

Minnesota Employment Laws Quick Reference Guide

NOTE TO EMPLOYER: This reference guide provides a brief summary of important provisions and obligations of a number of employment laws and regulations affecting employers. It is not intended to be, nor should it be viewed as an all-inclusive listing of all laws and regulations, or the provisions and obligations associated with them. Because provisions and requirements are subject to change, this information will need to be reviewed to be certain it remains current. Always refer to specific laws or regulations for detailed descriptions of provisions and obligations and seek professional advice and counsel when further information or clarification is needed and when notified of any pending agency investigation or potential charges claiming to be a violation of law.

Minnesota Law	Summary of Basic Provisions and Obligations	Compliance Thresholds
Access to Consumer Reports	Imposes a number of requirements (i.e., disclosure, written authorization, notice of adverse action, dispute resolution process, right to receive a copy of the report) on employers using third-party sources to run credit reports (i.e., consumer credit reports and investigative consumer reports) for employment purposes on job applicants and employees.	1 or more employees
Access to Employee Assistance Records	Requires employers paying for or providing employee assistance services to allow access to records upon receipt of a written request of the person using the service or a parent or legal guardian if the person is a minor. Defines employee assistance services and records, establishes access criteria and timelines, and requires that records be maintained separately from an employee's personnel file.	1 or more employees
Birth and Adoption Leave (Pregnancy and Parental Leave)	Requires employers to provide an employee with an unpaid leave of absence of up to 12 weeks for the birth or adoption of a child and any pregnancy-related leave. The leave must be taken within 12 months of the birth or adoption. Employees must have worked at least half-time for 12 consecutive months. An employee returning from leave must be reinstated to his or her former position or a comparable position. Requires posting "Minnesota Employees You are Entitled to..." brochure . A pregnant employee may also request accommodations, such as more frequent breaks and limits on lifting.	21 or more employees at one site
Bone Marrow Leave	Requires employers to provide up to 40 hours of paid leave to donate bone marrow. To be eligible for leave, an employee must work an average of 20 or more hours per week. Additional leave may be extended at an employer's discretion.	20 or more employees

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Child Labor Standards Act	Implemented to prevent the exploitation of minors for labor and ensure education is prioritized over work. Limitations on child labor vary by age and may include restrictions on the types of work that can be done, maximum hours that may be worked, and limitations on late or overnight work. Requires employers to maintain proof of age.	1 or more employees
Citizens Personal Protection Act	Allows employers to prohibit employees from carrying or possessing firearms while in the course or scope of employment, but employers cannot prohibit lawful carry or possession of firearms in a parking facility or parking area. Employers banning weapons in the workplace must post signs that conform to statute requirements at all entrances to the buildings. Provides the right to impose discipline on any employee violating the company's policy.	1 or more employees
Civil Air Patrol Leave	States that employers should provide an unpaid leave of absence to an employee for time spent rendering services as a member of the civil air patrol unless such leave would unduly disrupt operations.	1 or more employees
Clean Indoor Air Act	Prohibits smoking in public places, places of employment, and public transportation. Employers are permitted but not required to provide outdoor smoking areas. Reasonable efforts should be made to prevent smoking by posting appropriate signs or by any other means which may be appropriate.	1 or more employees
Criminal Background Checks/ Ban the Box	Prohibits employers from asking about an applicant's criminal record or history on any form of employment application (electronic or paper) or considering an applicant's criminal record or criminal history until after selecting the applicant for an interview, or, if there is no interview, making a conditional offer of employment.	1 or more employees
Criminal Harassment/Stalking	Requires employers to provide employees with reasonable time off from work to obtain or attempt to obtain relief from domestic abuse. Except in cases of imminent danger to the health or safety of the employee or the employee's child, or unless impracticable, an employee must give 48 hours advance notice to the employer. The employee may have to provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave must be kept confidential by the employer.	1 or more employees

