



# Certification of Worker Organizations and Worker Training Guide

For the Nursing Home Workforce Standard Board,  
Worker Organizations and Nursing Home Employers

# Contents

<b>Guide for the NHWSB</b>		3
	Review of applications criteria	4
	Board documentation requirements	6
	Timeline	10
<b>Guide for Nursing Home Employers</b>		11
	Documentation requirements	12
	Timeline	15
<b>Guide for Worker Organizations</b>		16
	Application	17
	Documentation requirements	24
	Timeline	28
	Curriculum	29
	Content	32
	Sample PowerPoint	42
	Sample Follow up document	48

# Guide for NHWSB

- Review of applications Criteria
- Board Obligations for Documentation of Training of workers
- Timeline

# Board Review Process for Certification

## Applications

The following steps will be taken to check the certification application.

1. Are all parts of the application filled out?
2. Under Establishing Eligibility, examine the following items. Failure to complete these can result in a non-certification.
  - a. All items agreed to.
  - b. The organization is listed as a 501(c)(3), 501(c)(4), or 501 (c)(5)? It can be checked here: [Tax Exempt Organization Search | Internal Revenue Service \(irs.gov\)](#).
  - c. Check the Board of Directors list to ensure it does not contain leaders from a nursing home employer or employer organization. Definition of dominated or interfered by is found in United States Code, Title 29, section 158a(2): "to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That subject to rules and regulations made and published by the Board pursuant to section 156 of this title, an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;"
  - d. Look for public information confirming their evidence of work engaging with and/or advocating for nursing home workers.
    - a. They should be in existence for over 5 years.
    - b. Advocating for could include lobbying, bargaining.
    - c. Seeing feedback from workers and delivering feedback to decision makers
    - d. Working with Senior organizations and nursing homes could be a plus.
3. Under Data Policies
  - a. Agreed to all policies.
4. Under Curriculum Details, if they fail to meet any of these items, certification can be denied.
  - a. Evidence was provided in the allowed timeframe.
  - b. The materials meet the curriculum provided.
    - i. Any specific language requirements were met.
    - ii. The standards set by the Board are addressed.
    - iii. Everything that the Board laid out in the curriculum is addressed.
  - c. The applicant has a reasonable plan for making their trainings interactive with a minimum of one visual or digital material (such as a handout or power point or poster) and one participatory period (such as a question-and-answer period or a breakout).
  - d. The applicant provided materials for all languages they will train in.
5. Under Statements of agreements
  - a. Applicant has agreed to all items.

6. Under Assessing Capacity, if there are significant questions to this section, organizations may be asked for clarification, or it could result in a non-certification. Though we are not establishing a minimum capacity in order to receive a certification, asserting unreasonable capacity would need explanation or could be grounds to deny certification.
  - a. The plan to staff the trainings seem to reasonably match with the applicant's estimated capacity.?
7. The Acknowledgement is signed.

# Board-Documentation of Training of Nursing Home Workers

181.214 subd. 6 says “A nursing home employer must submit written documentation to the board to certify that that every two years each of its nursing home workers completes one hour of training that meets the requirements of this section and is provided by a certified worker organization.”

Below is the Board’s part in accomplishing this.

## Codes

The Board has put into rules that the certified worker organizations will have a unique identification code from the Board and that the certified worker organizations will give a unique identifier to a worker once they have been trained.

The Board will provide a code to the organization. The codes will be letters that correspond to their order in being certified. The Board will maintain a full list of what letter corresponds to which worker organization.

Example: The first worker organization to be certified would be given the code “A”

## Code for training

The worker organization will then provide a code to the worker once they have been trained. The code will need the date and geographic location in it. The date will be important to include to easily identify if a worker has been trained in the last two years and the location will be important to help distinguish the training.

The board may wish to be more prescriptive about how the code will be given to the worker.

Here is the recommended formula:

Organization’s code + date of training + [county code](#) of the location of the training.

For example, if the first certified worker organization held a training on September 9, 2024 in St. Peter which is located in Nicollet County, the code for the training would be:

A20240909103 (A-the organization’s code+2024/09/09- the date of the training+103- Nicollet County’s county code).

These codes would be decipherable to the Board and employer and certified worker organization, but long enough that they may be difficult to fraudulently produce.

## Requirements

The Board has instructed Worker Organizations to keep records of the trainings they have done and the workers who attended for 5 years, in order to allow for the possibility that the Board selects a nursing home's trainings to be verified. The Board and a Nursing Home employer should be able to ask the Worker Organization to provide a check on legitimacy of a code and that a particular worker attended that meeting.

Worker Organizations will send the list of worker attendees to the nursing homes that had workers at the training. In return, the nursing home will return the sign in sheet with contact information for those workers who have not opted out of sharing their contact information with the worker organization. This is done independently of the Board.

## Documentation Process:

The Nursing Home will have to submit an attestation that “We certify that that every two years each of our nursing home workers completed one hour of training that meets the requirements of this section and is provided by a certified worker organization.”

The Board will make a form available for Nursing Home employers to fill out to this attestation.

## Board Verification process:

The NHWSB will need to have some sort of process for confirming that the documentation is accurate. The Nursing homes will need to be able to produce a list of all employees that have been employed at the nursing home for over two years and the code for the training that each person attended.

Each year, starting in 2026(I think this should be edited to say 2027?) the Board will direct the Board’s Executive Director to randomly pick a certain percentage of nursing homes in the state to verify that the workers have been trained. The Board’s Executive Director would request the nursing home produce the list of all employees that have been employed at the nursing home for over two years and the codes for the training for each person. The ED would then check through the codes to ensure they are legitimate and check with the worker organizations to ensure that the workers did attend those trainings.

### EXAMPLE: Sign in sheet

The expectation would be that this sheet is what is retained for 5 years.

<i>This column is filled out at the sign in or pre-filled if folks sign up in advance</i>	<i>This is the same for every attendee of an event, but different for each event</i>	<i>This can be filled out or verified/edited by the attendee</i>	<i>The staff of the certified worker organization would fill this out. A “no” or blank would indicate they signed up but didn’t attend.</i>
<b>Name</b>	<b>Training code</b>	<b>Nursing Home Employer(s)</b>	<b>Attended</b>
Jan Jansen	A20240909103	ACME Mankato	Yes
John Smith	A20240909103	ACME Springfield	No
Maria Gonzalez	A20240909103	ACME Mankato, ACME Springfield	Yes



**EXAMPLE: What would be emailed to each employer**

These emails or the codes in these emails could be used to verify compliance with the rules.

Dear ACME Mankato Administrator,

Attached please find the list of who attended our training from your nursing home. This training was held on September 9, 2024 in St. Peter. Please send back the contact information of these workers and ensure they are compensated for their one hour of time spent in this training.

Sincerely,

First Certified Worker Organization

Name	Training code	Nursing Home Employer(s)	Attended
Jan Jansen	A20240909103	ACME Mankato	Yes
Maria Gonzalez	A20240909103	ACME Mankato,	Yes

Dear ACME Springfield Administrator,

Attached please find the list of who attended our training from your nursing home. This training was held on September 9, 2024 in St. Peter. Please send back the contact information of these workers and ensure they are compensated for their one hour of time spent in this training.

Sincerely,

First Certified Worker Organization

Name	Training code	Nursing Home Employer(s)	Attended
Maria Gonzalez	A20240909103	ACME Springfield	Yes

**EXAMPLE: What the employer would send back**

Dear First Certified Worker Organization,

Please find the attached names and contact information from your training on September 9, 2024 in St. Peter.

