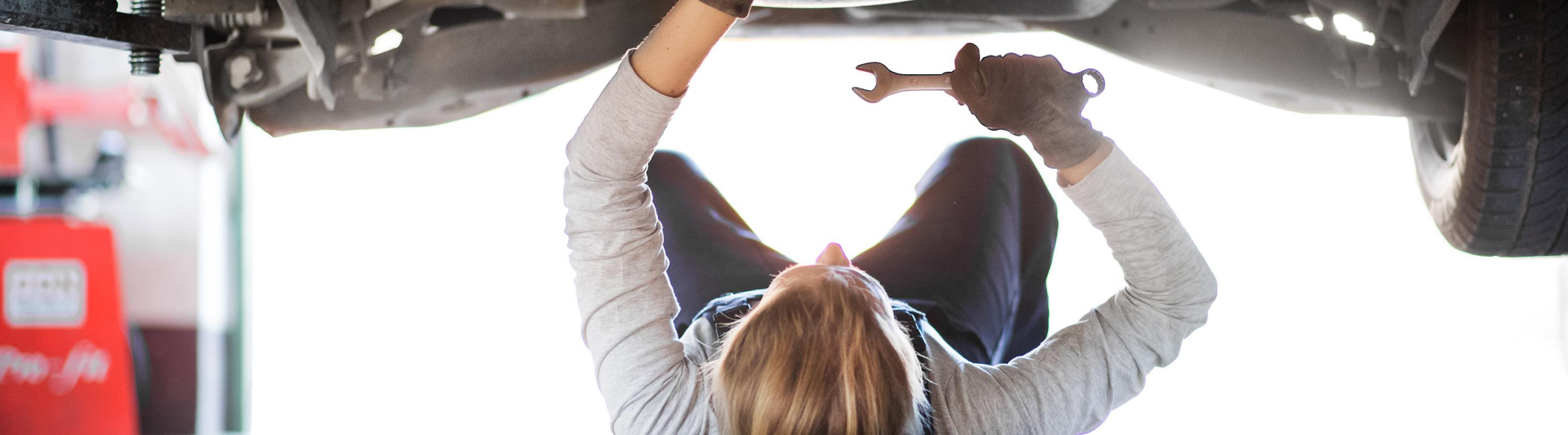




Know your workplace rights

Labor Standards Division
Wednesday, Sept. 23, 2026

dli.mn.gov

mn DEPARTMENT OF
LABOR AND INDUSTRY

 **WORKPLACE
RIGHTS WEEK**
Sept. 13-19, 2026 • dli.mn.gov/rights-week

Department of Labor and Industry (DLI) operating areas

*DLI's **mission** is to ensure Minnesota's work and living environments are equitable, healthy and safe.*

*DLI's **vision** is to be a trusted resource and an impartial regulator for employers, employees, property owners and other stakeholders.*

DLI operating areas:

- Workers' Compensation
- Occupational Safety and Health (OSHA)
- Labor Standards
- Apprenticeship Minnesota
- Construction Codes and Licensing
- Minnesota Dual-Training Pipeline
- Youth Skills Training
- Office of Combative Sports
- General Support



Labor Standards Division

- Ensures workers are paid fairly, enforce workplace rights and help prevent employment law violations.
- Provide guidance on wage and hour issues, including [earned sick and safe time](#), [child labor](#), [overtime](#), [pregnancy and parental rights](#), [retaliation](#), [worker misclassification](#) and [more](#).



Agenda

Minnesota Labor Standards

-Dave Skovholt
MN Department of Labor and Industry

Workers Compensation

-Brian Mak
MN Department of Labor and Industry

Highlight of the Americans with Disabilities Act and Minnesota Human Rights Act

-Dan Stewart
Metropolitan Center for Independent Living

Q&A



Labor Standards protections for Minnesota workers

- Young workers
- Full and part-time workers
- Exempt and non-exempt
- Lower wage workers
- Seasonal workers
- People with disabilities
- TNC drivers
- Immigrants



Minnesota FLSA: Who is an employee?

