



Practical Guidance for Construction Employers

Minnesota Paid Leave

What's Actually Happening Out There

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March 11, 2026



SHARED OBJECTIVES

PRACTICAL GUIDANCE FOR CONSTRUCTION EMPLOYERS

MN Paid Leave:

What's Actually Happening Out There

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Boyum & Barenscbeer CPA — Construction Unit Webinar | 2026

*This presentation is for educational purposes only and does not constitute legal or tax advice.
Please consult qualified legal or tax counsel for guidance specific to your situation.*

Let's Level-Set First

Wherever you are right now — that's the right place to be.

A

Already navigated a
leave request

B

Prepped, but haven't
had a claim yet

C

Still figuring out if this
fully applies

D

Just here to learn

CHAT: Where are you right now? — No judgment. No catching up. Just useful information.

What MN Paid Leave Actually Is

THE BASICS

- Eligible MN employees can take paid time off for qualifying family or medical reasons
- Benefits paid by the state (or private insurance co) — not directly by you
- Funded via payroll premiums can be split employer employee (or employer pays all)
- In effect Jan 1, 2026 — all MN employers, regardless of size

WHAT QUALIFIES

- Employee's own serious health condition
- Bonding with a new child (birth, adoption, foster)
- Caring for a seriously ill family member
- Certain safety situations (DV, stalking, assault)
- Supporting a family member on active military duty

NOTE: FMLA and PFML run concurrently — employees cannot stack them. 'Family member' is broad: spouse, children, parents, siblings, grandparents, in-laws, and anyone who depends on you like family, even if not legally related.

How Leave Is Actually Taken

This One Surprises People

CONTINUOUS

One solid stretch of time off. What most people assume.

SCHEDULED

Same day/time each week e.g., every Tuesday for chemo.

INTERMITTENT

Taken only when needed — unpredictable flare-ups, appointments.

MAXIMUM DURATION

Up to 12 weeks medical leave + up to 12 weeks family leave | Combined cap: 20 weeks in a benefit year

Example: new baby — 8 weeks medical recovery PLUS 12 weeks bonding = 20 weeks total

HEADS-UP: Intermittent leave can mean one day a week for months. You cannot penalize an employee for approved intermittent leave or require them to find their own coverage.

ESST: What We're Seeing in the Field

*ESST is the most common gap we find when working through paid leave.
You're not alone — and it's fixable.*

COMMON ISSUES

- Assuming PTO covers ESST — often it doesn't
- Inconsistent rules: salaried vs. hourly
- Tracking gaps for field employees
- Supervisors not knowing when ESST applies vs. Paid Leave

CONSTRUCTION PRESSURE POINTS

- Crews spread across sites — who tracks?
- Seasonal and variable-hour workers create grey areas
- Salaried employees are NOT exempt from ESST

Most employers are close. A few adjustments usually get you there.

Where Construction Employers Actually Get Stuck

It's 7am. A worker calls your foreman: "I need some time off for a medical thing." What happens next?

Multiple supervisors, multiple sites — who is the point person?

Subcontractors vs. employees — lines get blurry, risk is real

Seasonal workers — they can qualify

Intermittent leave — one day/week, unpredictable

Field time tracking — paper, app, or 'we trust them'?

Payroll and operations not talking to each other

Employees expecting full pay — surprised when it's not

What to Say — and What *Not* to Say

Your supervisors are the first line of contact. Give them the words.

✓ SAY THIS

- "I'll make sure you get connected with the right information."
- "We want to make sure you get what you're entitled to."
- "Let me get you in touch with [owner / office / HR contact]."

✗ DON'T SAY THIS

- "What's the diagnosis?" or "What's wrong with you?"
- "We can't afford to have you out right now."
- "Are you sure you really need that much time?"
- "Just let me know when you're better."

DOCUMENTATION — You CAN ask for confirmation that leave is needed and expected duration. You CANNOT ask for diagnosis, treatment details, or whether it seems serious enough to you.

INTERFERENCE & RETALIATION: Even unintentional pushback creates exposure. 'We really need you right now' = interference. Train your supervisors before it happens.

Compliance Item — The Notice Requirement

Employers are required to notify employees of their Paid Leave rights.

REQUIRED NOTICE

- Written notice must be provided to all employees
- Required at hire AND when leave becomes relevant for an employee
- MN DEED provides required notice template — use it, don't write your own
- Posting in a visible workplace location is also required

FOR CONSTRUCTION EMPLOYERS

- A poster at the main office isn't enough if crews never go there
- Include in new hire packets
- Consider job site postings and crew communications

Quick Fix: If you haven't distributed the required notice yet — that's something you can take care of this week.

MN DEED has the template ready to download: mn.gov/deed/paidleave

What We Find Along the Way

A Few Honest Observations

Awareness is the first step. These come up regularly when working through paid leave with clients.

Timekeeping

When we start working through leave, inconsistent time tracking often surfaces. Field-based businesses are especially vulnerable.

Exempt / Non-Exempt

Supervisor paid on salary doesn't automatically mean exempt. This comes up a lot in construction roles and is worth a second look.

Contractor vs. Employee

If someone works exclusively for you, uses your equipment, and follows your direction — that classification question is worth revisiting.

Undocumented Policies

A lot of small employers run on verbal agreements. Written policies that match actual practice reduce risk significantly.

Not solving these today — but if any sound familiar, they're worth a follow-up conversation.

5 Questions

Take a moment or two and answer these questions...

You don't need a full HR department. These questions help you learn where you are today and where to go next.

- 1 Do you know the different between intermittent and continuous leave (and foremen/supervisors)?
- 2 Have you distributed the required MN DEED notice to every employee?
- 3 Do your employees know that benefits are paid by the state, not by you, and what that means for how a claim works?
- 4 Do your foremen/supervisors know what to say — and what NOT to say?
- 5 If someone asked you for your time and pay records tomorrow, could you produce them confidently?

'No' or 'not sure' = your starting point. Post Session Handout: MN Paid Leave Readiness Checklist

The Bottom Line

MN Paid Leave is an operational issue — not just a policy issue

Most gaps are common and fixable

Clarity and consistency reduce risk — and protect your employees too

You don't have to figure this out alone

What working with ClearLine HR looks like:

Plain. Practical. No jargon, no overwhelm. Built for small employers who are running a business — not an HR department.

The path forward is simpler than it looks. Pick one gap, start there.

Questions?

No question is too basic.

If you're wondering it, someone else in this room is too.

Let's Keep the Conversation Going

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One conversation. One honest look. That's how it starts.