

MN EMPLOYMENT LAW

MINNESOTA MANDATE INFORMATION SESSION 1

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MN Employment Law Mandates

- MN Paid Leave
 - What is it?
 - Employer Obligations
 - Interaction with Other Leave
- MN Earned Sick & Safe Time *minor* amendments
- Salary Range / Pay Transparency
- Pay History Ban
- BONUS Reminders
 - Minneapolis Civil Rights Ordinance
 - Rest & Meal break changes

MN Paid Leave

Effective January 1, 2026

Medical Leave

1-12 Weeks



Medical

Leave to care for an individual's own serious medical condition

Family Leave

1-12 Weeks



Bonding

Leave to bond with an individual's child during the first 12 months after the child's birth or after the placement of the child through adoption or foster care.



Active Duty

Leave because a family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces.



Caring

Leave to care for a family member with a serious health condition.



Safety

Leave because of domestic abuse, sexual assault, or stalking of the individual or individual's family member.

Maximum of 20 weeks combined in one year if someone qualifies for both medical and family leave.

Qualifying conditions must last more than seven days and be certified by a health care provider or designated professional.

MN Paid Leave – Medical Leave

Serious health condition – physical/mental illness, injury, impairment, condition or substance use disorder that involves:

- (1) inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or
- (2) continuing treatment or supervision by a health care provider which includes any one or more of the following:
 - (i) a period of incapacity of seven or more days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - (A) treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances beyond the individual's control prevent a follow-up visit from occurring as planned, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider; or
 - (B) treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider;

MN Paid Leave – Medical Leave

cont.

- (ii) a period of incapacity due to medical care related to pregnancy;
- (iii) a period of incapacity or treatment for a chronic health condition that:
 - (A) requires periodic visits, defined as at least twice a year, for treatment by a health care provider or under orders of, or on referral by, a health care provider;
 - (B) continues over an extended period of time, including recurring episodes of a single underlying condition; and
 - (C) may cause episodic rather than continuing periods of incapacity;

MN Paid Leave – Medical Leave

cont.

- (iv) a period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The applicant or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or
- (v) a period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:
 - (A) restorative surgery after an accident or other injury; or
 - (B) a condition that would likely result in a period of incapacity of more than seven full calendar days in the absence of medical intervention or treatment.

MN Paid Leave – Family Leave

- Family member – Spouse, domestic partner, grandparent (own/in-law), grandchildren
 - children (bio, adoptive, foster, step, in loc parentis, in-law, domestic partner's)
 - Parents (bio, adoptive, foster, step, de facto, in-laws), legal guardian
 - Individual with personal relationship creating expectation and reliance that the applicant care for the individual w/o compensation regardless of residence
- Safety leave – leave due to domestic abuse, sexual assault, or stalking
- Qualifying exigency – leave needed due to active duty military service, impending call/order to active duty, making financial/legal arrangements for family member, counseling, attending military event/ceremony, spending time with family member during rest and recuperation leave or following return from deployment, making arrangements following death of military member

MN Paid Leave – Financial and Protection Benefits

- Partial payment – *current* maximum \$1,423/week ([contingent on state average](#))
- Up to 20 weeks of MN Paid Leave (Max Benefit / benefit year)
 - For OWN serious health condition = Lesser of:
 - 12 weeks; or
 - 12 weeks – (bonding, safety leave, family care, qualifying exigency) + 8 weeks
 - For bonding, safety leave, family care, qualifying exigency = Lessor of:
 - 12 weeks; or 12 weeks – (serious health condition) + 8 weeks
- Job protected (requiring restoration to same/similar position) – after 90days employment + No retaliation

MN Paid Leave – 12-Month Benefit Year

Dependent on Plan & Number of Employers

- 12-Month period dependent upon plan
- State plan
 - 52 weeks from date leave begins *unless*
 - Beginning on new Quarter → 53 weeks forward
- Equivalent Plan – Employer's choice
 - Calendar year; fiscal year; fixed 12-month period
 - 12-month period forward or backward from 1st date of leave
 - Rolling 12-month period
- Employee with multiple employers utilizing state plan
 - 52 weeks from date leave begin for any employer