Sincerely,

ACME Mankato

Name	Training code	Nursing Home Employer(s)	Attended	Contact Information
Jan Jansen	A20240909103	ACME Mankato	Yes	Contact information filled out.....
██████████	██████████	██████████	█	Opted out of sharing contact information

# Board Timeline for Oversight of Certification of Organizations

Applications will be accepted on a rolling basis and reviewed at least quarterly. Our draft rules dictate that we must certify or deny certification within 90 days of receiving the initial application in the form prescribed by the Board. This timeline is drafted to accommodate for room for the Board to examine the applications while also completing our work within the 90-day timeline.

- January 1, 2025, Tentative date for Certification Rules to go into effect.
- January 1-February 1, 2025, Application prepared, and curriculum finalized.
- Feb 13 Board Meeting- Application and curriculum presented to Board for final Approval.
- February 17, 2025, Applications for Certification of Worker Organizations opens.
  - Send a Gov Delivery message.
  - Offer a webinar or have one recorded and available.
- March 13 Board Meeting- Updates on Applications
- April 10, 2025- Board Meeting- Updates on Applications
- May 8, 2025- Board Meeting- Updates on Applications
- May 17, 2025- 90 days since Applications opened.
- June 12, 2025- Ensure NHWSB website is updated with list of any CWOs, as prescribed by statute.
- July, 2025- Examining certification requests becomes a regular standing item on Board meeting agendas.
  - \*As Organizations are certified, they must, according to draft rules, be issued a unique identification number. This should be done in accordance with our documentation plan approved July 18, 2024.
- July, 2025-December, 2026- Periodic communication with Organizations and Nursing Home Employers. Communications should remind employers of their obligations and of the resources available to find worker organizations. Communications to organizations can remind them of the resources on curriculum, obligations to share documentation of attendance at trainings, and any updates that need to be incorporated.
- September, 2026- Annual review of curriculum and public hearing
- November, 2026- Ensure worker organizations have received updates and are using new curriculum.
- January 1, 2027- 1<sup>st</sup> Deadline to for nursing homes to document that any workers who have been there for 2 years or more have had at least one hour of training.
- January, 2027- Board meeting- Board Directs Executive Director to randomly pick a certain percentage of nursing homes in the state to verify that the workers have been trained.
- February-April, 2027- Executive Director works with nursing homes to verify their documentation of training of the workers.
- 2026-27 would likely see first review and potentially adoption of new standards (MS 181.213 subd 3). Within 30 days of the adoption of new standards, the Board would need to open up the application process for renewal of certification. The application period for renewal would last 60 days.

# Guide for Nursing Home Employers

- Obligations for documentation
- Timeline for obligations



# Nursing Home Employer Documentation Requirements

## Meeting your obligations for documenting worker training

181.214 subd. 6 says “A nursing home employer must submit written documentation to the board to certify that that every two years each of its nursing home workers completes one hour of training that meets the requirements of this section and is provided by a certified worker organization.”

Below is the process that Employers can follow to meet this obligation.

### Codes for Organizations and Trainings

The Board will provide a code to the organization. In turn the organization will provide training codes to the workers who attend their trainings. The Board recommends to worker organizations that the codes include ways to identify the date and location of the training.

These codes would be decipherable to the Board and employer and certified worker organization, but long enough that they may be difficult to fraudulently produce.

### Requirements

Worker Organizations would need to keep records of the trainings they have done and the workers who attended for 5 years, in order to allow for the possibility that the Board selects a nursing home’s trainings to be verified.

Worker Organizations will send the list of worker attendees to the nursing homes that had workers at the training.

In return, the nursing home will return the sign in sheet with contact information for those workers who have not opted out of sharing their contact information with the worker organization (See MS 181.214 subd 6b-c)

### Documentation Process:

The Nursing Home will have to submit an attestation that “We certify that that every two years each of our nursing home workers completed one hour of training that meets the requirements of this section and is provided by a certified worker organization.”

The Board will make a form available for Nursing Home employers to fill out to this attestation.

## Board Verification process

The NHWSB will have a process for confirming that the documentation is accurate. The Nursing homes will need to be able to produce a list of all employees that have been employed at the nursing home for over two years and the code for the training that each person attended.

## Examples of Sign in sheets, information sharing process

### EXAMPLE: Sign in sheet

The expectation would be that this sheet is what is retained for 5 years.

<i>This column is filled out at the sign in or pre-filled if folks sign up in advance</i>	<i>This is the same for every attendee of an event, but different for each event</i>	<i>This can be filled out or verified/edited by the attendee</i>	<i>The staff of the certified worker organization would fill this out. A "no" or blank would indicate they signed up but didn't attend.</i>
<b>Name</b>	<b>Training code</b>	<b>Nursing Home Employer(s)</b>	<b>Attended</b>
Jan Jansen	A20240909103	ACME Mankato	Yes
John Smith	A20240909103	ACME Springfield	No
Maria Gonzalez	A20240909103	ACME Mankato, ACME Springfield	Yes

### EXAMPLE: What would be emailed to each employer

These emails or the codes in these emails could be used to verify compliance with the rules.

Dear ACME Mankato Administrator,

Attached please find the list of who attended our training from your nursing home. This training was held on September 9, 2024 in St. Peter. Please send back the contact information of these workers and ensure they are compensated for their one hour of time spent in this training.

Sincerely,

First Certified Worker Organization

<b>Name</b>	<b>Training code</b>	<b>Nursing Home Employer(s)</b>	<b>Attended</b>
Jan Jansen	A20240909103	ACME Mankato	Yes
Maria Gonzalez	A20240909103	ACME Mankato,	Yes

**EXAMPLE: What would be emailed to each employer contd.**

Dear ACME Springfield Administrator,

Attached please find the list of who attended our training from your nursing home. This training was held on September 9, 2024 in St. Peter. Please send back the contact information of these workers and ensure they are compensated for their one hour of time spent in this training.

Sincerely,

First Certified Worker Organization

Name	Training code	Nursing Home Employer(s)	Attended
Jan Jansen	A20240909103	ACME Mankato	Yes
Maria Gonzalez	A20240909103	ACME Mankato,	Yes

Dear ACME Springfield Administrator,

Attached please find the list of who attended our training from your nursing home. This training was held on September 9, 2024 in St. Peter. Please send back the contact information of these workers and ensure they are compensated for their one hour of time spent in this training.

Sincerely,

First Certified Worker Organization

Name	Training code	Nursing Home Employer(s)	Attended
Maria Gonzalez	A20240909103	ACME Springfield	Yes

**EXAMPLE: What the employer would send back**

Dear First Certified Worker Organization,

Please find the attached names and contact information from your training on September 9, 2024 in St. Peter.

Sincerely,

ACME Mankato

Name	Training code	Nursing Home Employer(s)	Attended	Contact Information
Jan Jansen	A20240909103	ACME Mankato	Yes	Contact information filled out.....
██████████	██████████	██████████	██	Opted out of sharing contact information

# Employer Timeline for Training obligations

- Spring, 2025- First Organizations are Certified
- June 12, 2025- NHWSB website is updated with list of any CWOs, as prescribed by statute.
- January 1, 2027- 1<sup>st</sup> Deadline to for nursing homes to document that any workers who have been there for 2 years or more have had at least one hour of training.
- February-April, 2027- Executive Director works with nursing homes to verify their documentation of training of the workers.
- 2026-27 would likely see first review and potentially adoption of new standards (MS 181.213 subd 3). Within 30 days of the adoption of new standards, the Board would need to open up the application process for renewal of certification. The application period for renewal would last 60 days. Nursing Home employers may want to verify that any organization they have been working with continues to be certified.