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Criminal Witnesses/Victims	Requires employers to provide victims, the victim's spouse, or immediate family members or subpoenaed witnesses reasonable time off from work to attend criminal proceedings related to the victim's case. An employee must give 48 hours advance notice to the employer unless it is impracticable, or an emergency prevents the employee from doing so. The employee may have to provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave must be kept confidential by the employer.	1 or more employees
Drug Testing	MN has detailed requirements for employers who conduct drug and alcohol testing. Prohibits employers from requesting/requiring an applicant or employee to submit to a drug test unless the employer has established a written drug testing policy. Defines circumstances under which testing can occur, requirements to notify applicants and employees of policy, test results and reason for adverse employment action if related to the result of the test.	1 or more employees
Employee Access to Personnel Files	Requires employers to notify new hires of access rights and remedies and provide current and former employees (once a year for each year the file is kept) with the opportunity to review, copy and dispute contents of their personnel file. Defines requirements for employers related to personnel file contents, eligibility criteria to review contents, and specific procedures for file review.	1 or more employees
Employee Reference Checks	Allows employers to respond to requests for employment-related information from prospective employers with liability protections. The release of certain information may require a written release from the employee.	1 or more employees
Employment Verification (related to state contracts)	Requires MN businesses with state contracts in excess of \$50,000 to use the E-Verify electronic verification system created by the Department of Homeland Security to verify the employment eligibility of all new hires. Requires posting " If You Have The Right To Work... " and " This Organization Participates in E-Verify " posters and notifying new hires that E-Verify is used to confirm employment eligibility.	Businesses with MN state contracts in excess of \$50,000
Equal Pay for Equal Work Law	Employers are prohibited from discriminating between employees on the basis of sex by paying wages to employees at a rate less than the rate paid to employees of the opposite sex for equal work on jobs requiring equal skill, effort, and responsibility, performed under similar working conditions.	1 or more employees

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Fair Labor Standards Act (MN-FLSA)	Requires employers to provide minimum wage and overtime to covered employees for all hours worked in excess of 40 hours per week (48 hours for small or state-covered employers) as well as child labor protection. Requires a posting on minimum wage rates.	1 or more employees
Health Insurance Continuation (MN COBRA)	Requires employers to notify employees who are voluntarily or involuntarily terminated (other than for gross misconduct) of the employee’s right to continue coverage. The employee has 60 days within which to elect coverage. Employees are eligible to continue coverage for 18 months after termination or until they become covered under another group health plan, whichever is shorter. Minnesota continuation coverage will also end if the individual becomes enrolled in Medicare.	Applies to fully insured employers with two or more employees as well as self-insured plans offered by local government units. Does not apply to self-insured non-governmental employers.
Human Rights Act	Prohibits discrimination in employment based on race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age. Requires posting “Know your rights under Minnesota laws prohibiting age discrimination” poster .	1 or more employees
Jury Duty Leave	Requires employers to provide unpaid leave to employees who are chosen to serve on a jury. Employers cannot terminate, threaten, or coerce an employee as a result of their selection to serve on jury duty.	1 or more employees
Lawful Consumable Products Act	Prohibits employers from disciplining, discharging, or refusing to hire an applicant or an employee for using lawful consumable products off-premises during non-working hours.	1 or more employees
Life Insurance Continuation	Requires employers to notify employees who are voluntarily or involuntarily terminated within 14 days about their right to continue coverage for themselves or their dependents. The employee has 60 days within which to elect coverage. Employees are eligible to continue coverage for 18 months after termination or until they become covered under another group life insurance plan, whichever is shorter.	Any employer who offers life insurance plan benefits and has a group insurance policy issued or renewed within this state after August 1, 1987.
Meal and Rest Breaks	Requires employers to provide sufficient time to eat a meal for any employee who works 8 or more consecutive hours. Requires employers to provide a break to use the restroom for an employee once during every 4 consecutive hours of work.	1 or more employees

