

Minnesota Leave Laws

This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.

Minnesota Leave Laws	1
Paid Time Off (PTO) in Minnesota	2
Vacation Leave Quota	2
Accruals	2
Roll Over (Carry Over, Brought Forward)	2
Statutory Provisions Addressing Vacation Pay	3
Payment of Accrued, Unused Vacation on Termination	3
Sick Leave in Minnesota	4
Federal Laws – Leave Quota	4
Minnesota Paid Sick Leave Law	5
Covered Employers and Employees	6
Accrual Rate and Rollover	7
Notice and Posting Requirements	7
Impact on Already Existing Paid Sick Leave Regulations in 4 Cities	7
Paid Sick Leave Laws in 4 Cities	8
Duluth Paid Sick Leave	8
Minneapolis Paid Sick Leave	9
St. Paul Paid Sick Leave	10
Payouts in Duluth, Minneapolis, and St. Paul	10
Maternity, Paternity, FMLA in Minnesota	11
Federal Law	11
Additional State Laws in Minnesota	11
Bereavement Leave in Minnesota	13
Jury Duty Leave in Minnesota	13
Military Leave in Minnesota	14
Federal Regulations	14
Minnesota State Law	14
Voting Leave in Minnesota	15

Paid Time Off (PTO) in Minnesota

Vacation Leave Quota

Minnesota law requires 0 vacation days.

No federal or state law requires employers in Minnesota to provide paid or unpaid vacation time for their employees. However, employers often choose to provide vacation benefits as it is one of the most desired perks for employees. So, if an employer chooses to offer vacation leave to their employees, paid or unpaid, it must comply with applicable state law, established policy, or employment contract.

Accruals

Accruals are not mandatory in Minnesota but are frequently used by businesses.

The accrual system is usually based on the payroll frequency. The most common pay periods in Minnesota are bi-monthly and monthly.

Employers may place a reasonable cap (limit) on the number of vacation hours employees can accrue, as long as employees have consented to the policy in writing or by signing contracts.

Roll Over (Carry Over, Brought Forward)

A Use-It-or-Lose-It policy is allowed.

An employer can implement a “use-it-or-lose-it” policy that requires employees to use their vacation time by a specific date if employees are informed in writing. This means that after a certain date (usually the end of the year), employees forfeit any unused vacation time.

For more information, please visit vacationtracker.io

Statutory Provisions Addressing Vacation Pay

Earned vacation time is considered wages when an organization has established policies or precedents for paying employees for this time.

Paid time off or vacation pay is considered “wages” for the purposes of wage payment if the employer grants it.

Employers and employees are free to agree on the terms under which employees receive accrued vacation wages as paid time off or a payment.

Payment of Accrued, Unused Vacation on Termination

The amount of vacation pay is determined by the employer’s policy.

The state of Minnesota doesn’t require employers to provide PTO payout at termination. However, the employer’s policy determines which benefits are due.

An employer has the right to create a policy or sign a contract that prohibits employees from receiving payment for accrued vacation leave upon termination of employment. Additionally, an employer may legitimately create a policy or sign a contract that forbids employees from receiving accrued vacation pay upon termination if they don’t adhere to certain conditions, such as providing two weeks’ notice or being employed as of a specific date of the year.

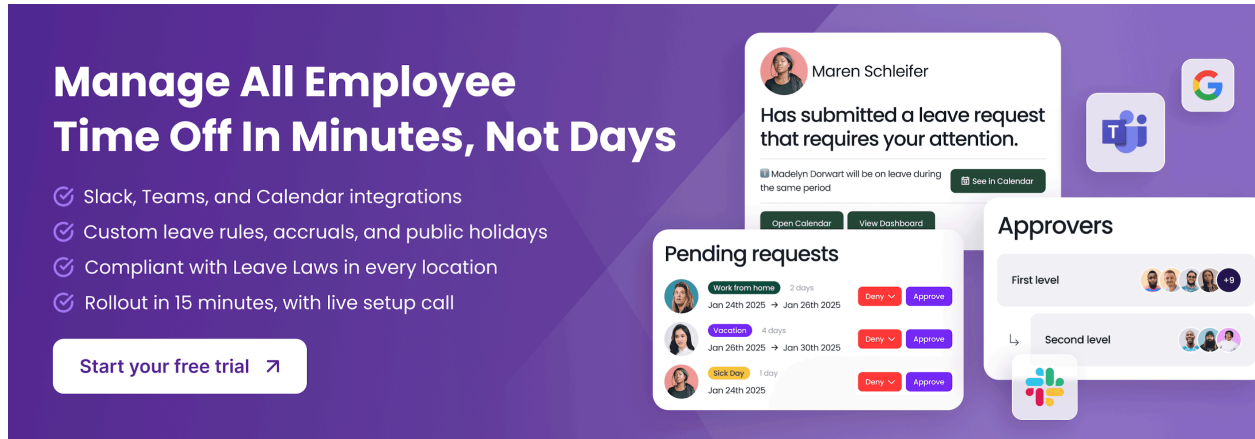
Only if a policy or contract stipulates it, an employer must reimburse an employee for accrued vacation time upon separation from employment.

