

Navigating Minnesota's New Employee Leave Laws MDA Member Frequently Asked Questions November 7, 2025

This document provides additional information for MDA members on Minnesota's Paid Family and Medical Leave Program (Paid Leave), Earned Sick and Safe Time (ESST), and updates to Minnesota's break laws.

The MDA prepared this FAQ based on questions submitted by members before and during the November 7, 2025, webinar presented by MDA Legal Counsel Angela M. Lutz Amann. Information in this document is drawn from publicly available resources from the Minnesota Department of Employment and Economic Development and the Minnesota Department of Labor and Industry.

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For more information, please contact the MDA at 612-767-8400 or info@mndental.org.

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Can you please explain Intermittent PFML again. How is that different than ESST? Don't they have to anticipate 7+ days to request PFML?

If an employer has a short-term disability policy within their Cafeteria 125 plan, can the employee receive these supplemental payments in full in addition to payments from the PFML benefit?

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I found a paid leave account already showed under UI account even I did not set it up myself. Do I need to do more to set up an account?

Can an employee take leave to take some training to be able to care of a parent?

For a small employer all employees would fall under the less than \$107016.00 payroll but doctors wages are more than that would we still qualify for small employer rate?

Can an employee take leave retroactively or will that only start in 2026? We had an employee take time off for maternity leave earlier this calendar year (2025) and she used up all her PTO during that time.

I recently had an employee that I gave paid medical leave to for her maternity leave in 2025 for 12 weeks. Now with the new law going into effect, she want to double dip and take state's leave for another 12 weeks. The issue isn't the pay but taking 24 weeks off and having job protection that I can't hire to replace her clinic role. I contacted the state and they said that this is totally legal and fine to do, and that I need to allow her to apply for the leave and send a request on my end to not have to comply for this, and then the state will get to decide if she can take the leave again. Does this sound legal for other individuals who are in similar situations who have employees that welcomed children in 2025 that are wanting to double dip in benefits for 2026 after taking leave in 2025?

How about maternity leave? Can they take 12 weeks for maternity leave and be covered?

If an employee went out for maternity leave in 2025 are they eligible for this in 2026? 1. They already came back after exhausting their full 12 weeks in 2025. 2. There is an employee that is not scheduled to come back until Jan 18th from the birth of their child in 2025.

If I have a hygienist that has to take leave and the only way I can fill her position is by hiring another full time hygienist, when the hygienist on leave comes back to work, am I allowed to let the "replacement hygienist" go in order to allow the first hygienist to have her position back? I am currently at full capacity for hygiene and do not have enough treatment rooms to allow for an extra hygienist to work full-time.

Earned Safe and Sick Time ("ESST")

If my company's PTO policy exceeds that of the ESST law, are we required to still have it?

Break Laws

I heard there is a mandatory 15 min break every 4 hours, is this true?

How are offices handling the break law too with their hygiene departments?

What if you take an hour lunch and work a 8.5 hour day. Does the hour lunch cover all the breaks?

How do nursing/pumping breaks coincide with the paid rest breaks or the unpaid meal breaks of 30 minutes or more?

If employees see patients from 8-noon, then have lunch from noon-1 pm and return with patients from 1-5 pm, do they need more breaks if they get there early to prepare for the day and time to wrap up at the end (like if they are there from 7:30-5:30)? Also how should we be documenting breaks?

Paid Family and Medical Leave (“Paid Leave”)

The answers to the following questions can be found at the links below:

- FAQs for employers: <https://mn.gov/deed/paidleave/employers/faq/>
- FAQs for employees: <https://mn.gov/deed/paidleave/employees/faq/>
- Paid Leave Premium Calculator:
<https://mn.gov/deed/paidleave/employers/premiums/>
- Paid Leave and Small Employers: https://mn.gov/deed/assets/paid-leave-small-employers-acc_tcm1045-705444.pdf

- Are there any differences in Paid Leave depending on practice size?

The only difference for small employers is potentially a reduced premium rate. To qualify for a reduced rate, an employer must have 30 or fewer employees, and an average employee wage of 150% or less of the statewide average weekly wage (average wages of \$107, 016 in 2025).

These employers may also be eligible for [small business assistance funding](#) to hire temporary workers or increase an existing worker’s wage. Per [Minnesota Statute 268B.29](#), the Commissioner of Employment and Economic Development may approve a grant of up to \$3,000 if the employer hires a temporary worker or increases another existing worker’s wage, to substitute for an employee on paid family or medical leave. The maximum total grant per employer is \$6,000 in one year.

