



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, such as the Family and Medical Leave Act, that require employee leave.)

Minnesota has state laws that mandate:

- Parenting 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.

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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|---------------------------------------|---|
| Parenting Leave | <p>Employers with one or more employees must provide eligible employees with up to 12 weeks of unpaid parenting leave 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.</p> <p>Employees are also entitled to use any available sick leave benefits provided by the employer to care for a child, adult child, spouse, sibling, parent, grandparent, stepparent, mother-in-law, father-in-law or grandchild who is sick or injured.</p> <p>In addition, an employee may use any personal sick leave benefits to take safety leave (whether or not the employer allows use of sick leave for that purpose) for assistance to the employee or to his or her relatives. “Safety leave” is leave taken for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, harassment or stalking.</p> <p>An employer must provide reasonable accommodations 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).</p> <p>In addition, all employers must provide employees with up to 16 hours of unpaid leave during any 12-month period to attend their child’s school conferences or school-related activities.</p> <p>Finally, employers who permit paternity or maternity leave for biological parents must, upon request, grant a leave of absence to an adoptive parent to arrange a child’s placement or care for the child after placement. Job protections apply to employees taking parenting leave.</p> |
| Witness and Crime Victim Leave | <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> |
| Domestic Abuse Leave | <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> |
| Jury Duty Leave | <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 paid or unpaid, at the employer’s discretion.</p> |
| Election Leave | <p>Employers must permit certain employees to take time off from work without penalty, as follows:</p> <ul style="list-style-type: none"> • Eligible voters 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 paid. • Employees may take sufficient time off from work to serve as an election judge. Notice and certification requirements apply. Leave is unpaid. • Employees who are appointed by a major political party to be a state central committee member or executive committee member may be absent from work to attend committee meetings. Notice and certification requirements apply. Leave is unpaid. • Employees appointed by a major political party to be a convention delegate or alternative convention delegate may be absent from work to attend the delegates’ convention, including official convention committee meetings. Notice and certification requirements apply. Leave is unpaid. |

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|---|---|
| Military and Military Family Leave | <p>In addition to USERRA, Minnesota law provides employment protections for Minnesota and U.S. military members.</p> <ul style="list-style-type: none"> • National Guard members are entitled to up to four years of unpaid leave to engage in active military service during times of state-declared emergencies. • Employers must grant up to 10 working days of unpaid leave 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. • Employers must grant up to one day per calendar year of unpaid 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. • Nondiscrimination protections apply for all military service members and their families. |
| Civil Air Patrol Leave | <p>Employers with at least 20 employees working in at least one site must provide an unpaid leave of absence to any employee who:</p> <ul style="list-style-type: none"> • Is a Civil Air Patrol member; • Performs services for the employer for an average of 20 or more hours per week; and • 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. |
| Bone Marrow Donation Leave | <p>Employers with 20 or more employees working in at least one site must provide eligible employees with paid leave for bone marrow donation. Employees are eligible for bone marrow donation leave if they:</p> <ul style="list-style-type: none"> • Perform services for hire for an employer for an average of 20 or more hours per week; and • Seek to undergo a medical procedure to donate bone marrow. <p>Leave may be taken intermittently, but may not exceed 40 work hours, 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](#) and [Duluth](#)) have also enacted employee leave ordinances. Employers must generally comply with both local and statewide law where it applies.

More Information

Contact Wits Financial for more information on employee leave laws in Minnesota.

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