MN Paid Leave – Applicability

- Employers with at least 1 employee in “Covered Employment”
 - 50% $\geq$ of work performed in MN in calendar year; **or**
 - Resides in MN 50% $\geq$ of calendar year + 50% $\geq$ of work NOT performed in ANY state, but *some* work in MN
- Employees earned $\geq$ 5.3% of [state avg. annual wage](#) (currently $\sim$ \$3,922)
 - Working in covered employment
 - Excluding “Seasonal Employee” – specific definition, hospitality worker upon application to MN DEED (Minn. Stat. § 268B.01, subd. 35)
- Independent Contractors + Self-Employed Individuals may individually elect for coverage

MN Paid Leave – Employer Obligations

Paid leave administered through MN Dept of Employment and Economic Development, like unemployment

- State Plan – Administration through MN DEED like Unemployment
- Third-Party Insurer
- Self-Insured

Requires pre-approval by state

NOW – Register Employer Account with MN DEED
(<https://www.uimn.org/employers/paid-leave/paid-leave-mn.jsp>)

MN Paid Leave – Employer Selects Plan

State Plan – Administration through MN DEED

- State Plan – Administration through MN DEED
- January 1, 2026 - Contributions / Deductions begin
- April 2026 – 1st Quarterly premium due
- **Employer Premium / Contributions – [Premium calculator](#)**
 - Individually – 0.88% employee taxable wage
 - Shared – up to 50% (0.44%) through employee wage deduction
 - NOTE – May increase up to 1.2% of taxable wage
- Small employers – 30 employees or less with average wage of < 150% state average weekly wage (~\$2,058; annual equivalent \$107,016)
 - Reduced contribution rate

MN Paid Leave – Equivalent Plans

Third-Party Insurer or Self-Insured Options

Third-Party Insured

- ALL or single form of MN Paid Leave
- Approved insurers and plan [list](#)

Self-Insured Plan – [Form and Guide](#)

- Surety bond required
- Self-insured plan guide

Maximum contribution by employee = wage deduction available under state plan

DEADLINE FOR *Timely* APPLICATION – November 10, 2025



MN Paid Leave – Equivalent Plans

Third-Party Insurer or Self-Insured Options - Requirements

1. All employees who are covered under the state plan must be covered under the equivalent plan.
2. Eligibility requirements cannot be stricter than those in the state plan.
3. Weekly payments must be at least equal to those provided by the state plan and separate from other benefits.
4. The total amount of leave available must be at least equal to the amount provided by the state plan.
5. Job protections must be at least equal to those provided by the state plan.
6. Costs to employees cannot be more than what their premiums would be under the state plan.
7. For Medical Leave, the equivalent plan must cover any serious health condition, or medical care related to pregnancy, that would be covered under the state plan.
8. For Family Leave, the equivalent plan must cover any care for a family member with a serious health condition, bonding with a child, a family member called to active duty military service, or any safety leave event that would be covered under the state plan.

MN Paid Leave – Equivalent Plans

Third-Party Insurer or Self-Insured Options - Requirements cont.

- leave events that would be covered under the state plan.
9. The equivalent plan must offer intermittent leave or reduced schedules consistent with the state plan.
 10. The equivalent plan cannot impose any additional conditions or restrictions on the use of leave beyond those in the state plan.
 11. Coverage must continue for 26 weeks after employee separation, or until the individual is hired by a new employer.
 12. If a leave application is filed by a former employee, the equivalent plan must pay benefits for the full time of leave. Equivalent plans may not cut off eligibility for a former employee during an approved leave.

MN Paid Leave – Notice Requirements

- December 1, 2025 – [Poster in English](#) + Language with 5/+ speakers + individual notification with **ACKNOWLEDGEMENT**

MINNESOTA PAID LEAVE

Effective January 1, 2026

Minnesota Paid Leave provides payments and job protections when you need time off to care for yourself or your family.

What can I use Paid Leave for?

Medical Leave:

- To care for your own serious health condition, including care related to pregnancy, childbirth, and recovery

Family Leave:

- Bonding Leave** – to care for and bond with a new child welcomed through birth, adoption, or foster placement
- Caring Leave** – to care for a family member with a serious health condition
- Military Family Leave** – to support a family member called to active duty
- Safety Leave** – to respond to issues related to domestic violence, sexual assault, or stalking for yourself or a family member

Generally, conditions must last more than seven days and be certified by a healthcare provider or other professional.

Am I covered by Paid Leave?

Most workers in Minnesota are covered by Paid Leave. You are covered no matter the size of your employer, or the hours or days you work. Independent contractors and self-employed individuals are not automatically covered but may opt in. You may qualify for payments if you've been paid a minimum amount for work in Minnesota in the last year (\$3,900 for the start of Paid Leave in 2026).

How long can I take leave?