- As a small business with 4 employees including doctors, if an employee goes on leave how should one hold their position?

Eligible employees must receive job protection, meaning they are entitled to return to the same or an equivalent position with the same pay, benefits, length of service, and seniority. This means that if you provide benefits like health insurance, life insurance, or retirement benefit accrual, employees have the right to keep their coverage while on leave. The employer must continue to pay health insurance premiums, and employees will continue to pay their portion as if they were working. Employers may hire a temporary replacement worker or redistribute duties while an employee is on leave, but they must allow the employee to return to their role or a similar role after their leave.

- Can employees take one day per week under the leave act, or does it need to be in larger chunks?

Employees who take leave can do so in one continuous block of time or in smaller, intermittent blocks.

For example:

- Continuous leave: If you have surgery and need to be completely out of work for six weeks, that is considered continuous leave.
- Intermittent leave: If you have a chronic condition or a family member who requires transportation to recurring treatments, you might only need to take a few hours or a day off each week. That would be intermittent leave.

Employees should discuss their anticipated leave schedule with their employer and with the healthcare or service provider who is certifying their leave.

Employers must allow employees to take at least 480 hours of intermittent leave per year. If an employee takes intermittent leave, they are paid only for the actual time taken off, whether that's a few minutes, a few hours, a day, or more.

An employee's weekly payment will depend on how much leave they use during that week. For example, if an employee takes one day off, their payment will reflect one day's worth of their regular wages, not the full week.

Unlike continuous leave, which follows a fixed schedule, intermittent leave requires employees to regularly report the hours or days they take off. Paid Leave will use that information to calculate each employee's payment accurately.

- Can employees use both Paid Family and Medical Leave and PTO (which is earned/ front loaded by employer) at the same time?

Yes, employees can take paid leave while receiving other benefits such as Paid Time Off (PTO). Employers may offer to "top off" employee benefits by allowing an employee to use partial PTO, sick, or vacation days to make up the difference between your Paid Leave benefits and their regular pay; however, they are not required to offer this. If an employer does not offer to "top off" an employee's benefits, an employee can still decide to use PTO, sick, and vacation time during a leave. For any day an employee receives payments from other benefits, such as PTO, they will not receive payment from Paid Leave.

- Can you purchase private short-term disability and opt out of state tax?

An employer may opt out of Minnesota's Paid Leave program only if they have a state-approved equivalent leave plan. Employers may also provide benefits such as short-term disability, but to qualify for opting out, they must have a state-approved equivalent plan. Simply offering short-term disability alone does **not** exempt an employer from contributing to Paid Leave.

- Do employees have to use all of their paid time off before utilizing state paid FMLA funds?

Assuming the question is referring to Minnesota Paid Leave (Paid Family and Medical Leave), employers cannot require an employee to use any PTO before utilizing paid leave benefits. Employees may use PTO while on leave but will only receive payment from the paid leave program for days they do not use PTO.

- Does PFML include maternity leave for those who currently need to take maternity leave unpaid as an associate?

Yes, maternity/bonding leave is a qualifying use of Paid Leave for up to 12 weeks.

- How do we pay premiums? What if employees don't utilize benefits, does it roll over?

Employers pay for paid leave premiums quarterly with the first payment due on April 30, 2026, for wages earned between January 1 and March 31st.

Benefits do not roll over under the state paid leave program. If an employer has an approved equivalent private plan, those benefits may roll over if the plan allows.

- How do we qualify for the small business lower rate when it comes to paid leave?

Once an employer registers for their Paid Leave account and enters in the requested information, the Paid Leave system will inform you if you qualify as a small business and will provide your premium rate.

- How does it work for a small business of 6 people?

All employers, regardless of size, are required to participate in Paid Leave unless they are specifically exempt from the law. There is no exclusion in the law for small employers.

Small businesses with 30 or fewer employees may be eligible for reduced premiums and may be eligible for small business assistance funding to hire temporary workers or to increase an existing worker's wages.

- How does this affect payroll? This [is] this an automatic deduction now or is this something we need to set up?

Beginning January 1, 2026, employers will deduct the employee's premium share, as decided by the employer, and submit quarterly premium payments to the state on behalf of all covered employees.

