

Minutes: Nursing Home Workforce Standards Board

Date: Thursday, November 7, 2024

Minutes prepared by: Linnea Becerra

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

Attendance

Members present

Commissioner Blissenbach (remotely)

Jamie Gulley

Michelle Armstrong (remotely)

Kim Brenne (remotely)

Maria King (remotely)

Katie Lundmark (remotely)

Mary Swanson (remotely)

Visitors present

Tara (remotely)

Todd Bergstrom

Cate Davis (remotely)

Brian Elliott

John Kelly (remotely)

Deborah Meyer (remotely)

Kayla Revier (remotely)

DLI staff members present

Ali Afsharjavan

Linnea Becerra

Paul Enger (remotely)

Leah Solo

Agenda items

- 1. Call to order** – The meeting was called to order by Chair Jamie Gulley at 1:03 p.m. Roll call was taken. A quorum was declared.
- 2. Approval of agenda** – A motion to approve the agenda as presented was made by Michelle Armstrong and seconded by Mary Swanson. A roll call vote was taken, and the motion passed unanimously.

3. **Approval of drafted meeting minutes** – A motion to approve the October 10, 2024, drafted meeting minutes as presented was made by Michelle Armstrong and seconded by Mary Swanson. A roll call vote was taken, and the motion passed unanimously.
4. **Board updates** –
5. **New business** –
 - Ali Afsharjavan gave an update about the status of the proposed rule and the next steps.
 - Executive Director Solo clarified with board member Lundmark that her submitted questions and ensuing discussion, will impact the way she votes on the rules.
 - A motion was made to adopt the final rule, as approved by the ALJ, Revisor of Statutes, sending to the Governor’s office, to publish a notice of Adoption in State Register by Michelle Armstrong, seconded by Commissioner Blissenbach. The item was presented for discussion. Discussion included the items from the Mandated Holidays Implementation Questions November 2024, sent to the board by member Katie Lundmark. Solo began with a statement that the board is not labor standards nor a judge ruling on these questions so while discussion can occur, final decisions may be made by other parties and may be different from the discussion. The first item was the definition of “administrative staff” in the “nursing home worker” definition. Solo put forward that Board discussion has generally viewed administrative staff as being management. Commissioner Blissenbach offered that the definition could be clearer and could be reflected as such in statute. The next item was “does the term nursing home worker include exempt employees?” and it was discussed that generally, this could apply to workers who are exempt from overtime because this is not overtime. The next topic was the term ‘agreement’ in the rule as a way to decide agreed upon any change to the list of holidays. Solo put forward that the Board had wanted to allow for flexibility in the decision-making process, but still require a written record of the agreement. Solo offered examples such as a written vote, a survey monkey or a petition in a break room. It was clarified that the word voting is not used in the rules. The next question was about the ‘affected nursing home worker’ definition and there was clarification that if workers are not excluded under the definition of nursing home worker, they would be included. Board member Swanson clarified the question was wondering if “affected nursing home workers” were only those that were affected by the wage rules. Chair Gulley and Solo clarified that all workers under the definition of nursing home worker would be included in holiday pay. There was discussion about contractors as well. The board also discussed that different bargaining units in one facility can have different holidays if they so choose. Next, a discussion about organizations that include nursing homes along with a hospital or assisted living facilities and workers who work in both the nursing home and one of the other parts of the organization. Board members King and Brenne discussed how the time worked in the nursing home is the time that would fall under the rules. The board discussed that the minimum for working a designated holiday is 1.5 times pay and deciding to work on the holiday does not waive the 1.5 times pay rule. Solo, Chair Gulley and Board member Lundmark discussed that the NHWSB rules are silent regarding the use of PTO on holidays, as long as the worker was still paid a minimum of 1.5 times their regular hourly wage. There was consensus that creating public facing material for implementation and comprehension of this rule is necessary. Solo pointed to the public hearing workgroup and their plan to create a frequently asked question document, how-to documents, and webinars. The board will discuss more at the next meeting. Roll call was taken; there were five votes in the affirmative, two in abstention, and two absent from the meeting, the motion carried.

6. **Next meeting** – Thursday, November 14, 2024 at 11 a.m. in the Minnesota room.

Adjournment

A motion was made by Maria King to adjourn the meeting at 1:50 p.m. and seconded by Mary Swanson. A roll call vote was taken, and the motion passed unanimously.