



## Recent updates to Minnesota labor laws

**Labor Standards Division  
July 17, 2025**

Send questions to David Skovholt at [david.skovholt@state.mn.us](mailto:david.skovholt@state.mn.us).

# Department of Labor and Industry (DLI) operating areas

*DLI's **mission** is to ensure Minnesota's work and living environments are equitable, healthy and safe.*

*DLI's **vision** is to be a trusted resource and an impartial regulator for employers, employees, property owners and other stakeholders.*

## DLI operating areas:

- Workers' compensation Division;
- Minnesota Occupational Safety and Health (MNOSHA);
- Labor Standards Division;
- Apprenticeship Minnesota;
- Construction Codes and Licensing Division;
- Minnesota Dual-Training Pipeline;
- Youth Skills Training;
- Office of Combative Sports; and
- General Support Division.



# Labor standards enforced by DLI

- Minnesota Fair Labor Standards Act
- Women's Economic Security Act
- Child Labor Standards Act
- Minnesota Prevailing Wage Act
- Wage Theft Prevention Act
- Earned Sick and Safe Time Act
- Other laws related to employment, wages, conditions and hours



# Minnesota labor standards, wage and hour agencies

## Minnesota Department of Labor and Industry, Labor Standards Division

- [dli.mn.gov](http://dli.mn.gov) or 651-284-5075

## U.S. Department of Labor, Wage and Hour Division

- [dol.gov/whd](http://dol.gov/whd) or 612-370-3341

## Minnesota Attorney General's Office

- [ag.state.mn.us](http://ag.state.mn.us) or 651-296-3353

## St. Paul Labor Standards Enforcement and Education Division

- [stpaul.gov/departments/human-rights-equal-economic-opportunity](http://stpaul.gov/departments/human-rights-equal-economic-opportunity) or 651-266-8900

# Minnesota labor standards, wage and hour agencies (continued)

## Minneapolis Labor Standards Enforcement Division

- [ci.minneapolis.mn.us/civilrights/LaborStandardsEnforcement](https://ci.minneapolis.mn.us/civilrights/LaborStandardsEnforcement) or 612-673-3012

## Bloomington City Attorney's Office

- [bloomingtonmn.gov/earned-sick-and-safe-leave-essl](https://bloomingtonmn.gov/earned-sick-and-safe-leave-essl), [essl@bloomingtonmn.gov](mailto:essl@bloomingtonmn.gov) or 952-563-8753

# Questions?

**We will answer questions at the end of the session.**

**Please send questions to David Skovholt at [david.skovholt@state.mn.us](mailto:david.skovholt@state.mn.us).**



# Agenda

- Breaks updates
- Earned sick and safe time updates
- Women's Economic Security Act review
- Other updates and reminders
- Question-and-answer session







# Breaks

**Jessica Grosz**  
**Director, Labor Standards Division**

Send questions to David Skovholt at [david.skovholt@state.mn.us](mailto:david.skovholt@state.mn.us).



# Rest breaks – current law

## Minnesota Statutes § 177.253 – Mandatory work breaks

Subdivision 1, Rest breaks: An employer must allow each employee **adequate time** from work within **each four consecutive hours** of work **to utilize the nearest convenient restroom**.

Subd. 2, Collective bargaining agreement: Nothing in this section prohibits employers and employees from establishing rest breaks different from those provided in this section pursuant to a collective bargaining agreement.

# Rest breaks – law as of Jan. 1, 2026

Minn. Stat. § 177.253 – Mandatory work breaks

Subd. 1, Rest breaks: An employer must allow each employee a rest break of **at least 15 minutes or enough time to utilize the nearest convenient restroom, whichever is longer**, within **each four consecutive hours** of work.

Subd. 2, Collective bargaining agreement: Nothing in this section prohibits employers and employees from establishing rest breaks different from those provided in this section pursuant to a collective bargaining agreement.

# Comparison – current versus updated rest break law

Current rest breaks law	Updated rest breaks law
Time provided: Adequate time	Time provided: At least 15 minutes (may be longer)
How often: Each four consecutive hours	How often: Each four consecutive hours
For what purpose: To utilize the restroom	For what purpose: To utilize the restroom and more

# Rest breaks example

On Jan. 2, 2026, employee A works from 8 a.m. to 5 p.m. It takes employee A approximately 10 minutes to walk to and use the nearest restroom.