Employee: Any individual employed by an employer.

Exceptions include (not exhaustive list):

- various agricultural workers
- those who meet tests for “executive, administrative, or professional” employees
- independent contractors
- 19+ exceptions (see Minnesota Statutes 177.23, Subdivision 7)



Minnesota minimum wage



2026: \$11.41/hour
2027: \$11.87/hour



90-day training wage
(under 20 years of age)
2026: \$9.31/hour
2027: \$9.68/hour



St. Paul (\$14.25-\$16.37)
and Minneapolis (\$16.37)
have minimum wage
ordinances that require a
higher rate of pay.



The state minimum wage
is higher than the federal
minimum wage (\$7.50).
Employees must be paid
the higher applicable
minimum wage

Tips



- Employers may not count tips received by an employee toward the payment of minimum wage.
- Employees must receive the full amount of tips paid by card or e-payment.
- Gratuities received through credit cards or other types of electronic payments must be paid to the employee in the next pay period.
- Generally, employers may not require tip pools or splitting.
 - Employees may choose to pool or share tips
 - Dividing what is left in a tip jar among direct service employees working the same shift is not a violation of the law

Overtime rules

Minnesota law: Over 48 hours

- The Minnesota Fair Labor Standards Act requires employers to pay overtime for all hours worked over 48 per workweek, unless the employee is exempt under [Minnesota Statutes 177.23, subdivision 7](#).

Federal law: Over 40 hours

- The [federal Fair Labor Standards Act](#) requires most employers to pay overtime for all hours worked in excess of 40 per workweek.

A green callout box with a white background and a green border. It contains the text "Overtime is 1.5x regular rate".

Overtime is
1.5x regular rate

A green callout box with a white background and a green border. It contains the text "Keep accurate records of employees' hours worked".

Keep accurate
records of
employees' hours
worked

Rest breaks

Rest breaks:

- **Allow at least 15 minutes** or enough time to utilize the nearest convenient restroom, whichever is longer, within **each four consecutive hours** of work.
- **Different rest breaks** may be established through **collective bargaining agreements**.



Meal breaks law

Meal breaks:

- An employer must allow each employee who is working for **six or more consecutive hours** a meal break of at least 30 minutes.
- **Different rest breaks** may be established through **collective bargaining agreements**.



What does it mean to “allow” breaks

Employers must “allow” their employees to take rest and meal breaks. However, employees may choose to not take these breaks.

An analysis of whether an employer “allows” their employees to take breaks is fact-intensive and may include, but is not limited to, whether:

- the employer has breaks-related policies;
- these policies have been communicated to employees; and
- work circumstances make it possible for employees to take breaks.

If an employee voluntarily waives their breaks, it is a best practice to confirm this in writing with the employee. Employers may consider seeking the assistance of an employment law attorney to determine whether their policies and practices allow employees to take breaks as required by Minnesota law.

Earned sick and safe time (ESST) eligibility



- Effective Jan. 1, 2024
- Employee **anticipated by the employer** to work at least 80 hours in a year
- Temporary and part-time employees
- Employees earn one hour of ESST for every 30 hours worked, up to 48 hours/year

WESA provisions enforced by DLI



1. Wage Disclosure Protection (Minn. Stat. §181.172)
2. Nursing Mothers, Lactating Employees, and Pregnancy Accommodations (Minn. Stat. §181.939)
3. Pregnancy and Parenting Leave (Minn. Stat. §181.941);
4. Reinstatement Following Leave (Minn. Stat. § 181.942); and
5. Employer Notice Requirements (Minn. Stat. §181.939)

Paid leave, DLI responsibilities

DLI enforces Paid Leave program employment protections, including:

- employee right to reinstatement after leave;
- employers may not retaliate against an employee for requesting or obtaining benefits;
- employee right to continued insurance during leave; and
- agreements to waive paid leave rights are void.



Employee wage notice

The employee notice must include details on:

- exemptions from wage and hour laws;
- pay period length, scheduled paydays;
- the first payment date;
- It must also specify the rate(s) of pay;
- provisions for PTO;
- permissible deductions;
- employer's legal and operating names; and
- contact information including physical and mailing addresses and telephone number.



