



Advisory Board of Health AGENDA

**ADVISORY BOARD OF HEALTH MEETING
TUESDAY, FEBRUARY 22, 2022
BLOOMINGTON FIRE STATION NO. 3
(TRAINING ROOM, FIRST FLOOR)
2301 E. 86TH STREET
BLOOMINGTON, MN 55425
AND VIRTUALLY VIA WEBEX
6:00 PM**

PLEASE NOTE

This meeting will be held in Bloomington Fire Station 3, Training Room, and via WebEx. Some members of the Advisory Board of Health and presenters may participate electronically as permitted by law, Minnesota Statutes, Section 13D.021. Members of the public may participate in person or electronically. Please see bottom of agenda for additional meeting information.

1. CALL TO ORDER

2. MEETING GUIDELINES

2.1 Meeting Guidelines (5 min)

3. ROLL CALL

4. APPROVAL OF MINUTES

4.1 Minutes of January 25, 2022

5. APPROVAL OF AGENDA

5.1 Agenda of February 22, 2022

6. PUBLIC COMMENT

7. STAFF REPORTS

7.1 Environmental Health Update (50 min)
Lynn Moore, Environmental Health Manager

7.2 State Health Improvement Partnership (SHIP) Update (10 min)
Kate Ebert, Public Health Specialist

7.3 Earned Sick and Safe Leave Task Force Update (10 min)

Kate Ebert, Public Health Specialist

7.4 COVID-19 Update (10 min)

Nick Kelley, Public Health Administrator

7.5 Public Health Administrator Update (5 min)

Nick Kelley, BPH Administrator

8. ORGANIZATIONAL BUSINESS

8.1 Election of 2022-23 Chair-elect (10 min)

Nick Kelley, BPH Administrator

8.2 Review and Approve 2021-22 Annual Report and 2022-23 Work Plan (20 min)

Nick Kelley, BPH Administrator

9. ADVISORY BOARD OF HEALTH REPORTS/PLANNING

9.1 Chair's Report (5 min)

Megan Whittet

10. OTHER BUSINESS/ANNOUNCEMENTS

10.1 Upcoming Event: Presentation of 2021-2022 Annual Report and 2022-2023 Work Plan to Council on March 7, 2022

11. NEXT MEETING

March 22, 2022 | 6:00 p.m. to 8:00 p.m.

12. ADJOURNMENT

ADDITIONAL MEETING INFORMATION

The Advisory Board of Health will be meeting virtually or in person at Bloomington Fire Station No. 3 (Training Room, first floor), 2301 E. 86th Street in Bloomington.

The public may also attend the meeting via phone or other electronic device:

Join by Phone

To join by phone (audio only), call the number below and enter the meeting access code (a mobile phone is recommended to avoid long-distance charges). Meeting phone number: (415) 655-0001, Event number (access code): 2451 895 3583, Event password: ABH2022

Join by Computer

To join by computer, visit the meeting's [WebEx webpage](#) and enter the meeting access code and password. Event number (access code): 2451 895 3583, Event password: ABH2022

BloomingtonMN.gov: A yearly meeting schedule, agendas, and the official minutes once approved are available. If you require a reasonable accommodation, please call 952-563-8733 (MN Relay 711) as soon as possible, but no later than 9:00 a.m. one business day before the meeting day.



Commission Agenda Item

Originator Public Health	Item 2.1 Meeting Guidelines (5 min)
Agenda Section MEETING GUIDELINES	Date February 22, 2022

Requested Action:

Description:

MEETING GUIDELINES: * The meeting will start promptly at 6:00 p.m. * The ABH Chairperson and Staff Liaison will serve as moderators and time keepers for the meeting. We will stick to the agenda and tally all motions to approve. * Please wait until the end of a presentation to ask questions. The facilitator will call on you at the appropriate time. In addition, pauses will be taken after each agenda item to ask for questions. * Please refrain from taking other calls or meetings during our scheduled meeting. Silence alerts on computers, phones and other devices. Additionally, no food should be brought into the ABH meeting room due to the sensitivity of recording equipment. * The public may also attend the meeting via phone or other electronic device. Instructions are posted here as well as on the City of Bloomington website. * Announce yourself before speaking and please try not to interrupt others while they speak. If you are attending virtually, you should be muted when not speaking to mitigate background noises and interruptions. Please be respectful and considerate of others with the amount of time you speak.



Board Agenda Item

Originator Public Health	Item 4.1 Minutes of January 25, 2022
Agenda Section APPROVAL OF MINUTES	Date February 22, 2022

Requested Action:

Description:

MINUTES OF JANUARY 25, 2022

Attachments:

[Minutes of January 25, 2022](#)



**Advisory Board of Health Meeting
UNAPPROVED MINUTES**

**ADVISORY BOARD OF HEALTH MEETING
TUESDAY, JANUARY 25, 2022
BLOOMINGTON FIRE STATION NO. 3
TRAINING ROOM / WEBEX
2301 E. 86TH STREET
BLOOMINGTON, MN 55425
6:00 PM**

**Members Present: Megan Whittet, Ronal Bustamante Ortega, Bhupinder Manhani,
Starr Sage, Jackie Siewert, Jasmine Swyningan Bedford**

Members Absent: none

1. CALL TO ORDER

Whittet, Chair, called the meeting to order at 6:02 p.m.

2. WEBEX MEETING GUIDELINES

Whittet reviewed the WebEx Guidelines.

3. ROLL CALL

Staff Liaison:

Nick Kelley, Public Health Administrator

Guests:

none

Staff:

Linda Riski-Lundeen, Office Supervisor

Nhi Vo, Office Assistant

Public:

none

4. APPROVAL OF MINUTES

M/Manhani, S/Bustamante Ortega and all voting yes to approve the meeting minutes of December 14th, 2021.

5. APPROVAL OF AGENDA

M/Siewert, S/Swyningan Bedford and all voting yes to approve the January 25th, 2022 meeting agenda.

6. PUBLIC COMMENT

None.

7. ORGANIZATIONAL BUSINESS

7.1 Review and approve the Advisory Board of Health 2022-23 Calendar.

M/Manhani, S/Swyningan Bedford and all voting yes to approve the Advisory Board of Health 2022-23 calendar, with a change from December 20th to December 13th for the December 2022 regular meeting date. The Community Health Conference dates have yet to be determined.

8. STAFF REPORTS

8.1 Climate Change and Health Update

Nick Kelley discussed utilizing the Minnesota Department of Health's (MDH) website for tools and resources regarding impacts and challenges from climate change. Bloomington's City Council, along with sixteen other Minnesota cities, declared climate change an emergency. Demographically, Bloomington is an older community with dated buildings and homes are mostly single-family rambler styles. In these cases,

homeowners and/or renters, some who may be facing socioeconomic challenges, are being impacted by dealing with air quality, extreme heat and cold. In 2021, climate change brought extreme heat, and as a result, there have been water restrictions, pool closures and heat index warnings. With the extreme heat already being a challenge, it brings to light the topic of health equity and disparities that residents may face, such as not having the means to keep cool daily. Bloomington has several public spaces that could be considered cooling centers, such as the Mall of America, Creekside Community Center, Bloomington Ice Garden, and libraries. However, these spaces were not accessible on occasion during the pandemic. Air quality became a concern in the past year from the wildfires and presented difficulties, such as increased asthma or other health issues, droughts, supply chain challenges and struggles to obtain or afford HEPA filters/air quality units. The HRA Energy Audit is a program that can assist homeowners in dealing with extreme heat, cold, and air quality issues.

8.2 COVID-19 Update

Nick Kelley provided detail on CDC quarantining guidelines. There may be a shift in language now with the uptick of COVID-19 cases, “being fully vaccinated” means having two doses and being “up to date” now means boosted. Bloomington Public Health (BPH) continues to offer COVID vaccinations to reach those that are still in need of the vaccine or booster, and has distributed COVID rapid tests to community partners. In efforts to reduce the spread of COVID-19 and to keep staff and residents safe, the City of Bloomington continues to advise staff who can work from home to continue to do so, hold meetings virtually, and has implemented a required mask policy in all City buildings. 5,500 COVID rapid tests were received from MDH and distributed to partners in the community for residents with economic issues who are unable to afford testing. The effort was a success and made possible thanks to the hard work of City staff from Public Health, Housing and Redevelopment Authority, Environmental Health, Community Outreach and Engagement, and many community partners. Additionally, rapid testing kits and respiratory protection options were given to staff members. BPH is in the process of acquiring a shipment of 75,000 KN95 high-filtration respirator masks from MDH. Again, the intent again is to distribute them to residents across Bloomington, Edina and Richfield, who cannot afford to buy these supplies or get them from other sources. There has been a high number of staff absences across the City, which posed a bit of a challenge, but with ample planning, operations did not suffer. City Council issued a resolution encouraging Bloomington businesses and residents to follow COVID-19 safety guidance, urging businesses to consider requiring masks, and proof of vaccination or a negative test for entrance to minimize the risk of exposure.

8.3 Public Health Administrator Update

Nick Kelley provided a staffing update. BPH is working on filling twelve open positions. A SHIP Coordinator and a part-time nurse will be starting the beginning of February. A new public health facility has been included in the Governor’s bonding proposal, which may be determined in May. Part of the funding for a public health building would come from an increase in local sales tax. BPH has been re-engaging in its regular line of work, in light of COVID, such as accreditation, performance management, Community Health Improvement Plan (CHIP), and strategic planning.

9. ADVISORY BOARD OF HEALTH REPORTS/PLANNING

9.1 Chair’s Report

Chair Megan Whittet stated that she will not be renewing her position on the Board after three years of participation. Her last meeting will be in February 2022. The current Chair-Elect, Bhupinder Manhani, will be next year’s chair. There will be two new Board members starting in March 2022.

9.2 Discussing priorities for 2022-23

Priorities or topic areas for the 2022-23 work plan were discussed and includes City of Bloomington staffing support/shortages, Health In All Policies, noise pollution, quiet zones, affordable housing, food scarcity, and climate change among others. The 2022-23 Work Plan will be reviewed and approved at the February 2022 meeting. The presentation of the Board’s 2021-2022 Annual Report and 2022-2023 Work Plan will take place

at the March 7, 2022, City Council meeting.

10. OTHER BUSINESS/ANNOUNCEMENTS

None.

11. NEXT MEETING

February 22nd, 2022 | 6:00 p.m. to 8:00 p.m.

12. ADJOURNMENT

M/Bustamante Ortega, S/Siewert and all voting yes to adjourn. The meeting was adjourned at 8:04 p.m.



Board Agenda Item

Originator Public Health	Item 5.1 Agenda of February 22, 2022
Agenda Section APPROVAL OF AGENDA	Date February 22, 2022

Requested Action:

Description:

Agenda of February 22, 2022



Board Agenda Item

Originator Public Health	Item 7.1 Environmental Health Update (50 min) Lynn Moore, Environmental Health Manager
Agenda Section STAFF REPORTS	Date February 22, 2022

Requested Action:

Description:

Attachments:

[Environmental Health Update](#)

ENVIRONMENTAL HEALTH TOPICS

February 22, 2022 Advisory Board of Health

By

Lynn Moore, Environmental Health Manager

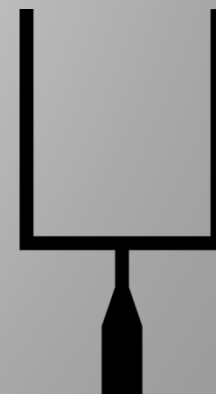
Overview

- Mission, Our Team, Main Programs
- Authority for Primary Duties & Program Numbers
- Foodborne Illness Data
- Updates to MN's Childhood Lead Poisoning Prevention Act
- Elevated Blood Lead Data
- Radon Education

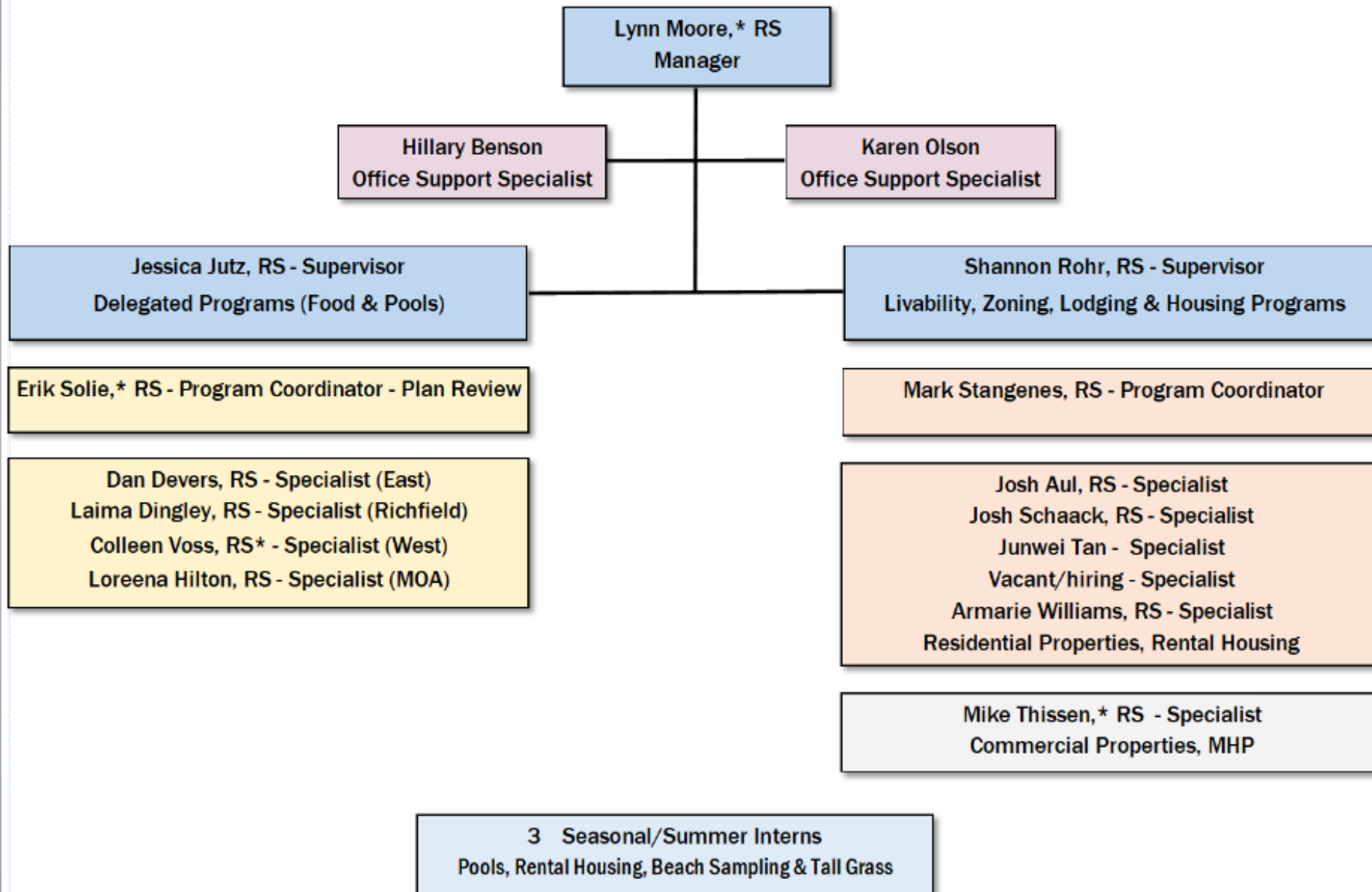


Keep Bloomington a safe and desirable location to visit, live, own property, and conduct business.

Goal



Bloomington Environmental Health Division



* indicates well inspection staff

Environmental Health Programs

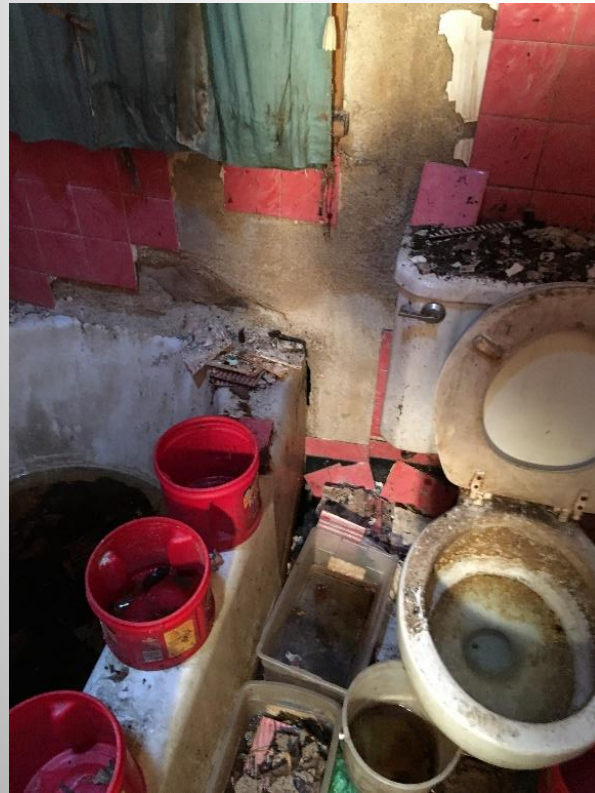
- MDH/MDA delegated
 - Food
 - Lodging
 - Pools
 - Wells
 - Manufactured Home Parks
 - Plan review
 - Outbreak investigation
 - Richfield Contract
 - Lead
- Rental Housing
 - Multiple family
 - Group housing
 - Single family
 - Complaints
- Commercial & Residential Code Enforcement
 - Systematic inspections
 - Complaints
 - Spills

Primary Duties

- Legislative Mandate – through statute & rule State legislature requires City to provide services
- Discretionary – City Council ordinances establish requirements & program standards
- Delegated – State agencies delegate their enforcement authority to the City

Legislative Mandate

- Public Health Nuisance Abatement (garbage house clean up)
- Securing Vacant/Abandoned Homes
- Hazardous Building Abatement



Discretionary Programs

City Code Enforcement

- Residential
- Commercial

Rental Housing Licensing & Inspection

- Apartment buildings
- Group Housing
- Four-plexes & duplexes
- Homes, Condos & Townhomes

2021 Rental Housing Licenses

35% of housing units in Bloomington are licensed rental

- Multiple-family
 - 468 buildings/12,608 units
 - Increased 7.7 % with 9 buildings/894 units
- Duplexes
 - 189 buildings/286 units
- Single-family
 - 1,338 houses, condos & townhomes
 - 6% of all single-family is licensed rental
- 617 rental complaints investigated



Delegated by Agreement

- MN Dept of Health (last updated July 2010)
 - Licensing & inspections: food service, lodging, public pools, manufactured home parks & recreational camping areas
 - EH inspection services contract with City of Richfield (food/pool/lodging)
 - Permitting & inspection of water wells (last updated May 2010)
 - MOU for environmental lead assessment/sampling for cases of elevated blood lead levels in children & pregnant women
- MN Dept of Agriculture (last updated 2001)
 - Licensing & inspections: retail food establishments & farmers' markets

What Happens at Home . . .