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Medical Exam Costs	Employers cannot require an employee or applicant to pay for the cost of an employer required medical exam or the cost of furnishing any records required by the employer as a condition of employment.	1 or more employees
Medical Marijuana	Law allows individuals with a prescription to consume marijuana (cannabis) in pill or liquid form, or by vaporizing the whole plant extract, but not by smoking marijuana. The law does not permit vaporizing of medical marijuana in public places, including places of employment. Employers may not discriminate against an individual in hiring, termination, or other terms of employment based on: (1) status as a patient enrolled in the state’s medical cannabis registry program; or (2) a patient’s positive drug test for cannabis components. Employers can prohibit employees from using, possessing, or being impaired by medical marijuana at the workplace and during work hours.	1 or more employees
Military and Veterans Family Leave	Requires employers to grant unpaid leaves of up to 10 days to immediate family members (parent, child, grandparent, sibling, or spouse) of military personnel who are injured or killed while engaged in active service. “Employee” is broadly defined to include independent contractors. The number of days of unpaid leave may be reduced by any period of paid leave the employer provides. Requires employers to grant unpaid leave to an employee to attend the sendoff or homecoming ceremony for an immediate family member (grandparent, parent, legal guardian, sibling, child, grandchild, spouse, fiancé, or fiancée) who has been mobilized into active military service except where the leave would unduly disrupt the employer’s operations. Employers may limit the amount of leave to the actual time necessary to attend the military sendoff or homecoming ceremony, not to exceed one day’s duration in any calendar year. “Employee” for the purposes of this kind of leave does not include an independent contractor.	1 or more employees
Minneapolis Civil Rights Ordinance	Prohibits discrimination in employment based on race, creed, religion, color, sex, national origin, ancestry, age, disability, marital status, sexual or affectional orientation, gender identity, familial status, and status with regard to public assistance.	1 or more employees

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New Hire Reporting	Requires employers to report any new hire or rehire (if after 90 days) to a state-designated directory for the purpose of collecting child support payments on both a state and national level. New hire information must be reported within 20 days of hire using various format options. Employers are required to verify their employee's income and health care benefits information upon request from the county child support agency to do so.	1 or more employees
Notice of Reason for Termination	Employers must provide a written statement of the "truthful reason" for termination upon receipt of a written request by an involuntarily terminated employee. Requests must be made within 15 working days of termination and the response must be provided within 10 working days of receipt of the request.	1 or more employees
Nursing Mothers Leave	Employers must provide reasonable break time, each day, for an employee to express breast milk. A private room or other location with an electrical outlet should be provided in close proximity to the work area (not a toilet stall). Time must be paid, as of January 1, 2022, and may run concurrently with any break time already provided to the employee. Employers are not required to provide break time if doing so would unduly disrupt the operations of the employer. The employer's obligation extends for up to 12 months following the birth of the child.	1 or more employees
Occupational Health and Safety Act (MN-OSHA)	Requires employers to provide job safety and health protection to employees through safe and healthful working conditions. Requires maintenance of various employment/employee records and posting of the "Safety and Health Protection on the Job" poster .	1 or more employees
Organ and Blood Donation	<p>Requires <i>public</i> employers to provide up to 40 hours of paid leave to an employee (averaging 20 or more hours per week) who seeks to undergo a medical procedure to donate an organ.</p> <p>A state employee must be granted paid leave, up to three hours in a 12-month period, to donate blood at a location away from the place of work. The employee must give 14 days' notice.</p>	20 or more <i>public</i> employees
Plant Closing and/or Mass Layoff (MN-Mini WARN)	Requires employers providing federal WARN notice to also provide to the Commissioner of MNDEED the names, addresses, and occupations of the employees who will be terminated.	50 or more employees