Employee notice

1. Employee:		Address:	
Phone number:		Email address:	
Date employment began:			
2. Legal name of employer:		Main office/principal place of business address:	
Phone number:		Email address:	
Operating name of employer (if different):			
Mailing address (if different):			
3. Employment status (exempt or non-exempt):			
☐ Employee is exempt from: ☐ minimum wage ☐ overtime ☐ other provisions of Minnesota Statutes 177			
Legal basis for exemption:			
☐ Employee is non-exempt (entitled to overtime, minimum wage, other protections under Minn. Stat. 177)			
4. Rate or rates of pay			
Paid by: Hour ☐ Shift ☐ Day ☐ Week ☐ Salary ☐ Piece ☐ Commission ☐ Other method ☐			

Earnings statement requirements

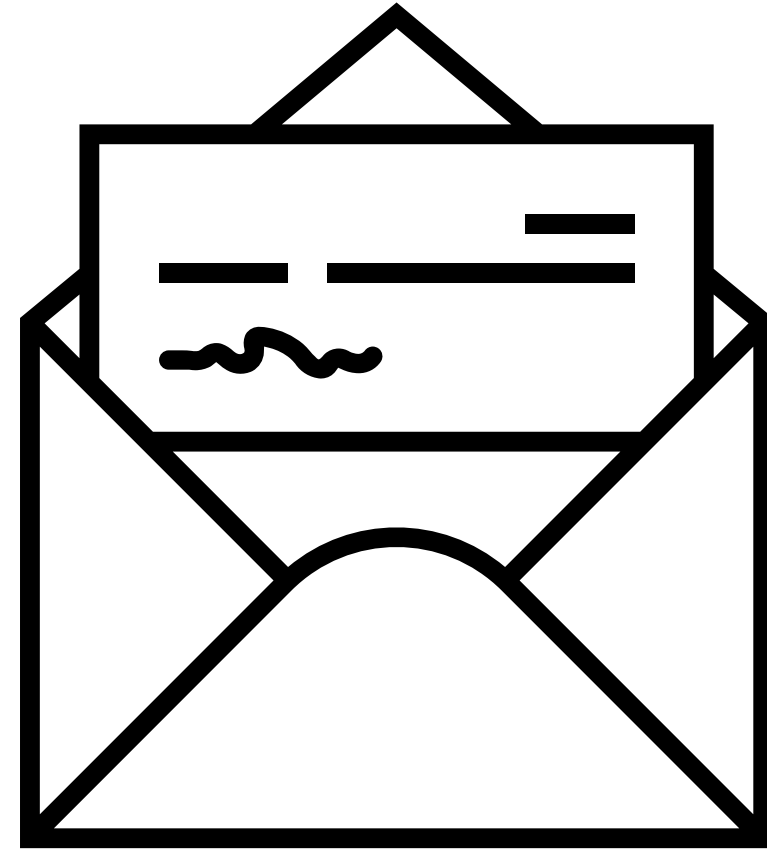
Earnings Information		Current	
Normal Gross		4,389.30	
Deductions		0.00	
Contributions		0.00	
Overtime		0.00	
EARNINGS TOTAL		4,389.30	5,277.30
Pre-Taxable Gross		351.14	418.18
Post-Taxable Gross		3,971.12	4,859.12

Statutory & Other Deductions	Current	Year to Date
Federal Withholding	311.17	311.17
Additional Federal Withholding	0.00	*****
State Withholding	135.96	135.96
Additional State Withholding	0.00	*****
SDI	0.00	55.06
Medicare	0.00	75.55
Medicare Buyout	62.67	0.00
State Disability Insurance	0.00	0.00
RS	0.00	351.14
RS	351.14	0.00
Deferred Retirement	0.00	
	67.04	0.00

- Name of the employee
- Total hours worked by the employee in the pay period
- Total amount of gross pay earned by the employee in the pay period
- Net amount of pay after all deductions are made
- List of deductions made from the employee's pay
- Date pay period ended
- Employer's legal and operating name

Final wages upon separation of employment

- Employees **terminated, discharged or fired** are due all wages and commissions within 24 hours of a written demand for payment.
- For employees who **voluntarily leave employment**, wages and commissions are due on the next regularly scheduled payday. If the payday is within five days of the last day of work, the employer has up to 20 days to make final payment.
- **Penalties:** The employer may be liable to pay their former employee's average daily earnings for up to 15 days if the employer is late paying wages.