# Guide for Worker Organizations

- Application
- Documentation Obligations
- Timeline
- Curriculum
- Content
- Sample PowerPoint
- Sample Follow up document



# **Application for Certification as a Worker Organization to train Nursing Home Workers under MN Statute 181.214**

**Your application will not be processed or will be delayed unless you complete all sections of this application. If you require additional space, use a separate piece of paper and attach.**

Initial certifications are valid for two years, with the opportunity for two-year renewals. Initial applications are taken on a rolling basis and evaluated quarterly. Renewal period opens after updated standards take effect and will last 60 days, during which Certified Worker Organizations must apply for renewal if they wish to continue providing trainings.

Note: In seeking approval, the worker organization shall submit all required information, and other information the worker organization believes relevant, to the Nursing Home Workforce Standards Board (NHWSB) in the form or manner required by the Board. The NHWSB may request additional information necessary to determine an applicant's eligibility for approval or schedule interviews to clarify information submitted.

The NHWSB may withdraw its certification of a worker organization if the worker organization fails to enforce those representations made to the NHWSB in obtaining certification. If you have questions about this application, please contact the NHWSB's Executive Director. The Executive Director may examine parts of the application and answer questions related to eligibility.

## **Applicant information (write in ink or type) – Write legibly.**

Federal Employer Tax Number (FEIN) or Minnesota Tax ID (if applicable)

Legal Business Name

Telephone

Website

Physical Business Address (PO Box not acceptable), City, State, Zip

Public Mailing Address (PO Box acceptable), City, State, Zip

Contact Person, phone, email for person filling out the form.

Contact Person, phone, email for the training schedules moving forward.

## **Establishing Eligibility**

This section established the organization's ability to become a certified worker organization. Without meeting these criteria, the organization cannot be certified.

\_\_\_\_\_ **Certify that (organization name) meets the following criteria:**

(checkbox) Organization is exempt from federal income taxation under IRS code: (checkbox) 501(c)(3), 501(c)(4), 501 (c)(5)

(checkbox) Organization is not dominated or interfered with by any nursing home employer with the meaning of United states Code, Title 29, section 158a (2). Please provide a list of Board of Directors.

(checkbox) Organization has at least five years of demonstrated experience engaging with and advocating for nursing home workers. Please specify evidence of this experience and advocacy.

\_\_\_\_\_

## Data Policies

I am aware that our organization has responsibilities with the data obtained through this process. I affirm that:

- Our organization is responsible to ensure that the data we collect will be kept securely in accordance with applicable data security law.
- Any data shared with us by the employer will be kept securely and used only in accordance with MN Statutes 181.214, subdivision 5.
- We will share the names of the people who attend our training with the employer and their unique identification number, along with the length of the training to ensure that the employee is paid for their time up to one hour and the employer can certify that their employee has been trained.
- We will provide the attendees with a unique identifier that they completed the training, including the time, date and location of the training.
- We will notify the NHWSB if there is a data breach of any significant kind. Though as a worker organization, you are not necessarily subject to the Data Practices Act, for reference, more information on the definitions of data breach and notification can be found here [Data Breach Notification / Data Practices Office \(mn.gov\)](#) and here [Data Breach Notification / Data Practices Office \(mn.gov\)](#).
- We will accept PO Boxes from the Safe at Home program as legitimate addresses.
- We will share the lists of people who attended our trainings as needed with the NHWSB for the purpose of confirming their attendance and maintain records of who attended a training, including the date of that training for five years.

## Curriculum Details

(checkbox) Our organization has reviewed the curriculum established by the board and will adhere to it.

(checkbox) I have attached a copy of the materials that we will use to conduct our trainings and they meet the curriculum.

(checkbox) I have attached a copy of the materials we will use that meet the follow up requirements, including a template certificate of completion.

(checkbox) Our trainings will be interactive and the materials we provide will demonstrate this. This should include one visual or digital item (such as a handout or PowerPoint) and one participatory period (such as question and answer or breakout groups).

(checkbox) Attached are details for how trainees will be able to contact us with follow up questions.

(checkbox) We will ensure all trainers are trained and skilled on the curriculum and background of the NHWSB.

(checkbox) Attached are copies our plan to ensure trainings are performed in languages that the nursing home workers are proficient in and that our follow up materials can be translated as needed.

(checkbox) Our organization understands that there will be annual updates to the curriculum and that we will update our materials to be in compliance.

## Statements of agreement

If approved, the applicant for Nursing Home Workforce Standards Board approval as a certified worker organization hereby agrees to the following:

Appropriately staff trainings in order to be effective and interactive on the established curriculum.

Provide certification of the training in a manner prescribed by the Board for the individuals completing the training.

Provide a list of workers who completed the training to the Nursing Home employer, and the NHWSB if requested.

Our organization and availability will be shared with Nursing Home employers in order to schedule trainings on site or in the geographic area.

Self-report to the NHWSB any violations of rules or breaches of data.

Be subject to immediate rescission of Certification to train Nursing Home workers on NHWSB standards in the state of Minnesota upon a determination that the organization was in non-compliance with these criteria and other criteria without limitation.

Enable a NHWSB representative to visit, attend, investigate and audit, as the NHWSB deems necessary, any training, and any activity related hereto without limitation.

Notify the NHWSB in writing of any changes, revisions or updates to the organizations rules, policies and procedures affecting the trainings.

Notify the NHWSB if your organization will no longer provide worker trainings. Such notification must include any currently scheduled trainings that your organization will no longer provide. Additionally, the organization must send certifications to each worker who has already been trained and send any remaining attendee lists not already shared to the Nursing Home employer and NHWSB.

## Assessing Capacity

The NHWSB needs to know the organization's capacity in order to assist nursing home employers in knowing who to contact to schedule trainings and also to assess the ability to train all workers. This information will also allow the NHWSB to keep an updated list on the website. There is no minimum capacity that an organization must meet in order to be certified, but the NHWSB expects and will evaluate the organization's capacity to carry out the number and type of trainings that are committed to below. Deliberately falsifying capacity can result in revocation of certification.

Organizations must be available for follow up questions and able to provide instruction in languages that workers speak. Please indicate the following:

Number of staff hours your organization can dedicate to training and/or any plans for how to provide training:

What is the capacity your organization has to hold the following trainings per month:

# of Buildings, assuming each building will need 1-3 trainings.

# of in person meetings/trainings

# of virtual trainings

Languages your organization can train in:

Geographic locations that your organization can cover:

Whole State

Twin Cities 7 county Metro

Northern Minnesota

Western Minnesota

Southern Minnesota

Other \_\_\_\_\_

Are you able to provide a virtual option?

If so, what applications do you use? (drop down- zoom, teams, Webex, other)

How many people can you train at one time?

Our organization is available to train during:

1<sup>st</sup> shift

2<sup>nd</sup> Shift

3<sup>rd</sup> Shift

What is your plan to staff these trainings? (Attach separately if more space is needed)

## Acknowledgement

I understand and accept that, according to Minnesota Statutes Sections 181.211 to 181.217 and the rules promulgated thereunder, the Nursing Home Workforce Standards Board may deny, revoke, suspend or limit this certification if I knowingly and willfully made a false statement or provided false documentation in this application or are unable to carry out trainings in the manner dictated by the Board. I declare that all statements and documentation provided with this application are true and correct.