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Political Convention Leave	Requires employers to provide employees unpaid leave to attend political committee meetings or to attend a political convention. To be eligible for leave, an employee must be a member of the state central or executive committee of a major political party or be a delegate to a political convention. An employee must provide 10 days' written notice to the employer of their intention to take a leave.	1 or more employees
Pregnancy or Parental Leave	Requires employers to provide up to 12 weeks of unpaid leave, during or following pregnancy, for employees who are employed and working at least half time in the prior 12 months. Leave may be used for prenatal care, pregnancy or related health conditions, childbirth/adoption, and bonding time for either the birthing or non-birthing parent following birth or adoption. Time may coordinate with paid leave benefits. Employers must provide accommodations for more frequent restroom, food, and water breaks, seated work, and lifting no more than 20 pounds during pregnancy, based on a doctor's or doula's advice and the employee's request.	15 or more employees
Recordkeeping	Requires employers to provide employees with a written notice of pay details upon hire and keep a signed copy on file. Also requires earnings statements to include rate of pay, allowances claimed, and address and phone number of the employer. An amendment was made to existing law that requires a listing of personal policies with descriptions along with the date the employee received them.	1 or more employees
St. Paul Human Rights Ordinance	Prohibits discrimination in employment for real property, education, public accommodations, and public services based on race, creed, religion, color, sex, national origin, ancestry, age, disability, marital status, sexual or affectional orientation, and status with regard to public assistance.	1 or more employees
School Conferences or Activities Leave	Requires employers to provide an employee with up to 16 hours unpaid time off during any 12-month period to attend a child's (including foster children) school conference or other school-related activity that cannot be scheduled during off-duty hours. To be eligible for leave, an employee must work at least half-time. Employees must give reasonable prior notice and must attempt to schedule the leave so that it does not unduly disrupt the employer's operations.	1 or more employees
Social Security Number Protection	Requires employers (and other persons and entities) to protect the privacy of social security numbers. The law also requires employers to restrict access to individual social security numbers it holds so that only employees who require the numbers in order to perform their job duties have access to the numbers.	1 or more employees

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Unemployment Compensation	Provides weekly payments to employees who have lost their jobs through no fault of their own and who have not found suitable re-employment. Requires posting “Unemployed?” poster .	1 or more employees
Voting Leave	Requires employers to allow employees time away from work for the time necessary to appear at the employee’s polling place, cast a ballot, and return to work on the date of a regularly scheduled state primary or general election, election to fill a vacancy in the office of US Senator or US Representative, or fill a vacancy in the Office of State Senator or Representative without penalty or reduction from salary or wages.	1 or more employees
Wage Disclosure	Employers cannot prohibit employees from disclosing their own wages as a condition of employment. An employer also cannot require an employee to sign a waiver denying this right or retaliate against an employee for discussing his or her own wages or those of another person that were voluntarily disclosed. Employers that provide an employee handbook to their employees must include in the handbook a notice of employee rights and remedies under the Wage Disclosure Protection law .	1 or more employees
Wage Deductions	Prohibits employers from deducting the value of lost or stolen property, damage to property or to recover any other debt without the voluntary, written authorization of an employee.	1 or more employees
Wage Payment	Requires that all salary, earnings, and gratuities be paid at least every 31 days. Requires that all commissions be paid at least once every 3 months. Also allows for penalties to be paid on wages not paid on time.	1 or more employees
Wage Theft	Amends existing state labor laws and provides for new wage and hour requirements, protections, and sanctions with criminal penalties for employers committing wage theft. Requires a printed or electronic statement of earnings to be provided to include specific information about the employee, pay and deductions, and the employer.	1 or more employees
Whistleblower Protection	Provides employees protection from adverse employment actions due to good faith reports of actual or suspected violations of laws and regulations, participation in an investigation or hearing, or refusing to engage in an illegal act.	1 or more employees

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<p>Workplace Accident and Injury Reduction Act (AWAIR)</p>	<p>Requires employers in certain industries to develop and implement written workplace accident and injury reduction programs to promote a safe and healthy working environment within 6 months following the date the employer’s SIC is placed on the list.</p>	<p>Employers in the North American industry classification (on the SIC list for AWAIR) must comply with Minnesota Statutes, section 182.653, subdivision 8.</p>