

Mandated Holidays Implementation Questions

November 2024

General Questions

What is the definition of “administrative staff” as used by the “nursing home worker” definition?

Does the terms nursing home worker include exempt employees?

- Does the mandated holiday rule apply to exempt employees?

The mandated holidays rule allows for the modification of the holiday date and time.

- Please define:
 - What the “agreement” between staff and employers should include and,
 - The “voting” process used for the agreement.
- What employees are “affected nursing home workers”?

Can different bargaining units (or the group of employees not in a bargaining unit) have different holidays? Or do the eleven identified need to be the same facility wide?

Are providers, NHWSB or DOLI responsible to put contracted services vendors who have contracted workers in nursing homes on notice of these standards?
ie meal, therapy, cleaning service vendors...

For campuses with multiple service lines, including nursing facilities, assisted living, home care, hospice, hospitals, clinics, etc.

Does the term "nursing home worker" encompass all ancillary departments, such as maintenance, social services, activities, IT, and the business office?

- Consider an integrated health system with shared departmental roles, the applicability of this definition becomes ambiguous.
- For instance, the maintenance team serves multiple buildings – hospital, clinics, etc. Can we limit to only those scheduled for the nursing facility building on that specific holiday to qualify for this pay?

Are these policies permissible?

- Our company’s current policy stipulates that staff members who are not required to work on a holiday, but choose to do so, do not receive 1.5 times pay.
- We do not have automatic paid time off for holidays here. Employees may use their PTO. Can we maintain this aspect of our policy considering the proposed rules?