You may qualify to take up to 12 weeks of family or medical leave per benefit year. If you need both family and medical leave in the same benefit year, you may qualify for up to 20 weeks in total.

How much will I get paid?

When you use Paid Leave, the state makes payments to you. Paid Leave will pay up to 90% of your wages, based on your income level, with a maximum weekly amount set at the state's average weekly wage. This amount changes each year, and is \$1,423 for the start of Paid Leave in 2026.

Who pays for Paid Leave?

Paid Leave is funded by premiums paid by employees and employers. The initial premium rate is 0.88% of covered wages. Your employer may deduct up to 0.44% of your wages to fund your portion of the premium.

What are my employment protections?

- Job protections:** Generally, you must be restored to your job or an equivalent position when returning from leave. Job protections take effect 90 days after your date of hire.
- Health insurance continuation:** Generally, employers must continue to fund their portion of healthcare insurance premiums while you are on leave.
- No retaliation or interference:** Employers must not interfere with or retaliate against you if you apply for or use Paid Leave. Employers cannot take your Paid Leave payments.

For inquiries related to Paid Leave, please contact Minnesota Paid Leave at 651-556-7777 or visit our website.

If you think your employer is violating employment protections, contact the Labor Standards Division at the Minnesota Department of Labor and Industry.

LEARN MORE: paidleave.mn.gov



MN Paid Leave – Employer Obligation

- Quarterly wage reports (unemployment reports sufficient for UI eligible ee)
- Quarterly submission of contribution payments (1st installment April 2026)

Establish / Determine by Employer Policy

- Minimum Increment of leave – Employer policy
 - 15 minutes ; no greater than 1 day
 - Option to max out at 480 hours
- Whether employee can *choose* to supplemental MN Paid Leave benefits
 - CANNOT mandate MN Paid Leave use; OR Use of other leave first
 - Use of ER benefits with MN Paid Leave benefits CANNOT exceed normal earnings



MN Paid Leave – Certification

Employee Notice Required for Benefits

- 7-day qualifying period (required for leave) – retroactively payable
 - Event lasts at least 7 calendar days (consecutive) unless intermittent leave sought
- Certification of OWN serious health condition
 - Date condition began
 - Approx. duration + *if intermittent* frequency and estimated treatment schedule
 - “appropriate medical facts as required by the commissioner”
- Certification of Family member’s serious health condition
 - Same as certification for employee’s own serious health condition
 - Statement that family member requires employee’s care + approx. duration of care



MN Paid Leave – Certification

Employee Notice Required for Benefits

- Certification of Medical Care related to pregnancy
 - Statement employee receiving medical care due to pregnancy / recovery therefrom
 - “appropriate medical facts”
- Certification of Bonding leave for birth
 - Child’s birth certificate; or
 - Document issued by health care provider of child / person giving birth identifying child’s birthdate or expected due date
- Certification of Bonding leave for adoption / foster care placement
 - Document issued by health care provider of child or adoption/foster care agency, or other acceptable individual identified by commissioner showing date of placement
 - Notification to state required – if status of placement changes during application or receipt of benefits



MN Paid Leave – Certification

Employee Notice Required for Benefits

- Certification of Qualifying Exigency
 - Copy of family member's active-duty orders; or
 - Other documentation issued by US armed forces or permitted by the commissioner
- Certification of Safety Leave
 - Court record / documentation signed by qualified person with professional capacity to declare need for safety leave
 - CANNOT require details relating to the domestic abuse, sexual assault or stalking
- Notice to Employer – 30 days (foreseeable); As soon as practicable (unforeseen)

MN Paid Leave – Employer Obligation

Consideration of All Available Leave

cont.

- MN Pregnancy and Parenting Leave
- Federal FMLA
- MN Earned Sick and Safe Time
- Other Employer-provided leave
 - CANNOT require exhaustion *before* MN Paid Leave
 - Employer can mandate concurrent use during
 - FMLA, MN Pregnancy & Parenting Leave
 - Requires policy
 - Employer determines availability & usage
 - Caution – when combined with ESST

MN Earned Sick and Safe Time

Reminder (MN DOLI FAQs: [Here](#)); Effective January 2024

- All employees expected to work at least 80 hours/year in Minnesota
 - Begin accruing 1st day of work
 - CANNOT wait until employee works 80 hours
- Minimum requirements and accrual options:
 1. Earn 1 ESST hour for every 30 hours worked; max 48 ESST earning/year; carryover unused hours balance cannot exceed 80 ESST hours.
 2. Frontload + End Year Payout: Frontload 48 ESST hours day 1 of work/accrual year (no prorating); unused hours on final day of accrual year paid out.
 3. Frontload + Forfeiture: Frontload 80 ESST hours day 1 of work/accrual year (no prorating); unused hours forfeited on final day of accrual year.