To set up Minnesota paid leave payroll deductions, employers must first register on the Unemployment Insurance (UI) website and designate a Paid Leave Administrator. For employers participating in the state-administered program, Paid Leave Administrators review leave applications for accuracy and view Paid Leave determinations from the state.

Employers designate their Paid Leave Administrator(s) in their [Joint Unemployment Insurance-Paid Leave Employer Account](#) and then set up a separate Paid Leave Administrator Account [here](#).

- How does this work for our temporary employees who work 2-5 shifts a year?

Paid leave covers full-time, part-time, temporary, and most seasonal workers. It does not cover independent contractors, self-employed individuals, and Tribal Nations. If you have a temporary employee (not contractor) they will qualify for leave; however, they must have earned at least \$3,700 in the last year.

- How does Paid Leave work with ESST? Can this leave be used in conjunction with this? Are they different? It's all so confusing!

Paid Leave and Earned Safe and Sick time (ESST) are two different things. ESST allows for the accrual and use of paid time off for employees unable to work due to a qualifying reason. Paid leave provides job protection and partial wage replacement for those unable to work due to a qualifying reason.

[Click here for a comparison chart between Paid Leave and ESST.](#)

- How is wage data collected for PMFL?

Every quarter, employers will be required to submit a report detailing wages paid to their employees. To make things easier for employers, the Paid Leave division will use the existing Unemployment Insurance (UI) system to collect quarterly wage detail reports for Paid Leave. If all an employer's employees are covered by UI, that employer will not need to take any new action – their Employer Account has already been converted to a joint UI and Paid Leave account, and their quarterly wage detail reports will now serve both UI and Paid Leave.

- How will the PFML law be integrated with existing short-term disability plans the employer offers a current Cafeteria 125 plan?

Employees can receive short-term disability payments at the same time as receiving benefits from Paid Leave. It is important to note that the Paid Leave Division will not decrease the employees' benefits, but their short-term disability provider may be entitled to reduce the benefits paid to the employee.

You cannot receive Paid Leave payments while also receiving some other types of benefits. These include:

- Unemployment Insurance payments
- Social Security disability benefits (in most circumstances)

Other payments, like Workers' Compensation, can reduce the amount of your Paid Leave payments. If your Workers' Compensation benefit is the same or more than what you would get from Paid Leave, you will not receive Paid Leave payments.

- If a staff member has a baby in 2025, can they get paid leave in 2026? How much time would they get?

Yes, you can take Pregnancy-related Medical Leave or Bonding Leave in 2026, if the leave is completed within 12 months of the child's birth, adoption, or foster placement. This means that parents who welcome a child in 2025 may each take up to 12 weeks of Bonding Leave in 2026, and birthing parents may take up to 12 weeks of Pregnancy-related Medical Leave.

For example, parents who welcome a child on June 1, 2025, would have between January 1, 2026, and June 1, 2026, to take up to 12 weeks each of bonding leave. Parents who welcome a child on March 1, 2025, would need to take their leave between January 1, 2026, and March 1, 2026. This means they would have time to take up to 8 weeks of Bonding Leave each.

- How do we get our current leave plan approved as an equivalent plan in place of Paid Leave?

The Minnesota Department of Employment and Economic Development approves equivalent plans for each employer. The plan must offer benefits that are as good or better than those provided in State paid leave plan. For an equivalent plan to take effect starting January 1, 2026, an employer's request must be submitted by November 15th. If the request is submitted after November 15th, the earliest the equivalent plan could start is April 1, 2026.

Employers can request an Equivalent Plan Substitution through their [Paid Leave Administrator account](#).

- Is this more of a payroll tax that I pay and employees get paid like with unemployment or am I paying them directly?

Paid Leave will work just like unemployment insurance, with employers paying a payroll tax premium. The premium can be split between employers and employees.

- There are many "gray" areas within this law. If a pregnant employee also has medical issues will they receive one years pay?

If an employee takes both paid family (maternity leave) and medical leave, they are allowed to take up to 20 weeks total.

- What percent is the tax going to be? How do we collect and pay the employee share?

The premium rate will be set each year, subject to a maximum set in state law, based on how the program is running and best budgeting practices to keep the fund at a healthy level.

Generally, the premium rate for 2026 is 0.88%. For small employers, defined as an employer with 30 or fewer employees and the average wage less than 150% of the statewide average weekly wage, the premium is 0.66%.