Neither the Minnesota Legislature nor its courts have stated whether an employer must pay accrued vacation leave upon separation from employment if the employer’s established policy or employment contract is silent on the subject.

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Payout

An employer must pay accrued, unused vacation on termination if company policy or contract demands it.



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Notification: Maren Schleifer has submitted a leave request that requires your attention. Madelyn Dorwart will be on leave during the same period. [See In Calendar](#)

[Open Calendar](#) [View Dashboard](#)

Pending requests

Request Type	Duration	Period	Actions
Work from home	2 days	Jan 24th 2025 → Jan 26th 2025	Deny Approve
Vacation	4 days	Jan 26th 2025 → Jan 30th 2025	Deny Approve
Sick Day	1 day	Jan 24th 2025	Deny Approve

Approvers

First level: [User Avatars] +9

Second level: [User Avatars]

Sick Leave in Minnesota

- Federal law requires 12 weeks of unpaid sick leave.
- Minnesota paid sick leave law in effect since January 1, 2024.
- Additional paid sick leave laws in the 4 cities: Bloomington, Duluth, Minneapolis, and St. Paul. Employers must comply with both local and statewide law where it applies.

Federal Laws – Leave Quota

Up to 12 weeks of unpaid leave

The federal Family and Medical Leave Act (FMLA) applies to all [the states in the U.S.A.](#) FMLA entitles qualified employees to take up to 12 weeks off for personal medical

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reasons, to care for a close family member suffering from a severe illness, or for maternity/paternity leave. The leave is job-protected.

Employees qualify for FMLA benefits if they:

- have been working for their employer for at least 12 months (at least 25 hours per week) or 1,250 hours in the previous year
- work in a location where at least 50 people are employed by the company (in a 75-mile radius)

Employers are free to propose additional sick leave benefits that are better than the minimum federal requirement.

Check out our article on [FMLA](#) to learn more.

Minnesota Paid Sick Leave Law

Up to 48 hours of paid sick leave per year

Minnesota Earned Sick and Safe Leave (ESSL) is a new law from 2023 requiring private employers to provide paid sick leave to their employees. It went into effect on January 1, 2024.

The allocated time off can be used for a range of purposes, including:

- the employee's illness, injury, or other medical condition;
- to take care of a family member (ESSL defines a family member) who is ill, injured, or suffering from another health condition;
- time to seek support in cases of domestic abuse, stalking, or sexual assault;
- and more.

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Who can be a “family member”?

A ‘family member’ definition for whom an employee can use their Earned Sick and Safe Leave is comprehensive and includes but is not limited to the employee’s:

- direct and indirect children, including those under the legal guardianship
- spouse or registered domestic partner.
- siblings, including step-parent and foster relations.
- parents and parental figures, which include biological, foster, or adoptive parents
- grandchildren and grandparents
- and other members of extended family members such as nieces, nephews, aunts, uncles, in-laws, and more

Covered Employers and Employees

A covered employer definition basically includes all existing companies—any individual or business that employs at least one individual. A staffing agency is considered to be the employer of any temporary workers they provide.

A covered employee definition includes all employees who qualify if they work a minimum of 80 hours in a year for an employer based in Minnesota. The legislation also applies to both temporary and part-time employees. However, it does not include independent contractors, crew members on the flight deck or cabin of an air carrier, or employees whose work hours in Minnesota include less than half of their total working hours in a year.

Accrual Rate and Rollover

Employees are entitled to earn one hour of paid sick leave for every 30 hours worked. This accrual is capped annually at 48 hours. The limit applies to all employees unless the employer agrees to a higher limit.

Employees are entitled to bring forward unused leave to the next year, up to a limit of 80 hours. Alternatively, instead of allowing the rollover of unused leave, employers have the option to ‘frontload’ the whole portion of leave at the start of the year.

