

Memo

Date: March 21, 2025
To: Public Hearing Workgroup
From: Leah Solo, Executive Director, NHWSB

RE: Investigations

At the March 13, 2025, full Board meeting, the Board discussed additional public engagement. Additional public engagement at this stage will help spread information about the current rules that are in effect or will be coming into effect soon, check in with employers, workers, and the public about how the current rules are affecting their lives, and help prepare for future rulemakings.

The purpose of this memo is to provide some background on our public engagement work to help shape further public engagement. This memo contains:

- a recap of what the NHWSB Act says about public engagement;
- a recap of what the Board has done previously on public engagement;
- some questions to consider for the next round of public engagement; and
- thoughts on resources that could be used.

Statute

The NHWSB Act (“the Act”) gives the Board guidance on the purpose of its work, which should frame any work that is done with public engagement. The Act also provides specific guidance on public engagement. Here are the relevant portions of the Act.

Minn. Stat. § 181.213 subd 1(a) and (c) contain some important language on the Board’s purpose:

Subdivision 1. Authority to establish minimum nursing home employment standards.

(a) The board must adopt rules establishing minimum nursing home employment standards that are reasonably necessary and appropriate to protect the health and welfare of nursing home workers, to ensure that nursing home workers are properly trained about and fully informed of their rights under sections [181.211](#) to [181.217](#), and to otherwise satisfy the purposes of sections [181.211](#) to [181.217](#)....”

(c) To the extent that any minimum standards that the board finds are reasonably necessary and appropriate to protect the health and welfare of nursing home workers fall within the jurisdiction of chapter 182, the board shall not adopt rules establishing the standards but shall instead recommend the occupational health and safety standards to the commissioner. The commissioner shall adopt nursing home health and safety standards under section [182.655](#) as recommended by the board, unless the

commissioner determines that the recommended standard is outside the statutory authority of the commissioner, presents enforceability challenges, is infeasible to implement, or is otherwise unlawful and issues a written explanation of this determination.

These two sections provide that the Board must establish rules “to protect the health and welfare of nursing home workers” and ensure that those workers are trained on their rights arising under the Act. Additionally, it directs the Board on what to do if the Board determines a workplace health and safety standard is needed, which falls under OSHA’s authority. In that case, the Board is to work with the Commissioner of the Department of Labor and Industry (DLI).

There are other parts of the Act that direct the Board to engage with the public in prescribed ways. For instance, during the investigation of market conditions which shapes the rules that the Board will establish, the Act identifies some ways that the Board must engage with the public or other entities.

181.213 Subd. 2. **Investigation of market conditions.**

(a) The board must investigate market conditions and the existing wages, benefits, and working conditions of nursing home workers for specific geographic areas of the state and specific nursing home occupations. Based on this information, the board must seek to adopt minimum nursing home employment standards that meet or exceed existing industry conditions for a majority of nursing home workers in the relevant geographic area and nursing home occupation. Except for standards exceeding the threshold determined in paragraph (d), initial employment standards established by the board are effective beginning January 1, 2025, and shall remain in effect until any subsequent standards are adopted by rules.

(b) The board must consider the following types of information in making determinations that employment standards are reasonably necessary to protect the health and welfare of nursing home workers:

(1) wage rate and benefit data collected by or submitted to the board for nursing home workers in the relevant geographic area and nursing home occupations;

(2) statements showing wage rates and benefits paid to nursing home workers in the relevant geographic area and nursing home occupations;

(3) signed collective bargaining agreements applicable to nursing home workers in the relevant geographic area and nursing home occupations;

(4) testimony and information from current and former nursing home workers, worker organizations, nursing home employers, and employer organizations;

(5) local minimum nursing home employment standards;

(6) information submitted by or obtained from state and local government entities; and

(7) any other information pertinent to establishing minimum nursing home employment standards.”

Minn. Stat. § 181.213, subd. 2 (emphasis added).

Additionally, though some items on the list in 181.213, subd. 2(b) can be obtained through working with agencies in state government, they might also be obtained through public engagement and spreading the word about the NHWSB work.

Finally, in setting the NHWSB curriculum for training workers, the Board must hold a public hearing on draft curriculum at least once a year. Minn. Stat. § 181.214, subd. 4.

In conclusion, numerous provisions of the Act obligate the Board to engage with the public about our work and the rules that are being created.

Previous Public Engagement

The Board held six public forums in 2024. Five of these were held while the Board was creating its first sets of rules and the other was held as it was drafting the first curriculum. The forums held during the rule creation process engaged 224 people and the later forum engaged a small handful of people.

Additionally, during the rule creation process, the Board created and distributed three questionnaires: one for employers, one for workers, and one for the general public. Just over two hundred people provided responses to these questionnaires.

Also, several Board members attended a tours and meetings with nursing home workers in their facility. One took place in New Ulm, and the other in Tyler.

Feedback that the Board received on this engagement included:

- having multiple ways to engage, including virtual and online questionnaire options, was positive.
- having forums in multiple regions in the state was positive as well.
- having food available if the forum was in the evening was helpful for attendees.
- the Board should be clear about what it will do with the information.

Questions to consider

As the Public Hearing Workgroup starts planning the next round of public engagement, here are some questions to consider.

- What is the purpose of the public engagement and how is it connected to the purpose of the Board?
- How can the Board ensure that it is getting word out about public engagement opportunities?
- How can the Board create an environment that is welcoming to all constituencies?
- How can the Board maximize the reach of its current public engagement efforts?
- What new methods of public engagement should the Board consider?
- What constituencies are important for the Board to engage with?
- What resources are available to the Board to connect with the public?

Resources

Some resources that the Board can access:

- Connections with employers and employer organizations;
- Connections with workers and worker organizations;
- State agencies and their offices throughout the State of MN; and
- Technology to email and survey.