[To help estimate the premium you will need to pay, use this premium calculator.](#)

Premiums can be split between employer and employee contributions. Employers are required to pay at least 50% of the total Paid Leave premium. For most employers, the total premium is 0.88%, meaning the employer must contribute at least 0.44%, and the employee may pay up to 0.44%. For small employers, the total premium is 0.66%, and the employer must contribute at least 0.22%. In this case, the employee's maximum share remains 0.44%, which could result in the employee paying more than the employer.

The following chart can be found at the link below:

Employer type	Total premium	Employer pays	Employee pays
Large employer	0.88%	At least 0.44%	Up to 0.44%
Small employer	0.66%	At least 0.22%	Up to 0.44%

https://mn.gov/deed/assets/paid-leave-small-employers-acc_tcm1045-705444.pdf

- What will qualify for leave to care for another? How will it be tracked and approved?

For Caring Leave to care for a family member, your family member's healthcare provider will need to complete a certification form that demonstrates that care is medically necessary, and the amount of time needed. This will be submitted in your application to the state to be approved for leave.

Under Paid Leave, a family member can include:

- Spouse or partner
- Child (including biological, adopted, step, or foster children, or a child you raise even if you are not legally related)
- Parent or person who raised you
- Sibling
- Grandchild or grandparent
- In-laws (including son, daughter, father, or mother)
- Anyone close to you who depends on you like family without the expectation of compensation for caring for them, even if not related by blood

In your application, you will provide information on your relationship to the person you will care for while on leave.

- If the request for time must be at least 7 days, then how does the Intermittent leave tie into that? Versus ESST?

For intermittent leave, the first paid week is defined as seven calendar days —which may be consecutive, nonconsecutive, or a combination of both — starting from the effective date of leave of which only days when leave is taken are payable. Once an applicant meets this seven-day threshold, the first week is paid retroactively as part of the initial benefit payment. See [Minnesota Statutes Chapter 268B.01, subdivision 27\(a\)](#).

- Can the paid leave administrator be our payroll processor? Or is it someone actually in the office?

The State has not provided specific information regarding this question; however, it is possible for an individual to be an administrator for multiple employers. The Paid Leave administrator will be the employer's main point of contact with the Paid Leave program, so be sure that the individual/s designated as the administrator is aware of its duties and responsibility to share information from Paid Leave with the employer.

- Is this optional to partake in this leave program? If we don't use it do we get the money back we paid in?!

Paid Leave is not optional, and most employers are required to participate. There are exceptions for employees of tribal nations, the federal government, self-employed individuals, or independent contractors.

If an employer's equivalent plan is approved by the State, they do not need to pay premiums to the state plan but will need to pay them to the sponsor of the equivalent plan.

- So the PFML law states the absence has to be more than 7 days?

You may be able to take Paid Leave if you have a qualifying event that lasts at least seven days. These days do not need to be in a row. For example, if an employee experiences chronic migraines or needs to attend regular medical appointments that total at least seven days, you could get payments for the days or hours you were out on leave.

The seven-day qualifying period is not an unpaid waiting period.

The first paid week is defined as seven calendar days (which may be consecutive, nonconsecutive, or a combination of both) starting from the effective date of leave. Once an applicant meets this seven-day threshold, the first week is paid retroactively as part of the initial benefit payment.

- Can you please explain Intermittent PFML again. How is that different than ESST? Don't they have to anticipate 7+ days to request PFML?

Employees can take leave in small blocks of time rather than all at once. This is called intermittent leave. Employers are permitted to set a minimum increment of time between 15 minutes to 1 day for employees to use intermittent leave. Intermittent leave may be capped at 480 hours in a single benefit year. Intermittent leave must be taken consistently with the employer's policy. Must permit a minimum increment of at most one calendar day. Employee must provide a schedule of needed workdays off "as soon as practicable." Employees must make reasonable efforts to schedule leave so as not to unduly disrupt operations.

Paid Leave and Earned Safe and Sick time (ESST) are two different things. ESST allows for the accrual and use of paid time off for employees unable to work due to a qualifying reason. It is not a specific program, just a minimum requirement in law. Paid leave provides job protection and partial wage replacement for those unable to work due to a qualifying reason.

[Click here for a comparison chart between Paid Leave and ESST.](#)

- If an employer has a short-term disability policy within their Cafeteria 125 plan, can the employee receive these supplemental payments in full in addition to payments from the PFML benefit?