**Applicant's signature**

**Date (month/day/year)**

\_\_\_\_\_ (organization) \_\_\_\_\_ (Job title) \_\_\_\_\_ (contact information)

# Certified Worker Organizations' Documentation Requirements:

## Meeting your obligations for documenting worker training

181.214 subd. 6 says “A nursing home employer must submit written documentation to the board to certify that that every two years each of its nursing home workers completes one hour of training that meets the requirements of this section and is provided by a certified worker organization.”

Part of the application process to become a certified worker organization included an agreement to provide documentation to the workers and the nursing home employers.

Below is the process the Board has laid out to help certified worker organizations meet these obligations.

### Code for organization

The Board will provide a code to the organization. This will be provided after the organization is certified.

### Code for training

The worker organization will then provide a code to the worker once they have been trained. The code will need the date and geographic location in it. The date will be important to include to easily identify if a worker has been trained in the last two years and the location will be important to help distinguish the training.

Here is the recommended formula:

Organization’s code + date of training + [county code](#) of the location of the training.

For example, if an organization with the code “A” held a training on September 9, 2024 in St. Peter which is located in Nicollet County, the code for the training would be:

A20240909103 (A-the organization’s code+2024/09/09- the date of the training+103- Nicollet County’s county code).

These codes would be decipherable to the Board and employer and certified worker organization, but long enough that they may be difficult to fraudulently produce.



## Requirements

Worker Organizations would need to keep records of the trainings they have done and the workers who attended for 5 years, in order to allow for the possibility that the Board selects a nursing home's trainings to be verified. The Board and a Nursing Home employer should be able to ask the Worker Organization to provide a check on legitimacy of a code and that a particular worker attended that meeting.

Worker Organizations will send the list of worker attendees to the nursing homes that had workers at the training. In return, the nursing home will return the sign in sheet with contact information for those workers who have not opted out of sharing their contact information with the worker organization. To do this, the worker organization should have a sign in sheet that includes the following:

- Name
- Nursing homes where worker is employed

A template sign in sheet is available [here](#). The sign in would be used to pass from the worker organization to the nursing home employer to help the employer verify worker attendance and ensure their workers are compensated for their attendance. The nursing home employer would then send the sign in sheet back to the worker organization with names and contact information of those who attended unless a worker opts out of having their information shared as prescribed by statute.

## Board Verification process

The NHWSB will have a process for verifying that nursing homes have trained their workers for an hour at least once every two years. During this process, worker organizations may be called upon to verify the codes and attendance at trainings. This is why saving your sign in sheets will be important.

## Examples of Sign in sheets, information sharing process

### EXAMPLE: Sign in sheet

The expectation would be that this sheet is what is retained for 5 years.

<i>This column is filled out at the sign in or pre-filled if folks sign up in advance</i>	<i>This is the same for every attendee of an event, but different for each event</i>	<i>This can be filled out or verified/edited by the attendee</i>	<i>The staff of the certified worker organization would fill this out. A "no" or blank would indicate they signed up but didn't attend.</i>
<b>Name</b>	<b>Training code</b>	<b>Nursing Home Employer(s)</b>	<b>Attended</b>
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Sincerely,

First Certified Worker Organization

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<b>Name</b>	<b>Training code</b>	<b>Nursing Home Employer(s)</b>	<b>Attended</b>
Maria Gonzalez	A20240909103	ACME Springfield	Yes

**EXAMPLE: What the employer would send back**

Dear First Certified Worker Organization,

Please find the attached names and contact information from your training on September 9, 2024 in St. Peter.

Sincerely,

ACME Mankato

Name	Training code	Nursing Home Employer(s)	Attended	Contact Information
Jan Jansen	A20240909103	ACME Mankato	Yes	Contact information filled out.....
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Opted out of sharing contact information

# Timeline for application for certification and ongoing obligations for worker organizations

Applications will be accepted on a rolling basis and reviewed at least quarterly. Our rules dictate that we must certify or deny certification within 90 days of receiving the initial application in the form prescribed by the Board.

- January 1, 2025- date for Certification Rules to go into effect.
  - February 17, 2025- Applications for Certification of Worker Organizations opens.
  - May 17, 2025- 90 days since Applications opened- first deadline for responding on applications.
- \*As Organizations are certified, they must, according to draft rules, be issued a unique identification number.
- September, 2026- Annual review of curriculum and public hearing
  - November, 2026- Certified worker organizations should have received updates and are using new curriculum.
  - January 1, 2027- 1<sup>st</sup> Deadline to for nursing homes to document that any workers who have been there for 2 years or more have had at least one hour of training.
  - February-April, 2027- Executive Director works with nursing homes to verify their documentation of training of the workers.
  - 2026-27 would likely see first review and potentially adoption of new standards (MS 181.213 subd 3). Within 30 days of the adoption of new standards, the Board would need to open up the application process for renewal of certification. The application period for renewal would last 60 days.

# Draft Curriculum: NHWSB Worker Training

Date: 2024

## Topic: Purpose and Objectives

### Purpose

The purpose of the trainings is to help fulfill the Board's obligation to "ensure that nursing home workers are properly trained about and fully informed of their rights" under the NHWSB Act<sup>1</sup>

### Objectives

At the end of the training course, the workers should understand or know where to find:

The current minimum standards set by the NHWSB.

2. Antiretaliation protections established by the NHWSB Act.
3. What to do if they are experiencing violations of the NHWSB Act and the rules established by the Board or experiencing retaliation, including how to report such violations.
4. Additional rights, duties, and obligations of the NHWSB Act, updates since the last training.
5. How to get in touch with the NHWSB or get information about upcoming NHWSB events.
6. Other information
  - a. *The Federal staffing mandates and Earned Safe and Sick time have been mentioned.*
  - b. *Resources should be listed for MNOSHA, Safe Patient Handling, Employee's right to know and HAZCOM, National Labor Relations Act, Minnesota Paid Family and Medical Leave.*

## Topic: Methodology

### Interactive Trainings

Certified worker organizations must provide effective and interactive trainings.<sup>2</sup> Online trainings should therefore include a synchronous (live) portion and give workers an opportunity to ask questions and have them answered. The Board can consider if there are other training features that could improve the efficacy of trainings.

<sup>1</sup> § 181.213, subd. 1(a)

<sup>2</sup> § 181.214, subd. 1(1) and § 181.214, subd. 5(2)

## Follow up

Certified Worker Organizations must provide follow up written or electronic materials that cover the topics in the training.<sup>3</sup> Trainings must be conducted in a language in which the workers are proficient. Follow up materials should also be provided in the languages in which the workers are proficient.<sup>4</sup> A certified worker organization must also make itself reasonably available to answer questions during and after training sessions.<sup>5</sup>

## Languages

The training and follow up must be conducted in a language in which workers are proficient.

## Topic: Pacing

### One to three training sessions

The NHWSB Act dictates that Certified Worker Organizations are not required to cover all topics in a single session. Rather, a certified worker organization may cover the required curriculum topics over the course of up to three training sessions. Nursing Home Employers however are only obligated to certify that their workers have been trained for one hour ever two years.<sup>6</sup>

## Topic: Evaluation

Certified Worker Organizations may conduct surveys of nursing home workers who attend a training session to evaluate the effectiveness of training sessions and industry compliance with the NHWSB Act.<sup>7</sup> Does the Board wish to encourage certified worker organizations to conduct these surveys and encourage organizations to share their data with the Board, to inform the Board's annual review of the adequacy of the curriculum requirements? How would the Board like to evaluate what is effective in communicating with and training workers?