Know your rights: An overview of the workers' compensation system and benefits



Worker's compensation

Plan:

- What is workers' compensation
- Role of the Workers' Compensation Division (WCD)
- Benefits for work injuries
- What happens when someone is hurt on the job
- What can be done when there are concerns
- Some legal considerations for disputes over work injuries
- Disputes Resolution Services in the WCD
- How to get help and information



What is workers' compensation?

Workers' compensation is a no-fault system designed to provide benefits to Minnesota employees who are injured on the job as a result of their work activities.



Any type of physical injury, exposure.



Worsening of preexisting conditions.



Repetitive injuries that develop over time



Some mental stress injuries.



Available to any worker regardless of work schedule or immigration status.

Workers' Compensation Division

DLI's mission: To ensure Minnesota's work and living environments are equitable, healthy and safe.

The Workers' Compensation Division oversees and administers the workers' compensation system in Minnesota.

We strive to create an environment where injured workers promptly receive benefits and services and where the system operates efficiently and effectively.



Workers' Compensation Division (cont.)



- **Information and education** for workers, potential workers and employers to understand their rights and responsibilities in the workplace.
- **Oversight of claims** to help ensure the system is operating properly and benefits are being paid promptly.
- **Resolution of disputes** which is speedy, cooperative, and cost-effective.

What benefits could an injured worker be entitled to? 1/4



Workers'
compensation
provides **three**
primary types of
benefits.

1. Wage loss
2. Medical treatment
3. Vocational rehabilitation services

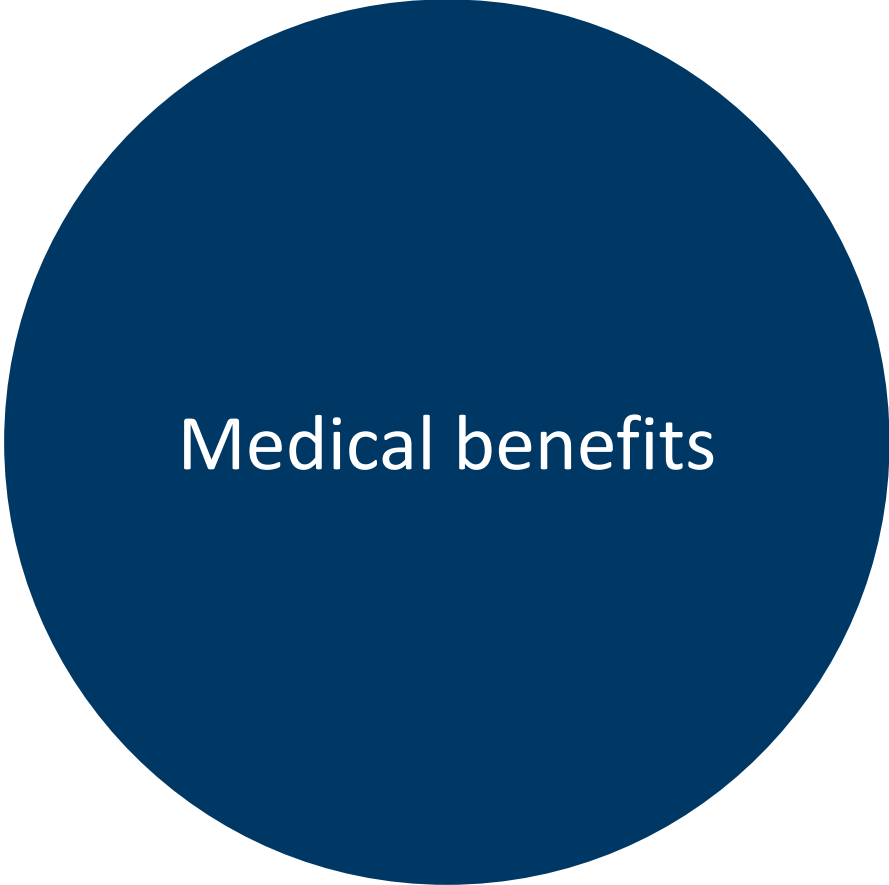
What benefits could an injured worker be entitled to? 2/4



