



New workplace laws now in effect: Breaks and minimum wage

Labor Standards Division
Wednesday, Jan. 14, 2026

Labor and Industry — Units

- Apprenticeship Minnesota
- Construction Codes and Licensing Division
- Labor Standards
- Minnesota OSHA (MNOSHA) Compliance
- MNOSHA Workplace Safety Consultation
- Projects and planning
- Workers' Compensation 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
- Other laws related to employment, wages, conditions, hours.



Labor standards, wage and hour agencies in Minnesota

Minnesota Department of Labor and Industry, Labor Standards
dli.mn.gov or 651-284-5075

U.S. Department of Labor, Wage and Hour Division
dol.gov/whd or 612-370-3341

Minnesota Attorney General's Office
ag.state.mn.us or 651-296-3353

St. Paul, Labor Standards Enforcement and Education Division
stpaul.gov/departments/human-rights-equal-economic-opportunity/labor-standards-enforcement-and-education or 651-266-8900

Minneapolis, Labor Standards Enforcement Division
minneapolismn.gov/government/departments/civil-rights/labor-standards-enforcement/ 612-673-3012

Agenda

- Updated minimum-wage information
- Updated rest and meal breaks
- Job protections under Minnesota Paid Leave
- Q&A





Minimum wage

Standardized minimum wage

Small businesses, youth workers, J-1 visa holders



2025: One standard rate

Minimum wage indexed to inflation

- Passed in 2014 with a cap of 2.5%
- Increase calculated annually
- Cap raised to 5% in 2024
- 2026 rate reflects 2.5% inflation increase



2026 minimum-wage rate

Employer/employee type	Minimum-wage rate (2026)
All employers	\$11.41/hour
Youth training wage (may be paid to employees ages under 20 for the first 90 days of employment)	\$9.31/hour

Employees must be paid at least the highest applicable minimum wage

*minimum wage adjusts Jan. 1 of each year.



Breaks

Coverage

Coverage: there are exceptions to who is considered an “employee” under the Minnesota Fair Labor Standards Act. These exceptions include, but are not limited to:

- certain agricultural workers;
- individuals employed in a bona fide executive, administrative, or professional capacity; and
- certain seasonal day camp staff members.

Employers are not required to allow breaks under Minnesota law for workers who fall under these exceptions.

Rest breaks (previous law): Minnesota Statutes § 177.253

Rest breaks:

- **Allow adequate time** must be provided within **each four consecutive hours** of work **to utilize the nearest convenient restroom.**
- **Different rest breaks** may be established through **collective bargaining agreements.**



Rest breaks (effective Jan. 1, 2026)

Rest breaks:

- **Allow at least 15 minutes** or enough time to utilize the nearest convenient restroom, whichever is longer, within **each four consecutive hours** of work.
- **Different rest breaks** may be established through **collective bargaining agreements**.



Comparison: Previous rest breaks law vs. updated law

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

Updated rest breaks example, as of Jan. 1, 2026

Sara works from 8 a.m. to 5 p.m. (9 hours), with a lunch break from noon to 12:30 p.m. It takes Sara approximately 10 minutes to walk to, use and return from the nearest restroom.

Q1: How many rest breaks must the employer allow Sara to take?

Q2: How much time must Sara be allowed for rest breaks?



Meal breaks (previous law): Minn. Stat. § 177.254

Meal breaks:

- An employer must permit each employee working for **eight or more consecutive hours** sufficient time to eat a meal.
- **Different meal breaks** may be established through **collective bargaining agreements**.



Meal breaks law (effective Jan. 1, 2026)

Meal breaks:

- An employer must allow each employee who is working for **six or more consecutive hours** a meal break of at least 30 minutes.
- **Different rest breaks** may be established through **collective bargaining agreements**.



Comparison: Previous meal breaks law vs. updated law

Previous 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

Adam works from 6 a.m. to 6 p.m. (12 hours).

Q: How many meal breaks must the employer allow Adam to take?



What does it mean to “allow” breaks

Employers must “allow” their employees to take rest and meal breaks. However, employees may choose to not take these breaks.

An analysis of whether an employer “allows” their employees to take breaks is fact-intensive and may include, but is not limited to, whether:

- the employer has breaks-related policies;
- these policies have been communicated to employees; and
- work circumstances make it possible for employees to take breaks.

If an employee voluntarily waives their breaks, it is a best practice to confirm this in writing with the employee. Employers may consider seeking the assistance of an employment law attorney to determine whether their policies and practices allow employees to take breaks as required by Minnesota law.

Additional considerations

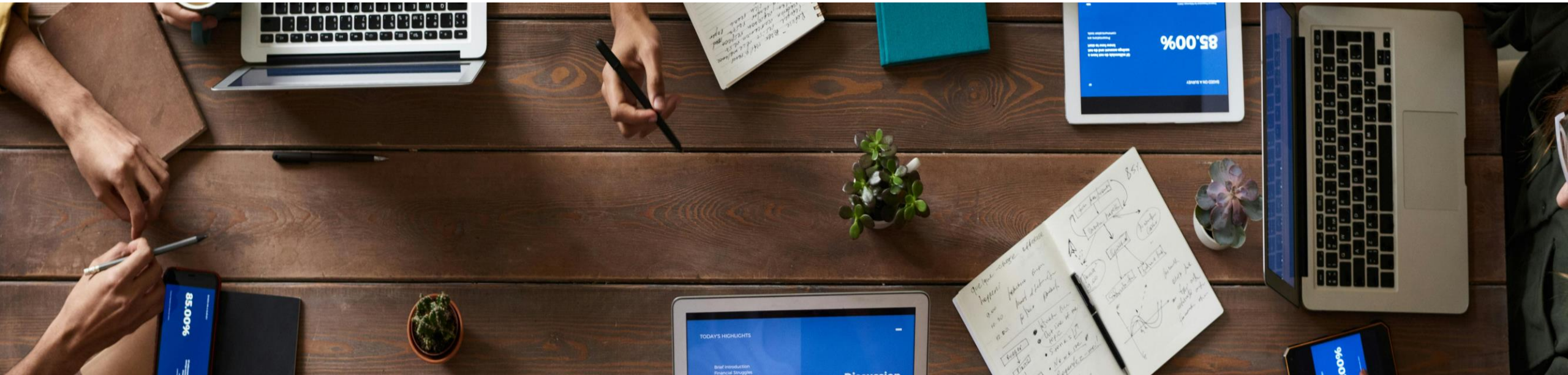
- Minnesota Administrative Rules 5200.0120
 - Breaks of less than 20 minutes must be paid
 - Other breaks can be unpaid if the employee is completely relieved from work duties
- Remedies
 - Includes liquidated damages
 - Remedies
- Location of breaks