... Is Not the Standard for the Public



Food, Pools, Lodging, Wells & MHP



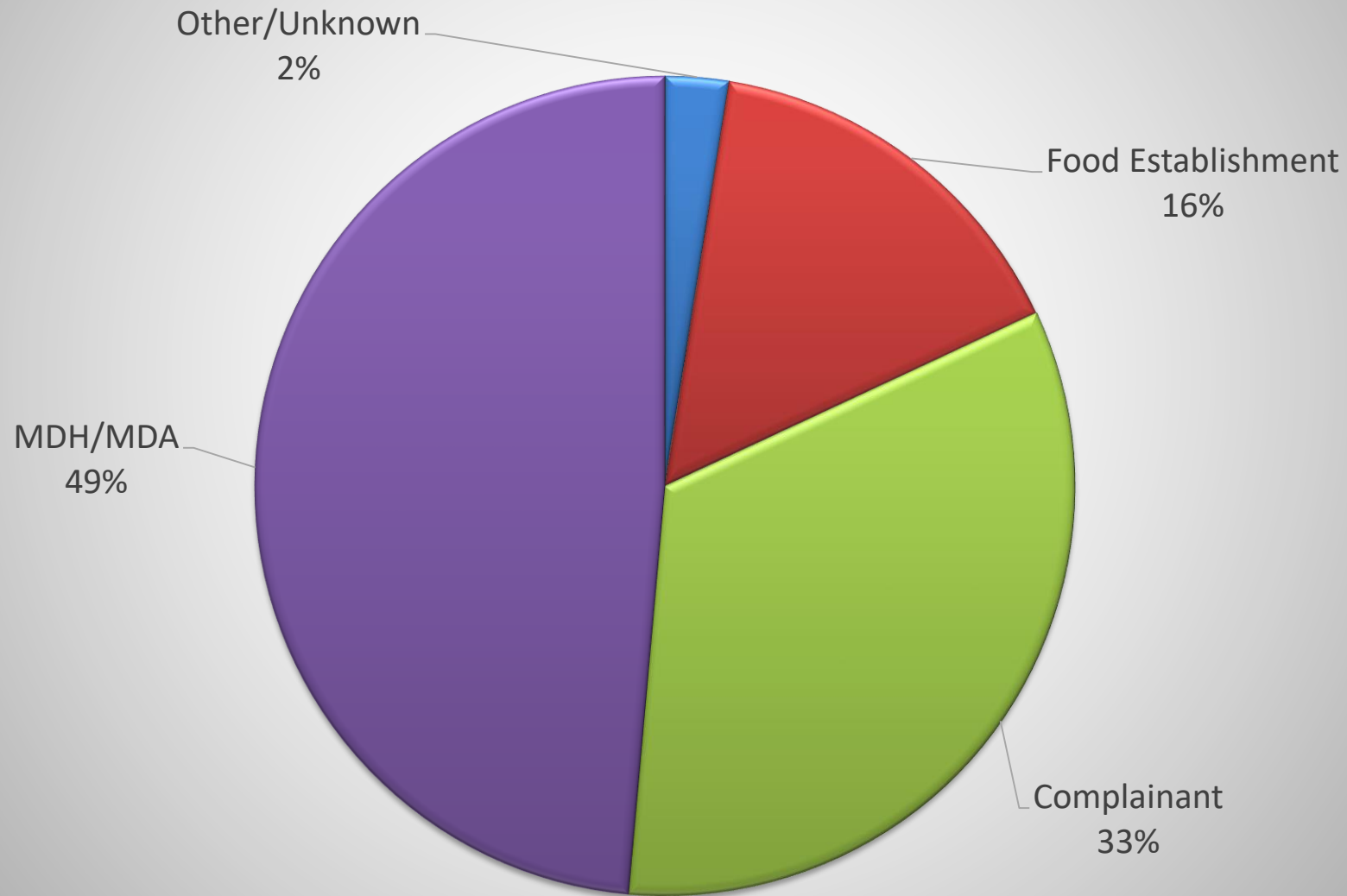
Delegated Program Licenses

- Food –
 - 375 Bloomington & 140 Richfield food service
 - 178 retail food (MDA)
 - Temporary food stands & farmers' market stands (MDA)
- Pools – 180 Bloomington & 23 Richfield
- Hotels – 46 (9,645 rooms) Bloomington & 3 (335) Richfield
- Plans reviewed – 50 avg./year in Bloomington & Richfield
- Wells – 150 avg./year sealing & construction permits
- Manufactured home parks – 1 (1 closed 6/2017 & 1 in 2006)

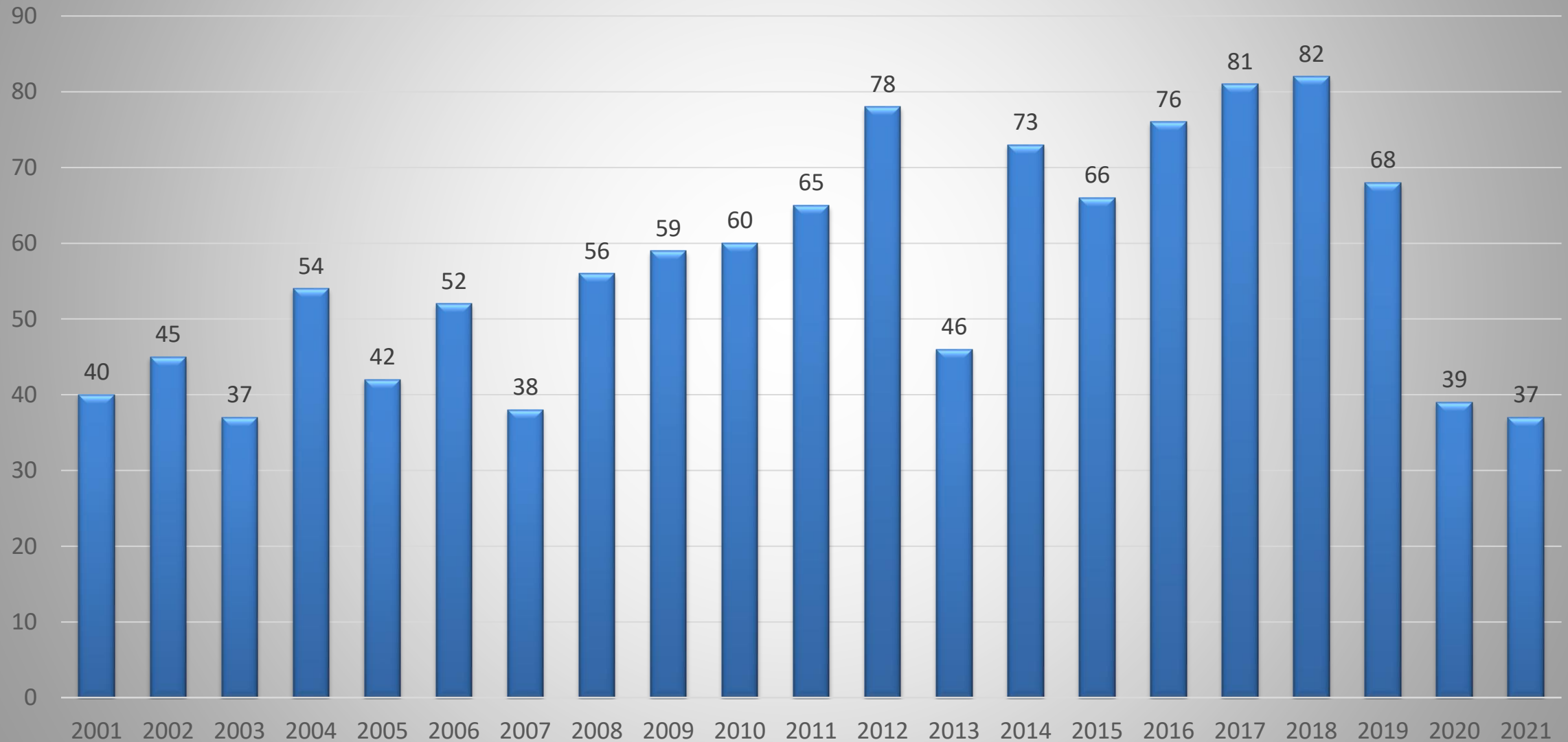




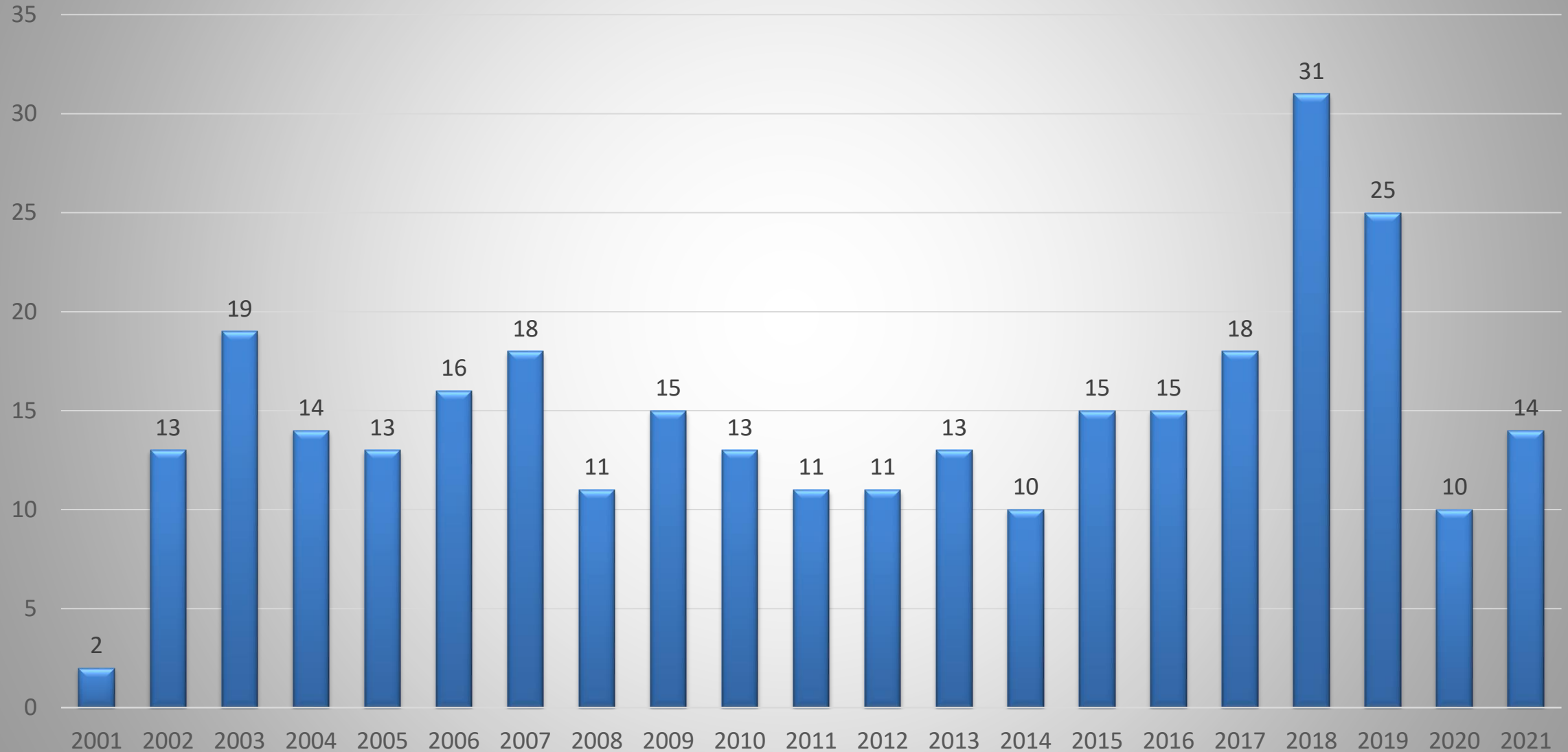
Foodborne Illness Complaints by Source In Bloomington & Richfield, 2001-2021, n=1,513



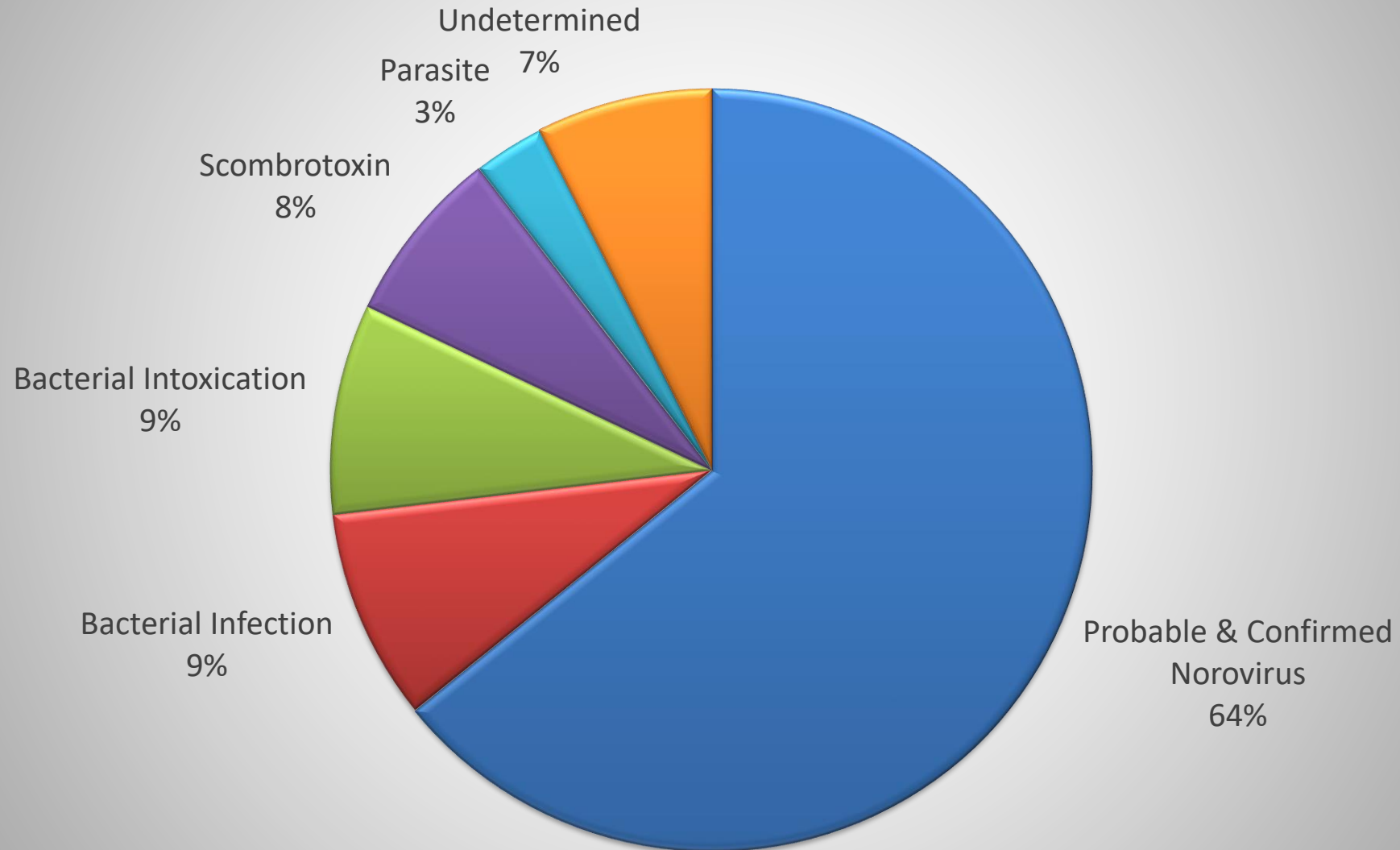
Foodborne Illness Complaints by Year In Bloomington, 2001-2021, n=1,194



