



e-Alert

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Bloomington, Minnesota Approved Earned Sick and Safe Leave Becomes Effective July 1, 2023

Background

Bloomington, Minnesota passed the [Earned Sick and Safe Leave in Ordinance](#) (ESSL) in June of 2022. This law was put in place to ensure that individuals employed in Bloomington can address their own health needs and the health needs of their families by requiring employers to provide a minimum level of sick and safe leave.

Summary

Starting July 1, 2023, all employers with five or more employees must provide **paid** ESSL to employees at a rate of one hour for every 30 hours worked up to a maximum of 48 hours per year. While employers, with less than five employees, must provide **unpaid** ESSL to employees at the same rate.

Full-time, part-time, temporary, and seasonal employees working at least 80 hours per year in Bloomington, Minnesota are eligible to receive ESSL. Exceptions include unpaid student interns and independent contractors.

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Accrual of Leave and Carryover:

- Accrual begins on the first day of employment or as of July 1, 2023, whichever is later
- Employees must accrue ESSL at a minimum rate of one hour for every 30 hours worked, up to a maximum of 48 hours per year
- Employers may implement a 90-day waiting period before employees can utilize their accrued ESSL
- ESSL can be used in increments consistent with current payroll practices or existing employer policy, provided the increment is not more than four hours
- Employees may carry forward any unused ESSL to the following year; the accrual amount can be capped at 80 hours
- In the case, an employer has a current paid time off (PTO) policy that is more generous than the minimum accrual and usage limits required by ESSL, then employees are permitted to use leave for the same purposes and under the same terms and conditions of ESSL

Covered Reasons for Leave:

- Employee or employee's family member's mental or physical illness; injury; health condition; need for medical diagnosis; care, including prenatal care; treatment of a mental or physical illness, injury, or health condition; or need for preventive medical or health care
- Absences due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to obtain medical attention, victim services, legal advice, or to relocate
- Closure of the employee's business "by order of a public official" to limit exposure to infectious agents, biological toxins, hazardous materials, or other public health emergencies
- To accommodate family member's school or daycare closures due to public health emergencies, inclement weather, power outages, or loss of heating or water

Documentation Guidelines:

- Employers are required to maintain accurate records for three years' worth of hours of ESSL available, hours of ESSL used, and hours worked, including listing the information on paystubs

Employer Next Steps

We have summarized key steps employers should take to comply with this regulation.

- Employers in Bloomington, MN should review current sick leave and PTO policies and be prepared to comply with the [ESSL](#) as of July 1, 2023
- Employers are required to provide written [notice](#) to their employees of their rights under the ordinance
- Employers should work with their payroll providers to maintain accurate records of hours of ESSL available, hours of ESSL used, and hours worked, including listing the information on paystubs
- If you are a client and would like our assistance with updating your policy, please [email us](#)

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