## Topic: Content

See Training Content Document

<sup>3</sup> § 181.214, subd. 5(3) and § 181.214, subd. 1(2)

<sup>4</sup> § 181.214, subd. 5(3) and § 181.214, subd. 1(2)

<sup>5</sup> § 181.214, subd. 5(4) and § 181.214, subd. 1(2)

<sup>6</sup> § 181.214, subd. 3

<sup>7</sup> § 181.214, subd.5(5)

## Topic: Other obligations

Certified Worker Organizations also have other obligations, such as giving nursing home employees a confirmation of having completed the training, communicating with the employer of the nursing home workers, and keeping data securely. Please see \_\_\_\_\_ for full instructions.

## Topic: Continuing Education

The Board of Nursing does not approve specific continuing education credits, but rather is it up to individual nurses whether or not a course meets the requirements for continuing education. Those requirements can be found here: [Continuing Education / Minnesota Board of Nursing \(mn.gov\)](#)

If a Certified Worker Organization would like to be listed as a resource for continuing education, that information can be found here: [CE Resources\\_tcm21-537930.pdf \(mn.gov\)](#)

We can look into other fields if the Board thinks this is a priority.

# Content: Certified Worker Organization

## Training Nursing Home Workforce

### Standards Board

Date: 2024

#### Topic: Introduction

#### Objective: By the end of this session, you will be able to:

- Explain the Nursing Home Workforce Standards Board
- Understand your rights under the Nursing Home Workforce Standards Board Act
- Know who to contact with questions or for help

#### Nursing Home Workforce Standards Board

2023 Legislature created the Nursing Home Workforce Standards Board (NHWSB) under the Nursing Home Workforce Standards Board Act MN Statute §§ 181.211 – 181.217 \_\_\_\_\_.

The Nursing Home Workforce Standards Board was created in law during the 2023 legislative session to conduct investigations into working conditions in the nursing home industry and adopt rules establishing minimum employment standards reasonably necessary and appropriate to protect the health and welfare of nursing home workers.

Who the Board is: the nine member Board is made up of three representatives from employers appointed by the Governor; three representatives from employees appointed by the Governor; and three representatives from three state agencies—the Department of Human Services, which oversees the state funding of nursing facilities, the Minnesota Department of Health, which licenses nursing facilities, and the Department of Labor and Industry, which enforces labor laws and rules, including the NHWSB Act.

Current Board members can be found here: [Nursing Home Workforce Standards Board members, Sept. 15, 2023 \(mn.gov\)](#)



## What the Board does (generally)

The Board researches market conditions for nursing homes and nursing home workers in order to understand the existing working conditions in the nursing home industry, and then based on that information make rules meant to protect the health and welfare of people working in nursing homes. This includes public forums, data research, and collaboration with advocates who represent nursing home employers and nursing home workers.

The Board also ensures that nursing home workers know their rights and obligations under the NHWSB Act. It does this by using its internal expertise and information from public engagement in order to set processes for certification of worker organizations, who will provide nursing home workers with training on their rights, and the Board also sets requirements for what must be in those trainings.

If nursing home believe they cannot meet the standards set by the Board, the Board creates procedures for nursing homes to apply for waivers and variances from the standards.

The Board also reports to the legislature on their work and the cost to the state of the standards it creates for nursing home workers.

## Topic: Wage Standards and other standards

### Minimum Wages effective January 1, 2026 and January 1, 2027

If the legislature appropriates the money to fund these wages, the following Minimum Wages will apply, starting in January 1, 2026. The legislature must appropriate money to fund the states cost of these wages for them to go into effect. The legislature convenes in January 2025 and must finish their work no later than June 30, 2025. This is when the money must be appropriated by.

The General Wage is the least amount that someone working in a nursing home who meets the definition of nursing home worker should be paid. The Minimum Wages for Certified Nursing Assistant (CNA), Trained Medication Aide (TMA), and Licensed Practical Nurse (LPN) are the least amount that someone working in that role should be paid. There is a set of minimum wages that start on January 1, 2026 and then an increase to the minimum wages that begins January 1, 2027.

Occupation	Minimum Wage for the Occupation as of January 1, 2026	Minimum Wage for the Occupation as of January 1, 2027
General Wage	\$19	\$20.50
Certified Nursing Assistant (CNA)	\$22.50	\$24
Trained Medication Aide (TMA)	\$23.50	\$25
Licensed Practical Nurse (LPN)	\$27	\$28.50

Note: The general minimum wage applies to all nursing home workers as defined by the Nursing Home Workforce Standards Board Act who are not otherwise noted in this chart. For further clarification on who meets the definition of nursing home worker, see statute 181.211, subdivision 9.

## Waiver and Variances

If a nursing home has a waiver or variance from the minimum wages, please note that they have a waiver and what the terms and the minimum wages are associated with those terms here.

## Holiday Pay- Effective January 1, 2025

If a nursing home worker works in the nursing home on one of the designated holidays, they must be at least paid time and a half of their regular hourly wage for all hours worked during the holidays.

“Holiday” means the following dates: New Year's Day, January 1; Martin Luther King's Birthday, the third Monday in January; Washington's and Lincoln's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Juneteenth, June 19; Independence Day, July 4; Labor Day, the first Monday in September; Indigenous Peoples Day, the second Monday in October; Veterans Day, November 11; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25.

If a nursing home worker works in the nursing home on one of these designated holidays, they must be at least paid time and a half of their regular hourly wage for all hours worked during the holidays.

This is a minimum set of holidays that must be paid at least time and a half of a worker's hourly wages. An employer may pay more than time and a half and may pay holiday pay on more days than these minimum 11 holidays. Some union contracts may have additional requirements about holidays and holiday pay, but those are always in addition to the rules set by the Board.

A holiday is a 24-hour period comprised of the time from midnight of the date designated as a holiday to the next midnight.

There are ways to change the list and the times. Agreement between the worker and employer can allow for up to 4 holidays being changed. For more details, see (rules)

# Topic: Nursing Home Workforce Standards Board Act Other Rights and Protections

## Training

The NHWSB Act directs the NHWSB to certify organizations to train nursing home workers on their rights under the NHWSB Act as well as other applicable laws and rules. Organizations that train nursing home workers on their rights must use a curriculum that meets requirements set by the NHWSB.

The training should be interactive and in a language that you, the worker, are proficient in.

You should receive follow up materials either electronically or in written form and be able to ask questions during or after the training.

The Certified Worker Organization may also follow up with you with a survey about how the training went.

A Certified Worker Organization may ask your employer for your contact information. If you do not want your contact information shared with the worker organization, you have the right to opt out of your employer giving out that information. To opt-out, submit that request in writing to your employer.

Your employer needs to certify that you have been trained for at least one hour every two years.

Finally, the NHWSB determines that you should be compensated for attending the training. "A nursing home employer must compensate its nursing home workers at their regular hourly rate of wages and benefits for each hour of training completed as required by this section and reimburse any reasonable travel expenses associated with attending training sessions not held on the premises of the nursing home." Check with your employer about travel reimbursement and communicate with your trainers about any difficulties.

<https://www.revisor.mn.gov/statutes/cite/181.214#stat.181.214.7>

## Posting

The nursing home employer where you work should post notice of the rights and obligations under the NHWSB Act in the same way that you would typically be notified of work-related notices.

“Provision of notice must be at least as conspicuous as:

(1) posting a copy of the notice at each work site where nursing home workers work and where the notice may be readily seen and reviewed by all nursing home workers working at the site; or

(2) providing a paper or electronic copy of the notice to all nursing home workers and applicants for employment as a nursing home worker.”

Your employer must also notify you that you can request the notice in a language you are proficient in. The Board can assist in translation.