Amended (Jan. 1, 2026) – Frontload / advance estimated accrual; add difference if actual earned from hours worked is more

MN Earned Sick and Safe Time

ESST-Qualifying Reasons (Reminder)

- Employee's own:
 - Mental or physical illness, injury, or health condition;
 - Need for medical diagnosis, care or treatment of a mental or physical injury, or health condition;
 - Need for preventative medical or health care; or
 - Need to
 - (1) make arrangements for / attend funeral or memorial services; and/or
 - (2) address financial or legal matters that arise after the death of a family member.
- Care for a family member
 - With a mental or physical illness, injury, or health condition;
 - Who needs medical diagnosis, care or treatment of a mental or physical injury, or health condition; or
 - Who needs preventative medical or health care

MN Earned Sick and Safe Time

ESST-Qualifying Reasons (Reminder)

cont.

- Absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member for the purpose of:
 - Seeking medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
 - Obtaining services from a victim services organization;
 - Obtaining psychological or other counseling;
 - Seeking relocation or taking steps to secure an existing home due to domestic abuse, sexual assault, or stalking; or
 - Seeking legal advice or taking legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.

MN Earned Sick and Safe Time

ESST-Qualifying Reasons (Reminder)

cont.

- * Closure of the Company location where the employee works due to weather or other public emergency.
- * Employee's need to care for a family member whose school/place of care closed due to weather or other public emergency.
 - * Exclusion for certain firefighters, officers, 911 operators, correctional officers, and public employees with CDL expected to work during weather/public emergency subject to CBA / MOU / employer policy waiving application
- Employee's inability to work or telework because the employee is:
 - Prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or
 - Seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis.
- Leave, when the presence of the employee or a family member of the employee in the community would jeopardize the health of others because of the exposure of the employee or family member to a communicable disease, whether or not the employee or family member actually contracted the communicable disease.
 - As determined by health authorities / health care professional

MN Earned Sick and Safe Time

Family Member (broad); Notice for Use (Reminder)

cont.

Family member – broadly defined

- Typical individuals + grandparents/children, siblings, aunts/nephews
- Foster, step, in-laws, legal guardian, in loco parentis
- Spouse / domestic partner + their family members
- Any individual related by blood or close association equivalent to family
- One individual annually designated as a “family member” by the employee for purposes of ESST leave.

Notice to Use

- Policy required: no more than 7 days notice for foreseeable reason
- **Amended (Jan. 1, 2026)** Unforeseeable reason – as **reasonably required by the employer**

Minnesota Earned Sick and Safe Time

Employer Notice Requirement (Reminder)

cont.

- Written notice to all eligible for ESST
 - Eligibility, use, and anti-retaliation
 - Rights & remedies under the law
 - If require advance notice for foreseeable use, must include in notice
 - English + employee's primary language
- Employee handbook
- Minnesota Wage Theft Obligations
 - Maintain copy of all policies provided
 - Pay stub must include ESST hours earned and used
 - Include on employer notice (upon hiring)
 - Advance notice of any change required

MN Earned Sick and Safe Time

Compensation + Documentation & Voluntary Replacement

cont.

Records for Calculation of ESST – Per pay period

- ESST earned, available, and used
- Paystub or Written / Electronic format provided to employee per pay period

Compensation = Base rate

- Hourly employee = hourly rate
- Multiple rates (without separation of premium) = rate applicable to time ESST is used
- Salary basis = same rate guaranteed if employee didn't take leave
- Commission = at least the greatest applicable minimum hourly wage

Amendments as of January 1, 2026

- **Documentation:** Leave > 2 consecutive scheduled workdays
- **Replacement worker:** Cannot require *but* employees may voluntarily seek replacement worker rather than use ESST

Sample Language: MN Earned Sick and Safe Time

Minnesota Earned Sick and Safe Time Law Notice: The Company further provides the following notice of rights and remedies related to the use of ESST: It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting earned sick and safe time or otherwise exercising their earned sick and safe time rights under the law. If an employee believes they have been retaliated against or improperly denied earned sick and safe time, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for earned sick and safe time violations. Contact the Minnesota Department of Labor and Industry's Labor Standards Division at 651-284-5075 or dli.laborstandards@state.mn.us or visit the department's earned sick and safe time webpage at dli.mn.gov/sick-leave.

