Time Off from Work: Birth, Adoption, School Events

Family and Medical Leave Act (FMLA)

If you are eligible, a federal law called the FMLA gives you the right to take up to 12 weeks of unpaid family or medical leave in a 12-month period. FMLA leave is job-protected leave. This means your employer must give you back your same job or a job that is almost the same at the end of your FMLA leave.



If you have sick or vacation time at your job, you can use this time during your FMLA leave. Your employer may say you have to use it. During your leave, you get to keep the same health insurance coverage that you had while you were at work. You have to pay your part of the premiums.

Am I eligible for FMLA leave?

To be eligible to take FMLA leave, you must:

1) work for a covered employer (50 or more employees for 20 work weeks)
2) work 1,250 hours during the 12 months right before the leave starts
3) work at a location where 50 or more employees work or within 75 miles of it, and
4) have been employed at that place for at least 12 months.

For what reasons can I use FMLA leave?

All employees can use their 12 weeks of FMLA leave for any combination of the following:

- a serious physical or mental health condition that needs medical attention
- to care for a parent, spouse, or child with a serious health condition
- a surgery, or healing after surgery
- reasons related to adoption or foster care placement of a child

An employee who is pregnant or gave birth can use 12 weeks of FMLA leave for any combination of the following:

- prenatal care
- incapacity because of the pregnancy (for example, morning sickness)
- pregnancy disability after giving birth. It falls into short-term disability definition.
- baby bonding after the pregnancy disability period has ended

A non-birthing parent employee can use 12 weeks of FMLA leave for any combination of the following:

- To care for a spouse with a serious health condition, including a pregnancy-related condition
- baby bonding after the child's birth

Can my FMLA leave be split up?

Yes. FMLA lets you take time off work on a continuous or intermittent basis. Intermittent means not all at once. The leave can be taken in small blocks of time. For example: You have a doctor's appointment once a week at 3pm, and you usually work until 5pm. You can take intermittent leave once a week for a couple of hours to get your medical care.

Note: Baby/child bonding leave must be taken in one block of time unless your employer agrees otherwise.

What do I need to do to take FMLA leave?

You must give your employer 30 days' notice if you can. If you can't, give notice as soon as possible. You have to tell your employer your reason that qualifies you for FMLA. This is so your employer knows that you are asking for FMLA leave. Just calling in sick is not good enough.

Your employer can ask for proof of your situation, like certification from your doctor. An employer may contact the doctor to check if the information you gave is true.

Minnesota Pregnancy and Parenting Leave Law

This law gives up to 12 weeks of unpaid leave to:

- a biological or adoptive parent for the birth or adoption of a child, or
- a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or related health conditions.



In most cases, leave because of birth or adoption has to start within 12 months of the birth or adoption.

You have a right to continue any health insurance you have through your job during your leave, but you may have to pay the cost of it.

If your Minnesota Pregnancy and Parenting Leave also qualifies as FMLA leave, your employer may count it under both laws at the same time to avoid double leave. But pregnant workers can take **prenatal** medical leave, and it doesn't count against their 12 weeks of parental leave. Prenatal is the time before the birth. Your employer may also count time off if you are getting disability benefits or using vacation or sick leave towards your Pregnancy and Parenting Leave.

Your employer must give you back your job or a job just like it when you go back to work.

Am I eligible for Minnesota Pregnancy and Parenting Leave?

Most workers in Minnesota can take unpaid leave when they are pregnant or after becoming a parent. You don't need to work a certain number of hours or have the job for a minimum amount of time to use this leave.

Adoptive Parent Leave

If you are adopting a child but you are not eligible for FMLA leave or Minnesota Parenting Leave, you may be eligible for adoption leave. If your employer allows paternity or maternity leave, they should allow adoptive parent leave.



An employer who lets a biological father or mother take paternity or maternity time off should also give the same amount of time off to an adoptive father or mother. But it has to be at least 4 weeks. The time off must start before, or at the time of the child being placed in your home. The time off must be for working out the placement of the child or caring for the child after placement.

Pregnancy Accommodations

Most employers have to make reasonable accommodations (changes) for pregnant employees who ask for it. But employers don't have to make an accommodation if it would cause an undue hardship on the company.

These accommodations are exceptions and must always be made:

- Being able to go to the bathroom more often and more food and water breaks
- Being able to sit while working
- Limits on lifting over 20 pounds

If you are not eligible for leave under the FMLA or the Minnesota Pregnancy and Parenting Law, you may be able to take leave as a reasonable accommodation for your pregnancy.

Nursing Mothers

If you are a nursing mother, employers have to let you take a reasonable break time each day if you need to pump breast milk for your child. Your employer can't lower your pay because you took breaks to pump. If possible, the break time must be at the same time as the breaks you already get.

