Minnesota’s Pregnancy and Parental Leave Law

The 2014 Women’s Economic Security Act, or WESA, expanded the state parental leave law.

- View the new State Pregnancy and Parental Leave Law (Minn. Statutes, Section 181.941)
- Download a parental leave fact sheet from the Minnesota Dept. of Labor and Industry
- View the full 2014 Women’s Economic Security Act (2014 Minnesota Session Laws, Regular Session, Chapter 239) or the OESW overview of WESA.

The Minnesota Pregnancy and Parental Leave Law applies to companies with 21 or more employees. The following are the main provisions of this law (courtesy of the Minnesota Department of Labor and Industry):

Employees may take up to 12 weeks of unpaid leave upon the birth or adoption of their child when:

1. they work for a company with 21 or more employees;
2. they worked at least half time for 12 months; and
3. they have been with the company for at least 12 months.

When does the parental leave start?

- The leave must be taken within 12 months of the birth or adoption.
- Employees must request the leave from their employer.
- Employees can choose when the leave will begin.
- Employers can adopt reasonable policies about when requests for leave must be made.

Frequently asked questions*

Can my pregnancy or parental leave count against my paid leave?

Yes. If you have paid leave, including sick leave or paid vacation, the amount of parental leave can be reduced so the total leave (parental plus paid leave) is not more than 12 weeks.

Can my pregnancy or parental leave count against FMLA leave?

Yes. You only have a right to 12 weeks of leave total for birth or adoption of a child and any pregnancy related leave, even if you qualify for both FMLA and pregnancy or parental leave.

The federal Family Medical Leave Act (FMLA) requires employers to provide up to 12 weeks of unpaid leave in connection with the birth or adoption of a child or for a serious health condition. You may be entitled to additional leave under FMLA for a non-pregnancy related serious health condition. If you have questions about FMLA, contact the U.S. Department of Labor at (612) 370-3341 or www.dol.gov/whd/fmla.
Does my employer have to continue my benefits during the leave?

Yes. Your employer-provided health insurance must be continued during pregnancy and parental leave. You may be asked to pay for this coverage.

Do I get my job back when I return from leave?

Yes. Your employer cannot retaliate against you for requesting or taking a leave. You are entitled to employment in your former position or one with comparable duties, hours and pay. You are also entitled to the same benefits and seniority you had before the leave. You may return to part-time work during the leave without forfeiting the right to return to full-time work at the end of the leave.

Note: If you are a member of the U.S. armed services, you may have additional leave rights under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA). For more information, call the U.S. Department of Labor at (612) 370-3341.

*Courtesy of the Minnesota Department of Labor and Industry*