

The Work Week

Bassford Remele Employment Practice Group



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Welcome to another edition of *The Work Week with Bassford Remele*. Each Monday morning, we will publish and send a new article to your inbox to hopefully assist you in jumpstarting your work week.

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Looking Back at 2025 and Ahead to What's Next for Minnesota Employers

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2025 saw several court decisions and administrative actions resulting in significant developments impacting Minnesota's workplaces. Looking ahead, 2026 brings two significant laws that expand benefits for Minnesota workers. The 2025 activity and approaching 2026 laws necessitate important compliance obligations for employers. This edition of the Work Week highlights the most impactful 2025 developments and what businesses need to know to prepare for the changes on the horizon.

Significant Court Decisions

The U.S. Supreme Court issued two significant decisions in 2025 that impact the standard of proof under the FLSA and claims of reverse discrimination under Title VII of the Civil Rights Act of 1964. In FLSA cases, an employer must establish by a preponderance of evidence (it is more likely than not) that the employee is exempt. In [reverse discrimination cases](#), employees from "majority groups" now have the same evidentiary standard for disparate treatment claims under Title VII as plaintiffs from historically protected minority groups.

Four significant 8th Circuit decisions were issued in 2025. Two relate to Minnesota-specific laws, and two relate to federal laws. The state-specific laws considered were the Minnesota Human Rights Act ("MHRA") and Minnesota's 2023 captive audience law. In *Kuklenski v. Medtronic*, the 8th Circuit held that remote employees located in another state must have some degree of physical presence in Minnesota to qualify for protection under the MHRA. Although a remote employee may not be protected under the MHRA, employers should be aware of similar laws in the state where the employee is located.

In [*Minnesota Chapter of Associated Builders and Contractors v. Ellison, et al.*](#), the court dismissed a case challenging Minnesota’s law banning captive audience meetings. Employers may not retaliate against workers who refuse to attend mandatory meetings about the employer’s political or religious views or efforts to thwart unionization. As it stands, employers must allow employees to opt out of such meetings. Although the law remains, enforcement will be through private causes of action.

The two other decisions relate to the Americans with Disabilities Act (“ADA”) and the National Labor Relations Act (“NLRA”). Regarding the ADA, in [*Equal Employment Opportunity Commission v. Drivers Management, LLC*](#), the 8th Circuit reiterated the high bar associated with asserting the undue burden defense and that the direct threat defense requires an individualized analysis of whether safety would be compromised to an unacceptable extent.

Finally, the court clarified “concerted activity” under the NLRA, reversing the NLRB’s decision in the [*Home Depot BLM apron*](#) case. The 8th Circuit recognized that employers may be able to restrict employees’ messages on uniforms where the employer has a neutral, consistently enforced policy so long as the restriction does not target the message’s content.

2025 Statutory and Administrative Action

[Pay transparency](#) and worker classification took center stage at the state level in 2025. As of January 1, 2025, employers with 30 or more employees must include a salary range or fixed pay rate, and a general description of all benefits and other compensation offered to the hired applicant in job postings.

As of March 1, 2025, the applicable test to determine whether a worker is an employee or an independent contractor in the construction industry is the [14-factor test](#). As of August 1, 2025, the City of Minneapolis expanded the scope of its discrimination ordinance to include such traits as hair texture, hair style, housing status, height and weight.

At the federal level, executive orders (“EOs”) related to DEI and enforcement action were at the forefront of the new administration. The EOs scaled back DEI initiatives in federal agencies as well as federal contractors and reverted to recognizing two sexes – male and female. Additionally, the EEOC and NLRB only recently established a quorum, which allows for the resumption of policymaking, as well as more robust enforcement activity.

Laws Effective January 1, 2026

Minnesota’s [Paid Leave Law](#) and new rest and meal break laws become effective on January 1, 2026. The Paid Leave Law permits employees to take up to 20 weeks of paid leave for the employee’s and/or the employee’s family member’s qualifying purpose. Regarding [meal and rest breaks](#), employers must provide at least one paid 15-minute rest break (or restroom time) per four consecutive hours and a 30-minute unpaid meal break for shifts over six hours.

2025 set the stage for some significant changes in labor and employment law. With courts issuing impactful decisions and new laws taking effect January 1, 2026, employers must regularly check their policies, procedures, and training for compliance with the changing and evolving legal landscape. Vigilance and preparedness will position employers to stay ahead and avoid costly missteps in the year ahead.

At Bassford Remele, we monitor legal trends at the state and federal level, including significant court decisions, administrative actions, and laws that may impact employers, and advise employers on their implications, such as the need to update policies and procedures to ensure compliance with state and federal laws. If you have questions regarding the implications of the court decisions, administrative actions, or laws discussed above, or something else, please contact one of the members of Bassford Remele's [Employment Practice Group](#).

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