Notice and Posting Requirements

An employer must provide employees with a written announcement of Minnesota’s Earned Sick and Safe Time covering their rights under this law.

Impact on Already Existing Paid Sick Leave Regulations in 4 Cities

The enactment of Minnesota’s paid sick leave does not override other paid sick leave policies established by Minnesota cities that offer more generous benefits for employees. Employers in four Minnesota cities must align their practices with the new statewide ESSL mandates, making sure that better benefits are provided.

Cities with already enacted paid sick leave laws are following:

- Duluth
- Minneapolis
- St. Paul
- Bloomington (since July 1, 2023)

Paid Sick Leave Laws in 4 Cities

Before the state legislated its own, sick leave laws had already been enacted in three of Minnesota's largest cities: Duluth, Minneapolis, and St. Paul, and had been in power for years.

Since July 1, 2023, Bloomington has had its own law concerning paid sick leave: Earned Sick and Safe Time (ESST).

Duluth Paid Sick Leave

Duluth's Earned Sick and Safe Time (ESST)

This ordinance applies to all employers with 5 or more employees, and requires employers to allow employees who work within Duluth for more than 50 percent of the employee's working time in 12 months to accrue paid sick leave time.

Employees who work in the city of Duluth are entitled to 1 hour of paid sick leave for every 50 hours worked, up to a maximum of 64 hours per year. However, an employer may limit the use of paid sick time to 40 hours in a year.

Sick leave covers the following reasons:

- an employee's or a family member's illness, injury, or condition
- preventive care
- maternity or paternity leave
- reasons related to domestic violence, sexual violence, or stalking.

("Safety leave" is time off taken to provide or receive assistance as a result of sexual assault, domestic abuse, or stalking.)

Employers may require documentation of the need for sick leave if an employee is absent for more than 3 days in a row. Employers are required to provide notice to employees of their right to paid sick leave and other rights under the ordinance.

Payout: an employer.

Minneapolis Paid Sick Leave

Minneapolis Sick and Safe Time

Employers with 6 or more employees must provide employees with paid leave.

Employers with 5 or fewer employees must provide leave, but they can choose whether they want to pay for it or not.

All employees must work a total of 80 hours in the year before they are entitled to leave.

All types of employees – including part-time, temporary, undocumented, or paid interns – are included.

Employees accrue sick and safe time at a rate of 1 hour for every 30 hours worked.

Accrual may be capped at 48 hours per year, and an employer can place a maximum accrual cap of 80 hours. These two limits operate simultaneously. These limits may be higher if an employer chooses, but not lower.

Accrual is tracked per pay period or in a yearly lump sum (front-loading a lump sum of 48 hours for the first year of the employee's employment and ensuring 80 hours are available at the beginning of every year thereafter).

Sick hours *begin accruing* on the first day of work. But, new hires may have to wait 90 calendar days before *using sick time*.

Sick leave covers the following reasons:

- Illness or injury
- Medical treatment
- Domestic, sexual assault, or stalking
- Care for a family member

Employers must post a required notice poster and inform employees how much leave they have available.

Payout: an employer.

St. Paul Paid Sick Leave

Saint Paul's Earned Sick and Safe Time (ESST)

All employers in Saint Paul with employees working in Saint Paul must provide earned sick and safe time to their employees.

All the rules from the city of Minneapolis apply here (read above), only there are no restrictions based on the number of employees.

Employers are required to provide protected sick leave to employees who do 80 or more hours of work in the city in a year. All types of employees – including full-time, part-time, temporary, or paid-on-call employees – are included.

So, everything (entitled employees, accrual rate, frontloading permitted, sick leave uses, etc.) is the same as in the city of Minneapolis.

Payout: an employer.

Payouts in Duluth, Minneapolis, and St. Paul

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When an employee uses sick time, an employer must pay him or her at the same hourly rate that they would earn if they were working.

Maternity, Paternity, FMLA in Minnesota

Federal Law

12 weeks of unpaid maternity/paternity leave is provided by FMLA.

The Family and Medical Leave Act (FMLA) is a federal law that mandates employers to provide at least 12 weeks of unpaid family leave following the birth or adoption of a child (maternity or paternity leave). Unless otherwise authorized by the employer, an employee must take this leave continuously. For more information about FMLA benefits, look above under the section *Sick Leave in Minnesota: Federal Laws – Leave Quota*.