Question: How many rest breaks should employee A be allowed?

Answer: At least two rest breaks.

Question: How much time should employee A be allowed for rest breaks?

Answer: At least 15 minutes.

# Meal breaks – current law

Minn. Stat. § 177.254 – Mandatory meal break

Subd. 1, Meal break: An employer must permit each employee who is working for **eight or more consecutive hours sufficient time to eat a meal**.

Subd. 2, Payment not required: Nothing in this section requires the employer to pay the employee during the meal break.

Subd. 3, Collective bargaining agreement: Nothing in this section prohibits employers and employees from establishing meal periods different from those provided in this section pursuant to a collective bargaining agreement.

# Meal breaks – law as of Jan. 1, 2026

Minn. Stat. § 177.254 – Mandatory meal break

Subd. 1, Meal break: An employer must allow each employee who is working for **six or more consecutive hours a meal break of at least 30 minutes.**

Subd. 2, Payment not required: Except for subd. 4, nothing in this section requires the employer to pay the employee during the meal break.

Subd. 3, Collective bargaining agreement: Nothing in this section prohibits employers and employees from establishing meal periods different from those provided in this section pursuant to a collective bargaining agreement.

# Comparison – Current versus updated meal breaks law

Current meal breaks law	Updated meal breaks law
Time provided: Sufficient time	Time provided: At least 30 minutes
How often: Eight or more consecutive hours	How often: Six or more consecutive hours
For what purpose: To eat a meal	For what purpose: To eat a meal



# Meal breaks example

On Jan. 2, 2026, employee B works from 3 to 10 p.m.

Question: How many meal breaks should employee B be allowed?

Answer: One meal break.

Question: How long must the meal break be?

Answer: At least 30 minutes.

# Additional considerations

- Minnesota Rules 5200.0120
  - Breaks of fewer than 20 minutes must be paid.
  - Other breaks can be unpaid if the employee is completely relieved from work duties.
- Remedies
  - Remedies include liquidated damages.



# Earned sick and safe time

**Peter Nikolai**  
**Program administrator, Labor Standards Division**

Send questions to David Skovholt at [david.skovholt@state.mn.us](mailto:david.skovholt@state.mn.us).

# What is sick and safe time?

Sick and safe time is paid time off from work that eligible employees in Minnesota can use for certain reasons, including:

- the employee's **mental or physical illness, treatment or preventive care**;
- a family member's mental or physical illness, treatment or preventive care;
- absence due to **domestic abuse, sexual assault or stalking** of the employee or a family member;
- bereavement leave;
- closure of the employee's workplace due to **weather or public emergency** or closure of a family member's school or care facility due to weather or public emergency; and
- when determined by a health authority or health care professional that the employee or a family member is at **risk of infecting others with a communicable disease**.

# Which family members are included?

- Their **child**, including foster child, adult child, legal ward, child for whom the employee is legal guardian or child to whom the employee stands or stood in loco parentis (in place of a parent);
- their **spouse** or registered domestic partner;
- their **sibling**, stepsibling or foster sibling;
- their biological, adoptive or foster **parent**, stepparent or a person who stood in loco parentis (in place of a parent) when the employee was a minor child;
- their **grandchild**, foster grandchild or step-grandchild;
- their **grandparent** or step-grandparent;

# Which family members are included?, continued

- a **child of a sibling** of the employee;
- a **sibling of the parents** of the employee;
- a **child-in-law** or sibling-in-law;
- any of the family members listed in one through nine above of an employee's spouse or registered domestic partner;
- any other individual **related by blood** or whose **close association** with the employee is the equivalent of a family relationship; and
- up to **one individual annually designated** by the employee.

# Who is eligible for earned sick and safe time?

An employee is eligible for earned sick and safe time (ESST) if they:

- are anticipated to work at least 80 hours in a year for an employer in Minnesota; and
- are not an independent contractor.



