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MINNESOTA

NURSING HOME WORKFORCE STANDARDS BOARD

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Introduction

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

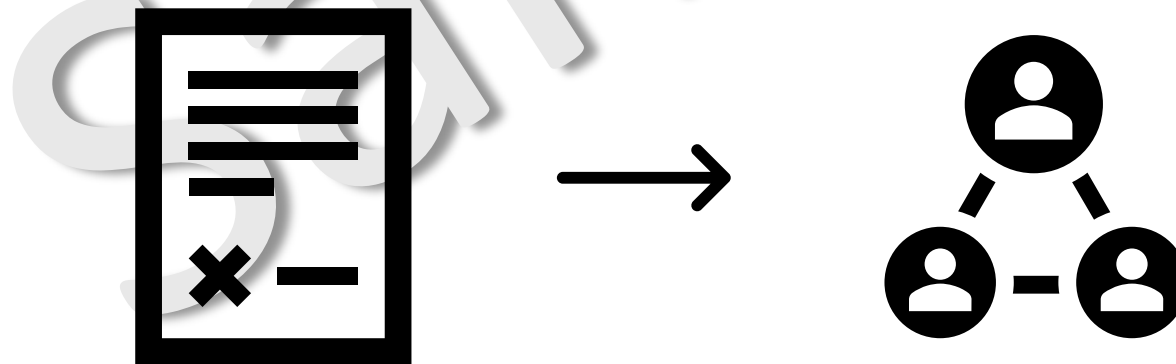
- 
- A black and white icon of a target with an arrow hitting the bullseye, positioned to the left of the list items.
- Explain the Nursing Home Workforce Standards Board
 - Understand your rights under the Nursing Home Workforce Standards Board Act
 - Know who to contact with questions or for help

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.

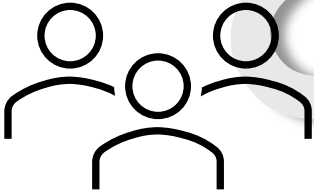
The Board's main role is to examine working conditions in the industry and create rules that will protect the health and welfare of nursing home workers, including minimum wages.



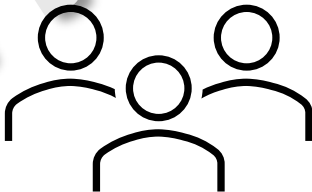
Introduction

Who is the board?

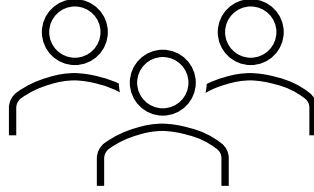
The nine-member Board is made up of three people appointed by the Governor who represent the interests of nursing home employers; three people appointed by the Governor who represent the interests on nursing home employees; and three representatives from state agencies—one from the Department of Human 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, Minnesota Department of Health, and Department of Labor and Industry)



Employee representatives

Introduction

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.

What does the board do?

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?

Questions?

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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 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.

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.

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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	

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)

Questions?

Example

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.

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.



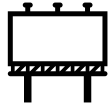
Check with your employer about policies regarding travel reimbursement and payment for time worked outside of your facility. Communicate with your trainers about any difficulties.

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.

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.

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.

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.

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.

Questions?

Example

Violations

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.

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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.

2. Filing a lawsuit

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

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](#)

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Questions?

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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 \(mn.gov\)](#)

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 §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

Questions?

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.



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Thank you