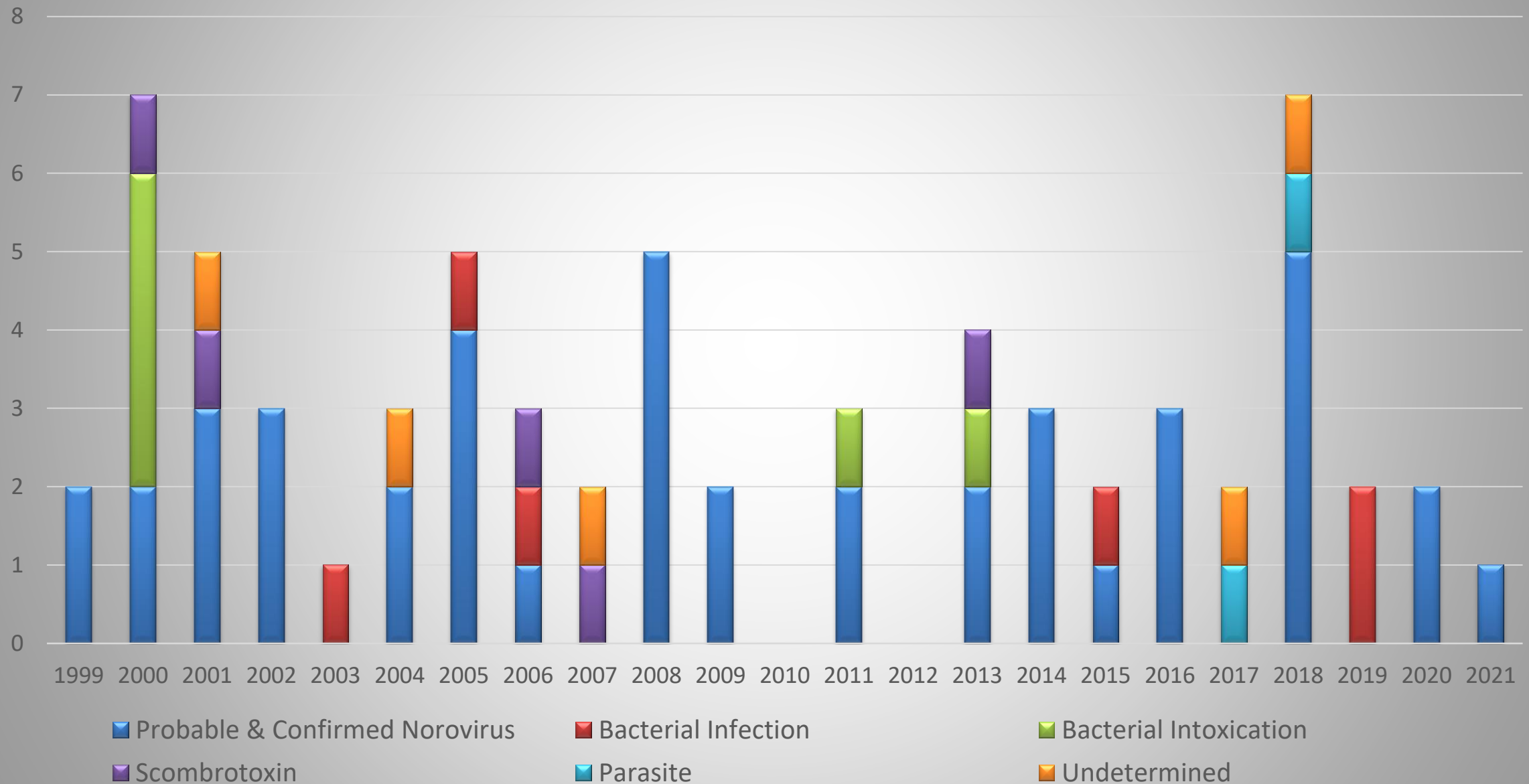
Foodborne Illness Complaints by Year In Richfield, 2001-2021, n=307



Foodborne Illness Outbreaks In Bloomington & Richfield, 1999-2021, n=67



Foodborne Illness Outbreaks by Year in Bloomington and Richfield 1999-2021, n=67



Norovirus at a Full Service Restaurant - June

- Received complaint from a party of 3 in 2 different households with no other common exposures
- 3 of 3 ill with vomiting and diarrhea
- Incubation 28-29 hours
- MDH interviewed 48 patrons and discovered 2 more cases
- One employee was ill but not noted on the employee illness log
- Observed bare hand contact with ready-to-eat food
- MDH classified it as Norovirus with bare hand contact as the likely source

Possible Bacterial Intoxication at a Full Service Restaurant - August

- Received a complaint from a party of 2 in 2 different households
- Both had vomiting and diarrhea
- Incubation 1-6 hours
- MDH did not interview additional patrons
- Conducted a full routine inspection paying close attention to food flows for cooling, temperature logs, reheating, hand-hygiene
- No violations observed related to these issues
- Not confirmed as a foodborne outbreak

Legionnaire's at a Hotel Hot Tub - August

- 1 case of Legionnaire's disease from another state stayed at a Bloomington hotel, but had many other possible exposures
- Conducted inspection of pool and spa
- Spa had low chlorine level
- 1 of 2 pumps not functioning
- No indication source was the hotel or hot tub
- Never heard if source was identified
- No other cases identified associated with the hotel

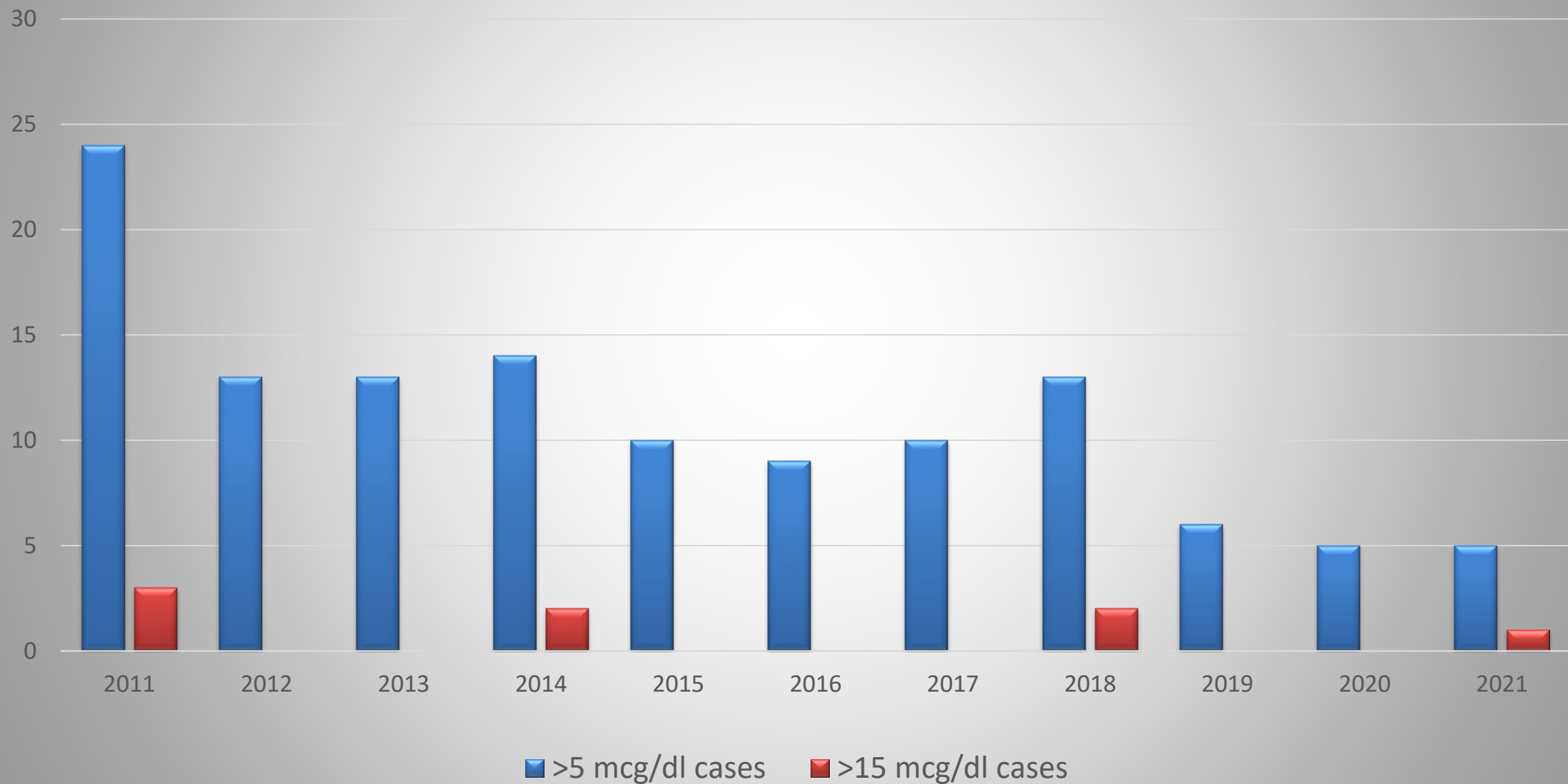


The MN Lead Poisoning Prevention Act

Changes to MN Statutes 144.9501-144.9512 effective as of 7/1/2021:

- Lead Risk Assessment required within 20 business days of a child or pregnant person having a venous blood lead level equal to or greater than 5 mcg/dl (had been 15 mcg/dl).
- Anyone under age 18 is considered a child (had been 6 and under).
- Lead Risk Assessments
 - If another location outside of the home is the original source of the lead exposure, can order that location to perform lead hazard reduction and remediate the conditions that allow the lead hazard to migrate from the source location to the home.
 - Risk assessments can be done at other locations where the lead hazards are suspected in addition to the home, child care facilities, playgrounds, and schools.
 - An assessing agency may refer investigations at sites other than the residence to MDH for follow up.

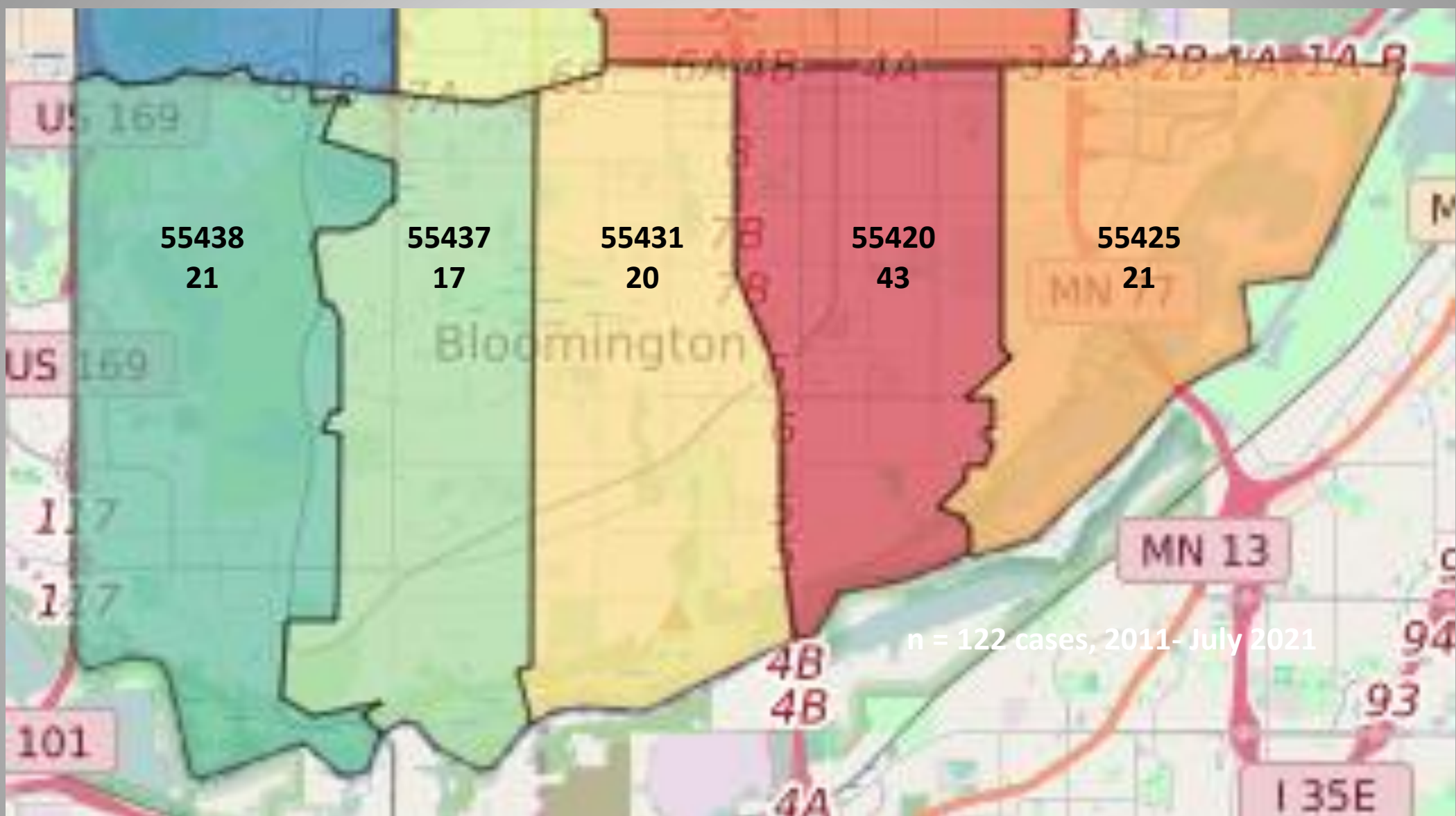
Lead Cases in Children Under 6 Years In Bloomington, 2011-July 2021, n = 122



Bloomington Assessment Cases

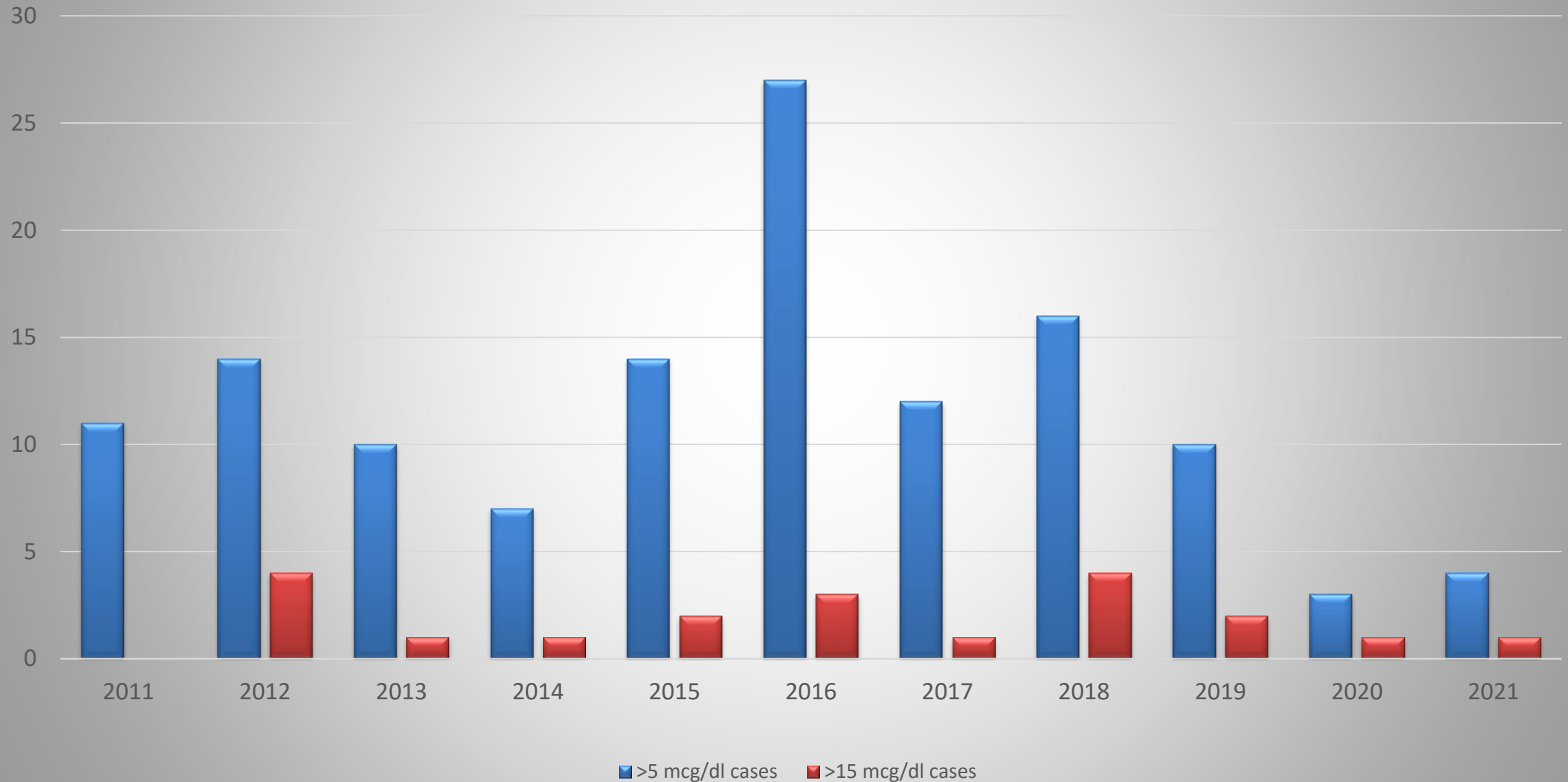
5 of 8 the assessment level cases in 11 years were started in Bloomington

- 2021 - Apartment building (1967) - very minor repair/repaint of outdoor window sash completed
- 2018 - Townhome owner-occupied (1976) - case not started in Bloomington
- 2018 - Apartment building (1964) - case not started in Bloomington
- 2014 - Apartment building (1986) - lead found in spices - not building
- 2014 - Apartment building (2011) - lead found in spices - not building
- 2011 - Apartment building (1986) since 2016, but was a condo building before - lead not found
- 2011 - 4-plex rental (1960) - lead not found
- 2011 - No address - case not started in Bloomington



Bloomington Lead Case Distribution by Zip Code

Lead Cases in Children Under 6 Years In Richfield, 2011-July 2021, n = 128



Richfield Assessment Cases

4 of 20 assessment level cases in 11 years were started in Richfield

- 2020 - Apartment building (1967) - probable lead in spices - not building
- 2014 - House (1941) - high levels in dust and paint chips inside house - HC helped to replace windows
- 2013 - Apartment building (1967) - possible lead in cookware from India
- 2012 - Rental duplex (1959) - low lead levels detected in soil and exterior surfaces of house
- There was also an (1) adult case – lead found in pottery glaze of bean pot

Radon Outreach & Education

- What is it?
 - Naturally occurring colorless, odorless gas
- Why is it a concern?
 - It decays into radioactive particles
 - long-term exposure can lead to lung cancer
- Testing
 - Start with a short-term test (\$20)
 - 0 – 1.9 pCi/L retest 2-5 yrs; 2-8 long-term test; >8 do another short-term
 - 2nd test 4 or >; highly recommend a mitigation system



Can't Make It Up



Questions?





DATE: January 31, 2022
TO: Mayor, Council and City Manager
FROM: Lynn Moore, Environmental Health Manager
RE: 2021 Residential & Commercial Code Enforcement and Rental Housing Summary

Residential Code Enforcement/Livability Program

In 1993, the City Council established a policy authorizing Community Development staff to initiate complaints on certain code violations they observe during their normal workday duties. Before 1993, the City's policy had been to enforce only upon receiving a resident's complaint. In the early 1990s, the number of complaints was increasing dramatically and residents were questioning why they had to complain before the City would enforce.

