



U.S. Department of Labor
Employment Standards Administration

Wage and Hour Division (WHD)

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To promote and achieve compliance with labor standards to protect and enhance the welfare of the nation's workforce.

Federal vs. Minnesota Family and Medical Leave Laws

	FEDERAL ELEMENTS	STATE ELEMENTS
Employer Covered	<p>Private Employers of 50 or more Employees in at least 20 weeks of the current or preceding year</p> <p>Public agencies, including state, local, and Federal Employers</p> <p>Local education agencies covered under special provisions</p>	<p>Employers of 21 or more Employees located at least at one worksite and includes a corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, or other governmental subdivision</p> <p>No special provision for education agencies</p> <p>For limited parental leave to attend school conferences and activities, Employer includes any entity with one or more Employees</p>
Employees Eligible	<p>Worked for Employer for at least 12 months - which need not be consecutive; worked at least 1,250 hours for Employer during 12 months preceding leave; and employed at Employer worksite with 50 or more Employees or within 75 miles of Employer worksites with a total of 50 or more Employees</p>	<p>Employed for at least 12 consecutive months prior to leave request</p> <p>Employee worked for Employer for an average number of hours equal to one-half the full-time equivalent position in the Employee's job classification in the preceding 12 months</p> <p>No worksite proviso</p>

<p>Leave Amount</p>	<p>Up to a total of 12 weeks during a 12-month period; however, leave for birth, adoption, foster care, or to care for a parent with a serious health condition must be shared by spouses working for same Employer</p>	<p>Up to 6 weeks for birth or adoption (unless Employee and Employer agree to longer period)</p> <p>May use personal sick leave benefits to attend to a child for a reasonable period of time</p> <p>No provision regarding spousal sharing of leave</p>
<p>Type of Leave</p>	<p>Unpaid leave for birth, placement of child for adoption or foster care, to provide care for Employee's own parent (including individuals who exercise parental responsibility under state law), child, or spouse with serious health condition, or Employee's own serious health condition</p>	<p>For birth or adoption and school and personal sick leave to attend to a child</p>
<p>Serious Health Condition</p>	<p>Illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in hospital, hospice, or residential medical-care facility; or, continuing treatment by a health care provider involving a period of incapacity: (1) requiring absence of more than 3 consecutive calendar days from work, school, or other activities; (2) due to a chronic or long-term condition for which treatment may be ineffective; (3) absences to receive multiple treatments (including recovery periods) for a condition that if left untreated likely would result in incapacity of more than 3 days; or (4) due to any incapacity related to pregnancy or for prenatal care</p>	<p>Except for limited purpose discussed above, no leave for health condition of self or others</p>
<p>Health Care Provider</p>	<p>Doctors of medicine or osteopathy authorized to practice medicine or surgery; podiatrists, dentists, clinical psychologists, clinical social workers, optometrists, chiropractors (limited to manual manipulation of spine to correct subluxation shown to exist by x-ray), nurse practitioners, and nurse-midwives, if authorized to practice under State law and consistent with the scope of their authorization; Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, MA; any provider so recognized by the Employer or its group health plan's benefits manager; and any health provider listed above who practices and is authorized to practice in a</p>	<p>No provision for leave for serious health condition</p>

	country other than the United States	
Intermittent Leave	Permitted for serious health condition when medically necessary. Not permitted for care of newborn or new placement by adoption or foster care unless Employer agrees	No specific provision
Substitution of Paid Leave	Employees may elect or Employers may require accrued paid leave to be substituted in some cases. No limits on substituting paid vacation or personal leave. An Employee may not substitute paid sick, medical, or family leave for any situation not covered by any Employers' leave plan	Employee may use paid sick leave provided by Employer
Reinstatement Rights	Must be restored to same position or one equivalent to it in all benefits and other terms and conditions of employment	For birth or adoption leave, employee is entitled to return to former position or in a position of comparable duties, hours, and pay. Employee returning from an absence of longer than one month must notify Employer at least 2 weeks prior to return from leave For school and personal sick leave to attend to a child, employees entitled to return to former position
Key Employee Exception	Limited exception for salaried Employees if among highest paid 10%, within 75 miles of worksites, restoration would lead to grievous economic harm to Employer, and other conditions met	No specific provision
Maintenance of Health Benefits During Leave	Health insurance must be continued under same conditions as prior to leave	For birth or adoption leave, employer must make coverage available under any group insurance policy, group subscriber contract or health care plan for Employee and dependents. Employer not required to pay insurance costs
Leave Requests	To be made by Employee at least 30 days prior to date leave is to begin where need is known in advance or, where not foreseeable, as soon as practicable. If due to a planned medical treatment or for intermittent leave, the Employee, subject to health care provider's approval, shall make a reasonable effort to schedule it in a way that does not unduly disrupt Employer's operation	For birth or adoption leave, employer may adopt reasonable policies governing the timing of requests for unpaid leave

<p>Medical Certification May Be Required by Employer for:</p>	<p>Request for leave because of serious health condition</p> <p>To demonstrate Employee's fitness to return to work from medical leave where Employer has a uniformly applied practice or policy to require such certification</p>	<p>No specific provision</p> <p>No provision relating to certification of fitness to return to work</p>
<p>Executive, Administrative, and Professional Employees</p>	<p>Such individuals are entitled to FMLA benefits. However, their use of FMLA leave does not change their status under the Fair Labor Standards Act (FLSA), i.e., an Employer, does not lose its exemption from the FLSA's minimum wage and overtime requirements.</p>	<p>No specific provision</p>

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