

Minnesota Legislature Amends Lactation Breaks and Pregnancy Accommodation Provisions

By Gina K. Janeiro and Hadley M. Simonett

July 8, 2021

As part of the Omnibus Jobs and Economic Growth Finance and Policy Bill, Minnesota Governor Tim Walz has approved an amendment relating to pregnancy accommodations and barring reducing compensation for lactation breaks, among other changes. The amendment goes into effect on January 1, 2022.

Under Minnesota law, employers must provide employees who need to express breast milk for their infant child reasonable break times each day. The amendment prohibits an employer from reducing an employee's compensation for time used for the purpose of expressing milk. The amendment also includes language that limits an employer's obligation to the 12 months following the birth of the child. Employers may still ask that these lactation breaks be scheduled over regularly scheduled rest or meal breaks; but if not, they cannot dock pay.

Additionally, the amendment combined Minnesota's laws related to nursing mothers, lactating employees, and pregnancy accommodations into one section, Minnesota Statute Section 181.939. The law on pregnancy accommodations remains largely the same; however, under the amendment, coverage applies to all employers with at least 15 employees (not at least 21) and there are no longer any length of time or average number of hours per week an employee must satisfy to qualify for the accommodation rights and protections under the statute.

If you have questions or need assistance, please reach out to a Jackson Lewis attorney.

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 950+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.

Meet the Authors



[Gina K. Janeiro](#)

Principal
Minneapolis 612-359-1766
Email



[Hadley M. Simonett](#)

Associate
Minneapolis 612-787-3505
Email

Practices

Disability, Leave and Health
Management
Wage and Hour