In 1998, two full-time equivalent (FTE) inspector positions were added in the Environmental Health Division (EH) of the Community Development Department to begin systematic citywide inspections year round. Systematic inspections involve inspectors driving, and sometimes walking, all city streets looking for and issuing written notices to correct City code violations. The approach was adopted to reduce violations and resident complaints. Actively looking for violations in turn improves property maintenance and appearance, creating desirable neighborhoods. In 2017, a third FTE inspector position was added.

EH's residential inspectors worked on 3,081 complaints in 2021 with 3,937 violations cited in written notices to property owners. The number of violations exceeded complaints because complaints frequently result in more than one violation verified. Investigating complaints within two business days is the goal, but some complaints take longer to verify especially if the violation is transient, or if it is not observable from the public street or in the field of view when the inspector approaches the front door. "Field of view" defines where an inspector is allowed to enter the property to observe violations. Complaints range from tall grass to a home filled with garbage; all having different challenges in observing and documenting violations and achieving compliance. When inspectors investigate a complaint on a property, they also look for violations at other properties in the vicinity. This helps answer the typical question, "Why doesn't the City treat me and my neighbor equally?"

Systematic Inspections, a Proactive Approach

Since 1998, inspectors have conducted systematic inspections year round. In 2019, EH combined the work of the three code enforcement and the two rental housing inspectors creating five territories for all rental and owner-occupied residential complaints and inspections. The inspector's job is to observe all properties in their territory looking for violations, issuing correction notices, educating residents and following up on notices issued. Using this proactive approach, all residential properties are inspected at least once per year. The busiest streets and areas with high concentrations of problem properties are inspected more often and staff regularly conduct follow-up

inspections in the evening and on weekends to investigate transient violations like those related to vehicles and trailers. In 2021, systematic inspections resulted in 2,157 staff-generated complaints with violations cited in written notices, or 63% of all complaints (residential and commercial).

2021 Residential Code Enforcement Program Numbers (includes licensed rentals)

EH has worked with Information Technology (IT) to track complaints in the City's geographic information software for thirteen years. The software application links the pertinent property information with the necessary complaint/enforcement case details giving the inspectors a clear view of open/active complaints (red dots) and closed/corrected ones (green dots). Residents calling or emailing complaints can be informed immediately whether the City already has, for example, issued orders at a specific property to mow tall grass. Residents appreciate knowing City inspectors are already aware of an issue. This is why it is important to encourage residents to communicate their concerns directly to EH by calling (952) 563-8934 or emailing envhealth@BloomingtonMN.gov.

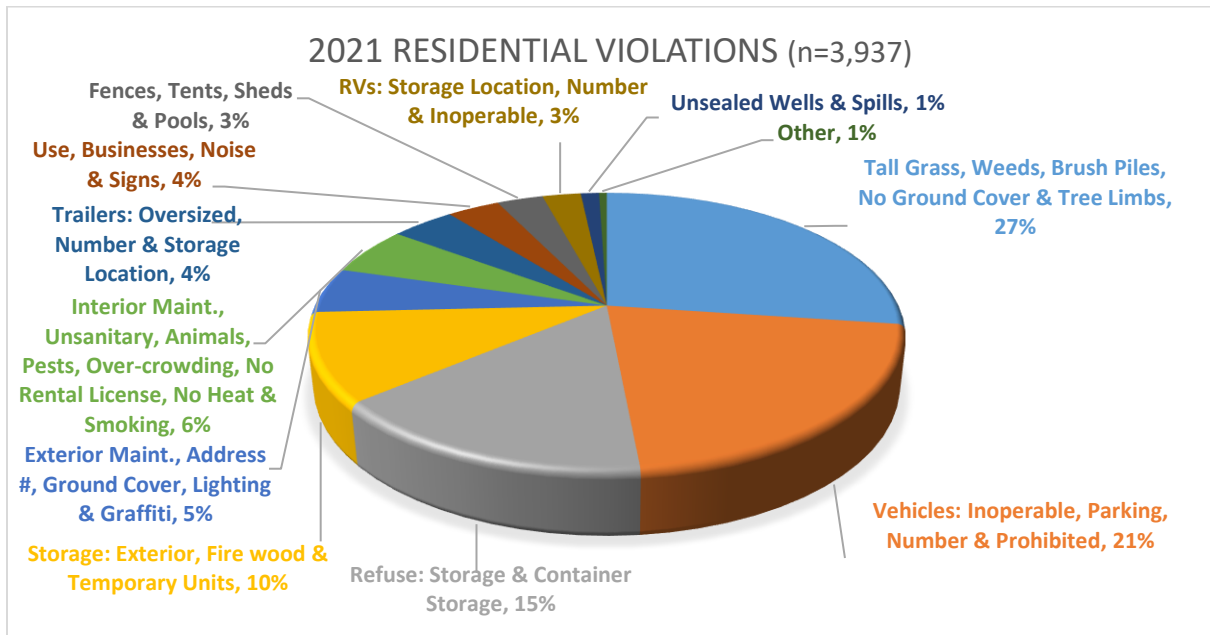
*Total residential properties: single- & two-family, and townhomes		24,066
Approximate percent of residential properties with a complaint in 2021**		13%
EH staff-generated complaints - properties with violations cited during systematic inspections	1,971	64%
Complaints from residents - properties with violations cited during complaint inspections	1,110	36%
**Total complaints		3,081

*Per Assessing Division; does not include condos, cooperatives and apartments.

**A property can have more than one complaint.

Residential City Code Violations (includes licensed rentals)

EH cited 3,937 violations in written notices to residential property owners in 2021. The percent of total violations grouped by type in the chart below is consistent with previous years' results. The most frequently cited individual violations were: tall grass/weeds/brush (1,069 times); vehicles (840); refuse (606); exterior storage (408) and exterior maintenance (208). The 862 tall grass violations reflects the large number of resident complaints received and proactively inspecting all properties in late May to identify those that had not been mowed. The "Other" violation category includes odor, snow throwing, water drainage, putting leaves in the street, person living in RV, etc.



Enforcement Process

EH's enforcement philosophy is to use communication and education to achieve compliance and prevent recurring violations. Therefore, inspectors spend a significant amount of time working with residents. Because compliance is the goal, inspectors attempt to talk with property owners to discover obstacles to compliance, recommending solutions and services including programs offered by the City, Hennepin County and local volunteer organizations. Finding solutions consistent with residents' timelines if possible and reasonable is the best outcome.

Written notices explaining City Code requirements are issued when inspectors observe violations. Inspectors issue a first notice and when necessary a second notice. Each notice provides ten days to come into compliance before a follow-up inspection is conducted. The third or final notice, includes a similar ten-day compliance period. If the violation still exists after three notices and the owner has made little or no effort to comply, then EH sends a letter specifically warning of possible fines, nuisance service call fees and criminal prosecution. This "last chance letter" is useful in getting the attention of the owner because it clearly explains what actions are going to take place if they do not comply. Very few correction notices result in civil fines and it has been over seven years since an enforcement case has been referred for criminal prosecution. Criminal prosecution is reserved for the most flagrant violations when all other approaches have been exhausted.

Certain violations like graffiti, tall grass, brush piles, or the cleanup of public nuisances (i.e. unsanitary interior conditions, dumped or collected refuse, etc.) are handled in a different manner. The property owner is issued a written notice to comply within ten days (seven for mowing) with an explanation that if they fail to comply, the City will remove the graffiti, mow the grass or clean up the refuse. The notice also states that abatement costs plus a \$100 inspection fee will be assessed to their property taxes if not paid to the City. These pending assessments are sent to Hennepin County by the end of November each year.

2021 Residential, Commercial and Rental Program Fines, Fees and Abatements

Administrative Penalty Orders (APOs) or Civil Fines		60 fines	34 properties
Multiple Call Notices & Nuisance Service Fees	15 notices	8 fees	12 properties
Active Criminal Cases			0 cases
Hazardous building enforcement resulting in demolition, number of properties			*0
Garbage house/unit (includes rentals & hotel rooms) complaints investigated			52
Garbage house complaints investigated, but not declared a public health nuisance			17
Garbage houses abated/cleaned by owner			34
Garbage houses abated by EH's contractor			1

*In 2020 EH demolished 1 fire-damaged house & EH enforcement lead to HRA purchasing and demolishing another.

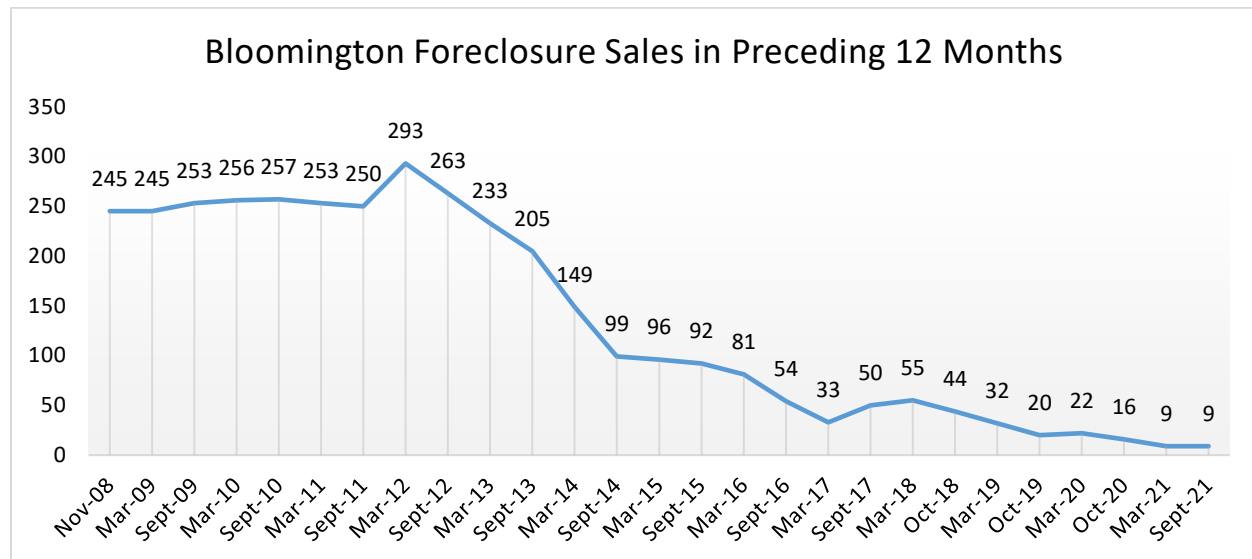
Mowing services provided by EH's contractor (at 47 properties)	59
Exterior pickup/cleanup services by EH's contractor (refuse and/or brush)	42
Vacant homes secured, locks changed, windows boarded by EH's contractor	*1

*Decrease from 28 secured in 2011; 2012 & 2013(9); 2014(6); 2015 & 2016(1); 2017(6); 2018(4); 2019(3); 2020(2).

Foreclosure Monitoring

Environmental Health has been tracking foreclosed properties over the past fourteen years, starting with the list of all city properties having a Hennepin County Sheriff sale in the past twelve months. Inspectors then verify recent sales by checking the Hennepin County Property Information website removing properties that have resold along with commercial properties and condominiums. Properties on this refined list are inspected from the street. The City has 24,066 single-family,

duplexes and townhomes in 2021. The number of units in the foreclosure process remained consistent at an average of 1.10% from November 2008 through March 2013 with a peak in March 2012 of 1.25%. In the past nine years, the number of foreclosure sales in the previous 12-month period fell from 1% in September 2013 to 0.04% in March 2021 demonstrating pre-housing bubble levels.



Two properties appeared vacant from the street in September and none were found unsecured requiring securing against illegal entry (i.e. doors and/or windows left open, unlocked or broken). EH staff report that neighbors frequently thank them for the City's proactive efforts to monitor and abate nuisance conditions without waiting for a complaint, especially at vacant properties.

Foreclosed Property Status	Sept 2015	Mar 2016	Sept 2016	Mar 2017	Sept 2017	Mar 2018	Oct 2018	Mar 2019	Oct 2019	Mar 2020	Oct 2020	Mar 2021	Sept 2021
HC Sales in Past 12 Months	92	81	54	33	50	55	44	32	20	22	16	9	9
Total Properties Inspected	71	62	33	23	37	40	34	20	18	16	7	5	5
Appeared Vacant	51%	48%	42%	57%	46%	70%	47%	55%	28%	25%	43%	20%	40%
Posted "For Sale"	25%	16%	15%	22%	5%	3%	9%	15%	11%	0%	29%	0%	0%
With Nuisance Violations	30%	19%	30%	30%	35%	35%	24%	25%	17%	38%	57%	20%	40%

Conducting the twice a year monitoring of foreclosed properties helps EH identify vacant properties to check every few weeks for tall grass, brush piles, refuse dumping and ensure the home remains secured against illegal entry. All abatement services, which include a \$100 inspection fee, are billed to the property owner. If the owner does not pay, the City assesses the cost of these services.

Rental Housing Licensing and Inspection Program

The first Village Ordinance for multiple dwelling (three or more units) rented buildings dates from October 14, 1947. By March 1963, the City was starting to also regulate rented single-family homes and duplex units. The main reason for licensing and regular inspection is the same now as it was sixty years ago: to protect the health, safety and welfare of City residents living in rented housing. Regular inspection also ensures upkeep and maintenance, which in turn helps maintain the property's value and the value of neighboring properties. EH currently has three rental housing licensing and inspection FTEs: two inspectors and a program coordinator. In 2019, the work of the

two housing inspectors was combined with the three code enforcement inspectors creating five territories for all rental and owner-occupied residential complaints and inspections. The housing program coordinator focuses on pre-licensing inspections, training, difficult cases and conducting the required HUD assessment inspections at the rented houses owned by the City's HRA.

The COVID-19 pandemic affected EH's ability to complete routine inspections. In a normal non-pandemic year all licensed multiple-family buildings and 10% of each building's apartment units, four-plex units, duplexes units, condos, townhomes and single-family houses would be inspected. Routine interior inspections of occupied units in multiple-family buildings restarted in May 2021 with most state-wide COVID executive orders expiring by July 1st. Despite the availability of COVID vaccine, lower infection rates and inspectors wearing masks, some tenants refused routine inspections. Inspectors inspected occupied units with tenant permission for routine and complaints, and both occupied and unoccupied units to issue new rental licenses. Properties with a history of maintenance violations were prioritized for scheduled routine inspections.

Inspectors enforce the 2012 edition of the International Property Maintenance Code (IPMC) adopted in City Code by reference. It covers requirements such as property maintenance, occupancy limitations, lighting, ventilation, mechanical systems, plumbing and fire protection. Inspectors also look for City Code nuisance-type violations when conducting routine, follow-up and complaint inspections. The enforcement process of issuing a series of written notices that progress to civil fines is the same as for owner-occupied residential properties. The main difference is both the owner and tenant receive the written notices to correct violations.

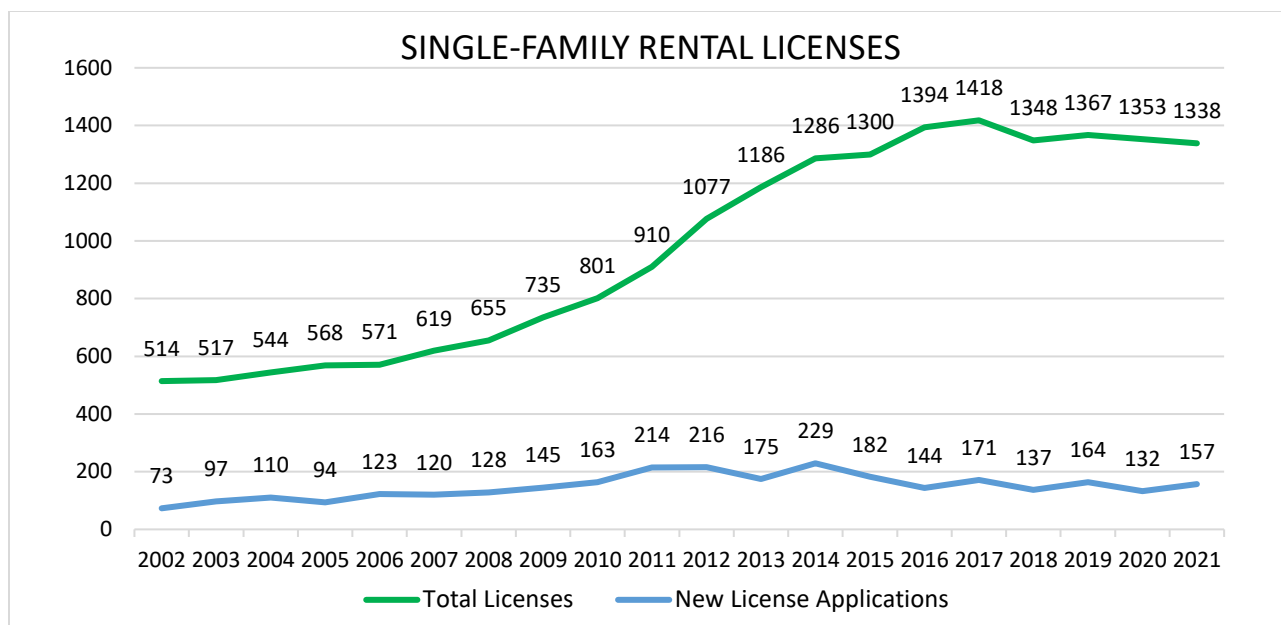
2021 End of Year Licensed Rental Housing Numbers

Licensed multi-family buildings & units (apartments & 4-plexes)	468 buildings	12,608 units
Licensed single-family dwellings (houses, condos & townhomes)		1,338
Licensed duplex buildings & units	189 buildings	286 units
Group housing buildings & beds	29 buildings	374 beds
New single-family license applications (included in the 1,338 end of year total)		157
Rental housing complaints investigated		617

At the end of 2021, licensed rentals made up 35% of all dwelling units in the City. The largest increase in rental housing units was in multiple-family. Nine new multiple-family buildings at six properties with 894 dwelling units opened in 2021; an increase of 7.7% multiple-family rental units.

City-licensed rentals were 6% of all house, condominium, townhome and duplex units in the City at the end of 2021. From 2002 through 2017 there was a steady increase in the total licenses. This trend changed in 2018 when the total number of single-family licenses decreased by 5%. See the green trend line on the next page. The number of new single-family rental license applications per year has fluctuated (blue trend line) over time with the five- and ten-year average 152 and 171 respectively.