Employees can receive short-term disability payments at the same time as receiving benefits from Paid Leave. It is important to note that the Paid Leave Division will not decrease the employees' benefits, but their short-term disability provider may be entitled to reduce the benefits paid to the employee.

You cannot receive Paid Leave payments while also receiving some other types of benefits. These include:

- Unemployment Insurance payments
 - Social Security disability benefits (in most circumstances)
 - Other payments, like Workers' Compensation, can reduce the amount of your Paid Leave payments. If your Workers' Compensation benefit is the same or more than what you would get from Paid Leave, you will not receive Paid Leave payments.
- I had a discussion with an auditor for MN UI. They mentioned possibly creating a separate account for our doctor (he is not reported in wage reports now for MN UI). What are the reasons for a separate account as opposed to adding the doctor?

If the doctor is self-employed or classified as a sole proprietor, Paid Leave requirements would not apply. Self-employed individuals can; however, opt into the paid leave program, in which case a separate account for the doctor would be necessary. If the doctor is an employee of the clinic, they should be added to the employer's existing UI account.

- If employee is off for 6 weeks and only receiving state payment how do we handle Simple retirement contributions and employer match of Simple Plan?

Further clarification from the State is needed. Based on the information the MDA has received thus far; 401k contributions are a decision between the employer and employee to figure out. It will be as if the employee never went on leave so those 401k contributions should continue. That said, since the employee is likely to only receive a paycheck from paid leave there is obviously no paycheck for 401k contributions to be deducted. The employer and employee will need to figure out how those payments are made until the employee comes back to work and contributions can be deducted from their paycheck.

- I found a paid leave account already showed under UI account even I did not set it up myself. Do I need to do more to set up an account?

To make things easier for employers, Paid Leave is using the existing Unemployment Insurance (UI) system to collect quarterly wage detail reports for Paid Leave. If all an employer's employees are covered by UI, that employer will not need to take any new action – their Employer Account has already been converted to a joint UI and Paid Leave account, and their quarterly wage detail reports will now serve both UI and Paid Leave.

Employers will still need to set up a paid leave account for the designated paid leave administrator.

- Can an employee take leave to take some training to be able to care of a parent?

No, paid leave can only be taken if it is to care for the parent. Training does not meet this criterion.

- For a small employer all employees would fall under the less than \$107016.00 payroll but doctors wages are more than that would we still qualify for small employer rate?

It depends on how the employer is classified. If the doctor is classified as self-employed (which includes a sole proprietor), but has W2 employees, the doctor itself is likely to not be covered by Minnesota Paid Leave. Remember, self-employed individuals are not required to pay premiums. If all W2 employees fall under or less than \$107,000 (150% of the statewide average), you would likely qualify for the small employer rate.

Minnesota Paid Leave will determine what each employer's premium rate will be. [Click here for more information and for an estimated premium calculator.](#)

- Can an employee take leave retroactively or will that only start in 2026? We had an employee take time off for maternity leave earlier this calendar year (2025) and she used up all her PTO during that time.

Leave will only start in 2026. However, if an employee went on maternity leave in 2025, they are still eligible for additional leave in 2026. A parent who welcomes a child in 2025 may take up to 12 weeks of Bonding Leave in 2026.

For example, parents who welcome a child on June 1, 2025, would have between January 1, 2026, and June 1, 2026, to take up to 12 weeks each of bonding leave. Parents who welcome a child on March 1, 2025, would need to take their leave between January 1, 2026, and March 1, 2026. This means they would have time to take up to 8 weeks of Bonding Leave each.

- I recently had an employee that I gave paid medical leave to for her maternity leave in 2025 for 12 weeks. Now with the new law going into effect, she want to double dip and take state's leave for another 12 weeks. The issue isn't the pay but taking 24 weeks off and having job protection that I can't hire to replace her clinic role. I contacted the state and they said that this is totally legal and fine to do, and that I need to allow her to apply for the leave and send a request on my end to not have to comply for this, and then the state will get to decide if she can take the leave again. Does this sound legal for other individuals who are in similar situations who have employees that welcomed children in 2025 that are wanting to double dip in benefits for 2026 after taking leave in 2025?

Yes, an employee can take Pregnancy-related Medical Leave or Bonding Leave in 2026, if the leave is completed within 12 months of the child's birth, adoption, or foster placement. This means that parents who welcome a child in 2025 may each take up to 12 weeks of Bonding Leave in 2026, and birthing parents may take up to 12 weeks of Pregnancy-related Medical Leave.