MN Earned Sick and Safe Time

Sample Policy Language: Documentation

cont.

- Documentation for Extended ESST: Employees using ESST leave for more than two (2) consecutive scheduled workdays must provide documentation supporting the eligible reason for leave. HOWEVER – Employees will not have to disclose the details relating to domestic abuse, sexual assault, or stalking or the details of an employee's or an employee's family member's medical condition as related to an employee's request to use ESST leave. The following documentation will be required in such situations:

Required Documentation – If Leave for ESST-qualifying reason exceeds two (2) consecutive <u>scheduled work days</u>	ESST-Qualifying Reason
Employee's written statement indicating the is using or used leave for an ESST-qualifying reason.	Employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency.
Court record or documentation signed by: a volunteer/employee of a victims services organization; an attorney; a police officer; or an antiviolence counselor Employee's written statement indicating the ESST-qualifying reason, if: (a) documentation cannot be obtained in a reasonable time; or (b) without added expense. *Employees will not have to disclose the details relating to domestic abuse, sexual assault, or stalking or the details of an employee's or an employee's family member's medical condition as related to an employee's request to use leave for an ESST-qualifying reason.	Absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member for the purpose of: • Seeking medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking; • Obtaining services from a victim services organization; • Obtaining psychological or other counseling; • Seeking relocation or taking steps to secure an existing home due to domestic abuse, sexual assault, or stalking; or • Seeking legal advice or taking legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.

Sample Language: MN Earned Sick and Safe Time

cont.

Required Documentation – If Leave for ESST-qualifying reason exceeds three (3) consecutive scheduled workdays	ESST-Qualifying Reason
Health care professional's signed statement indicating the ESST-qualifying reason. OR Employee's written statement indicating the employee is using or used leave for an ESST-qualifying reason, if: (a) the employee or family member did not receive services from a health care professional; or (b) the documentation cannot be obtained from a health care professional in a reasonable time or without added expense.	Employee's own • Mental or physical illness, injury, or health condition; • Need for medical diagnosis, care or treatment of a mental or physical injury, or health condition; • Need for preventative medical or health care; or • Need to (1) make arrangements for/attend funeral or memorial services; and/or (2) address financial/legal matters following family member's death. Care for a family member • With a mental or physical illness, injury, or health condition; • Who needs medical diagnosis, care or treatment of a mental or physical injury, or health condition; or • Who needs preventative medical or health care Employee's inability to work or telework because the employee is: • Prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or • Seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis. Leave, when it has been determined by health authorities having jurisdiction or a health care professional that the presence of the employee or a family member of the employee in the community would jeopardize the health of others because of the exposure of the employee or family member to a communicable disease, whether or not the employee or family member actually contracted the communicable disease.



DON'T FORGET OTHER LEAVE

MN Pregnancy and Parenting Leave

- 12 weeks unpaid leave
 - Birth of their child or adopting a child; or
 - (Females) Prenatal care, incapacity due to pregnancy, childbirth, or related health conditions
 - NOTE – prenatal appointments do not reduce amount of leave available
- All Employers must provide – at least 1 employee
- All employees eligible – regardless of tenure / hours worked
- CAN require to run concurrently with MN Paid Leave

DON'T FORGET OTHER LEAVE

Family & Medical Leave Act (FMLA)

- Employers covered – 50 ≥ employees during 20 or more calendar weeks in current/previous calendar year
- Eligible employee
 - Employed at least 12 months; worked at least 1,250 hours in previous 12 months
 - Works within 75-mile radius of 50 employees
- 12 weeks unpaid leave
 - Own serious health condition
 - Birth/adoption/foster child placement; bonding leave
 - Prenatal care, incapacity due to pregnancy
 - Care for family member (spouse, child, parent) with serious health condition
 - Military-related leave
 - Qualifying exigency
 - 26 weeks covered servicemember



DON'T FORGET OTHER LEAVE

Family & Medical Leave Act (FMLA)

- Designation required – within 5days of sufficient information
- CAN require to run concurrently with MN Paid Leave
 - Same FMLA purpose
 - Requires policy
- CAN require use of Other employer-provided paid leave during FMLA
 - Excluding ESST

DON'T FORGET OTHER LEAVE

- Americans with Disabilities Act / MN Human Rights Act
 - Employer with at least 15 employees
 - Reasonable accommodation for disabilities
 - Leave *may* be a reasonable accommodation

