

FMLA vs Minnesota PFML: Side-by-Side Comparison

Understanding how federal FMLA and state PFML work together for Minnesota employers

Feature	FMLA (Federal)	Minnesota PFML (State)
Effective Date	1993	Benefits start May 1, 2026
Employer Coverage	50+ employees within 75 miles	ALL employers (no size minimum)
Employee Eligibility	12 months employed, 1,250 hours worked	Earnings-based (no tenure requirement)
Leave Duration	12 weeks per year	Up to 20 weeks total per year
Pay During Leave	UNPAID leave	PAID benefits (55-90% of wages)
Job Protection	Yes - same/equivalent position	Yes - same/equivalent position
Who Pays	No cost (unpaid leave)	Employee: 0.38% + Employer: 0.50%
Health Insurance	Employer must continue coverage	Employer must continue coverage
Qualifying Reasons	Birth/adoption, serious health condition, family military	Birth/adoption, serious health condition, family care, safety leave, military
Notice Required	30 days (foreseeable)	30 days (foreseeable)
Certification	Medical certification allowed	Medical certification required
Intermittent Leave	Yes, when medically necessary	Yes, with minimum increments
Administrator	U.S. Department of Labor	Minnesota DEED

KEY DIFFERENCES FOR EMPLOYERS

1. Coverage Threshold

FMLA only applies to employers with 50+ employees. Minnesota PFML applies to ALL employers regardless of size. A business with 5 employees must comply with PFML but not FMLA.

2. Paid vs Unpaid

FMLA provides job-protected UNPAID leave. PFML provides PAID benefits (55-90% of wages) funded through premiums. Employees can supplement PFML with PTO to reach 100% pay.

3. Cost to Employers

FMLA has no direct cost. PFML requires quarterly premium payments: 0.50% of payroll paid by employer, 0.38% withheld from employees.

4. Concurrent Leave

When both apply, FMLA and PFML run concurrently. An employee's 12 weeks of FMLA leave counts against their PFML entitlement and vice versa.

WHEN BOTH LAWS APPLY

For employers with 50+ employees where the employee meets both eligibility requirements:

- Both FMLA and PFML protections apply simultaneously
- Leave runs concurrently (not stacked)
- Employer must comply with BOTH sets of requirements
- When laws differ, apply the more generous provision to employees

QUICK REFERENCE: WHICH LAW APPLIES?

Scenario	FMLA?	PFML?
Small employer (under 50 employees)	No	Yes
Large employer (50+ employees)	Yes	Yes
New employee (under 12 months)	No*	Yes**
Part-time employee	Maybe*	Yes**

*FMLA requires 12 months tenure and 1,250 hours worked. **PFML requires sufficient earnings in base period.

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