For example, parents who welcome a child on June 1, 2025, would have between January 1, 2026, and June 1, 2026, to take up to 12 weeks each of bonding leave. Parents who welcome a child on March 1, 2025, would need to take their leave between January 1, 2026, and March 1, 2026. This means they would have time to take up to 8 weeks of Bonding Leave each.

- How about maternity leave? Can they take 12 weeks for maternity leave and be covered?

Under Paid Leave, bonding falls under the “family leave” category, and can be used following a child’s birth, adoption, or foster placement. Employees can take up to 12 weeks for family leave. “Medical leave,” which is also 12 weeks, also covers leave for a serious medical reason including pregnancy.

Employees who are pregnant or recovering from birth may be eligible for Medical Leave. They may also take Bonding Leave within one year of birth to bond with their baby. If someone takes both Medical and Family Leave in one benefit year, they could take up to 20 weeks total.

If someone is applying to take a continuous leave for both birth and bonding, they will be able to complete a single Birth and Bonding Leave application, instead of separate applications for Medical Leave and Bonding Leave.

- If an employee went out for maternity leave in 2025 are they eligible for this in 2026? 1. They already came back after exhausting their full 12 weeks in 2025. 2. There is an employee that is not scheduled to come back until Jan 18th from the birth of their child in 2025.

Leave will only start in 2026. However, if an employee went on maternity leave in 2025, they are still eligible for additional leave in 2026. A parent who welcomes a child in 2025 may take up to 12 weeks of Bonding Leave in 2026.

For example, parents who welcome a child on June 1, 2025, would have between January 1, 2026, and June 1, 2026, to take up to 12 weeks each of bonding leave. Parents who welcome a child on March 1, 2025, would need to take their leave between January 1, 2026, and March 1, 2026. This means they would have time to take up to 8 weeks of Bonding Leave each.

- If I have a hygienist that has to take leave and the only way I can fill her position is by hiring another full time hygienist, when the hygienist on leave comes back to work, am I allowed to let the "replacement hygienist" go in order to allow the first hygienist to have her position back? I am currently at full capacity for hygiene and do not have enough treatment rooms to allow for an extra hygienist to work full-time.

It depends on how the hygienist is classified. If they are hired as an independent contractor, paid leave will not apply to them. If they are hired as an employee, they may be able to take paid leave themselves, and you cannot terminate an employee for exercising their right to paid leave.

Minnesota is generally an at-will employment state. Employers can terminate employees at any time for any lawful reason, if it is not discriminatory and does not violate any protections under paid leave. It is best practice to be transparent with the replacement hygienist that the role is temporary and will end when the hygienist on leave returns. Employers may also consider hiring a temporary replacement as an independent contractor instead of an employee.

Earned Safe and Sick Time (“ESST”)

ESST Resources and FAQs: <https://www.dli.mn.gov/sick-leave>

- If my company's PTO policy exceeds that of the ESST law, are we required to still have it?

ESST is different than Paid Family and Medical Leave. It is not a program, just a minimum requirement that employees can accrue time off.

If a clinic has its PTO policy, it must be equal or better than the ESST requirements, that is sufficient.

[Click here for a comparison chart between Paid Leave and ESST.](#)

Break Laws

Updated Break Law FAQs: <https://www.dli.mn.gov/breaks>

The chart below compares current law on rest/meal breaks, with the upcoming change in law beginning January 1, 2026.

Break type	Time	Frequency	Purpose
Rest break	Current: Adequate time	Current: Within each four consecutive hours worked	Current: To use the restroom
	2026: At least 15 minutes (may be longer)	2026: Within each four consecutive hours worked	2026: To use the restroom and more
Meal break	Current: Sufficient time	Current: When working eight or more consecutive hours	Current: To eat a meal
	2026: At least 30 minutes	2026: When working six or more consecutive hours	2026: To eat a meal

- I heard there is a mandatory 15 min break every 4 hours, is this true?

Yes and no. Under Minnesota's updated rest break law, employers must *allow* employees to take rest breaks that:

- Last at least 15 minutes,
- Occur within each four consecutive hours of work, and
- Provide time to use the nearest restroom or otherwise take a break.

The key word is "allow." Employers are required to *permit* employees to take rest and meal breaks, but employees may choose not to take them.

