DEPARTMENT OF LABOR AND INDUSTRY

Minutes: Nursing Home Workforce Standards Board

Date: Tuesday, Sept. 22, 2026
Minutes prepared by: Linnea Pignatello
Location: Hybrid – Minnesota Room at the Department of Labor and Industry and via Teams

Attendance

Members present

Jason Anderson (remotely)
Michelle Armstrong
Commissioner Kate Perushek
Kim Brenne (remotely)
Jamie Gulley
Paula Rocheleau
Mary Swanson (joined remotely at 4:03 p.m.)

Visitors present

Todd Bergstrom

DLI staff members present

Linnea Pignatello
Paul Enger
Ken McGurran
Leah Solo

Agenda items

1. **Call to order** – The meeting was called to order by Jamie Gulley at 4:02 p.m. Roll call was taken and a quorum was declared.
2. **Approval of agenda** – A motion to approve the agenda as presented was made by Kim Brenne and seconded by Michelle Armstrong. A roll call vote was taken and the motion passed unanimously.
3. **Board updates** –
4. **New business** –
    - Chair Gulley asked that Executive Director Leah Solo report on the workgroup that met to discuss the waiver application.
    - Solo began the meeting by updating the board that the three applications that had not received the rate add-on as of the most recent meeting did hear from the Department of Human Services and have received their rate add-on; therefore, those three facilities have withdrawn their waiver applications.

- Solo said the Data and Waiver Workgroup recommended denying the waiver for the applicant's (sometimes referred to as the fourth applicant) request to waive the general worker minimum wage. Solo gave an overview of highlights from the workgroup, including that the facility received a rate add-on, but said it would forego the portion that would go to the general workers in their facilities. The applicant also raised concerns about the impact of the minimum wages in general, not issues directly pertaining to its facility. The financial documents provided as part of the application did not show the facility in threat of receivership or closure and it appears the facility has enough cash on hand to weather the increases.
- Workgroup members added to the summary. Jason Anderson said this application may be precedent-setting. Brenne added it did not seem there was financial hardship demonstrated in the application to the extent that is required by law for a waiver, citing profits in 2024. Brenne noted that closing can be a business decision, but the application did not show this would push them into financial hardship. Gulley said he is unclear about a mechanism that would let the facility forego a portion of its rate add-on and Paula Rocheleau asked Brenne if she knew of any mechanism that would allow for that. Brenne responded that it is not something their department has contemplated or researched.
- Rocheleau asked if, in the future, the applicants that have multiple lines in their financials could isolate their skilled nursing facilities' financials. Paul Enger (Office of General Counsel) recalled that in a separate application and discussion, a facility noted that because their systems are so integrated, isolating the nursing homes' financials is extremely difficult.
- Commissioner Kate Perushek thanked the workgroup for their work, noted they received the rate add-on and noted a concern that granting this waiver would impact the lowest earning workers, the workers the Nursing Home Workforce Standards Board Act aimed to help, but also wanted to be sensitive to the facility. Commissioner Perushek echoed Anderson's concern about precedent, especially when the applicant did not appear to have met the eligibility for a waiver.
- Rocheleau pointed out the workers qualifying for the general worker minimum wages are the ones who are seeing the largest increase in salary and costing the most to meet the minimum.
- Brenne reiterated this decision will be made based on this current information presented to the board and there may be additional information. Chair Gulley mentioned they could reapply anytime.
- A motion was made to approve the recommendation of the workgroup to deny the waiver application. The motion was made by Armstrong and seconded by Brenne. A roll call vote was taken and the motion passed unanimously.
- Solo explained that while the board had approved the certified worker organization (CWO) renewal application at its previous meeting, it had not formally opened the CWO renewal period. A motion was made by Rocheleau and seconded by Armstrong to open the CWO renewal period. Board counsel Enger requested a friendly amendment to the motion to clarify the length of time for which the renewal period would be open and noted the renewal period would need to be open for at least 60 days to comply with the applicable rules. Rocheleau amended her motion to clarify the CWO renewal period would be open for at least 60 days as required by rules and Armstrong seconded the amended motion. A roll call vote was taken and the motion passed unanimously.

5. **Next meeting** – The next meeting is Thursday, Oct. 8, 2026.

Adjournment

A motion was made by Armstrong to adjourn the meeting at 4:24 p.m. and seconded by Brenne. A roll call vote was taken and the motion passed unanimously.