In 2021 there were 157 new single-family license applications, but 172 existing licenses were inactivated. The main reason licenses are inactivated is the property was sold to a new owner intending to occupy the home. The Assessing Division concurs the trend is due to increasing property values and low inventory making it appealing for sellers to maximize a return on their investment. In general, house values are above their previous peak value that occurred around 2007.



*Houses, condominiums and townhomes.

The total number of rental property inspections is a function of the number of licensed multiple-family buildings, duplex units, group housing buildings, and single-family houses, plus the number of new single-family license applications. All new group housing, single- and two-family rental licenses require interior and exterior inspection before a license is issued to ensure there are no hazardous conditions for tenants. These pre-license inspections in 2021 resulted in 59% passing with minor violations and 41% needing repairs requiring follow-up inspection before the license was issued. EH uses the pre-licensing inspection to confirm open building permits and problems identified as part of a time-of-sale inspection are resolved before tenants move in.

Routine or annual rental inspections are scheduled in advance allowing the owner to give their tenants proper notice that the owner and inspector will be in their home. Responsible owners conduct their own regular inspections making any needed repairs without direction from the City. Inspectors attempt to work with owners to see the benefit in not solely relying on the City's annual routine inspection for identifying needed repairs, routine maintenance, or smoke detector batteries.

In 2021, 83% of the existing licensed single-family and duplex units received a routine or annual inspection. Fourteen percent of licensed units' routine inspection resulted in EH inspecting only what could be seen from the front door because the owner, or owner's agent, failed to meet the inspector at the scheduled inspection time. Inspectors then contact the owner or agent to reschedule the inspection. Owners not showing up, not calling to reschedule or not sending another to meet the inspector for the scheduled inspection is a priority performance measurement that has been slowly improving. EH was not able to schedule a routine inspection for the remaining 3% of licensed single-family and duplex units. Properties not inspected in 2021 and those with the most violations are a priority for inspecting in early 2022.

Of the 1,229 single-family and duplex units receiving a routine or annual inspection in 2021, 63% "passed" meaning no violations, or only minor violations while 20% had major violations requiring a follow-up inspection. Lack of functioning smoke detectors is the most commonly cited major or "fail" violation requiring follow-up if not corrected during the routine inspection. In 2021, 97% of the city-licensed multiple-family apartment buildings/properties received a routine or annual

inspection and 6% of all units. In a non-COVID year EH's goal is to inspect 100% of the multiple-family buildings and 10% of all units.

Commercial Property Program

In 2007, the City Council approved adding a position in EH assigned to focus on the 1,015 commercial and industrial parcels in the City. The commercial inspector works with property owners and tenants by conducting onsite inspections as part of the use permit application process, investigating complaints, conducting systematic inspections, reviewing sign permits, and working with other City divisions and departments on how to best handle problem commercial properties. In 2021, 317 complaints were investigated at commercial properties. Of these complaints, 59% (186) were from inspector systematic inspections and 41% (131) were received from residents or business tenants.

City Code violations cited at commercial or industrial parcels	372
Chemical spills investigated & remediated	3
Temporary sign permits issued	40

Commercial Violations

The pie chart below depicts the distribution of the 372 commercial/industrial property violations cited in 2021. The most frequently cited violation was tall grass/weeds/brush (72 times), followed by signs/fences/landscaping (54), exterior maintenance (51) and refuse and refuse container storage (50). City code violations cited under "Other" included complaints investigated about COVID-19 state-wide executive order requirements for masks*, odor, unsealed wells and parking lots not being plowed.



*In addition to the four mask violations cited at non-licensed businesses included in the chart above, 46 COVID-19 Executive Order complaints were investigated at city-licensed food, pool and lodging establishments by EH's health inspectors in 2021.



Board Agenda Item

Originator Public Health	Item 7.2 State Health Improvement Partnership (SHIP) Update (10 min) Kate Ebert, Public Health Specialist
Agenda Section STAFF REPORTS	Date February 22, 2022

Requested Action:

Description:

Attachments:

[SHIP Update](#)

Statewide Health Improvement Partnership (SHIP)

Updates to the Advisory Board of Health
February 22, 2022

Projects

- Minigrant RFP to be released February 2022
 - Reengage with community partners and identify community priorities
 - \$48,000 available, \$15,000 earmarked for renter health projects
- Renter Health and Accessibility Survey launching Spring 2022
 - Contract with HOME Line for project administration
 - Will provide city-specific data related to the health and wellbeing of residents in our NOAH properties
- Convened National “Smoke-free MUH Equitable Enforcement Advisory Committee”
 - Minnesota model policy to be released Q1
- HiAP Committee ongoing

Opportunities

- Share Minigrant RFP to community partners, with a focus on groups/orgs/settings that support renters, low-income residents, and BIPOC communities
- Support Renter Health Survey by sharing volunteer recruitment
 - Utilize data to highlight connection between health and housing, inform city policy decisions
- Draft Bloomington SFMUH policy with input from PHLC model policy, city staff, community stakeholders
- Review food access/justice policy opportunities
- Begin utilizing a HiAP assessment tool for recommendations going to council
- Attend (1-2 individuals) HiAP committee meetings with city staff on topics aligned with ABH workplan

Questions?

Esther Mwangi, MPH

SHIP Coordinator

emwangi@bloomingtonmn.gov

Kate Ebert, MPH

Health in All Policies Specialist

kebert@bloomingtonmn.gov



Board Agenda Item

Originator City Manager's Office	Item 7.3 Earned Sick and Safe Leave Task Force Update (10 min) Kate Ebert, Public Health Specialist
Agenda Section STAFF REPORTS	Date February 22, 2022

Requested Action:

No Action Needed - Presentation Only

Description:

Here's an update regarding the City's Earned Sick and Safe Leave proposed ordinance.

In February 2021, at the Council's direction, staff began exploring the development of an Earned Sick and Safe Leave (ESSL) ordinance for the Council's consideration. In Minnesota, the cities of Minneapolis, St. Paul and Duluth currently have local ordinances in place requiring employers to provide some amount of paid sick and safe leave to employees, but there is no similar requirement in place on a statewide basis.

In April 2021, the City Council evaluated several options and directed staff to outline a process for developing an Earned Sick and Safe Leave ordinance for Bloomington. After conversations with representatives of the business community, hospitality industry, organized labor and advocacy organizations, staff recommended the following:

Task Force Appointment of an 8 to 10-member task force composed of:

2 people from the Hospitality Industry (likely 1 staff person and 1 member of the Bloomington Convention & Visitors Bureau)

2 people from the General Business Community (likely 1 staff person and 1 member from the Chamber of Commerce)

1 or 2 individuals from organized labor, such as Unite Here Local 17 or others

1 individual from the advocacy field, such as Take Action MN

2 community members

On June 14, 2021, the City Council established an Earned Sick and Safe Leave Task Force with the charge to develop and recommend to the Council an ordinance that ensures the provision of Earned Sick & Safe Leave to individuals working in the city of Bloomington, and appointed the following individuals to the task force: Nat Anderson-Lippert, Resident Alex Francis, General Manager, Radisson Blu Robert Freeman, HealthPartners Robert Haider, Policy Director, Take Action MN Nicole Mills, Executive Director, Oasis for Youth Dan Swenson Klatt, Main Street Alliance Wade Luneberg, Political Director, UNITE HERE Minnesota Hospitality Union John-Paul Yates, Bloomington Chamber of Commerce (Mpls Reg'l Chamber) Brittany Milan, Eleve, Bloomington Business Owner

The Task Force was asked to recommend to the City Council an ordinance ensuring the provision of paid Earned

Sick & Safe Leave to individuals working in the city of Bloomington. The recommended ordinance is intended to: promote and protect the wellbeing of the Bloomington workforce and Bloomington residents; support the Bloomington City Council's strategic priority of equity and inclusion; balance the unique needs and circumstances of Bloomington employers with a recognition that Bloomington is part of a regional labor and service market; reflect the input of a diverse pool of stakeholders; outline how the City will ensure compliance with the provisions of the ordinance; be as clear, understandable and uncomplicated as feasible for both employers and employees.

The Task Force met six times over the course of the year to develop the recommendations. Wednesday, June 23
Wednesday, July 14 Wednesday, July 28 August – September: Gather stakeholder input Wednesday, October 13
Wednesday, October 27 Monday, November 22 Included in those discussions was a formal review of the existing ordinances in Minneapolis, St. Paul, and Duluth, as well as the significant public health considerations of a change. In addition, the Community Outreach and Engagement Division conducted formal outreach and community survey opportunities for businesses, affected employees, and the public. Staff who supported the Task Force include: Kris Wilson, Peter Zuniga, Kate Ebert, Tracy Smith, and Michael Sable.

Attachments:

[Safe and Sick Leave presentation](#)
[Paid Sick Leave benefits factsheet](#)
[Safe and Sick Leave draft ordinance](#)

Earned Sick and Safe Leave

Advisory Board of Health
February 22, 2022

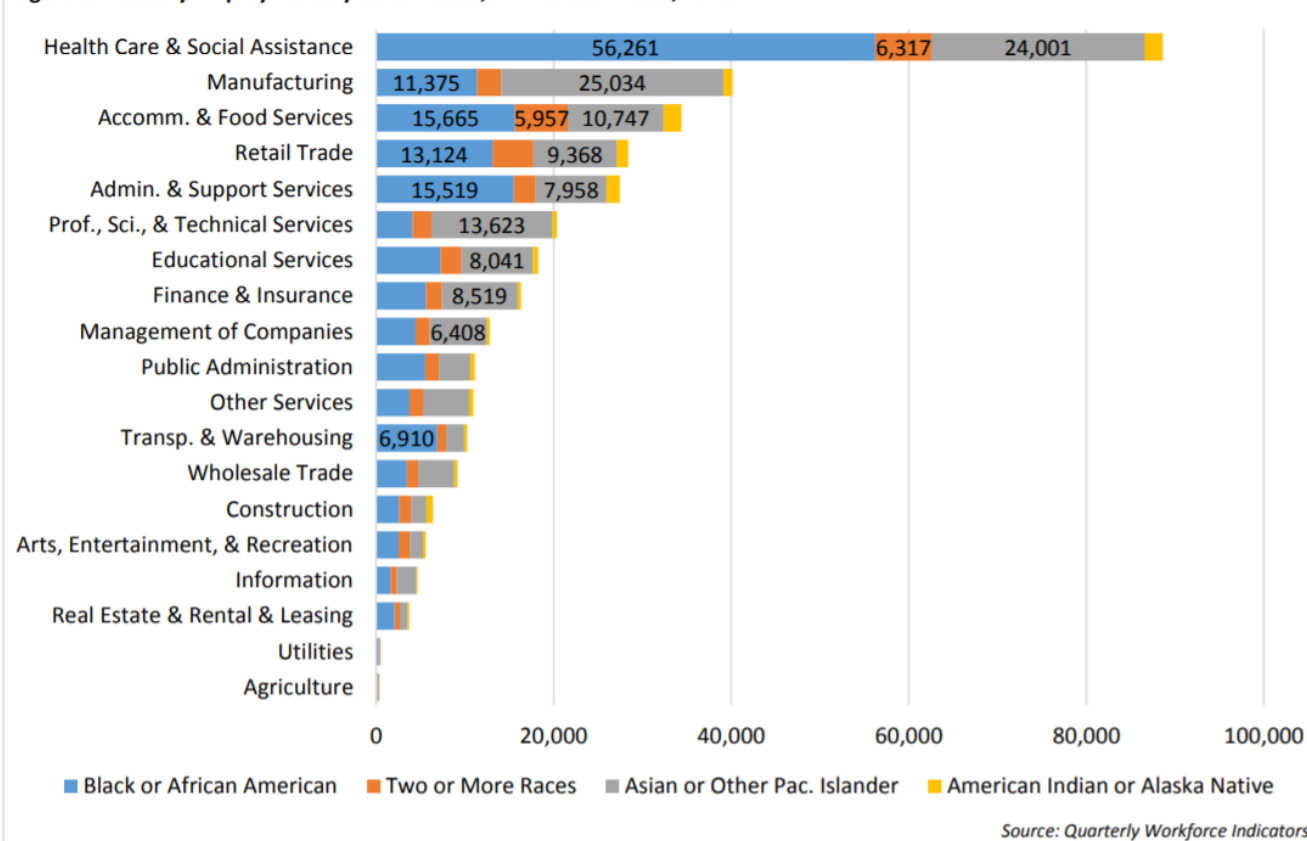
Issue

- Currently there is no national or state level Sick Leave Policy
- Nationally, 79% of civilian workers had paid sick leave available to them
 - 95% of high-wage civilian workers had access while only 35% of low-wage workers did
 - Only 27% of private sector, low-wage workers had access to paid sick days
- Disparities exist in access to paid sick leave by income level, race, sex
 - Front-line workers less likely to have paid sick leave

Who's Impacted

- Caregivers of children, adults, aging family members
- People experiencing intimate partner/domestic violence
- Employment in positions with greatest public health exposure risk covers 41% of our employment landscape in 4 fields
 - Healthcare
 - Education
 - Food service & accommodation
 - Retail

Figure 5. Industry Employment by Other Races, Twin Cities Metro, 2019



Health Impact

- Safer working conditions
 - workers with paid sick days are 28% less likely to be injured at work
- Lower community infection rates
 - During 2009 H1N1: Estimated 5-7 million Americans contracted the flu due to lack of PSL
 - 46% of restaurant-associated illness outbreaks involve an infected food service worker
- Increased utilization of preventive care
- Decrease health care access disparities
- Healthier and safer workforce, reduced turnover

CDC 2018; Accountemps2019; Pichlerand Ziebarth, 2017; Pichler, Wen and Ziebarth, 2020; Stearns and White, 2018; Center for Economic and Policy Research, 2020; US BLS, 2019; American Journal of Preventive Medicine, 2018)

Background

- Task force established June 14, 2021
- 9 community members representing
 - Hospitality Industry
 - Bloomington Convention & Visitors Bureau
 - General Business Community
 - Bloomington Chamber of Commerce
 - Organized Labor
 - Advocacy organizations
 - Community members
- 6 working meetings between June- November
- Tasked to recommend to the City Council an ordinance ensuring the provision of paid Earned Sick & Safe Leave to individuals working in the city of Bloomington.

Purpose

- Promote and protect the wellbeing of the Bloomington workforce and Bloomington residents;
- Support the Bloomington City Council's strategic priority of equity and inclusion;
- balance the unique needs and circumstances of Bloomington employers with a recognition that Bloomington is part of a regional labor and service market;
- reflect the input of a diverse pool of stakeholders;
- outline how the City will ensure compliance with the provisions of the ordinance;
- Be as clear, understandable and uncomplicated as feasible for both employers and employees

Key Components of Policy

- **1 hour earned** for every **30 hours** worked
- **Max of 48 hours** earned per year and **80 unused hours** at any time
- Employees may use leave **after 90 days** of employment
- Definition of employee:
 - **Works at least 80 hours** in a year (incl. temp & part-time)
 - May exempt:
 - Extended employment program workers
 - Independent contractors
 - Student interns
 - Seasonal employees (task force favors not exempting but no consensus)

Key Components of Policy

- **Inclusive definition of family**
- Employer with **6 or more** employees: **paid leave**
- Employer with **5 or fewer** employees: **unpaid leave** w/ option to pay
- Rebuttable **presumption of retaliation** w/in 90 days
- **Graduated fine structure**
- **Private right of action**

Equity Impacts

- wage replacement rate,
- base period threshold,
- inclusion criteria for type and number of employees,
- anti-retaliation language,
- inclusive family definition,
- inclusion of “safe”

References

- American Public Health Association. Policy No. 20136. Available at:
<http://www.apha.org/advocacy/policy/policysearch/default.htm?id=1327>
- Asfaw A, Pana-Cryan R, Rosa R. Paid sick leave and non-fatal occupational injuries. *American Journal of Public Health*. 2012; 102(9):e59–e64.
- Kumar S, Quinn SC, Kim KH, Daniel LH, Freimuth VS. The impact of workplace policies and other social factors on self-reported influenza-like illness incidence during the 2009 H1N1 pandemic. *Am J Public Health*. 2012;102(1):134–140.
- U.S. Bureau of Labor Statistics. January 2021. Employee Benefits Survey. Retrieved from
<https://www.bls.gov/ncs/ebs/factsheet/paid-sick-leave.htm>
- U.S. Census Bureau. 2020. State economic data, 2019 American Community Survey. Retrieved from:
<https://www.census.gov/quickfacts/fact/table/bloomingtoncityminnesota,us/PST045219>
- US Centers for Disease Control and Prevention. Interim pre-pandemic planning guidance: community strategy for pandemic influenza mitigation in the United States—early targeted layered use of non-pharmaceutical interventions. Available at: http://www.flu.gov/planning-preparedness/community/community_mitigation.pdf. Accessed December 12, 2013.

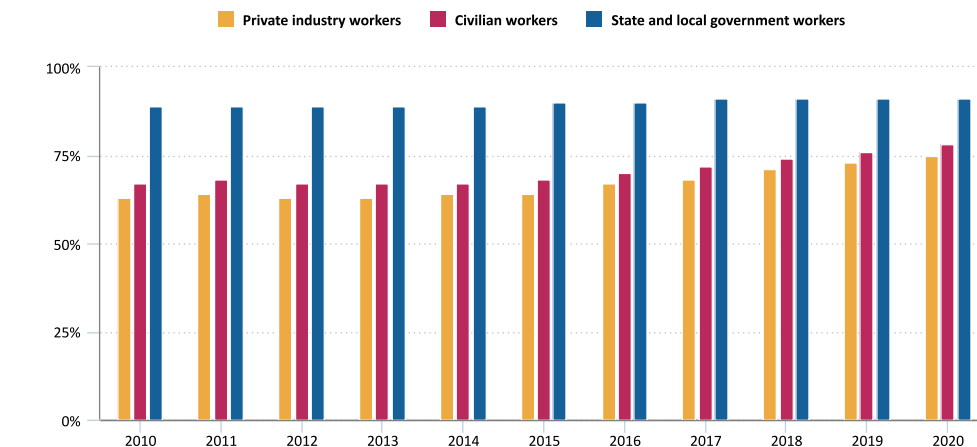
Employee Benefits Survey

Paid sick leave: What is available to workers? (PDF)

The Bureau of Labor Statistics (BLS) first published statistics on paid sick leave as part of the 1979 pilot study on [Employee Benefits in Industry](#) and annually publishes the percentage of workers with access, the type of paid leave plan, as well as the number of days provided by length of service. This factsheet provides an overview of the sick leave estimates available through the National Compensation Survey (NCS).