# 2024 changes: Bereavement leave added

ESST hours can now be used to:

- make funeral arrangements;
- attend a funeral service or memorial;  
and
- address financial or legal matters that arise after the death of a family member.



# 2024 changes: Reporting ESST hours

At the end of each pay period employers must provide employees with:

1. the total number of ESST hours available for the employee to use; and
2. the total number of ESST hours the employee used during that pay period.

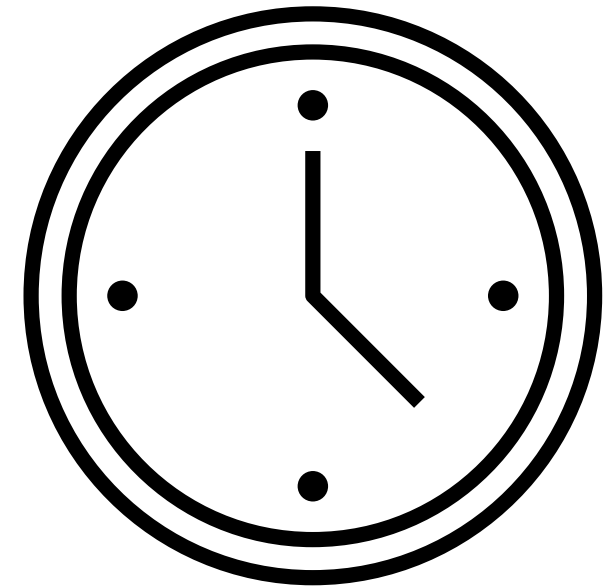
Employers may choose a reasonable system for providing this information.

In addition, employers are required to keep record of hours worked, as well as other information, and must retain these records for three years.

# 2024 changes: Increment of ESST use

Employees may use ESST in the same increments of time as they are paid, except employers:

- are not required to allow leave in increments smaller than 15 minutes – for example, if an employee would like to use 3:07 of ESST, the employer may require 3:15 of ESST be used; and
- cannot require employees to use more than four hours of ESST at one time.



# ESST application to other paid time off (Jan. 1, 2025)

- If an employer provides employees with paid time off (PTO) that is more than the amount required under the ESST law for absences due to personal illness or injury, the additional PTO must meet the same requirements as the ESST hours, other than the ESST accrual requirements.
  - For example, if an employee receives 50 hours of PTO in addition to the minimum requirement of 48 ESST hours each year, the employer must follow the ESST requirements about notice, documentation, anti-retaliation, replacement workers and more for the PTO hours, in addition to the ESST hours.
- Employers can still apply their notice and documentation requirements that were in effect as of Dec. 31, 2023, when employees use PTO accrued on or before that date. However, employers cannot require employees to use PTO accrued on or after Jan. 1, 2024, before using PTO accrued before that date.

# 2025 changes: Notice of use

- For unforeseeable uses of ESST, the employee must give notice as “reasonably required by the employer.”



# 2025 changes: Documentation

- Employees must provide reasonable documentation after missing more than **two** consecutive scheduled workdays.





# 2025 changes: Replacement workers

- Employees may voluntarily seek or trade shifts with a replacement worker to cover for ESST absences





# 2026 changes: Advancing ESST

- Employers may advance ESST to an employee based on the anticipated hours worked.
- If the advanced amount is less than what the employee would have accrued based on actual hours worked, the employer must grant additional ESST to make up the difference.

# 2025: Advancing ESST example

Anticipated hours	Advanced ESST	Actual hours worked	Accrued ESST	Action required
600	20 hours	660	22 hours	Add two hours of ESST
600	20 hours	570	19 hours	No action needed



# Women's Economic Security Act review

**Alanna Galloway**  
**Education and engagement specialist, Labor Standards Division**

Send questions to David Skovholt at [david.skovholt@state.mn.us](mailto:david.skovholt@state.mn.us).

# WESA provisions enforced by DLI



1. Wage disclosure protection
2. Nursing mothers, lactating employees and pregnancy accommodations
3. Pregnancy and parenting leave
4. Reinstatement following leave
5. Employer notice requirements

Send questions to David Skovholt at [david.skovholt@state.mn.us](mailto:david.skovholt@state.mn.us).