“(b) The notice required by this subdivision must include text provided by the board that informs nursing home workers that they may request the notice to be provided in a particular language. The nursing home employer must provide the notice in the language requested by the nursing home worker. The board must assist nursing home employers in translating the notice in the languages requested by their nursing home workers.”

### **Conflicts with Other Laws or Agreements**

The rights and protections for nursing home workers established by the NHWSB Act are meant to be the minimum protections and standards employers must follow.

If a rule set by a different state agency conflicts with a rule that the NHWSB sets, the rule set by the NHWSB will apply to nursing home workers, unless the rule set by the different state agency was established after the rule set by the NHWSB AND that rule set by the other state agency is more protective or beneficial to nursing home workers.

If a rule set by the NHWSB conflicts with requirements in federal regulations for nursing home certification or with state statutes or rules governing licensure of nursing homes, the federal regulations or state nursing home licensure statutes or rules shall take precedence, and the conflicting board standard or rule shall not apply to nursing home workers or nursing home employers. The Commissioner of Health decides if such a conflict exists, not nursing home employers.

The rights and protections of the NHWSB Act do not limit the rights of workers to engage in collective bargaining (for example, by joining a union), or through a collective bargain (also called a CBA or a union contract) agree to nursing home employment standards OR mean that a nursing home employer doesn't have to comply with any contract, collective bargaining agreement, or employment benefit program or plan that meets or exceeds, and does not conflict with, the minimum standards and requirements under the NHWSB Act.

## Anti-Retaliation

There are rules against employers retaliating against workers for exercising their rights under the NHWSB Act.

### ***Rules for nursing home employers:***

A nursing home employer shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against a nursing home worker because the person has exercised or attempted to exercise rights protected under The NHWSB Act (Minnesota Statutes, sections 181.211 to 181.217), including but not limited to:

- (1) exercising any right afforded to the nursing home worker under the NHWSB Act;
- (2) participating in any process or proceeding under the NHWSB Act, including but not limited to board hearings, board or department investigations, or other related proceedings; or
- (3) attending or participating in the training required by the NHWSB Act.

### ***Rules for all employers:***

Additionally, it shall be unlawful for an employer to:

- (1) inform another employer that a nursing home worker or former nursing home worker has engaged in activities protected under the NHWSB Act; or
- (2) report or threaten to report the actual or suspected citizenship or immigration status of a nursing home worker, former nursing home worker, or family member of a nursing home worker to a federal, state, or local agency for exercising or attempting to exercise any right protected under the NHWSB Act.

### ***There are consequences if these rules are broken:***

(c) A person found to have experienced retaliation in violation of this section shall be entitled to back pay and reinstatement to the person's previous position, wages, benefits, hours, and other conditions of employment.

## Topic: What to do if you suspect there are violations of the NHWSB Act

There are two options if you suspect you are experiencing violations of the NHWSB Act: Contact Labor Standards at the Department of Labor and Industry or use what is called a Private Right of Action.

### Labor Standards at the Department of Labor and Industry

If you suspect the NHWSB Act is not being followed, you can contact the Labor Standards department at 651-284-5075 or [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us).

### Filing a lawsuit

You can also file a lawsuit, also referred to as taking civil action or exercising a private right of action.

- (a) One or more nursing home workers may bring a civil action in district court seeking redress for violations of sections [181.211](#) to [181.217](#) or of any applicable minimum nursing home employment standards or local minimum nursing home employment standards. Such an action may be filed in the district court of the county where a violation or violations are alleged to have been committed or where the nursing home employer resides, or in any other court of competent jurisdiction, and may represent a class of similarly situated nursing home workers.

If it is found that the NHWSB Act has been violated, the employer may be liable for damages.

- (a) Upon a finding of one or more violations, a nursing home employer shall be liable to each nursing home worker for the full amount of the wages, benefits, and overtime compensation, less any amount the nursing home employer is able to establish was actually paid to each nursing home worker, and for an additional equal amount as liquidated damages. In an action under this subdivision, nursing home workers may seek damages and other appropriate relief provided by section [177.27, subdivision 7](#), or otherwise provided by law, including reasonable costs, disbursements, witness fees, and attorney fees. A court may also issue an order requiring compliance with sections [181.211](#) to [181.217](#) or with the applicable minimum nursing home employment standards or local minimum nursing home employment standards. A nursing home worker found to have experienced retaliation in violation of section [181.216](#) shall be entitled to back pay and reinstatement to the worker's previous position, wages, benefits, hours, and other conditions of employment.

If you have a collective bargaining agreement (CBA, also called a union contract), and the conditions are less favorable than these standards under the NHWSB Act, that is not an excuse to be paid less than the wages and other standards under the NHWSB Act.

- (a) An agreement between a nursing home employer and nursing home worker or labor union that fails to meet the minimum standards and requirements in sections [181.211](#) to [181.217](#) or established by the board is not a defense to an action brought under this subdivision.

Resources:

Talk to your collective bargaining agent/union

The Office of Attorney General - [Hiring an attorney](#)

National Employment Lawyers Association - [Find-A-Lawyer](#)

Volunteer Lawyers Network – [I Need Help](#)

## Topic: Other important Laws, Rules, Ordinances

### Federal Staffing Rules

Federal Staffing mandates are not set by the NHWSB, but we know that it affects much of the nursing home workers and employers.

You can find the mandates listed here: [Federal Register :: Medicare and Medicaid Programs; Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting](#)

You can find a press release that summarizes this here: [Medicare and Medicaid Programs: Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting Final Rule \(CMS 3442-F\) | CMS](#)

This rule is phased in over 3-5 years, depending on if your facility is considered rural or non-rural.

### Earned Safe and Sick Time

Another recent development that affects many nursing home workers is the statewide Earned Safe and Sick Time Requirements. “Sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse, sexual assault or stalking.” [Earned sick and safe time \(ESST\) | Minnesota Department of Labor and Industry \(mn.gov\)](#)

To ensure that your employer is meeting the minimum requirements for earned safe and sick time accumulation and usage, please visit [Earned sick and safe time \(ESST\) | Minnesota Department of Labor and Industry \(mn.gov\)](#)

- [MNOSHA](#)
  - Minnesota’s chapter of OSHA (Occupational Safety and Health Administration)
- [Safe Patient Handling Act](#)
- Every licensed health care facility in the state shall adopt a written safe patient handling policy establishing the facility's plan to achieve the goal of minimizing manual lifting of patients by nurses and other direct patient care workers by utilizing safe patient handling equipment. [MN Statute §182.6551 – §182.6554](#)



- [Employee's Right to Know](#) and [HAZCOM](#)
  - Employers must evaluate their workplaces for the existence of hazardous substances, harmful physical agents, and infectious agents and to provide training and information to those employees covered under this act who are routinely exposed to those substances and agents. [MN Statute chapter 5206](#)
- [MNOSHA Ergonomics](#)
  - Employers must proactively address ergonomics issues in the workplace [MN Statutes §182.677](#)
- [National Labor Relations Act](#)
  - This federal act protects your right to discuss wages at work and encourages collective bargaining by protecting workers' full freedom of association
- [Minnesota paid family and medical leave](#)
  - The new Minnesota law will take effect on January 1, 2026, and will provide 12 weeks of paid family or medical leave

## **Topic: Updates to the Training and upcoming events**

### **Where to get info about upcoming Board events**

You can find information about the NHWSB here [Nursing Home Workforce Standards Board | Minnesota Department of Labor and Industry \(mn.gov\)](#)

The NHWSB has public meeting notifications posted there and you can find out more information about how to get involved with the NHWSB there as well.