FAQs

- MN Paid Leave
 - FAQs – <https://mn.gov/deed/paidleave/employers/faq/>
 - Employer Toolkit – <https://mn.gov/deed/paidleave/employers/resource/>
- MN Earned Sick and Safe Time – <https://www.dli.mn.gov/sick-leave-FAQs>
- MN Pregnancy and Parenting Leave – <https://www.dli.mn.gov/parental-leave#:~:text=The%20following%20information%20is%20about,1%2C%202026.&text=How%20much%20leave%20do%20employees,for%20leave%20must%20be%20made>
- FMLA - <https://www.dol.gov/agencies/whd/fmla/faq>

MN Salary & Pay Transparency – Minn. Stat. § 181.173

Effective January 1, 2025



- Employers $\geq$ 30 employees in MN
- All job posts (any communications intended to recruit) for a specific position must:
 - Include salary range (annual / hourly); fixed
 - Describe general benefits & any other compensation
- Required even if advertised through 3P
- Employer's good faith estimate

MN Pay History Ban - Minn. Stat. § 363A.08, subd. 8

Effective January 1, 2024

- Pay History = wages, benefits, or any other compensation
- Cannot Ask applicant about pay history
 - Includes internal applicants
- Cannot Consider applicant's pay history only when
 - Voluntarily disclosure or publicly available; and
 - Consider for purpose of offering increased compensation
- Can Ask about compensation expectations

Violations may lead to civil penalties; grounds for charge of discrimination or civil lawsuit

Rest Breaks – Minn. Stat. § 177.254

Effective January 1, 2026



**BONUS
REMINDERS**

Current – Rest break

- “Adequate time from work” to use nearest restroom
- For each 4 consecutive hours worked

January 1, 2026

- **15-minute** break OR time to use nearest restroom, “whichever is longer”
- **Penalty** – compensation for rest break missed + doubled as liquidated damages

Meal Breaks – Minn. Stat. § 177.254

Effective January 1, 2026

Current – Meal break

- Duration sufficient to consume meal
- 30 mins “ordinarily” sufficient – Minn. Admin. 5200.0120, subp. 4
- 8/+ hours worked consecutively

January 1, 2026

- **30-minute** meal break
- **6/+** hours worked consecutively
- **Penalty** – compensation for meal break missed + doubled as liquidated damages

Minneapolis Civil Rights Ordinance – Title 7, ch. 139

Effective August 1, 2025

As relevant: Ordinance prohibits discrimination in employment based on “race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity, disability, age, marital status, **familial status**, status with regard to a public assistance program, **justice-impacted status**, **housing status**, **height and weight**, or any combination thereof”

Find ordinance [here](#) (139.40(b))



Minneapolis Civil Rights Ordinance – Title 7, ch. 139

Effective August 1, 2025

Familial status

- Status of having custody of a minor at home
- **Residing with and caring for an individual “lack[ing] ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions.”**
- Includes pregnant individuals and those seeking custody of a minor

Minneapolis Civil Rights Ordinance – Title 7, ch. 139

Effective August 1, 2025

Justice-impacted status – criminal record or history, including arrest, charge, conviction, period of incarceration, or probationary status

- Applicable law prohibiting employment due to criminal history **control**
- Cannot consider arrest that doesn't result in criminal conviction (excluding pending criminal matters)
- Exception – Criminal conduct's relationship to ability, capacity, and fitness to perform the job: First consider following:
 - Whether the individual was convicted of the offense;
 - The length of time since the alleged offense or conviction;
 - The nature and gravity of the crime(s);
 - The age of the employee at the time the crime(s) was committed;
 - Any evidence of rehabilitation efforts offered in support of the employee; and
 - Any unreasonable risk to property or to the safety or welfare of specific individuals or the general public.



Minneapolis Civil Rights Ordinance – Title 7, ch. 139

Effective August 1, 2025

Housing status – State of having, or not having, a fixed, regular, and adequate nighttime residence

Height and Weight

- # measurement of height, weight, body size
- Includes impression of individual's height and weight, despite #



Thank you!

This program is not intended to be responsive to any individual situation or concerns as the contents of this presentation are intended for general informational purposes only. Participants are urged not to act upon the information contained in this presentation without first consulting competent legal advice regarding implications of a particular factual situation. Questions and additional information can be submitted to your Gislason & Hunter Attorney or to the presenter of this session.