Wage loss benefits

1. **Waiting Period:** Wage loss is not paid for the first three calendar days, unless the disability continues for 10 calendar days.
2. **Temporary Total Disability:** Paid when an employee cannot work due to the injury. TTD is two-thirds of an employee's gross weekly wage at the time of injury.
3. **Temporary Partial Disability:** Paid when an employee is back to work, but earning less than their pre-injury weekly wage. TPD is two-thirds of the difference between what the employee earned at the time of the injury and the current earnings.
4. **Permanent Total Disability:** Paid when an employee is never able to return to gainful employment. PTD is two-thirds of an employee's gross weekly wage at the time of the injury

What benefits could an injured worker be entitled to? 3/4



Medical benefits

1. Injured employees are entitled to reasonable and necessary medical treatment or supplies to cure or relieve the effects of the work injury.
2. Examples include doctor office visits, chiropractic care, physical therapy and surgery.
3. Employees can choose their own doctor.

What benefits could an injured worker be entitled to? 4/4



Vocational rehabilitation benefits

- Assistance provided to help the employee return to work, to earn as close as possible to what the employee would have had without the injury.
- Return to work may be at the original employer, or at a new employer, if necessary.

What happens when an employee is hurt on the job?

- Employee needs to report their injury to the supervisor as soon as possible.
- Employer must make a claim to its workers' compensation insurer.
- Insurer or Third Party Administrator makes decision on whether injury will be accepted for benefits or denied.
- Employee cooperates with medical treatment and return-to-work efforts by employer.



What if something seems not right?

If an employee disagrees with anything happening on their claim, several things can be done:

- Call the claim adjuster to try to work it out;
- Contact the Workers' Compensation Division to discuss questions and get help to resolve problems;
- Talk to an attorney;
- File a dispute for benefits.

Employers can also contact the adjuster, the WCD or an attorney for concerns.



Some legal considerations for disputes over work injuries

Formal disputes can be filed against the employer and workers' compensation insurer if the entire injury is denied, or if just a portion of benefits are denied.

Disputes are heard either at the Department of Labor and Industry or the Court of Administrative Hearings depending on the nature of the dispute.

Disputes can be resolved in as fast as a week, or as long as several years.

A person can file disputes on their own, or with a lawyer.

Lawyers cannot charge a fee to an employee unless they win benefits.