# Sample Curriculum



**Objective: By the end of this session, you will be able to:**


- Identify the Nursing Home Workforce Standards Board
- Understand your rights under the Nursing Home Workforce Standards Board Act
- Know who to contact with questions or for help

### Introduction

In 2023, the legislature created the Nursing Home Workforce Standards Board under the Nursing Home Workforce Standards Act, MN Statute 181.211 – 181.217 and rule number \_\_\_\_\_.

The Nursing Home Workforce Standards Board is referred to as the NHWSB or the Board.

The Board's main role is to examine working conditions in the industry and create rules that will protect the health and welfare of nursing home workers, including minimum wages.



4/7/2024 [www.dli.mn.gov](http://www.dli.mn.gov)

# Sample Curriculum

## Introduction

Who is the board?

The nine-member Board is made up of three people appointed by the Governor who represent the interests of nursing home employers; three people appointed by the Governor who represent the interests of nursing home employees; and three representatives from state agencies—one from the Department of Human Services, which oversees the state funding of nursing facilities; one from the Department of Health, which licenses nursing facilities; and one from the Department of Labor and Industry, which enforces labor laws and rules, including the NHWSB Act. The board is run by an Executive Director.



Employer representatives



Agency representatives  
Department of Human Services, Missouri Department of Health, and Department of Labor and Industry



Employee representatives

8/7/2024

[www.dhs.mo.gov](http://www.dhs.mo.gov)

5

## Introduction

What does the board do?

The Board researches current conditions in nursing homes and for nursing home workers. The Board does this using many different tools such as public forums, data research, and collaboration with subject matter experts.

With the information they receive, the Board makes rules to protect people who work in nursing homes.

The Board makes sure that nursing home workers know their rights. The Board creates processes for worker organizations to train workers on their rights and tells those organizations what must be in the trainings.

8/7/2024

[www.dhs.mo.gov](http://www.dhs.mo.gov)

6

## Introduction

The Board is responsible for creating procedures for nursing homes to apply for waivers and variances from the standards. A nursing home can apply for a waiver or variance if it believes it cannot meet the standards set by the Board without the risk of going to receivership or closing.

The Board reports to the legislature on its work and the cost of the standards to the state.

What does the board do?

8/7/2024

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7

Questions?

# Sample Curriculum

## Wage and other standards

## Wage and other standards

If the legislature appropriates the money to fund these wages, the following minimum wages will go into effect in 2026 and 2027.

The legislature must appropriate money to fund the states cost of these wages for them to go into effect. The legislature convenes in January 2025 and must finish their work no later than June 30, 2025. This is when the money must be appropriated by.

Occupation	Minimum Wages for the Occupation as of January 1, 2026	Minimum Wages for the Occupation as of January 1, 2027
General Wage	\$19	\$20.50
Certified Nursing Assistant (CNA)	\$22.50	\$24
Trained Medication Aide (TMAA)	\$23.50	\$25
Licensed Practical Nurse (LPN)	\$27	\$28.50

Note: The general minimum wage applies to all nursing home workers as defined by the Nursing Home Workforce Standards Board Act who are not otherwise noted in this chart. For further clarification on who meets the definition of nursing home worker, see statute 18.1.211, subdivision 9.

8/7/2024

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10

## Wage and other standards- Optional Waiver Slide

If a nursing home has a waiver or variance from the minimum wages, please note that they have a waiver and what the terms and the minimum wages are associated with those terms in this slide.

8/7/2024

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11

## Wage and other standards

If a nursing home worker works in the nursing home on one of the designated holidays, they must be paid at least a time and a half of their regular hourly wage for all hours worked during the holiday.

Holiday Pay- Effective January 1, 2025	
New Year's Day, January 1	Labor Day, the first Monday in September
Martin Luther King's Birthday, the third Monday in January	Indigenous Peoples Day, the second Monday in October
Washington's and Lincoln's Birthday, the third Monday in February	Veterans Day, November 11
Memorial Day, the last Monday in May	Thanksgiving Day, the fourth Thursday in November
Juneteenth, June 19	Christmas Day, December 25
Independence Day, July 4	

8/7/2024

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12

# Sample Curriculum

## Wage and other standards

This is a minimum set of holidays. An employer may pay more than time and a half and may pay holiday pay on more days than these minimum 11 holidays. Some union contracts may have additional requirements about holidays and holiday pay, but those are always in addition to the rules set by the Board.

A holiday is a 24-hour period from midnight to the next midnight.

There are ways to change the holiday list and holiday the times. Agreement between the workers and employer can allow for up to 4 holidays being changed. For more details, see (rules)

8/7/2014

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13

Questions?

 DEPARTMENT OF  
LABOR AND INDUSTRY

## Rights and protections

## Other Rights and Protections

### Training



All workers must be informed of their rights under the NHWSB Act as well as other applicable laws and rules at least every two years. Organizations that train nursing home workers on their rights must use a curriculum that meets requirements set by the NHWSB.



The training should be interactive and in a language that you, the worker, are proficient in.



You should receive follow up materials either electronically or in written form and you should be able to ask questions during or after the training.



The Certified Worker Organization may also follow up with you with a survey about how the training went. This is not required.

8/7/2014

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16

# Sample Curriculum

## Other Rights and Protections

### Training



A Certified Worker Organization may ask your employer for your contact information. If you do not want your contact information shared with the worker organization, you have the right to opt out. To opt-out, submit a request in writing to your employer.



Your employer needs to certify that you have been trained for at least one hour every two years.



You should be compensated for attending the training at your hourly rate for each hour of training you attend, as well as reimbursed for any reasonable travel expenses associated with attending the training sessions not held at the nursing home.



Check with your employer about policies regarding travel reimbursement and payment for time worked outside of your facility. Communicate with your trainers about any difficulties.

8/1/2024

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17

## Other Rights and Protections

### Posting

Your employer should post notice of the rights and obligations under the NHWSB Act in the same way that you would typically be notified of other work-related notices.



The notice must be communicated clearly, such as:



- Posting a copy of the notice at each work site where it can be seen by all nursing home workers
- Providing a paper or electronic copy of the notice to all nursing home workers and applicants for employment

Your employer must also notify you that you can request the notice in a language you are proficient in. The Board can assist in translation.

8/1/2024

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18

## Other Rights and Protections

### Conflicts

If a rule set by a different state agency conflicts with a rule that the NHWSB sets, the rule set by the NHWSB will apply to nursing home workers, unless the rule set by the different state agency was established after the rule set by the NHWSB AND that rule set by the other state agency is more protective or beneficial to nursing home workers.

The rights and protections of the NHWSB Act do not limit the rights of workers to engage in collective bargaining (for example, by joining a union), or through a collective bargain (also called a CBA or a union contract) agree to nursing home employment standards OR mean that a nursing home employer doesn't have to comply with any contract, collective bargaining agreement or employment benefit program or plan that meets or exceeds, and does not conflict with, the minimum standards and requirements under the NHWSB Act.

8/1/2024

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19

## Other Rights and Protections

### Anti-retaliation

There are rules against employers retaliating against workers for exercising their rights under the NHWSB Act.

#### Rules for nursing home employers

A nursing home employer shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against a nursing home worker because the person has exercised or attempted to exercise rights protected under the NHWSB Act, including but not limited to:

- Exercising any right afforded to the nursing home worker under the NHWSB Act;
- Participating in any process or proceeding under the NHWSB Act such as: board hearings, board or department investigations, or other related proceedings
- Attending or participating in the training required by the NHWSB Act.

