



Minnesota: Hours of Work

The Fair Labor Standards Act (FLSA) regulates federal work hour requirements. Minnesota law complements the FLSA and, in some instances, provides additional work hour, rest period and employee break requirements for Minnesota employers.

The [Minnesota Department of Labor and Industry](#) (MDLI) enforces these provisions throughout the state.

COMPENSABLE TIME

In general, employers must pay their employees for every hour of compensable time. Compensable time usually includes every hour (or portion of an hour) an employee is required or allowed to be on duty.

An employee is on-duty when the employer controls how the employee uses his or her time. This includes any time the employee is permitted to or required work as well as any periods the employee must wait for an assignment. In certain circumstances, compensable time may include periods of time when an employee was not performing any activities but was still engaged to wait.

Compensable time does **not** include off-duty periods. An employee is off-duty when he or she is completely relieved from all work responsibilities or assignments and is free to pursue his or her own interests.

Companionship Services

When required to stay overnight at their place of employment, individuals who provide companionship services are not considered to be on duty while they sleep. Employers may exclude up to eight hours from an individual's compensable time to account for sleeping time if the hours are between 10:00 p.m. and 9:00 a.m. and the employee was:

- Hired to provide companionship services to individuals who, because of age or infirmity, are unable to take care of themselves;
- Not performing his or her companionship service duties;
- Free to sleep or otherwise engage in personal private pursuits;
- Required to stay overnight in the home of an individual who is unable to take care of himself or herself because of age or infirmity; and
- Paid the minimum wage rate for at least four hours associated with the overnight stay.

Minnesota law has adopted the federal definition of "companionship services." This definition can be found in the [Code of Federal Regulations \(title 29, sections 552.6 and 552.106\)](#).

On-site Employees

Caretakers, managers and other employees who reside at the site where they work accrue compensable time only when they are on-duty, instead of every hour they are on the premises. On-site employees are on-duty when they perform any of the tasks or duties of their employment.

Required Break Periods

Minnesota law requires employers to provide break periods in certain circumstances. In most cases, employers and employees may negotiate the length and timing of these breaks. Employers that do not provide these breaks and rest periods may be subject to misdemeanor charges.

Meal Breaks

Employers must allow employees an unpaid meal break during any shift that is **at least eight hours** long. Employees must be relieved of all duties during this break and must be allowed to pursue personal activities and interests.

Rest Periods

Employers must allow employees to take an adequate, paid rest period for **every four hours** of work time. Employees are not required to leave the employer's premises to make use of their rest periods.

Nursing Mothers

Employers must provide nursing mothers with a reasonable, unpaid break time **each day** to express breast milk for her infant child, unless providing this break unduly disrupts the employers' operations. If possible, the nursing break should run concurrently with any break time already provided to the employee.

Employers must make reasonable efforts to provide a location close to the employee's work area, other than a toilet stall, where the employee may take this break in privacy. The location will be considered private if it is shielded from view and is free from intrusion from coworkers and the public. The location must also afford access to an electrical outlet.

State law also prohibits employers from retaliating against employees that assert their rights under these provisions.

MORE INFORMATION

Contact Wits Financial for more information on wage payment laws in Minnesota.

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