Time Off from Work: Illness or Death

Family and Medical Leave Act (FMLA)

FMLA is a federal law. If you are eligible you have the right to take up to 12 weeks of unpaid family or medical leave in a 12-month period. See next section for eligibility. FMLA 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 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

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 50 employees work within 75 miles of the location, and

4) have been employed at that place for at least 12 months.

For what reasons can I use FMLA leave?

Your reason has to be an FMLA qualifying reason. This includes any of these reasons:

- You can't work because of a serious health problem you have
- You need to get treatment for a serious health problem
- You need to take care of a parent, child, or spouse with a serious health problem
- You have a new baby, adopt a child, or take in a foster child.
- You need to take care of your new baby, adopted child, or foster child during the first year they are in your family.

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 problem, like certification from your doctor. An employer may contact the doctor to check if the information you gave is true. They don't have to get your permission to do this.

Note: the health condition has to be serious. A condition is serious if it is an "illness, injury, impairment or any physical or mental condition that requires inpatient medical care or continuing treatment by a health care provider."



What if my employer won't give me time off?

File a claim with the U.S. Department of Labor, Wage and Hour Division.
Call them at 1-866-4USWAGE (1-866-487-9243).
You can also get a lawyer and file a lawsuit.

Death

FMLA ends right away if your seriously ill family member dies. Your employer doesn't have to give you time off for your family member's death, but they may let you take time off for "bereavement leave." Check your employer's policies or talk to your employer.

If you or a close family member is suffering a serious physical or mental health condition because of the death of a loved one, you may be able to take time off under the FMLA. But dealing with the regular affairs of someone who has died, like planning a funeral, is not covered under the FMLA.

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:

- You are sick, injured, or have a mental health concern
- You need to care for a family member who is sick, injured, or has a mental health concern
- You need to make funeral arrangements for a deceased family member, go to their funeral or memorial, or take care of financial or legal issues because of the death
- You or your family member is hurt or feel unsafe because of abuse, assault, or stalking
- Your job or your child's school or daycare is closed because of bad weather or a public emergency
- A doctor says you or your family member might spread a disease to others

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
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
1-866-4-USA-DOL (1-866-487-2365)



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 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 in 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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