Whether an employer has "allowed" employees to take breaks depends on the specific facts and circumstances. Factors that may be considered include:

- Whether the employer has written policies regarding breaks,
- Whether those policies have been clearly communicated to employees, and
- Whether work conditions make it possible for employees to take their breaks.

If an employee voluntarily chooses to skip their breaks, it is best practice to confirm this in writing. Employers may wish to consult an employment law attorney to ensure their policies and practices comply with Minnesota law.

The law allows significant flexibility in how breaks are scheduled. For example, rest breaks can be combined with a meal break, as long as the employee still receives:

- A 15-minute rest break within each four consecutive hours worked, and
- A 30-minute meal break when working six or more consecutive hours.
- For example, it would be permissible to structure breaks as follows:
 - Rest break: 11:45 a.m.–12:00 p.m.
 - Meal break: 12:00–12:30 p.m.
 - Rest break: 12:30–12:45 p.m.

Minnesota is an at-will employment state. Within that framework, scheduling decisions, including the timing of breaks, remain at the employer's discretion if employees are allowed to take breaks as required by law.

Consistency in the exact timing of rest and meal breaks is not required, as long as employees are permitted to take:

- Rest breaks within every four-hour block worked, and
- A meal break if they work more than six consecutive hours.

Documentation of breaks is not required by law, but employers may choose to maintain records to demonstrate compliance.

- How are offices handling the break law too with their hygiene departments?

Each dental clinic will need to decide how the recent changes in rest breaks impact their hygiene schedules.

As previously stated, employers must allow employees to take a 15-minute break within each four consecutive hours of work. The key word is “allow.” Employees are not required to take the break, but you must make it available. The law also provides quite a bit of flexibility in how these breaks are scheduled.

For example, you can structure the schedule so that a break and lunch break flow together, if the employee still receives:

- A 15-minute rest break within each four-hour block of work, and
- A 30-minute meal break when working six or more consecutive hours.

A compliant schedule could look like this:

- Rest break: 11:45 am to 12:00 pm
- Meal break: 12:00 pm to 12:30 pm
- Rest break: 12:30 pm to 12:45 pm

On other days, if the patient schedule allows, the break can fall earlier or later within the four-hour window. The law does not require breaks to be taken at the same time every day for each employee. Using that flexibility should help minimize the need to reschedule patients, as break times can shift day to day based on the flow of the schedule.

Whether an employer has “allowed” employees to take their breaks depends on the specific circumstances, so it is important to update your written break policy and communicate it clearly to staff. If an employee voluntarily chooses to skip a break, it is best practice, though not a legal requirement, to document that choice.

The MDA always recommends consulting with an employment attorney to ensure your policies and scheduling practices remain compliant.

- What if you take an hour lunch and work a 8.5 hour day. Does the hour lunch cover all the breaks?

Assuming the workday is from 8:00 am to 4:30 pm and lunch was from 11:45 a.m. to 12:45 p.m., it would be permissible to combine rest, and meal breaks here because employees would still receive a 15-minute rest break within each four consecutive hours worked

(11:45 a.m. to noon; 12:30-12:45 p.m.) as well as a 30-minute meal break when working six or more consecutive hours (noon to 12:30 p.m.).

If the workday (excluding the lunch hour) is 8.5 hours (so 9.5 hours in total), a 15-minute break must still be allowed within every four consecutive hours worked.

- How do nursing/pumping breaks coincide with the paid rest breaks or the unpaid meal breaks of 30 minutes or more?

Under the Women’s Economic Security Act (WESA), employers must provide pregnant employees with more frequent or longer restroom, food and water breaks if requested. For more information on WESA, [click here](#).

- If employees see patients from 8-noon, then have lunch from noon-1 pm and return with patients from 1-5 pm, do they need more breaks if they get there early to prepare for the day and time to wrap up at the end (like if they are there from 7:30-5:30)? Also how should we be documenting breaks?

Under the updated rest break law, employers must allow employees to take rest breaks that last at least 15 minutes, occur within each four consecutive hours of work, and provide time to use the nearest restroom or otherwise take a break.

Minnesota law requires that rest breaks be offered “within” each four consecutive hours of work. A break offered after an employee works four hours would not meet this requirement.

Documentation is not a requirement of the law, but employers are free to do what they feel is necessary to show compliance with the law. Any further questions related to an employer’s specific situation need to be directed to an employment attorney.