In March 2020, 78 percent of civilian workers⁽¹⁾ had access to paid sick leave benefits. Employees are considered to have access to paid sick leave plans if it is available for their use. The average cost to employers was \$0.45 per employee hour worked in March 2020⁽²⁾.

Chart 1. Percentage of workers with access to paid sick leave benefits, March 2010 - 2020



Click legend items to change data display. Hover over chart to view data.
Source: U.S. Bureau of Labor Statistics, National Compensation Survey.



[Chart 1. Percentage of workers with access to paid sick leave benefits](#)

Table 1. Percentage of workers with access to paid sick leave benefits

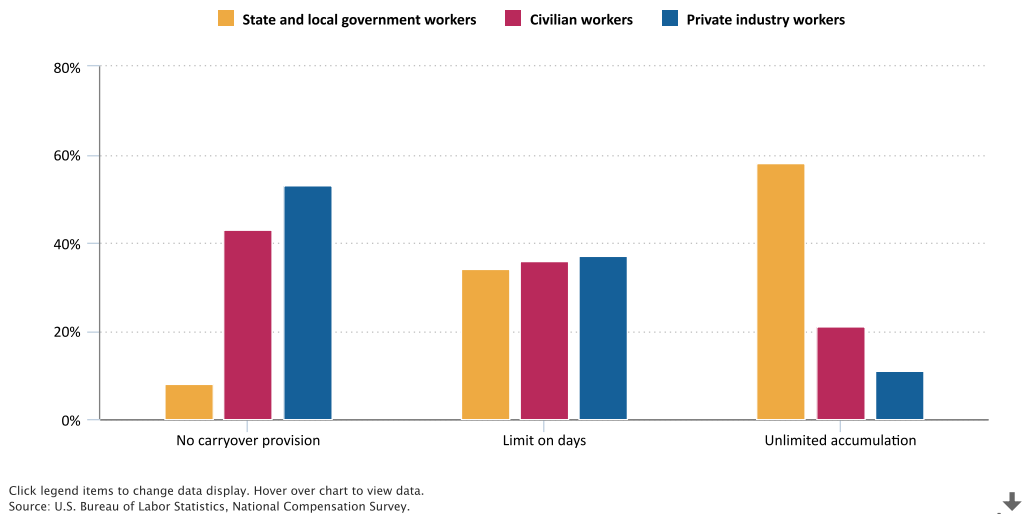
Year	Private industry workers	Civilian workers	State and local government workers
2010	63%	67%	89%
2011	64%	68%	89%
2012	63%	67%	89%
2013	63%	67%	89%
2014	64%	67%	89%
2015	64%	68%	90%
2016	67%	70%	90%
2017	68%	72%	91%
2018	71%	74%	91%
2019	73%	76%	91%
2020	75%	78%	91%

Source: U.S. Bureau of Labor Statistics, National Compensation Survey

For 68 percent of workers with paid sick leave, sick leave plans provide a fixed number of days per year⁽³⁾ with an average of 8 days available for their use. Three percent of workers have an as-needed sick leave plan; that is, the plan does not specify the maximum number of days. For the remaining 30 percent, their sick leave plan is part of a consolidated leave plan, which provides a single amount of time off for workers to use for multiple purposes such as vacation, illness, or other personal business.

For workers with fixed number of days per year sick leave plans, 57 percent have a carryover provision, which allows them to accumulate unused sick leave from year to year. An unlimited carryover provision is available for 21 percent of workers while 36 percent have a limit on the number of days they can accumulate from one year to the next. Carryover provisions are not available for 43 percent of workers with a fixed number of days per year sick leave plan.

Chart 2. Percentage of workers with fixed number of days sick leave plans by carryover provisions, March 2020



[Chart 2. Percentage of workers with fixed number of days sick leave plans by carryover provisions, March 2020](#)

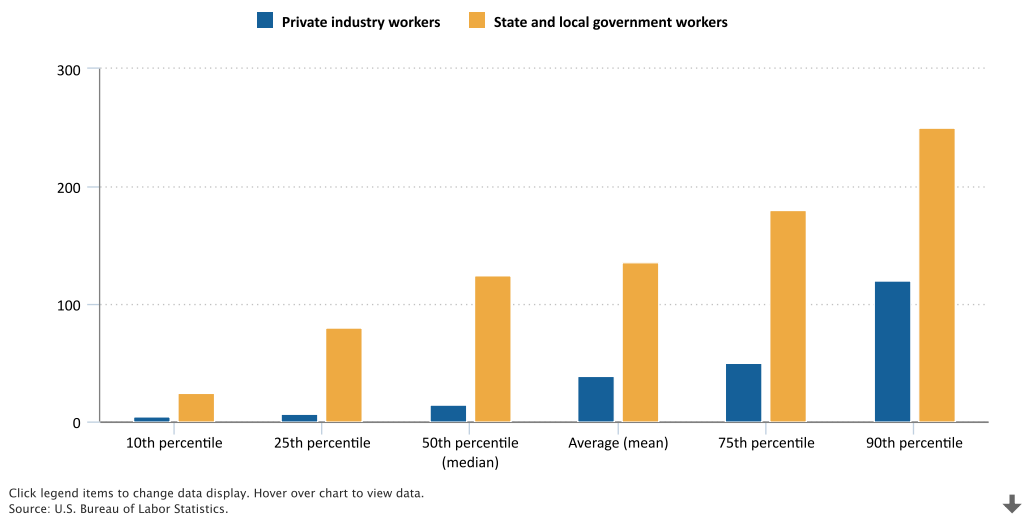
Table 2. Percentage of workers with fixed number of days sick leave plans by carryover provisions, March 2020

Provision	State and local government workers	Civilian workers	Private industry workers
No carryover provision	8%	43%	53%
Limit on days	34%	36%	37%
Unlimited accumulation	58%	21%	11%

Source: U.S. Bureau of Labor Statistics, National Compensation Survey

Due to differences in the structure of paid sick leave, consolidated leave plans, and disability insurance the BLS does not publish estimates on limit on days accumulated for civilian workers. However, it does publish the estimates for private industry as well as state and local government separately.

Chart 3. Limit on the number of carryover days, March 2020



[Chart 3. Limit on the number of carryover days, March 2020](#)

Table 3. Limit on the number of carryover days, March 2020

Distribution	Private industry workers	State and local government workers
10th percentile	5	25
25th percentile	7	80
50th percentile (median)	15	125
Average (mean)	39	136
75th percentile	50	180
90th percentile	120	250

Source: U.S. Bureau of Labor Statistics, National Compensation Survey

Consolidated leave plan estimates were first published by BLS in 2010 when 21 percent of civilian workers with paid vacation plans included them as part of a consolidated leave plan. The average number of paid days available for workers in consolidated leave plans ranged from 15 days after 1 year of service to 25 days after 20 years of service. In 2020, 41 percent of workers with paid vacation plans included them as part of a consolidated leave plan, where the average number of days available ranged from 14 days after 1 year of service to 23 days after 20 years of service.

This factsheet covered the overall availability and provisions of sick leave plans included in the [Employee Benefits in the United States, March 2020](#) publication. Additional information on leave benefits, quality of life benefits (including flexible work place and flexible work schedule), retirement and savings, and insurance benefits (including health care, short-term disability, and long-term care) are available within the publication.

Estimates by worker characteristics such as full- and part-time, bargaining status (union and nonunion), average wages within percentile groups, and occupational groups as well as establishment characteristics such as industry, size class, and geographic area (census regions and divisions) are also available.

Estimates for employer-sponsored benefits prior to 2010 are also available through the [NCS publications page](#). Estimates for civilian workers are available beginning with March 2008. Prior to 2003, private industry estimates were provided separately for small establishments (less than 100 workers) and medium and large establishments (100 or more workers). Additionally, prior to 2003 estimates are for full-time workers by establishment size.

March 2020 estimates were published on September 24, 2020. Join the [BLS Mailing Lists](#) to receive notification of the latest data releases.

Additional resources:

- [Latest news release](#)
- [Archived benefits news releases](#)
- [Employee Benefits Survey glossary](#)
- [Household survey on absences from work](#)

Factsheets

- [Medical care premiums in the United States](#)
- [Supplemental data measuring the effects of the coronavirus \(COVID-19\) pandemic on sick leave plans](#)
- [High deductible health plans and health savings accounts \(PDF\)](#)
- [Who receives paid vacations? \(PDF\)](#)
- [What statistics does the BLS provide on frozen defined benefit plans? \(PDF\)](#)
- [Flexible benefits in the workplace \(PDF\)](#)
- [Flexible work schedule and student loan repayment](#)
- [What data does the BLS publish on family leave?](#)
- [Holiday profiles](#)
- [Access to paid personal leave](#)
- [Unmarried domestic partner benefits \(PDF\)](#)

Articles

- [Employer provisions for parental leave, 1989 \(PDF\)](#)
- [Family leave coverage in the 1990s \(PDF\)](#)
- [Parental leave benefits provided by employers, 1993 \(PDF\)](#)
- [Unpaid Family Leave, 1998 \(PDF\)](#)
- [Family and medical leave: evidence from the 2000 surveys \(PDF\)](#)
- [How paid family leave affects mothers in the labor force \(PDF\)](#)
- [Pay protection during temporary absences from work: what we know and what we don't know, 2015 \(PDF\)](#)
- [Does paid family leave increase leave taking among fathers? 2016](#)
- [Racial and ethnic disparities in access to and use of paid family and medical leave: evidence from four nationally representative datasets, 2019](#)
- [94 percent of managers, 56 percent of construction and extraction workers had paid sick leave, 2019](#)

The [glossary of employee benefit terms](#) provides definitions for plans, provisions, coverage, and related terms. The [National Compensation Measures Handbook of Methods](#) provides information on the survey design, calculations, weighting, and imputation methods used to produce compensation estimates. The [calculation section](#) includes information on the measures of reliability available for each estimate.

Historical data

Estimates on the cost, coverage, and provisions of employer-sponsored benefit plans from 2010 to 2019 are available through the [Excel dataset](#), and [public database](#). Historical data are available on the [publications page](#). Benefit estimates are not a time series and users are advised to consider changes in survey design, survey scope, estimation methods, weighting, and sample rotation when analyzing the data.

Comparing private and public sector estimates

Estimate differences between private industry and state and local government stem from several factors such as variation in work activities and occupational structures. Manufacturing and sales, for example, comprise a large portion of private industry work activities but are rare in state and local government. Professional and administrative support occupations (including teachers) account for two-thirds of the state and local government workforce, compared with one-half of private industry.

END NOTES

(1) Civilian workers include those in private industry as well as workers in state and local government. Excluded are federal government workers, agricultural industry sector, private households, individuals who set their own pay, volunteers, and family members receiving token wages.

(2) Average cost for paid sick leave obtained from the [March 2020 Employer Cost for Employee Compensation](#). The costs are calculated across all workers, that is workers that do not have access to paid sick leave plans or did not use any sick leave are included as part of the denominator.

(3) Employees earn or accrue a specified number of sick leave days per year. This number may vary by length of service.

U.S. BUREAU OF LABOR STATISTICS Office of Compensation and Working Conditions PSB Suite 4160 2 Massachusetts Avenue NE Washington, DC
20212-0001

Telephone: 1-202-691-6199 www.bls.gov/EBS [Contact EBS](#)

12.141 Findings

It is necessary for the City Council to exercise its legislative power to protect and promote the health, safety, and welfare of employees in the City of Bloomington. The City Council finds:

- (a) Healthy individuals, families, and communities are the foundation of well-functioning societies. Many factors contribute to health, including the policies and systems that shape our lives. Among these policies, the availability of safe and sick leave is a key contributor, as it creates the opportunity for family members both to earn a living and to provide care for their loved ones;
- (b) Forty-one (41) percent of employed Minnesota residents lack access to earned safe and sick time. The same employees that are least likely to have safe and sick leave or the financial ability to forego wages are in occupations most likely to have contact with the public, especially food services, long-term care, and health care. Minnesota workers who work in public-contact occupations, such as service occupations, are less likely to have safe and sick time than workers in other occupations. Bloomington's largest employment industries include health care, education, retail, manufacturing, lodging, and food services. A recent Bloomington employer survey found 48% of employers did not offer safe and sick leave to their employees;
- (c) Family economic security is at risk for workers who lack adequate safe and sick leave because workers who lack safe and sick leave lose earnings if they miss work to care for themselves, their children, or other family members who are ill or injured. Employees in the city working in low-wage occupations are least likely to have access to safe and sick leave and are the least able to forego wages to take time off to recover or care for others who may be sick. Employees without earned sick and safe leave disproportionately experience poverty, unstable housing and hunger;
- (d) Access to safe and sick leave and the ability to take safe and sick are not available equally across populations of different incomes or race/ethnicity. Structural racism is a factor not only in health disparities but also in the conditions that create health, such as safe and sick leave policies. The city continues to increase in diversity of both residents and those who work in the city. People of color are more likely than white people in Bloomington to be in low-paying, frontline jobs with less security and benefits or to work multiple jobs;
- (e) When workers have no safe and sick leave or an inadequate amount of safe and sick leave available to them, they are more likely to come to work when they or their family members are sick. Absent the proper care needed for treatment or recovery, the ill worker's or ill family member's health problems may intensify or be prolonged;
- (f) Employees who come to work when they are sick are likely to expose other employees, customers, and members of the public to infectious diseases, such as the flu or coronaviruses like SARS-CoV and MERS-CoV. Workers with no safe and sick leave, or an inadequate amount to take time off to care for a sick child, are likely to send sick children to school or a child care center, thereby potentially spreading contagious illnesses. The lack of access to safe and sick leave has public health implications and has contributed to contagious disease outbreaks in Bloomington;
- (g) Victims of domestic abuse, sexual assault and stalking with no safe and sick leave are less able to receive medical treatment, participate in legal proceedings and obtain other necessary services. In addition, without safe and sick leave, domestic abuse victims are less able to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries;

- (h) Sick and safe leave will promote the safety, health, and welfare of the people of Bloomington by reducing the chances that worker's illnesses will intensify or be prolonged, by reducing the exposure of co-workers and members of the public to infectious diseases, and by reducing the exposure of children at schools and day cares to infectious diseases; resulting in a healthier and more productive workforce, better health for older family members and children, enhanced public health and improved family economic security.
- (i) Sick and safe leave will enable victims of domestic abuse, sexual assault, and stalking, and their family members to participate in legal proceedings, receive medical treatment, or obtain other necessary services and, thus, to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize physical and emotional injuries.
- (j) Over the last few decades, the demographics of the nation's workforce and the structures of the nation's families have undergone significant changes; 80% of children are raised in households that are headed by either a working single parent or two working parents. As a result of these changes, the demands placed on workers with family responsibilities are greater and more complex today than they were in an earlier era.
- (k) To safeguard the public welfare, health, safety, and prosperity of the city, all persons working in our community should have access to adequate sick and safe leave, because doing so will ensure a more stable workforce in our community, thereby benefiting workers, their families, employers, and the community as a whole.

12.142 Purpose

The purposes of this article are to:

- (a) To ensure that workers 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, including time for family care;
- (b) To reduce public and private health care costs in Bloomington by enabling workers to seek early and routine medical care for themselves and their family members;
- (c) To protect the public's health in Bloomington by reducing the risk and spread of contagion;
- (d) To assist victims of domestic abuse and their family members by providing them with job-protected sick and safe leave time away from work to allow them to receive treatment and to take the necessary steps to ensure their protection and wellbeing;
- (e) To protect workers employed in Bloomington from losing their jobs while they use sick and safe leave to care for themselves or their families;
- (f) To safeguard the public welfare, health, safety and prosperity of the people of and visitors to Bloomington;
- (g) To accomplish the purposes described in subsections (a)—(f) in a manner that is feasible for employers and that does not require employers to provide any additional sick and safe leave to their employees if they already provide the same amount of sick and safe leave that can be used for the same purposes and under the same conditions as required in this article.

12.143 Severability

If any part, term, or provision of this article is held by a court of competent jurisdiction to be invalid or unconstitutional, such portion shall be deemed severable and such unconstitutionality or invalidity shall

not affect the validity of the remaining portions of this article, which remaining portions shall continue in full force and effect.

12.144 Preemption

Nothing in this article shall be interpreted or applied so as to create any power or duty in conflict with federal or state law.

12.145 Definitions

When used in this article, the following words, terms, and phrases shall have the following meanings, unless the context clearly indicates otherwise.

Calendar year. A regular and consecutive twelve (12) month period as determined by an employer and may be based on an employee's employment anniversary date.

Chain establishment. An establishment doing business under the same trade name used by two (2) or more establishments, or under the same ownership and doing the same business, whether such other establishments are located in the city or elsewhere and regardless of the type of ownership of each individual establishment.

City. The City of Bloomington, Minnesota

Domestic abuse. Has the meaning defined in Minnesota Statutes, section 518B.01.

Employee. Any individual who performs services for hire and compensation for an employer, including **seasonal employees***, temporary employees and part-time employees, who perform work within the geographic boundaries of the city for at least eighty (80) hours in a year for that employer. For purposes of this article, "employee" does not include the following:

- (1) Employees classified as extended employment program workers as defined in Minnesota Rules part 3300.6000 and participating in the Minnesota Statutes, section 268A.15 extended employment program.
- (2) Independent contractors;
- (3) **Seasonal employees***
- (4) **Remote workers***

Employer. A person or entity that employs one (1) or more employees. The term includes an individual, corporation, partnership, association, nonprofit organization, or group of persons. For purposes of this article, "employer" does not include any of the following:

- (1) The United States government.
- (2) The State of Minnesota, including any office, department, agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary.
- (3) Any county or local government, except the city.

Exempt employee. An employee who is exempt from overtime payment requirements under federal or state law.

Family member. An employee's child, step-child, adopted child, foster child, adult child, spouse, sibling, parent, step-parent, mother-in-law, father-in-law, grandchild, grandparent, guardian, ward, or members of the employee's household.