Dispute resolution services in the WCD

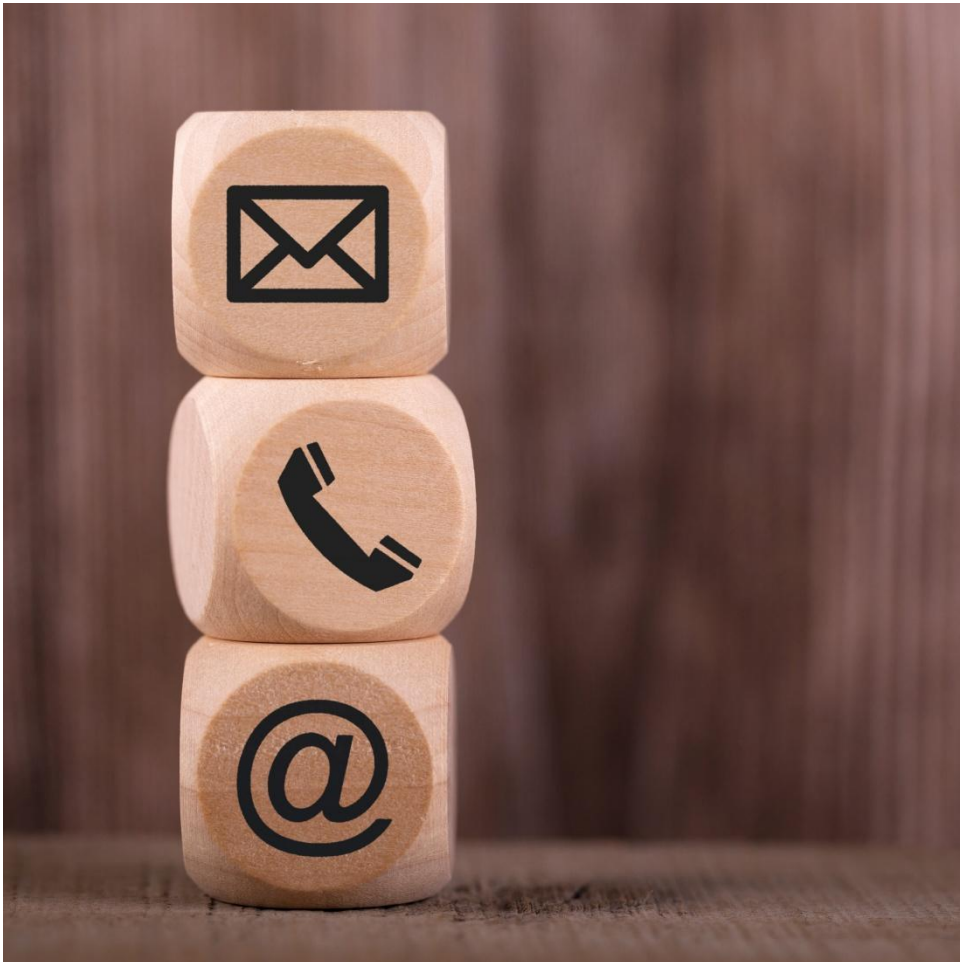
Alternative Dispute Resolution unit

The ADR unit helps parties resolve disputes about workers' compensation benefits quickly and cooperatively, before or after a formal dispute has been filed. These efforts take place through four primary methods:

1. Early and informal dispute prevention and resolution
2. Dispute certification
3. Administrative conferences for medical and vocational rehabilitation disputes
4. Mediation



How to get help and information at the WCD



Interpreters are available in almost any language

Workers' Compensation Help Desk: 651-284-5005
Ext. 3; helpdesk.dli@state.mn.us

Alternative Dispute Resolution (ADR) unit general inquiries: 651-284-5032; dli.workcomp@state.mn.us

Ombudsman – Lisa Wichterman:
dli.ombudsman@state.mn.us

Visit us in person: 443 Lafayette Road North,
Saint Paul, MN 55155

Thank you!

Know Your Workplace Rights

Highlights of the Americans with Disabilities Act (ADA) and Minnesota Human Rights Act (MHRA)

Dan Stewart, ADA Minnesota
dans@mcil-mn.org

What are the main *anti-discrimination* disability employment laws?

These laws generally require an equal opportunity for workers and applicants with disabilities and protect against discrimination.

- ▶ **Americans with Disabilities Act (private employers)**
- ▶ **Section 504 of the Rehabilitation Act (public employers)**
- ▶ **Minnesota Human Rights Act (private and public employers)**

There are other types of disability laws that related to employment, including those that regulate sheltered/subminimum wages (14c of the FLSA), provide eligibility for employment supports (Voc Rehab, SSB, HCBS Waivers), and provide cash and/or health benefits (SSI/SSDI).

Focus on the ADA and MHRA

- ▶ The ADA is a federal law and applies to private employers, state and local governments, and employment agencies and labor organizations. (Section 504 applies to the federal government and federal funding recipients).
- ▶ The MHRA echoes the ADA and provides additional protections.