# Recent WESA updates

## Effective July 2023

- Nursing and lactating employees receive reasonable break times to express milk **regardless of child's age**
- Lactation spaces required to be **“clean, private and secure”**
- Employees required to receive time to express milk regardless of **whether the break would unduly disrupt the employer's operations**
- Employees can choose when to take break times to express milk, **regardless of if break times align with already provided breaks**
- Employers required to provide **written notice** of their right to express milk and receive pregnancy accommodations at **time of hire and publish rights in employee handbooks**

Send questions to David Skovholt at [david.skovholt@state.mn.us](mailto:david.skovholt@state.mn.us).

# Recent WESA updates, continued

- Temporary leave of absence, work schedule or job assignment modification and more frequent or longer breaks included in **named pregnancy accommodations**
- **All employees** have the right to 12 weeks of unpaid leave during or following pregnancy and pregnancy accommodations, **regardless of employer size or how long they have been employed**

# Recent WESA updates, continued

## Effective August 2024

- Employers cannot deduct time spent on prenatal care appointments from the 12-week pregnancy and parenting leave period
- Employers must continue paying health insurance costs for employees and their dependents during pregnancy and parental leave periods



Send questions to David Skovholt at [david.skovholt@state.mn.us](mailto:david.skovholt@state.mn.us).

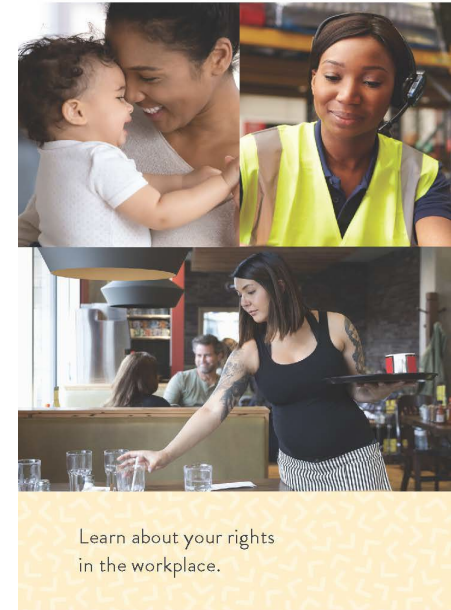


# Resources

## We are here to help you.

- [Watch informational videos in four languages \(English, Hmong, Somali and Spanish\)](#)
- WESA landing page: [dli.mn.gov/newparents](https://dli.mn.gov/newparents)
- Contact the Labor Standards Division at 651-284-5075 or [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us)
- Regarding ESST questions:
  - visit [sickleave.mn.gov](https://sickleave.mn.gov) or call 651-284-5075

Are you pregnant or  
a new parent?



**mn** DEPARTMENT OF  
LABOR AND INDUSTRY

# Workplace Rights Week is Sept. 21 through 27, 2025

- Workplace Rights Week aims to educate and inform workers and employers of their rights and responsibilities in the workplace.
- Visit [dli.mn.gov/rights-week](https://dli.mn.gov/rights-week) to learn more.
- Last year DLI visited more than 1,000 workplaces, hosted events and visited a worksite with the lieutenant governor.



# Minnesota Paid Family Leave

- Administered by the Minnesota Department of Employment and Economic Development
- DLI to enforce employment protections and retaliation provisions
- Passed in 2023 legislative session



# Minnesota Paid Family Leave, continued

## **Dec. 1, 2025:**

- Employers must notify workers.

## **Jan 1, 2026:**

- Payroll deductions start.
- Benefits and leave available to Minnesotans.

## **April 30, 2026:**

- First quarterly premium due.

Learn more at [Minnesota Paid Leave](#).



## For more information

[View the DLI 2025 legislative session summary.](#)

Visit the DLI webpage at [dli.mn.gov/laborlaw](https://dli.mn.gov/laborlaw).

Sign up for the *Wage and Hour Bulletin* on the DLI website at [dli.mn.gov/business/employment-practices/minnesota-wage-and-hour-bulletin](https://dli.mn.gov/business/employment-practices/minnesota-wage-and-hour-bulletin).

Contact DLI's Labor Standards Division at 651-284-5075 or [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us).