The Pregnancy Discrimination Act (PDA) is yet another federal law that protects pregnant women. According to the PDA, discrimination against pregnant people is prohibited in all areas of employment: hiring, firing, pay, job assignments, promotions, fringe benefits, training, leave, and health insurance.

Additional State Laws in Minnesota

In addition to the FMLA and the PDA, Minnesota has the following laws regarding maternity leave:

The Minnesota Pregnancy and Parental Leave Act

Employers with 21 or more employees at one location are required to provide eligible employees with 12 weeks of unpaid leave due to pregnancy, childbirth, parental care, or any other related medical conditions. The parental leave is job-protected.

To be eligible for parental leave, an employee must have worked for the company for at least the following time periods:

- 12 months; and
- An average number of hours per week equal to one-half the hours required for a full-time equivalent position for a year.

Employees are allowed to take any sick leave, including safety leave, provided by the employer.

An employer must make reasonable accommodations for an employee's health issues linked to pregnancy or childbirth.

Parents who take leave for purposes related to adoption have the same rights as biological parents.

Employees must provide reasonable notice before a leave (at least 30 days).

The Minnesota Human Rights Act was also introduced to protect against sex-based discrimination, including pregnancy, childbirth, and disabilities related to pregnancy or childbirth. The Act ensures that conditions related to pregnancy and childbirth are treated in the same way as any other disability.

Payout

Maternity leave in Minnesota is unpaid.

Bereavement Leave in Minnesota

Employers in Minnesota aren't required to give bereavement leave.

No federal or Minnesota law requires an employer to provide employees with paid or unpaid bereavement leave or any time off to attend an immediate family member's funeral. An employer who decides to provide bereavement leave must follow the bereavement policy or practice they have in place.

Payout

Bereavement leave in Minnesota is unpaid.

Jury Duty Leave in Minnesota

Employers are required to provide employees with unpaid time off to perform their jury duties.

Employers are required to provide employees with unpaid, job-protected leave to perform their jury duty. Notice requirements apply; employees may have to show their employer their jury summons to be given the necessary leave.

An employer may not fire, threaten to fire, penalize, or punish the employee in any way due to their jury service.

Payout

The court pays:

Employees who serve as jurors in Minnesota are paid \$20.00 a day and receive mileage reimbursement for travel (juror pay is a token amount).

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The employer pays:

Employers in Minnesota are not required to pay employees for jury duty leave. (Leave may be paid or unpaid, at the employer's discretion.) Labor union employees may be covered through their union contracts.

Military Leave in Minnesota

Federal Regulations

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law, that applies to all employers in the U.S. USERRA protects Army and Air National Guard members, provides reinstatement rights, protection from discrimination, and unlimited unpaid leave for active duty.

Minnesota State Law

In addition to USERRA, Minnesota law provides employment protections for Minnesota and U.S. military members:

- Members of the National Guard are eligible for up to 4 years of unpaid leave to serve in the military on active duty when a state declares an emergency.
- Employers must provide up to 10 days of unpaid leave to an employee whose direct family member has been injured or killed while serving in the United States armed forces. A direct family member means a child, grandchild, parent, legal guardian, sibling, spouse, fiancé, or grandparent.
- Employers must provide up to 1 day of unpaid leave per calendar year to an employee who is an immediate family member of a member of the United States

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armed forces who has been ordered to active duty. This includes time off to attend a send-off or homecoming ceremony for the family member.

- Minnesota employers with 20 or more employees at one location must grant unpaid leave to serve as members of the Civil Air Patrol at the request of the state.

Employers may not fire an employee for military service, interfere with the employee's military service, or threaten an employee's job to discourage them from enlisting. This protection applies to employees who are members of the United States armed forces, the Minnesota military or naval forces, or any other state's military or naval forces.

Payout

Military leave is unpaid.

Voting Leave in Minnesota

Employers are required to provide paid time off for workers to cast their ballots.

An employee has the right to take time off work to vote in all regularly scheduled local elections (municipal, county), as well as state and federal elections.

An employer must pay employees for the time they need to vote, if it falls within their scheduled work time. The law doesn't specify a period of leave. An employee has the right to be absent for the time necessary to appear at a polling place, cast a ballot, and return to work. Leave is paid.

An employer can't require an employee to use personal leave or vacation time. An employer who does not allow an employee to take required paid voting leave commits a misdemeanor.

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Payout

An employer may not deduct from an employee's salary or wages because of this absence.