1. ADA and MHRA Have Broad Coverage

- ▶ Applies to small and large businesses
 - MHRA- 1 employee or more; but reasonable accommodation requirement only applies if there are 15 or more employees
- ▶ Covers a very wide range of *applicants* and *employees*
- ▶ There are many types of disabilities and, for each type of disability, there's a lot of variation in the extent of disability.

ADA Definition of a Disability- Applies Broadly

- ▶ **Actual Disability:** An individual has a physical or mental impairment that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning, or operation of a major bodily function);
- ▶ **Record of a Disability:** An individual has a history or “record of” an actual disability (such as cancer that is in remission);
- ▶ **Regarded as:** An individual is perceived to have an impairment
- ▶ **Note that there’s a Different Kind of Protection: Association with a person with a disability:** (such as a support person for young adult with a disability)

2. But, the laws have a narrower actual application

- ▶ Employee needs to be “otherwise qualified.”
 - Employee must be able to perform “essential functions” of the job with or without reasonable accommodations.
- ▶ Reasonable accommodations are developed through a process, not just the employee’s or employer’s choice.
- ▶ For many legal claims, there must be an adverse employment action or harassment based on disability.
- ▶ Legal claims can be hard to prove.

3. Main Legal Requirements

- ▶ In most cases, employees and applicants have the responsibility and choice to **disclose** their disability. There are reasons to and not to disclose. Exception on “apparent” disabilities.
- ▶ Employers must consider **reasonable accommodations**. Most are not expensive or time consuming.
 - Do not need to incur “*undue burden*,” make a “*fundamental alteration*,” or create a “*direct threat*.”
 - Employer may request limited medical documentation to document the disability if it is not obvious and/or to document the need for an accommodation.
- ▶ Employer and employee should engage in “**interactive process**” to agree upon accommodations.
- ▶ These are **continuing** obligations.

More Legal Requirements

- ▶ There should be clear anti-discriminatory **notices, policies and procedures**; make sure people know about them and follow them
- ▶ Disability information is **confidential**
- ▶ The ADA and MHRA protect also **against adverse actions and harassment** on the basis of disability. This is separate from the “reasonable accommodation” duty.
- ▶ **Retaliation** for advocacy of disability rights is forbidden.
- ▶ The focus should be on **essential job functions and objective performance**

4. Employers can take advantage of state and federal incentives and resources

- ▶ [Small Business Resource Center | U.S. Equal Employment Opportunity Commission](#)
- ▶ [Tax benefits for businesses who have employees with disabilities | Internal Revenue Service](#)
 - Disabled Access Credit; Barrier Removal Tax Deduction; Work Opportunity Tax Credit
- ▶ [Cost-Effective Accessibility: Affordable Solutions and Resources for Small Businesses | Minnesota Council on Disability](#)
- ▶ [Tax Credits / Minnesota Department of Employment and Economic Development](#)
- ▶ [Accessibility Resources | CareerForce](#)
- ▶ [JAN - Job Accommodation Network](#)

5. Know that there are legal processes but they may not be as scary or as hard as you think.

- ▶ Employees or applicants can file a complaint with the EEOC and/or the MHRD.
- ▶ The complaint must be filed with the EEOC or MHRD before filing a lawsuit and only after a “right to sue” letter is provided.
- ▶ Can be state or federal lawsuits (after the complaint process ends)
- ▶ In the complaint process (and in the court process), there are many opportunities to settle claims, if appropriate.

6. Long COVID and Employment

- ▶ There are many people in Minnesota and Nationwide that have Long COVID. Symptoms and extent of issues vary widely.
- ▶ The most recent definition from the National Academies of Sciences, Engineering, and Medicine (NASEM) is:
 - Long COVID (LC) is an infection-associated chronic condition (IACC) that occurs after SARS-CoV-2 infection **and is present for at least 3 months** as a continuous, relapsing and remitting, or progressive disease state that affects one or more organ systems.”

Long COVID Can Be Covered under the ADA and MHRA?