Additional considerations, continued

What are considered hours worked?

Hours worked include, but are not limited to, training time, cleaning time and any other time performing work duties. Hours worked do not include the 30-minute or longer meal break, provided employees are completely relieved of work duties during that time.





Job protections under Minnesota Paid Leave

DLI enforces Paid Leave job protections

- Retaliation and interference prohibited
- Waiver of rights to benefits or leave are void
- Assignment of employee benefits is prohibited
- Continuation of insurance coverage required
- Reinstatement to the same or similar position required
- What Paid Leave premiums can employer charge to an employee

Employment protections – Retaliation and interference

- **No retaliation or interference:** Employers must not interfere with or retaliate against an employee for applying for or using Paid Leave. Employers cannot take employee Paid Leave payments or try to void an employee's right to leave or benefits.
- **Examples:**
 - An employee informs an employer that they will be applying for Paid Leave and the employer terminates the employee.
 - An employer demotes or reduces the schedule of an employee who has applied for intermittent Paid Leave for a serious health condition.

Employment protections – Waiver of rights void



- **Waiver of rights void:** An employer cannot agree with an employee to waive their rights to Paid Leave. Any such agreements are void and unenforceable.
- **Example:**
 - An employer cannot tell an employee “if you take only six weeks of leave, I will pay you in full, but you cannot apply for Paid Leave through the state.”

Employment protections – No assignment of benefits

- **Assignment of benefits prohibited:** An employer cannot use an employee's leave payment to collect on a debt through a levy, execution, attachment or other remedy.
- **Example:**
 - An employer tells an employee that they need to provide paid leave benefits to the employer because the employer must pay a temporary replacement worker to do the work the employee did before the employee went out on a leave.

Employment protection – Insurance continuation

- **Insurance continuation:** Generally, employers must continue to fund their portion of healthcare and other group insurance premiums while an employee is on leave.
- **Example:**
 - An employee takes a leave from work under the Minnesota Paid Leave law, but the employer stops paying their portion of the employee's health insurance premium. The employee's insurance lapses, causing them to accrue a large amount of medical debt.
- This provision may be waived for certain employees in the construction industry, but those calls should still be referred to DLI

Employment protection – Reinstatement

- **Reinstatement:** Generally, employees must be restored to the same or equivalent position when returning from leave. The right to reinstatement takes effect 90 days after an employee's date of hire.* All other job protections start on the first day of hire.
- **Example:**
 - An employee returns to work after being on Paid Leave for 12 weeks. The employer tells the employee that their original position is no longer available and puts them back to work in a job with different duties and a lower rate of pay.
 - This is most likely a violation of the reinstatement requirement.

Key concepts for reinstatement after pregnancy and parental leave or Paid Leave

Reinstatement after leave

- Employees must be reinstated to the same position they left or one of comparable duties.
- Reinstatement must not result in any reduction in the employee's number of hours or compensation.
- Employers may not terminate an employee while on leave, unless the position is subject to an actual layoff which would impact other similarly situated employees.
- Employers can allow employees to return to work part time during the leave period without losing the ability to be reinstated to their former full-time positions at the conclusion of the leave period.

Employee charge back

Employers must not overcharge an employee for the Paid Leave premium by either

- (1) deducting more than 50% of the total premium payment from an employee's wages*, or
- (2) deducting premiums that take an employee's wages below minimum wage.

*Small employers can still take 0.44%, or two-thirds of the 0.66% premiums they owe, from employee pay.



Additional resources

- FAQs on job protections under Paid Leave law: dli.mn.gov/paid-leave-protections
- FAQs on ESST: dli.mn.gov/sick-leave-FAQs
- Unpaid pregnancy and parental leave information: dli.mn.gov/parental-leave
- Chart of different types of leave, benefits and qualifications for Minnesota Paid Leave versus earned sick and safe time (will be adding Minnesota pregnancy and parental leave law to this): mn.gov/deed/assets/paid-leave-comparison-acc_tcm1045-611627.pdf

Thank you for your participation

Scan the QR code or visit
forms.office.com/g/hUfyDFauLW



Resources:

- dli.mn.gov/minwage
- dli.mn.gov/breaks
- dli.mn.gov/paid-leave-protections

Next webinar

Wednesday, Feb. 11, at 2 p.m. — **Earned sick and safe time:
What Minnesota workers and employers need to know.**

To register, visit dli.mn.gov/events.

Thank you

Contact Labor Standards at 651-284-5075 or dli.laborstandards@state.mn.us.

Keep up to date with Labor Standards: dli.mn.gov/bulletin.