Health care provider. A person licensed in good standing in Minnesota to provide medical or emergency services and employed in that capacity, including but not limited to doctors, nurses and emergency room personnel.

Prevailing wage rate. Has the meaning given in Minnesota Statutes, section 177.42 and as calculated by the Minnesota Department of Labor and Industry.

Regular rate of pay. The employee's hourly rate, including payments for shift differentials, for an hourly employee or an equivalent rate for an exempt employee. Regular rate of pay does not include:

- (1) Tips.
- (2) Commissions.
- (3) Reimbursements for expenses incurred on the employee's behalf.
- (4) Premium payments for overtime work or work on Saturday's, Sundays, holidays, or scheduled days off, if the premium rate is at least one and one-half (1 ½) times the normal rate.
- (5) Bonuses.
- (6) Cash or other valuables in the nature of gifts on special occasions.
- (7) Payments made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan.
- (8) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident, or health insurance or similar benefits for employees.

Safe time. The need for time off under circumstances described in Minnesota Statutes, section 181.9413(b).

Seasonal employee. An employee who is appointed for no more than six months during any 12 consecutive months, but who is expected to return to work year after year.

Sexual assault. An act that would constitute a violation under Minnesota Statutes, sections 609.342 to 609.3453 or 609.352.

Sick and safe time. Leave, paid or unpaid, that may be used for the same purposes and under the same conditions as section 12.147.

Stalking. Has the meaning given in Minnesota Statutes, section 609.749.

Student intern. An unpaid or paid student who is acquiring hands on training, work experience, or clinical training in connection to a course of study or higher education program for a limited period of time.

12.146 Accrual of sick and safe time

(a) Determination of business size

- (a) An employer's business size for the current calendar year is based upon the average number of employees per week during the previous calendar year.
 - (b) For a new business, the employer's business size for the current calendar year is based upon the average number of employees per week during the first ninety (90) days after its first employee began work.
 - (c) In determining the number of employees, all persons performing work for hire and compensation on a full-time, part-time, or temporary basis shall be counted, whether or not the persons work in the city.
 - (d) Employees jointly employed by two (2) employers must be counted by both employers, whether or not maintained on one (1) of the employer's payroll in determining an employer's business size. In those cases in which a professional employer organization is determined to be a joint employer of a client employer's employees, the client employer would only be required to count employees of the professional employer organization, or employees of other clients of the professional employer organization, if the client employer jointly employed those employees.
- (b) Accrual of sick and safe time
- (a) Employees accrue a minimum of one (1) hour of sick and safe time for every thirty (30) hours worked within the geographic boundaries of the city up to a maximum of forty-eight (48) hours in a calendar year. Employees may not accrue more than forty-eight (48) hours of accrued sick and safe time in a calendar year unless the employer agrees to a higher amount. Sick and safe time shall accrue only in hour-unit increments; there shall be no accrual of a fraction of an hour of sick and safe time.
 - (b) Exempt employees are deemed to work forty (40) hours in each work week for purposes of accruing sick and safe time, except that such an employee whose normal work week is less than forty (40) hours will accrue sick and safe time based upon the employee's normal work week.
 - (c) Employers shall permit an employee to carry over accrued but unused sick and safe time into the following year. The total amount of accrued but unused sick and safe time for an employee may not exceed eighty (80) hours at any time, unless an employer agrees to a higher amount.
 - (d) Sick and safe time under this article begins to accrue at the commencement of employment of the employee or this article's effective date, whichever is later.
 - (e) An employer may satisfy this section by providing at least forty-eight (48) hours of sick and safe time following the initial ninety (90) days of employment for use by the employee during the first calendar year, and providing at least eighty (80) hours of sick and safe time beginning each subsequent calendar year.
 - (f) The frequency with which an employer records sick and safe time accrual may be in a manner consistent with current payroll practices as defined by industry standards or existing employer policies, provided such practice or policy is no less frequent than a monthly basis.

12.147 Use of accrued sick and safe time

- (a) Employees are entitled to use accrued sick and safe time beginning ninety (90) calendar days following commencement of their employment. After ninety (90) calendar days of employment, employees may use sick and safe time as it is accrued.
- (b) An employee may use accrued sick and safe time for:
 - (1) The employee'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.
 - (2) The care of a family member with a mental or physical illness, injury, or health condition who needs medical diagnosis, care including prenatal care, treatment of a mental or physical illness, injury, or health condition; or who needs preventive medical or health care.
 - (3) An absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:
 - i. Seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
 - ii. Obtain services from a victim services organization;
 - iii. Obtain psychological or other counseling;
 - iv. Seek relocation due to domestic abuse, sexual assault, or stalking; or
 - v. Take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.
 - (4) The closure of the employee's place of business by order of a public official to limit exposure to an infectious agent, biological toxin, hazardous material, or other public health emergency.
 - (5) To accommodate the employee's need to care for a family member whose school or place of care has been closed by order of a public official to limit exposure to an infectious agent, biological toxin, hazardous material, or other public health emergency.
 - (6) To accommodate the employee's need to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected closure.
- (c) If the need for use is foreseeable, an employer may require advance notice of the intention to use sick and safe time, but in no case shall an employer require more than seven (7) days' advance notice. If the need is not foreseeable, an employer may require an employee to give notice of the need for sick and safe time as soon as practicable.
- (d) It is not a violation of this article for an employer to require reasonable documentation that the sick and safe time is covered by paragraph (b) for absences of more than three (3) consecutive days.
- (e) An employer may not require, as a condition of an employee's use of sick and safe time, that the employee seek or find a replacement worker to cover the hours during which the employee uses sick and safe time.
- (f) An employer must allow an employee to use sick and safe time in increments consistent with current payroll practices as defined by industry standards or existing employer policies, provided such increment is not more than four (4) hours.

- (g) An employer with six (6) or more employees must compensate the employee at the regular rate of pay for the hours the employee was scheduled to work during the time the employee uses their accrued sick and safe time. In no case shall the employee be compensated at a rate less than the rate requirement in Minnesota Statutes, section 177.24. Compensation is only required for hours that an employee is scheduled to have worked.
- (h) An employer with five (5) or less employees must allow employees unpaid use of accrued sick and safe time. An employer with five (5) or less employees may compensate the employee at the employee's regular rate of pay for the hours the employee was scheduled to work during the time the employee uses their accrued sick and safe time.
- (i) A health care provider may only use sick and safe time when the health care provider has been scheduled to work. A health care provider has not been scheduled to work for shifts for which the health care provider chooses to call in and request a shift occurring within twenty-four (24) hours, or for shifts for which the health care provider has only been asked to remain available or on call, unless the health care provider has been asked to remain on the employer's premises.
- (j) An employer may opt to satisfy the requirements of this article for construction industry employees by:
 - (1) Paying at least the prevailing wage rate as defined by Minnesota Statutes, Section 177.42 and as calculated by the Minnesota Department of Labor and Industry; or
 - (2) Paying at least the required rate established in a registered apprenticeship agreement for apprentices registered with the Minnesota Department of Labor and Industry.

An employer electing this option shall be deemed in compliance with this article for construction industry employees who receive either at least the prevailing wage rate or the rate required in the applicable apprenticeship agreement regardless of whether the employees are working on private or public projects.

- (k) An employer is only required to allow an employee to use sick and safe time that is accrued pursuant to this article when the employee is scheduled to perform work within the geographic boundaries of the city. An employer may allow use of accrued sick and safe time when an employee is scheduled to perform work for the employer outside of the city.

12.148 Exercise of rights; retaliation prohibited

- (a) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this article.
- (b) An employer shall not take adverse employment action or discriminate against an employee because the employee has exercised rights under this article. Such rights include, but are not limited to, requesting accrued sick and safe time, using accrued sick and safe time, informing any person about any employer's alleged violation of this article, making a complaint or filing an action to enforce a right to accrued sick and safe time under this article.
- (c) If an employee exercises rights under this article and within ninety (90) days of the exercise of those rights, the employer materially changes the terms and conditions of the employee's employment, including terminating, constructively discharging, reducing the employee's wages or benefits, or making other changes in the employment that affect the employee's future career prospects, there is a rebuttable presumption the employer has retaliated against the

employee. The employer may rebut this presumption by presenting clear and convincing evidence that the action was taken for a legitimate, non-retaliatory purpose.

12.149 Notice and posting

- (a) The City Attorney's Office shall, by the effective date of this article, publish and make available to employers, in all languages spoken by more than five (5) percent of the workforce in the city, as calculated by the city, notices suitable for posting by employers in the workplace informing employees of their rights under this article. The City Attorney's Office shall update this notice on December 1 of any year in which there is a change in the languages spoken by more than five (5) percent of the city workforce.
- (b) Every employer shall post, in a conspicuous place at any workplace or job site where any employee works, the notices required by paragraph (a). Every employer shall post this notice in English, and any language spoken by at least five (5) percent of the employees at the workplace or job site if published by the City Attorney's Office.
- (c) An employer that provides an employee handbook to its employees must include in the handbook notice of employee rights and remedies under this article.

12.150 Required statement to employee

Upon request by an employee, the employer must provide, in writing or electronically, information stating the employee's then-current amount of:

- (a) Accrued sick and safe time available to the employee; and
- (b) Used sick and safe time.

Employers may choose a reasonable system for providing this notification, including, but not limited to, listing information on each pay stub or developing an online system where employees can access their own information.

12.151 Employer records

- (a) An employer must maintain accurate records for each employee showing:
 - (1) For non-exempt employees, hours worked.
 - (2) Hours of leave available for sick and safe time purposes.
 - (3) Hours of leave used for sick and safe time purposes.
- (b) The records required by this section must be retained for a period of not less than three (3) years in addition to the current calendar year.
- (c) An employer must allow an employee to inspect records required by this section and relating to that employee at a reasonable time and place.
- (d) The City Attorney's Office shall have access to the records required by both this section and Minnesota Statutes, Chapter 181, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this article, including, but not limited to, inspection and copying of books and records, interviewing employees and former employees, and investigating alleged violations of this article. Social Security numbers and employees' personal addresses shall not be a matter of public record.
- (e) If an employer fails to maintain or retain adequate records or does not allow the City Attorney's Office reasonable access to the records and an issue arises as to an alleged violation of an

employee's rights under this article, it shall be presumed that the employer has violated this article, absent clear and convincing evidence otherwise.

- (f) If, in conjunction with this article, an employer possesses health or medical information regarding an employee or an employee's family member or information pertaining to domestic abuse, sexual assault, or stalking of an employee or an employee's family member, the employer must treat such information as confidential and not disclose the information except with permission of the employee, when ordered by a court or administrative agency, or when otherwise required by federal or state law.

12.152 Termination; transfer; separation

- (a) Nothing in this article may be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued sick and safe time that has not been used.
- (b) If an employee is transferred to a separate division, entity, or location out of the city, but remains employed by the same employer, and the employer does not allow the use of accrued paid sick and safe time outside the city, the employer must maintain the employee's accrued sick and safe time on the books for a period of three (3) years from the time of the transfer. If, within three (3) years of the time of the employee's transfer to separate division, entity, or location out of the city, the employee is transferred back to a division, entity, or location within the city, but remains employed by the same employer, the employee is entitled to all previously accrued sick and safe time accrued but not used at the prior division, entity, or location within the city and is entitled to use all accrued sick and safe time as provided in this article.
- (c) If an employee is transferred to a separate division, entity, or location within the city, but remains employed by the same employer, the employee is entitled to all accrued sick and safe time accrued but not used at the prior division, entity, or location and is entitled to use all accrued sick and safe time as provided in this article.
- (d) When there is a separation from employment and the employee is rehired within **ninety (90)** days of separation by the same employer, previously accrued sick and safe time that had not been used must be reinstated. An employee is entitled to use accrued sick and safe time and accrue additional sick and safe time at the commencement of reemployment.

12.153 Employer succession

When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all accrued sick and safe time accrued but not used when employed by the original employer, and are entitled to use all accrued sick and safe time previously accrued but not used.

12.154 Employee exchange of hours

Nothing in this article shall be construed to prohibit an employer from establishing a policy whereby employees may voluntarily exchange hours or trade shifts.

12.155 Authority

- (a) The City Attorney's Office has broad authority to implement, administer and enforce this article. The City Attorney's Office shall have broad authority to investigate possible violations of this

article whenever it has cause to believe that any violation of this article has occurred, either on the basis of a report of a suspected violation or on the basis of any other credible information, including violations found during the course of an investigation.

- (b) The City Attorney's Office shall promulgate appropriate rules to implement, administer, and enforce this article. Such rules shall:
 - (1) Be consistent with this article and may be relied on by employers, employees, and other persons to determine their rights and responsibilities under this article.
 - (2) Establish procedures for fair, efficient, and cost-effective implementation and enforcement of this article, including rules ensuring timely review of reports of violation and governing procedure for any appeals to an administrative hearing officer under section XXXX.
 - (3) Establish procedures for informing employers of their duties and employees of their rights under this article and monitoring employer compliance.

The City Attorney's Office shall publish, maintain, and make available to the public any such initial rules at least ninety (90) days prior to their effective date. Any revisions to published rules shall be published, maintained, and made available to the public at least thirty (30) days prior to their effective date.

12.156 Implementation

- (a) The City Attorney's Office shall work with all relevant city departments, state, and federal agencies, divisions, departments, bureaus or institution of government to implement, promote, and enforce this article.
- (b) The City Attorney's Office shall develop and implement a multilingual and culturally specific outreach and community engagement program to educate employees and employers about their rights and obligations under this article. This outreach program shall include media, trainings and materials accessible to the diversity of employees and employers in the city.

12.157 Enforcement

- (a) Report of violations. An employee or other person may report to the City Attorney's Office any suspected violation of this article. A report of a suspected violation may be filed only if the matter complained of occurred after the effective date of this article and within three hundred sixty-five (365) days prior to filing of the report.
- (b) Investigation process:
 - (1) The City Attorney's Office has sole discretion to decide whether to investigate or to pursue a violation of this article. If the City Attorney's Office decides not to investigate or otherwise pursue a report of suspected violation, the City Attorney's Office must provide a written notification to any employee or other person who filed the report that the City Attorney's Office is declining to further investigate the report and reason for declining. The employee or other person may within twenty-one (21) days, file a request for reconsideration with the City Attorney. The City Attorney's Office must provide a written response on the reconsideration within twenty (20) days.
 - (2) The City Attorney's Office may initiate an investigation pursuant to a complaint or when the City Attorney's Office has reason to believe that a violation has occurred.
 - (3) To pursue a violation of this article, the City Attorney's Office must serve a notice of investigation setting forth the allegations and pertinent facts upon an employer by U.S.

mail. The notice of investigation shall be accompanied by a request for a written position statement and may include a request for records or other information. The notice shall also inform the employer that retaliation for claiming rights under this article is a basis for additional monetary damages.

- (4) An employer's position and response to any request for records must be provided to the City Attorney's Office as provided in the City Attorney's Office's rules. An employer's failure to provide a position statement or to timely and fully respond to a request for records or any other reasonable request issued by the department pursuant to an investigation creates a rebuttable presumption of a violation of this article for the purposes of the investigation and determination of violation. An employer that fails to respond to a request for records may not use such records in any appeal pursuant to section City Attorney's Office to challenge the correctness of any determination of violation by the City Attorney's Office of damages owed or penalties assessed.
 - (5) Investigations shall be conducted in an objective and impartial manner.
 - (6) The City Attorney's Office shall consider any statement of position or evidence with respect to the alleged violation which the employee or person who filed the report of suspected violation or employer wishes to submit.
 - (7) The City Attorney's Office may require a fact finding conference or participation in another process with the employer, employee, or other person who filed the report of a suspected violation, and any of their agents and witnesses during the investigation in order to define the issues, determine which elements are undisputed, resolve those issues that can be resolved and afford an opportunity to discuss or negotiate settlement.
- (c) The City Attorney's Office determination of violation. Except when there is an agreed upon settlement, the director must issue a written determination of violation with findings of fact resulting from the investigation and a statement of whether a violation of this article has or has not occurred based upon a preponderance of the evidence before the XXXX. The determination of violation must be issued to the employer and any employee or other person who filed the suspected violation report.

12.158 Relief and Administrative Penalties.

The City Attorney may order any appropriate relief for a determination including, but not limited to:

- (a) Reinstatement and back pay.
- (b) The crediting to an employee of any accrued sick and safe time accrued but not credited plus payment to the employee of the dollar value of the accrued sick and safe time accrued but not credited multiplied by two (2), or two hundred fifty dollars (\$250.00), whichever amount is greater.
- (c) The payment of any accrued sick and safe time unlawfully withheld plus payment to the employee of the dollar amount of accrued sick and safe leave withheld multiplied by two (2), or two hundred fifty dollars (\$250.00), whichever amount is greater.
- (d) For a second violation by an employer against the same employee, in addition to any of the above remedies, the City Attorney's Office shall issue an administrative fine up to one thousand dollars (\$1,000.00) payable to the City. Such funds shall be allocated to the department and used to offset the costs of implementing and enforcing this article.

- (e) For a third or subsequent violations by an employer against the same employee, in addition to any of the above remedies, the City Attorney's Office shall issue an administrative fine up to one thousand dollars (\$1,000) payable to the employee.

12.159 Appeal

- (a) An employee, former employee, or employer may appeal from a determination by filing an appeal in writing with the City Attorney's Office within twenty-one (21) days of the date of service of the determination. Failure by the employer to file a timely, written appeal shall constitute admission to the violation, and the violation shall be deemed final upon expiration of the twenty-one (21) day period.
- (b) Upon an appeal of the City Attorney's determination, the City Attorney's Office shall refer the matter to an administrative hearing officer pursuant to Chapter 1 of the City Code.
- (c) In such appeal, the hearing officer shall consider the record submitted to it by the City Attorney's Office, the written statements of positions by the parties involved, and may, in the discretion of the hearing officer, take testimony to resolve issues of credibility or factual disputes and hear oral arguments. The hearing officer shall reverse the City Attorney's Office's determination only upon a finding that it is clearly erroneous. The hearing officer's decision of the appeal shall constitute the city's final decision without any further right of administrative appeal.
- (d) The City Attorney's Office shall notify the employer and the employee or other person who filed the suspected violation report at issue of the hearing officer's decision.
- (e) An employer or employee, to the extent provided by law, may appeal the hearing officer's decision by petition for writ of certiorari to the Minnesota Court of Appeals pursuant to Minnesota Statutes, section 606.01.
- (f) If there is no appeal of the City Attorney's Office's determination, the determination shall constitute the city's final decision. A failure to appeal the City Attorney's Office's determination by either the employee, former employee, or employer shall constitute a failure to exhaust administrative remedies, which shall serve as a complete defense to any petition or claim regarding the City Attorney's Office's determination.