- ▶ Long COVID *can* be a disability because it is an “impairment” that could “**substantially limit one or more major life activities**”
 - “Brain fog” can substantially limit brain function, concentration and/or thinking
 - Shortness of breath can substantially limit ability to do physical work
 - Fatigue can substantially limit endurance and capacity

Guidance from DOJ/HHS that states Long COVID may be covered by the ADA, July 2021)

- ▶ Applies to ADA Titles II/III, Rehab Act of 1973, Affordable Care Act
- ▶ EEOC adopted long COVID analysis for employment in 2021
- ▶ MHRA uses same definitions and guidance under federal ADA law

Examples of Reasonable Accommodations

- ▶ Specialized equipment - Organizing software, Apps for reminders, etc.
- ▶ Assistive Technology – MN STAR Program ([Minnesota STAR Program](#))
- ▶ Written versus verbal instructions
- ▶ Use of captioning during virtual or in-person events
- ▶ Changes to office location, quiet area
- ▶ Additional break times/rest periods
- ▶ Modifying job duties Work from home or hybrid work schedule;
- ▶ Flexibility in Scheduling Medical Appointments
- ▶ Job transfers or reassignments

Additional Examples

- ▶ Remote Work
- ▶ Leave as a Reasonable Accommodation
- ▶ Extending a leave (such as a FMLA leave or an employer specific leave)
- ▶ Reassignment to a vacant position
- ▶ Job Restructuring

Legal Resources - Complaints

- ▶ EEOC Complaint Form and Resource:
 - [Filing a Formal Complaint | U.S. Equal Employment Opportunity Commission](#)
 - [Employees & Job Applicants | U.S. Equal Employment Opportunity Commission](#)
- ▶ MDHR Complaint Form and Resource:
 - [Report Discrimination / Minnesota.gov](#);
 - [Employers & Employees / Minnesota.gov](#)

National Resources

Great Lakes ADA Center

www.adagreatlakes.org

800-949-4232 (V/TTY)

312-767-0377 (Video Phone)

Job Accommodation Network (JAN)

www.askjan.org

800-526-7234

US Equal Employment Opportunity Commission (EEOC)

www.eeoc.gov

toll free: 800-669-4000, local number: 612-335-4040

Minnesota Specific Resources

Minnesota Department of Human Rights

Voice: 651-539-1100

TTY: 651-296-1283

Toll Free: 800-651-3704

<http://www.humanrights.state.mn.us>

DEED/Rehabilitation Services Branch

651.259.7114 or 800.657-3858

651.296.3900 TTY

<https://mn.gov/deed/job-seekers/disabilities/>

MN State Services for the Blind

651-539-2300

<https://mn.gov/deed/ssb/>

Minnesota Department of Health Website:

<https://www.health.state.mn.us/diseases/longcovid/index.html>

Documents

- ▶ EEOC Guidance Document
 - [What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](#)

- ▶ HHS and DOJ Guidance on Long-COVID
 - [Guidance on “Long COVID” as a Disability Under the ADA, Section 504, and Section 1557](#)

- ▶ Job Accommodation Network COVID-19 Resources
 - [Supporting Employees with Long COVID: A Guide for Employers](#)

Questions?

ADA Minnesota @ Metropolitan Center for Independent Living

Voice: 651-603-2015,

Toll free: 888-630-9793

www.adaminnesota.org

dans@mcil-mn.org

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Thank you for your participation

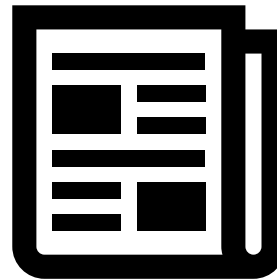
Scan the QR code to [fill out our post-webinar feedback form.](#)



Upcoming webinars



To register, visit
dli.mn.gov/events.



- September 24, 2:30-3:30pm:
Employment law basics for small businesses in Minnesota
- Oct. 14, from 2-3 p.m.:
Earned sick and safe time basics and rules update

Thanks

Contact Labor Standards at 651-284-5075 or dli.laborstandards@state.mn.us.