

Thousands Apply for Minnesota PFML: What Employers Should Do Now

Labor & Employment Law Update

By Milt Castro on January 22, 2026

On January 1, 2026, Minnesota officially launched its state-administered Paid Family and Medical Leave (PFML) program, triggering an immediate surge of over 25,000 benefit applications in the first two weeks alone.

The program provides employees with up to 12 weeks of partial wage replacement for medical reasons and family-related reasons—including bonding, caring for ill relatives, or addressing personal safety issues—capped at 20 combined weeks per year. PFML is funded through a payroll tax split equally between employers and employees.

As many Minnesotan employers are quickly discovering, the post-PFML workplace poses significant operational challenges. As the legal landscape continues to evolve in Minnesota (and those benefit applications keep rolling in), employers must become intimately familiar not only with administering the program but also with the variety of pitfalls it creates.

Employees and "Stacking": Managing Multiple Leave Entitlements

A primary concern for Minnesotan employers is the potential for "stacking," where an employee extends their time away by using multiple leave categories sequentially rather than concurrently. While PFML and federal FMLA run together for the same qualifying reason, stacking can occur where PFML covers conditions that FMLA does not—such as caring for a parent-in-law.

Additionally, Minnesota law prohibits employers from requiring employees to exhaust accrued vacation or sick time before accessing PFML. Instead, employees can "top off" their partial PFML benefits with accrued PTO to reach 100 percent pay. Without rigorous concurrency language in a handbook, an employee could potentially leverage several buckets to remain off work far longer than the 20-week PFML statutory cap.

A Compliance Collision: PFML and Mandatory Rest Breaks

A critical 2026 "gotcha" in Minnesota is the simultaneous implementation of the state's new mandatory rest break law, which now grants employees a non-waivable right to a 15-minute paid rest break every four consecutive hours of work and a 30-minute meal break for shifts of six or more hours.

The result is a double-burden for management: more employees out on PFML and more breaks for those who remain. Importantly, employers cannot cite "PFML-related staffing shortages" as a justification for missed breaks. Failure to provide them is an automatic violation under the statute.

The Intermittent Leave "Flare-Up" Risk

While employers are accustomed to receiving advance notice of a continuous leave, the more significant challenge—particularly for shift-based operations—is the high volume of intermittent leave requests tied to chronic health conditions. Indeed, for manufacturing or technical operations, even a single day's absence can disrupt production.

Under PFML, employees may take intermittent leave for "flare-ups" or recurring treatments with minimal advance notice. Because the state—not the employer—approves PFML benefits, employers have far less visibility into the medical necessity of intermittent absences (including the classic Friday/Monday "flare-up") than they do under FMLA. This makes monitoring for potential abuse far more difficult.

Job Protection Comes Only After 90 Days

An employee may become eligible for PFML benefits almost immediately upon hire, provided they meet the wage credit threshold. However, the law's job protection and reinstatement rights do not kick in until the employee has completed 90 days of employment. This distinction creates real risk if management relies solely on PFML's 90-day threshold when evaluating a termination.

Even if PFML does not require reinstatement, the employer may still have obligations under the Americans with Disabilities Act (ADA) or the Minnesota Human Rights Act (MHRA). Terminating an employee simply because they have not met the 90-day PFML mark—without first engaging in the "interactive process"—is a fast track to a costly failure-to-accommodate claim.

Employer Action Items

To mitigate risks associated with stacking, staffing shortages, and compliance pitfalls, employers should prioritize the following steps:

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1. **Update Handbook Concurrency Language.** Ensure 2026 policies explicitly state that state PFML, federal FMLA, and any other leaves will run concurrently to the maximum extent permitted by law.
2. **Audit Shift Scheduling.** Review minimum floor-coverage requirements against the combined impact of PFML intermittent absences and the new 15-minute paid rest break (every 4 hours) and 30-minute meal break (shifts of 6+ hours) mandates.
3. **Define Intermittent Increments and Caps.** Set a clear "minimum increment" for intermittent leave in your policy to prevent unpredictable "micro-absences." Use the 480-hour threshold to transition high-usage employees from intermittent to continuous leave for the remainder of the year.
4. **Clarify Job Protection Windows.** Train HR to distinguish between "benefit eligibility" (state-paid) and "job protection" (90-day cliff) to prevent accidental reinstatement of non-protected staff.
5. **Coordinate STD and PFML.** Ensure all short-term disability benefits are explicitly "offset" by PFML payments to prevent employees from collecting double-wages, which can disincentivize a timely return to work.

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