12.160 Civil enforcement

- (a) Where prompt compliance is not forthcoming with a final determination of violation, the City Attorney's Office may initiate a civil action in a court of competent jurisdiction against an employer, for violating any requirement of this article and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation, including, without limitation, the payment of lost wages, the payment of an additional sum as a civil penalty not to exceed twice the amount awarded for lost wages, and reinstatement in employment and/or injunctive relief and shall be awarded reasonable attorneys' fees and costs.
- (b) A person injured by a violation of this article may, in addition to other remedies provided in this article, bring a civil action in the district court wherein the alleged violation is alleged to have been committed or where the employer has a principal place of business, to recover any and all damages recoverable at law, together with costs and disbursements, including reasonable attorney's fees, and may receive other equitable relief as determined by the court.

12.161 No effect on more generous sick and safe time policies

- (a) Nothing in this article shall be construed to discourage employers from adopting or retaining other leave policies, including accrued sick and safe time policies, that provide for greater accrual or use by employees of sick and safe time or that extends other protections to employees.
- (b) Employers, who provide their employees sick and safe time under a paid time off policy, other paid leave policy, or collective bargaining agreement that is sufficient to meet the accrual requirements for sick and safe time under section XXXX and may be used by the employee for the same purposes and under the same conditions as sick and safe time under section XXXX, are not required to provide additional sick and safe time.
- (c) Nothing in this article shall be construed to prohibit an employer from establishing a policy whereby employees may donate unused accrued sick and safe time to another employee.
- (d) Nothing in this article shall be construed to prohibit an employer from advancing sick and safe time to an employee prior to accrual by such employee.



Board Agenda Item

Originator Public Health	Item 7.4 COVID-19 Update (10 min) Nick Kelley, Public Health Administrator
Agenda Section STAFF REPORTS	Date February 22, 2022

Requested Action:

Description:

Attachments:

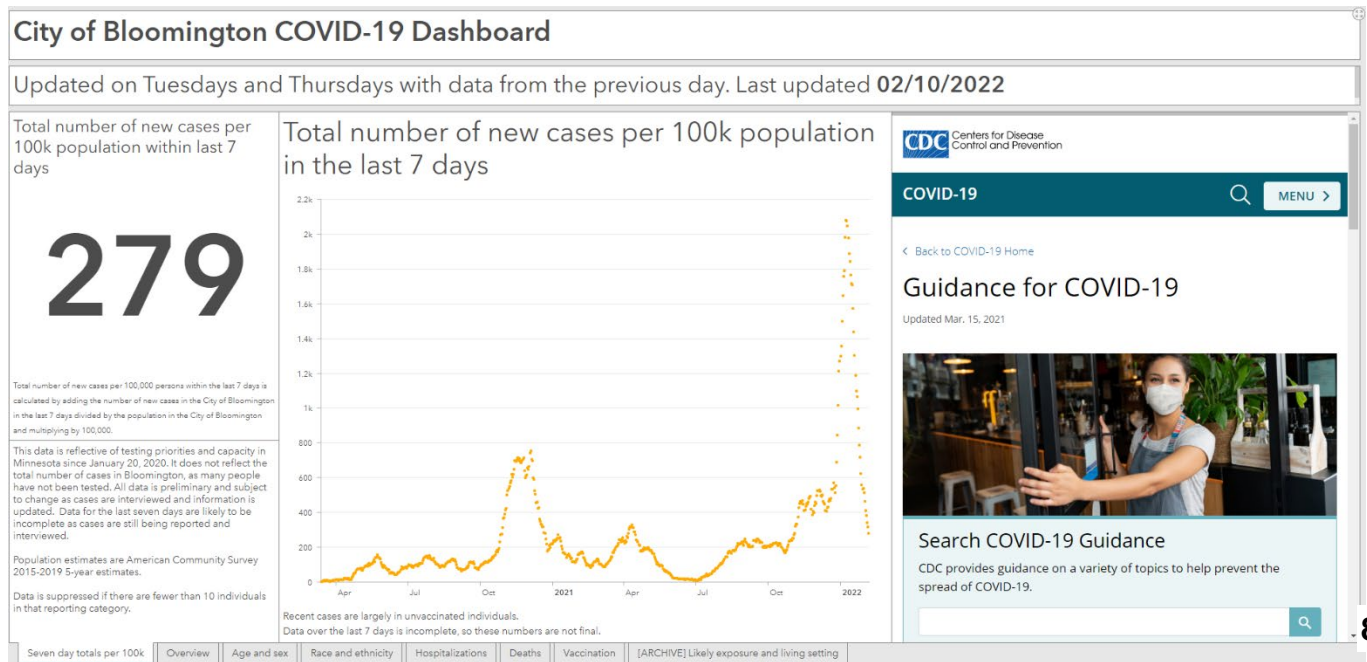
[COVID-19 Update](#)

COVID-19 Update

February 22, 2022

COVID-19 Dashboard

- Revised dashboard with more info available
 - Updated T/TH
 - Vaccine data on dashboard
 - Update CDC metric on dashboard
- blm.mn/cdash





COVID Data Tracker

United States

At a Glance

Cases Total **76,976,575**
Last 30 Days

Deaths Total **906,603**
Last 30 Days

80.5% of People 5+ with At Least
One Vaccination

Community **High**
Transmission

[Data Tracker Home](#)

[COVID Data Tracker Weekly Review](#)

[Your Community](#)

[Health Equity Data](#)

COVID Data Tracker

Find maps and charts tracking cases, deaths, and trends of COVID-19 in the United States, updated daily by 8 pm ET

Recent updates:

- The new [COVID-19 Wastewater Surveillance](#) tab displays data on SARS-CoV-2 RNA levels by county and across the United States.
- The [Vaccinations in the U.S.](#) tab now displays the count and percent of the population 12 years and older that has received a booster dose and the

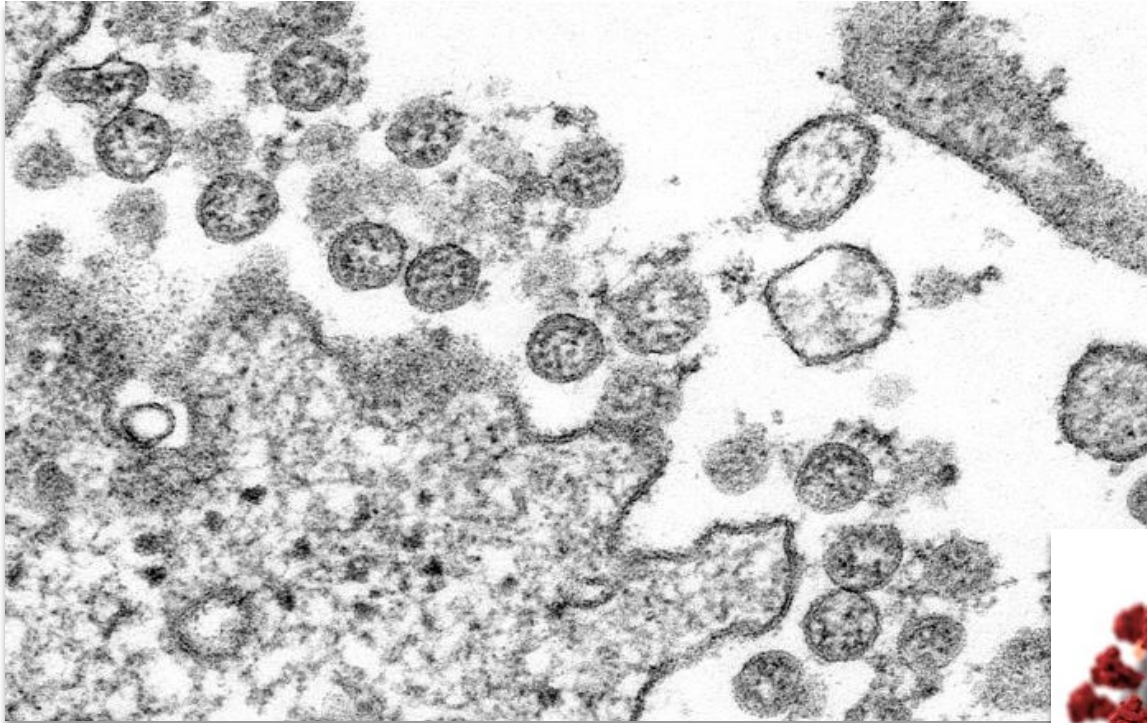
Community Transmission in the US



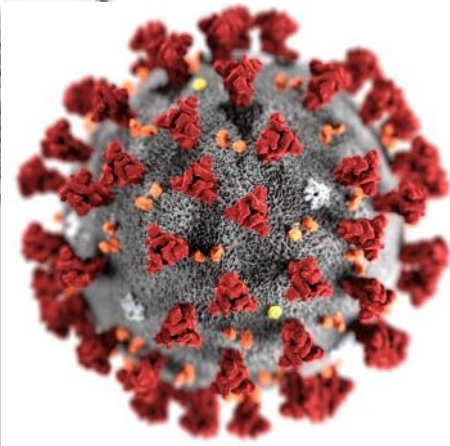
What is next

- Lots of discussion on mitigations
- Global vaccination
- Variants

Questions?



CDC/ C.S. Goldsmith and A. Tamin



Alissa Eckert, MS, Dan Higgins, MAM



Board Agenda Item

Originator Public Health	Item 7.5 Public Health Administrator Update (5 min) Nick Kelley, BPH Administrator
Agenda Section STAFF REPORTS	Date February 22, 2022

Requested Action:

Description:



Board Agenda Item

Originator Public Health	Item 8.1 Election of 2022-23 Chair-elect (10 min) Nick Kelley, BPH Administrator
Agenda Section ORGANIZATIONAL BUSINESS	Date February 22, 2022

Requested Action:

The Board will discuss the position of the Chair-elect and the process by which the nomination(s) and election of the next Chair-elect take place. The Member elected by majority vote will serve as Chair-elect from March 1, 2022 through February 28, 2023, and then as Chair of the Board from March 1, 2023 through February 29, 2024. Interested Members are welcome to nominate themselves or another Member for this position.

Description:

On March 1 of each year, the Chair-elect assumes the office of the Chair and serves in that capacity through February 28/29 of the following year. As a result, another Member is elected by a majority vote of the Board during the last meeting of the term year to fill the upcoming March 1 vacancy of the Chair-elect. Duties of the Chair-elect include, but are not limited to: Presiding at Board meetings in the absence of the Chair; Assisting the Chair with Board communications and other functions of (and/or as requested by) the Chair; Assumes the office of the Chair on March 1 immediately following his/her year as Chair-elect (OR assumes the office of the Chair if that office is vacated before February 28/29).



Board Agenda Item

Originator Public Health	Item 8.2 Review and Approve 2021-22 Annual Report and 2022-23 Work Plan (20 min) Nick Kelley, BPH Administrator
Agenda Section ORGANIZATIONAL BUSINESS	Date February 22, 2022

Requested Action:

Description:

Attachments:

[ABH 2021-22 Annual Report and 2022-23 Work Plan](#)



Advisory Board of Health 2021-22 Annual Report

February 22, 2022

Bloomington City Council Members:

The following is the 2021-22 Bloomington Advisory Board of Health Annual Report for your review and approval.

We spent a lot of our time this year learning about the impact of COVID-19 on our community and the vaccination work ongoing to protect the community. We also saw the Boards work on Tobacco Point of Sale work come to fruition. We had updates from community partners and staff about issues in the community and work the public health division is doing. We also had a presentation on Health in All Policies and how the City is working to address racial equity. We had a presentation and discussion on community mental health and wellbeing.

It was a very informative year. I am pleased to have been able to serve as Board Chair and to be a part of the Council's efforts to protect and promote the health of Bloomington's residents.

Sincerely,

Megan Whittet
2021-22 Chair
Advisory Board of Health

CITY OF BLOOMINGTON

ADVISORY BOARD OF HEALTH

2021-22 Membership	Jasmine Swyningan Bedford Chris-Ann Lauria Bhupinder Manhani Ronald Bustamante Ortega Starr Sage Jackie Siewert Megan Whittet (Chair)
Staff Advisor	Nick Kelley
Office Support Specialist	Nancy Tadros
Office Supervisor	Linda Riski-Lundeen
State CHS Advisory Committee (SCHSAC)	Nathan Coulter, City of Bloomington Representative Nick Kelley, Alternate
Staff Support	Kelly Deweese, Public Health Planner Kate Ebert, Public Health Specialist Jeff Giles, Deputy Chief, Bloomington Police Department Faith Jackson, Racial Equity Coordinator Nicholas Kelley, Public Health Administrator Diann Kirby, Community Services Director Amanda Lemke, Health Specialist Lynn Moore, Manager, Environmental Health Manager Margaret Perez, SHIP Coordinator Linda Riski-Lundeen, Office Supervisor Ulrich Seal, Bloomington Fire Chief Molly Snuggerud, Family Health Manager Nancy Tadros, Contracts Coordinator
2021-22 Meeting Dates	March 23, April 27, May 25, June 22, September 28, October 26, November 16, December 14, January 25, February 22

ADVISORY BOARD OF HEALTH

2021-22 ANNUAL REPORT

DESCRIPTIVE SUMMARY

The purpose of the Advisory Board of Health is to study issues affecting the health of Bloomington residents and make recommendations to the City Council as they perform their duties as a Community Health Board. These issues are related primarily to two divisions of City government, namely Public Health and Environmental Health Services. The Advisory Board also performs activities required to be eligible for local public health funding from the State.

The following is a summary of the specific activities the Board did to complete their work plan in 2021-22

PUBLIC HEALTH

They received the following reports/presentations:

- Received briefings on tobacco policy work related point of sale and smoke-free multi-unit housing.
- Received an update on the Statewide Health Improvement Partnership
- Received regular briefings on COVID-19
- Received an update on emergency preparedness and response from Police, Fire and Public Health
- Received a community partner update on VEAP
- Received an update on the Racial Equity Strategic Planning Committee and work that has occurred related to Racism as a Public Health Crisis.
- Received an update on Health in All Policies
- Received a presentation Family Health work occurring in the division.
- Received a presentation on mental health and community wellbeing
- Received an update about staffing changing in public health leadership
- Received a community partner update on Oasis for Youth
- Received an update about the divisions work with vaccine preventable disease and the Women, Infant and Children (WIC) program.

Environmental Health

They received the following reports/presentations:

- Received a summary of foodborne illness trends and issues investigated by Environmental Health which included their work on COVID-19 cluster investigations and supporting Executive Orders related to COVID-19.

ADVISORY BOARD OF HEALTH – DEVELOPMENT

- Minnesota Department of Health’s 2021 Community Health Conference was virtual this year and board members participated.



Advisory Board of Health 2022-23 Work Plan

INTRODUCTION



Purpose

“The purpose of the Board shall be to research and evaluate issues of health and environment and to report to the City Council those issues which affect the city. The Board shall research, study and evaluate issues concerning the health and environment of the city and shall advise the City Council of its activities and findings relating to the issues of health and environment of the residents of the city and shall recommend action when indicated” (Bloomington, Minnesota City Code, Ch. 2, Art. V, Div. E, §2.98.21 – 2.98.22, 1979).

Actions

The Board may take one of the following actions in regards to issues of health and/or environment:


A. No vote/no formal recommendation to Council by:

- i. Research & Report (denoted by )
The Board studies a specific issue/event and reports to City Council via City Manager’s One Weekly.
- ii. Study & Comment (denoted by )
The Board reviews a specific policy issue and provides its comments to City Council via the Board’s Meeting Minutes.

B. Vote/formal recommendation to Council by:

- i. Evaluate & Recommend (denoted by )
The Board reviews/evaluates a specific policy issue and, after a majority vote, makes a formal recommendation to Council.


Additional Calendar Items

The Board may attend and provide support for events/items such as the following (denoted by )



- *Public Health Proclamations* presented during a City Council meeting;
- *Other reports* presented at a City Council meeting;
- *Conferences and events*;
- Etc.

Work Plan


March 2022

- COVID-19 Update
- Climate change and Food 


April

- Housing and Health 
- Division update
- *National Public Health Week Proclamation* 
(04/04/2022)

May


- COVID-19 Update
- Community Partner update
- Housing and Health 

June



- COVID-19 Update
- Climate change and Food 
- Division update
- Review final Public Health Annual Report

July/August – No Meetings


September

- COVID-19 Update
- Division update
- Emergency Preparedness 


October

- COVID-19 Update
- Health in All Policy 
- Racism as a public health crisis update 


November

- COVID-19 Update
- Community Partner update
- Health in All Policy 

December

- Housing and Health 
- Division update
- COVID-19 Update

January 2023

- Discuss priorities for 2023-24
- Community Partner update
- Climate change and health update 

February 2023

- Environmental Health update 
- Approve 2022-23 ABH Annual Report and 2023-24 work plan 



2022-2023

Advisory Board of Health

March, 2022

Su	Mo	Tu	We	Th	Fr	Sa
27	28	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April, 2022

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May, 2022

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June, 2022

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July, 2022

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August, 2022

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September, 2022

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October, 2022

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November, 2022

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December, 2022

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January, 2023

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February, 2023

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

 Regular ABH Meeting

 Holiday - City Offices Closed

 Regular City Council Meeting

 Community Health Conference (tbd)



Board Agenda Item

Originator Public Health	Item 9.1 Chair's Report (5 min) Megan Whittet
Agenda Section ADVISORY BOARD OF HEALTH REPORTS/PLANNING	Date February 22, 2022

Requested Action:

Description:



Board Agenda Item

Originator Public Health	Item 10.1 Upcoming Event: Presentation of 2021-2022 Annual Report and 2022-2023 Work Plan to Council on March 7, 2022
Agenda Section OTHER BUSINESS/ANNOUNCEMENTS	Date February 22, 2022

Requested Action:

Description: