

# Meeting minutes: Nursing Home Workforce Standards Board

Date: Monday, April 29, 2024

Minutes prepared by: Linnea Becerra

Location: Hybrid – Minnesota Room at the Department of Labor and Industry and via Webex

## Members present

- Commissioner Nicole Blissenbach
- Chair Jaime Gulley
- Michelle Armstrong
- Kim Brenne
- Michele Fredrickson (remotely)
- Maria King
- Katie Lundmark
- Paula Rocheleau
- Mary Swanson

## DLI staff members present

- Ali Afsharjavan (remotely)
- Linnea Becerra
- Paul Enger
- Leah Solo

## Visitors present

- Alfonzo (remotely)
- Todd Bergstrom
- Teresa Brees
- Jeff Bostic
- Peter Butler – Department of Human Services
- Phillip Cryan
- Geoff Dittberner
- Brian Elliott
- TJ Hart
- Ernesta (Nessa) Higgins
- Josie Kelly
- Casey Murphy (remotely)
- Jeremy Olson (remotely)
- Toby Pearson

## Agenda items

1. **Call to order** – the meeting was called to order by Jamie Gulley at 9:10 a.m. A roll call was taken and a quorum was declared.
2. **Approval of agenda** – a motion to approve the agenda as presented was made by Michelle Armstrong and seconded by Maria King. The item was presented for discussion; a roll call vote was taken and the motion passed unanimously.
3. **Approval of drafted meeting minutes** – a motion to approve the April 15, 2024, drafted meeting minutes as presented was made by Armstrong and seconded by King. A roll call vote was taken and the motion passed unanimously.
4. **Board updates** –
  - Chair Gulley spoke about the amount of work the board has done to this point, including:
    - 13 full board meetings;
    - 25 workgroup meetings;

- five public forums;
  - 43 total meetings in eight months of the board's existence;
  - presentations from the Department of Labor and Industry, Department of Employment and Economic Development and Department of Human Services;
  - public forums where 224 people attended and 71 attendees spoke (28 workers, 22 employers and 21 members of the public); and
  - questionnaires that received responses from 205 people, including 101 workers, 69 employers and 35 members of the public.
- Executive Director Leah Solo explained her memo analyzing the proposals to the board thus far. She began by reviewing the statutory language the board is obligated to follow. She then reviewed the data sources the board has used to inform their decision-making. In addition to data, the board engaged the public in multiple ways, including public forums and questionnaires, some available in multiple languages. Director Solo then described the limitations of the data set. She presented her analysis of proposal union 2(a) and proposal union 2(b), concluding that, given the conservative estimates, within reason, both proposals could be argued to meet the majority benchmark and improve the health and welfare of nursing home workers. Director Solo explained the "Wage 1 Proposal," which is divided into two parts and did not include minimum wages, so it was impossible to analyze whether it met the majority benchmark or improved the welfare of nursing home workers. Part two of the "Wage 1 Proposal" contained language around costing and funding streams for nursing homes, which would require statutory changes by the Legislature. Director Solo explained the "Holiday Pay Proposal" and how it compares to current industry standards, concluding it would benefit a majority of workers and improve the health and welfare of nursing home workers. Chair Gulley opened the floor for discussion about the analysis memo; some discussion occurred regarding the holiday pay amendment and whom it centers – the employer or the employee.
  - Peter Butler, Aging Disability Services Administration, presented the "Fiscal Analysis for the Board 4.25.2024 Data Request" spreadsheet. This information is a result of a request for more explanation of the data in the fiscal notes presented to the board at its April 11, 2024 meeting. Butler walked through the narrative notes in the workbook, explaining the methodology behind the previously presented fiscal notes.
  - Chair Gulley presented an amendment to the "Union Holiday Pay Proposal" that was discussed and presented as *"Delete Indigenous people's day sentence and add the following: If agreed to by a majority of affected employees and determined prior to the start of the calendar year, any 4 holidays on this list and be substituted for alternate days to be paid at time and a half."* Discussion occurred.
  - A motion was made by Armstrong to approve "Union Proposal 2(a) and Holiday Pay" components as drafted. This motion was seconded by Commissioner Nicole Blissenbach and was presented for discussion.
    - A proposal to approve the "Amend Time and Half Proposal" was made by Katie Lundmark and seconded by Paula Rocheleau. The proposed amendment was presented for discussion. **A roll call vote was taken and the motion failed, with three votes in favor and six votes dissenting.**
    - A motion was made by Commissioner Blissenbach to amend the holiday pay proposal to read *"Delete Indigenous people's day sentence and add the following: If agreed upon by a majority of affected employees or the exclusive representative of the effected representatives if one exists, and determined prior to the start of the calendar year, up to 4 holidays on this list can be*

- substituted for alternate days to be paid at time and a half.”* The motion was seconded by King and presented for discussion. **A roll call vote was taken and the vote carried, with six votes in favor and three abstaining.**
- After discussion and amendments, the motion was restated as “... move to approve Nursing Home Workforce Standards Proposal 2(a) as amended by the previous vote and direct the staff to draft the Holiday Pay and minimum wage components of that proposal into two separate rules for action at the next meeting.” **A roll call vote was taken and the motion carried, with six votes in favor and three abstaining.**
    - It was noted by Rocheleau that abstaining from voting for an employee benefit did not mean the benefit was unwanted but that it is paid for by an unfunded mandate.
- 5. New business –**
- A motion was made by Armstrong to reschedule the July 11 meeting to July 18 and seconded by Kim Brenne. A roll call vote was taken and the motion carried unanimously.
  - An expense report memo was included in the board member packet to make sure members are reimbursed correctly.
- 6. Next meeting –** the next meeting is May 9, 2024, at 11 a.m.

## Adjournment

A motion was made by Michele Fredrickson to adjourn the meeting at 11:06 a.m. and seconded by Rocheleau. A roll call vote was taken and the motion passed unanimously.