



# A GUIDE TO MINNESOTA'S LAWS ABOUT PARENTAL LEAVE

## PARENTAL LEAVE

**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 have been with the company for at least 12 months; and
3. they worked at least half time during the past 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](http://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.

## CONTACT INFORMATION

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Labor Standards  
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[dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us)  
[www.dli.mn.gov/LaborLaw.asp](http://www.dli.mn.gov/LaborLaw.asp)



Notice: This flier is a brief summary of Minnesota law and is intended as a guide. It is not to be considered a substitute for Minnesota Statutes regarding parental leave laws.

This document can be provided in different forms, such as large print, Braille or audio, by calling (651) 284-5005 or 1-800-342-5354.