8/1/2024

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20

# Sample Curriculum

## Other Rights and Protections

### Anti-retaliation

Additionally, it shall be unlawful for an employer to:

- Inform another employer that a nursing home worker or former nursing home worker has engaged in activities protected under the NHWSB Act; or
- Report or threaten to report the actual or suspected citizenship or immigration status of a nursing home worker, former nursing home worker, or family member of a nursing home worker to a federal, state, or local agency for exercising or attempting to exercise any right protected under the NHWSB Act.

8/7/2018

[www.dli.wa.gov](http://www.dli.wa.gov)

21

## Other Rights and Protections

### Anti-retaliation

There are consequences if these rules are broken.

A person found to have experienced retaliation in violation of this section shall be entitled to back pay and reinstatement to the person's previous position, wages, benefits, hours, and other conditions of employment.

8/7/2018

[www.dli.wa.gov](http://www.dli.wa.gov)

22

Questions?

**m** DEPARTMENT OF  
LABOR AND INDUSTRY

Violations

# Sample Curriculum

## Violations

If it is found that the NHWSB Act has been violated, the employer may be liable for damages. If you have a collective bargaining agreement (sometimes referred to as a CBA or union contract), and the conditions are less favorable than the standards under the NHWSB Act, that is not an excuse to be paid less than the wages and other standards set under the NHWSB Act.

8/7/2024

[www.dli.mn.gov](http://www.dli.mn.gov)

25

## Violations

There are two options for you if you expect your employer has violated your rights under the NHWSB Act.

### 1. Labor Standards at the Department of Labor and Industry

If you suspect the NHWSB Act is not being followed, you can contact the Labor Standards department at 651-284-5075 or [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us).

### 2. Filing a lawsuit

You can also file a lawsuit, also referred to as taking civil action or exercising a private right of action.

8/7/2024

[www.dli.mn.gov](http://www.dli.mn.gov)

26

## Violations- Resources

- Talk to your collective bargaining agent/union
- The Office of Attorney General - [Hiring an attorney](#)
- National Employment Lawyers Association - [Find-A-Lawyer](#)
- Volunteer Lawyers Network - [I Need Help](#)

8/7/2024

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27

Questions?



# Sample Curriculum



## Other laws and rules, updates

## Other laws and rules

### Federal Staffing Rules

Federal Staffing mandates are not set by the NHWSB, but we know they affect nursing home workers and employers. This rule is phased in over 3-5 years, depending on if your facility is considered rural or non-rural. For more information, please visit : [Federal Register :: Medicare and Medicaid Programs; Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting](#)

### Earned Safe and Sick Time

Another recent development that affects many nursing home workers is the statewide Earned Safe and Sick Time Requirements. "Sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons." To ensure that your employer is meeting the minimum requirements for earned safe and sick time accumulation and usage, please visit [Earned sick and safe time \(ESST\) | Minnesota Department of Labor and Industry \(mn.gov\)](#)

8/7/2024

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20

## Other laws and rules

- [MNOSHA](#)
  - Minnesota's chapter of OSHA (Occupational Safety and Health Administration)
- [Safe Patient Handling Act](#)
  - Every licensed health care facility in the state shall adopt a written safe patient handling policy establishing the facility's plan to achieve the goal of minimizing manual lifting of patients by nurses and other direct patient care workers by utilizing safe patient handling equipment. [MN Statute 62A.8531 - 62A.8534](#)
- [Employee's Right to Know and HAZCOM](#)
  - Employers must evaluate their workplaces for the existence of hazardous substances, harmful physical agents, and infectious agents and to provide training and information to those employees covered under the act who are routinely exposed to those substances and agents. [MN Statute chapter 5206](#)
- [MNOSHA Ergonomics](#)
  - Employers must proactively address ergonomics issues in the workplace. [MN Statutes 62A.677](#)
- [National Labor Relations Act](#)
  - This federal act protects your right to discuss wages at work and encourages collective bargaining by protecting workers' full freedom of association
- [Minnesota paid family and medical leave](#)
  - The new Minnesota law will take effect on January 1, 2026, and will provide 12 weeks of paid family or medical leave

8/7/2024

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21

Questions?

# Sample Curriculum

## Updates

You can find information about the NHWSB here [Nursing Home Workforce Standards Board | Minnesota Department of Labor and Industry \(mn.gov\)](#)

The website contains NHWSB public meeting notifications and other information about how you can connect with the NHWSB.



8/7/2014

[www.dhs.gov](http://www.dhs.gov)

23

Thank you

# Sample Follow Up Document

	Agency/Department	Resources	Contact Information
Federal Staffing Rules	Centers for Medicare & Medicaid Services ( <a href="#">CMS</a> ), Department of Health and Human Services ( <a href="#">HHS</a> )	<a href="#">Rule Information</a>	
Earned Safe and Sick Time	State of Minnesota ( <a href="#">MN</a> ), Department of Labor and Industry ( <a href="#">DLI</a> )	<a href="#">ESST FAQ's</a>	<a href="mailto:esst.dli@state.mn.us">esst.dli@state.mn.us</a> (651) 284-5075
Minnesota OSHA	Minnesota OSHA ( <a href="#">MNOSHA</a> )	<a href="#">Standards and Regulations</a>	651-284-5050 or 877-470-6742
Safe Patient Handling Act	Minnesota OSHA ( <a href="#">MNOSHA</a> )	<a href="#">Information</a>	651-284-5050 or 877-470-6742
Employee's Right to Know	Minnesota OSHA ( <a href="#">MNOSHA</a> )	<a href="#">Employee Right to Know Statute</a>	651-259-3700
HAZCOM	Minnesota OSHA ( <a href="#">MNOSHA</a> )	<a href="#">Standards and Regulations Statute</a>	651-284-5050 or 877-470-6742
National Labor Relations Act (NLRA)	National Labor Relations Board ( <a href="#">NLRB</a> )	<a href="#">FAQ's Information Right to discuss wages</a>	Region 18- (612) 348-1757
Minnesota paid family or medical leave	State of Minnesota ( <a href="#">MN</a> ) Department of Employment Economic Development ( <a href="#">DEED</a> )	<a href="#">Information</a>	<a href="#">Ask a question</a>
<i>(Fill in your information here)</i>			
NHWSB Information:	Department of Labor and Industry ( <a href="#">DLI</a> ) Nursing Home Workforce Standards Board ( <a href="#">NHWSB</a> )	<a href="#">About the Nursing Home Workforce Standards Board</a>	<a href="mailto:nhwsb.dli@state.mn.us">nhwsb.dli@state.mn.us</a>

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## MNOSHA

- Minnesota’s chapter of OSHA (Occupational Safety and Health Administration)

## Safe Patient Handling Act

- Every licensed health care facility in the state shall adopt a written safe patient handling policy establishing the facility's plan to achieve the goal of minimizing manual lifting of patients by nurses and other direct patient care workers by utilizing safe patient handling equipment. [MN Statute 182.6551 – 182.6554](#)

## Employee’s Right to Know and HAZCOM

- Employers must evaluate their workplaces for the existence of hazardous substances, harmful physical agents, and infectious agents and to provide training and information to those employees covered under this act who are routinely exposed to those substances and agents. [MN Statute chapter 5206](#)

## National Labor Relations Act

- This federal act protects your right to discuss wages at work and encourages collective bargaining by protecting workers’ full freedom of association

## Minnesota paid family or medical leave

- The new Minnesota law will take effect on January 1, 2026, and will provide 12 weeks of paid family or medical leave