct or impede an application for leave or benefits or the exercise of any other right under the law. Any agreement or provision to waive, release, or change rights to benefits or any other right is void.

Pregnancy and Parenting Leave

Important: Under Minnesota law, pregnancy and parenting leave is primarily governed by the Minnesota Pregnancy and Parenting Leave Act. The Minnesota Human Rights Act (MHRA), which applies to employers with one or more employees, prohibits discrimination based on disability, including pregnancy, childbirth, and related disabilities. While the MHRA does not require employers to provide pregnancy or parenting leave, the law does require employers to provide reasonable accommodations to pregnant employees, which may include a leave of absence. Information on the MHRA is on the Minnesota Employment Discrimination and Accommodations page.

This section discusses the Minnesota Pregnancy and Parenting Leave Act. Because the MHRA affords a leave of absence as an accommodation, it is discussed in this page. In any instance that it is, it is expressly noted.

Minn. Stat. § 181.941

Covered Employers

Employers of all sizes are covered by the law.

Covered Employees

All employees are eligible for this leave regardless of the amount of time they worked for their employer. However, the law does *not* apply to independent contractors.

Amount of Leave

Employers must grant an unpaid leave of absence to an employee who is a:

- Biological or adoptive parent in conjunction with the birth or adoption of their child; or
- Female employee for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions.

An eligible employee may take up to 12 weeks of leave, though an employer may agree to grant the employee a longer leave.

Calculating Leave Time

The leave begins on the start date requested by the employee.

Leave for the birth or adoption of a child must begin within 12 months of the birth or adoption, but if the child must remain in the hospital longer than the mother, leave must begin within 12 months after the child leaves the hospital.

An employer may adopt reasonable policies governing the timing of requests for unpaid leave and may require an employee who plans to take leave to provide reasonable notice of both the:

- Date the leave will begin; and
- Estimated duration of the leave.

Employer Notice

Employers must inform employees of their rights under the Nursing Mothers, Lactating Employees, and Pregnancy Accommodations law at the time of hire and when an employee asks about or requests parental leave. Information must be provided in English and the primary language of the employee. Employers that provide employee handbooks must include the notice of employee rights and remedies in the handbook. A link to the *Nursing Mothers, Lactating Employees, and Pregnancy Accommodations Employee Notice* is available on the Minnesota Department of Labor and Industry Pregnant Workers and New Parents website in **Additional Resources**.

For more information on nursing mothers and lactating employees, see Minnesota Lactation Accommodations, and for more information on pregnancy accommodations, see Minnesota Employment Discrimination and Accommodations.

Benefits Continuation

Employers must maintain coverage and continue paying their share of any group insurance policy, group subscriber contract, or healthcare plan for the employee and any dependents as if the employee had not taken leave. However, the employee must continue to pay any employee share of the cost of the benefits.

This same benefits continuation provision also applies during any leave of absence provided under the MHRA for which an employee is entitled to benefits or leave.

Interaction with Other Leaves

The length of leave may be reduced by any period of:

- Paid parental, disability, personal, medical, or sick leave, or accrued vacation provided by the employer so that the total leave does not exceed 12 weeks, unless agreed to by the employer; or
- Leave taken for the same purpose by the employee under the federal FMLA.

Despite the preceding, the length of leave cannot be reduced by any period of paid or unpaid leave taken for prenatal medical appointments.

The law does not prevent an employer from providing leave benefits in addition to those provided under the pregnancy and parenting leave law, nor does the law otherwise affect an employee’s rights with respect to any other employment benefit.

Reinstatement

An employee returning from pregnancy and parenting leave is entitled to:

- Return to their former position or a position of comparable duties, number of hours, and pay. An employee returning from a leave of absence that was longer than one month must notify a supervisor of their return at least two weeks prior. However, if the employer experienced a layoff and the employee would have lost a position had the employee not been on leave, then the employee is not entitled to reinstatement. The employee retains all rights under the layoff and recall system, including a system under a collective bargaining agreement, as if the employee had not taken the leave.
- Return to employment at the same rate of pay they were receiving when the leave began, plus any automatic adjustments in their pay scale that occurred during the leave period. Returning employees are also entitled to retain all accrued pre-leave benefits of employment and seniority, so long as nothing in the law prevents the accrual of benefits or seniority during the leave pursuant to a collective bargaining or other agreement.

An employee, by agreement with the employer, may return to part-time work during the leave period without forfeiting the right to return to employment at the end of the leave period.

Retaliation

Employers may not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee for requesting or taking pregnancy or parenting leave.

Adoptive Parent Leave

Employers that permit paid or unpaid paternity or maternity time off to a biological parent must grant time off to an adoptive parent, upon their request.

Any employer providing paid or unpaid paternity or maternity time off is a covered employer. Any employee adopting a child is eligible for this leave.

The minimum period of leave must be four weeks unless the employer has an established policy with a period of less than four weeks. In that case, the employer must provide the adoptive parent at least the same amount of leave it provides to biological parents. If the employer grants more than four weeks of time off to biological parents, it must provide an adoptive parent at least four weeks of leave.

An employee may choose to begin the leave before or when the child is placed in their home.

Employers are prohibited from penalizing an employee for requesting or taking adoptive parent leave.

Minn. Stat. § 181.92

Family Military Leave

Covered Employers and Employees

All employers with eligible employees are covered by the law.

An employee, including an independent contractor, is eligible for this leave if they are invited or called on by proper military authorities to attend an event relating to the military service of their spouse, parent, or child.

Amount of Leave and Valid Reasons

An employer must provide a reasonable amount of unpaid time off for an employee for the purposes listed below, not to exceed two consecutive days or six days in a calendar year.

An employee may take leave to attend the following events for their spouse, parent, or child:

- Departure ceremonies for deploying personnel;
- Return ceremonies for returning personnel;
- Family training or readiness events conducted by the military; and
- Official military reintegration programs.

An employer is prohibited from compelling an employee to use accumulated but unused vacation for these events.

An employee must provide reasonable notice to the employer when requesting time off.

Retaliation

An employer is prohibited from discharging or taking adverse employment action against an employee because their family member is a member of the military forces of the United States, of Minnesota, or any other state. Furthermore, an employer may not discharge from employment, take adverse employment action against, or otherwise hinder an employee from attending eligible events listed above to which the employee is invited or otherwise called upon to attend by proper military authorities.

Minn. Stat. § 192.325

Family of Injured Military Personnel Leave

Employers must provide up to 10 working days of unpaid leave to an employee (including independent contractors) whose immediate family member, as a member of the U.S. Armed Forces, has been injured or killed while engaged in active service.

Active service means either state active service, federally funded state active service, or federal active service.

An ***immediate family member*** is a parent, child, grandparent, sibling, or spouse.

An employee must give their employer as much notice as practicable of their intent to take leave.

The length of leave provided under the law may be reduced by any period of paid leave provided by the employer.

Minn. Stat. § 181.947

Leave for Families of Mobilized Military Members

Employers must provide an unpaid leave of absence to an employee whose immediate family member, as a member of the U.S. Armed Forces, has been ordered into active service in support of a war or other national emergency. Employers must provide this leave unless the leave would “unduly disrupt the operations of the employer.”

An ***immediate family member*** is a person's grandparent, parent, legal guardian, sibling, child, grandchild, spouse, fiancé, or fiancée.

Employers may limit the amount of leave to the actual time necessary for the employee to attend a send-off or homecoming ceremony for the mobilized service member, not to exceed one day's duration in any calendar year.

Minn. Stat. § 181.948