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## Bloomington Amends Sick and Safe Time Ordinance to Align With Minnesota's Sick and Safe Time Law

By Gina K. Janeiro, Kaylyn Stanek & Elaine Luthens on November 3, 2023

The City Council for the City of Bloomington, Minnesota, has adopted amendments to its **Sick and Safe Time Ordinance** (previously called the Sick and Safe *Leave* Time Ordinance). The amendments, Ordinance No. 2023-24 § 23.05, will go in effect on January 1, 2024.

Although Minnesota's Earned Sick and Safe Time mandate does not preempt related ordinances enacted in four Minnesota cities, the changes to Bloomington's Ordinance clearly align with language implemented by Minnesota's Earned Sick and Safe Time (ESST) legislation.

In 2022, Bloomington became one of four cities in Minnesota to approve an ordinance requiring certain employers to provide sick and safe leave to qualifying employees. In May 2023, the Minnesota legislature passed the statewide paid sick and safe time law. Under the state law, starting January 1, 2024, all Minnesota employers must provide employees with up to 48 hours of ESST per year.

### Reasons for Leave

Bloomington expanded its definition of a "family member" under its Ordinance to match Minnesota's. Under the Ordinance, a family member includes "any ... individual related by blood or whose close association with the employee is the equivalent of a family relationship; and up to one individual annually designated by the employee."

The amendments also revamp the enumerated reasons an employee may use leave to match the list in the Minnesota statute. Bloomington's permitted reasons for leave no longer includes the death of a family member. [The Ordinance newly permits remote and in-person workers to take leave when determined by a healthcare professional or authority that an employee or their family member is at risk of infecting others with a communicable disease.](#)

## **Frontloading Hours Permitted**

In line with the Minnesota law, the amended Ordinance permits employers to provide employees a lump sum of leave hours at the start of their employment instead of using the accrual method. However, employers who frontload leave hours must make them available for immediate use. Previously, the Bloomington Ordinance required employees to wait 90 days after starting employment to take leave.

The Ordinance outlines two methods for frontloading leave hours. An employer can (1) provide 48 hours of leave at the beginning of the subsequent year if it pays employees accrued but unused sick and safe time at the end of a year at the same hourly rate the employee earns from employment, or (2) provide 80 hours of ESST at the beginning of the subsequent year if it does not pay employees for accrued but unused sick and safe time at the end of a year.

## **Documentation**

Following Minnesota's ESST legislation, Bloomington's amended Ordinance allows employers to require reasonable documentation to substantiate the reason for leave when the employee uses earned sick and safe time for more than three consecutive days.

Mirroring the Minnesota ESST law, Bloomington broadly defines what constitutes reasonable documentation. Reasonable documentation does not need to be formal or comprehensive. Reasonable documentation includes a written statement from the employee, which does not need to include details relating to a medical condition, domestic abuse, sexual assault, or stalking. Further, an employee's written statement can be written in the employee's first language.

Covered employers should review their policies to ensure compliance with the amendments to Bloomington's Ordinance. If you have questions about the mandatory employee leave laws in Minnesota or around the country, please reach out to the Jackson Lewis attorney with whom you often work, or any member of our Disability, Leave and Health Management team.

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