Your employer should try to give you a place to pump milk that:

- is not a bathroom or toilet stall
- is shielded from view
- is free from interruption from coworkers and the public, and
- is close to your work area, and has access to an electrical outlet

School Conferences and Activities Leave Act

You can take up to 16 hours of leave in a 12-month period to go to your child's or foster child's school conferences or school-related activities. Your employer does not have to pay you for the time, but you have the right to use other paid leave like vacation time for school conferences and activities.



Am I eligible for School Conferences and Activities Leave

You can use this leave if:

1) You work at least half-time
2) Your child or foster child is under 18 years old, or under age 20 but still in secondary school
3) The school conference or activity can't be scheduled outside of work hours, and
4) You give your employer reasonable notice of when you will take the time

Minnesota Earned Sick and Safe Time

Earned Sick and Safe Time is paid leave that your employer must give you unless you are:

- a federal employee,
- an independent contractor,
- a volunteer or paid-on-call firefighter,
- a volunteer or paid-on-call ambulance worker,
- an elected state official, or
- a temporary farm laborer

You must keep getting your regular rate of pay while you are out sick. But this is not true if you are paid on a basis other than salary or hourly. Like commission or piecework.

Regular rate of pay does not include:

- commissions,
- shift differential along with your hourly rate,
- overtime,
- premium pay for holidays or certain days of the week,
- bonuses, or
- gratuities

Note: If you are paid on a commission or piecework basis, you must be paid at least minimum wage.

This paid leave can happen if your child's school or place of care closes because of weather or other public emergency.

You earn 1 hour of sick and safe time for every 30 hours you work. You can earn up to 48 hours each year or more if your employer chooses. If the city you work in has a more protective law, the employer must follow it.

Am I eligible for Minnesota Earned Sick and Safe Leave?

You are eligible for sick and safe leave if you:

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

You are eligible even if you are a temporary or part-time employee. Some family caregivers who provide services through a consumer support grant may choose not to take this leave. Workers covered by a collective bargaining agreement for building and construction employees may also choose not to take it.

Questions?

Minnesota Department of Labor and Industry (DLI)
www.dli.mn.gov
(651) 284-5075 or
1-800-DIAL-DLI (1-800-342-5354)
esst.dli@state.mn.us

U.S. Department of Labor
www.dol.gov/whd
1-(866) 4-USWAGE (1-(866) 487-9243)



Minnesota Paid Leave

Paid Leave is a Minnesota law. If you are eligible you have the right to take up to 12 weeks of paid medical leave and up to 12 weeks of family leave in a year. See next section for eligibility. But if you take both kinds of leave, you can only take up to 20 weeks of paid leave total in a year.

Paid Leave is a job-protected leave. This means your employer must give you back your same job or a job like your old job at the end of your Paid Leave time. During your leave, you get to keep the same health insurance coverage and other benefits like retirement or disability benefits that you had while you were at work. You have to keep paying your part of the premiums. These protections apply to you if you have worked at your job for at least 90 days.

Am I eligible for Minnesota Paid Leave?

To be eligible to take Paid Leave, you must:

1) work at least half of the time in Minnesota,
2) have earned at least $4,000 in the last year (this can come from more than one job), and
3) need to take time off for a medical or family reason (see the next section) that lasts at least 7 days

When can I use Minnesota Paid Leave?

Your reason has to be a Paid Leave qualifying reason. This includes any of these reasons:

Medical Leave Reasons:

- you have a serious health condition,

Family Leave Reasons:

- you need to care for your family member's serious health condition,
- you need to care for and bond with your new biological child, adopted child, or foster child,
- you need to support a family member who is called to active military duty,
- you need to take care of a safety issue like domestic violence, assault, or stalking

A "serious health condition" means a "physical or mental illness, injury, impairment, condition, or substance use disorder." It includes childbirth, conditions related to pregnancy, or surgery.

For more information and to apply go to: https://paidleave.mn.gov/

How much money do I get?

You get paid some of your regular wages while you are on Paid Leave. Most people are paid between 55% and 90% of their normal wages. How much you get paid depends on how much you normally earn.

If you normally earn:

- up to $737 a week, you get 90% of your normal wages.
- between $737 and $1,475 a week, you get 66% of your normal wages.
- more than $1,475 a week, you get 55% of your normal wages.



If you have sick or vacation time at your job, you can use this time during your Paid Leave time. Your employer may say you have to use it. Your sick or vacation time can be used to pay you the difference between your Paid Leave amount and your normal wages.

If I welcomed a child in 2026, can I take Paid Leave in 2027?

Yes. If your child arrives in 2026, you can still take Bonding Leave up until:

- The day before your child turns 1
- The day before the 1-year anniversary of adoption or foster placement

If your child was im the hospital longer than the birthing parent, Bonding Leave must be taken before the 1-year anniversary of the day the child came home from the hospital.

What if my employer violates my Paid Leave rights?

Contact the Minnesota Department of Labor and Industry, Labor Standards Division.
dli.laborstandards@state.mn.us.
651-284-5075

Questions?

Contact the Paid Leave Contact Center.
651-556-7777 or 844-556-0444

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Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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