



AFSCME Council 65

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**Your Rights Under the Nursing Home
Workforce Standards Act**

Objectives

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

Identify

- Identify the Nursing Home Workforce Standards Board

Understand

- Understand your rights under the Nursing Home Workforce Standards Act

Know

- Know who to contact with questions or for help

Icebreaker





Nursing Home Workers

Nursing home workers provide essential services to our most vulnerable people. Yet, many nursing home workers struggle with low wages and benefits, staffing shortages, and inadequate training.

These conditions lead to high turnover and impact the quality-of-care patients receive.

Nursing home workers across the state have been working hard to improve conditions in their workplaces.



“Our working
conditions are our
residents’ living
conditions.”

Nursing Home Workforce Standards Board

In 2023, the Minnesota legislature passed the Nursing Home Workforce Standards Act (NHWS Act).

This law created a new Nursing Home Workforce Standards Board (“NHWSB” or “Board”).

The Board’s purpose is to **monitor working conditions** in the industry and **create rules** that will **protect** the health and well-being of nursing home workers, including minimum wages.



Who Serves on the Board?



3 worker representatives



3 employer representatives

} **Appointed by
the Governor**



3 state agency representatives

- Department of Human Services (oversees the state funding of nursing facilities)
- Department of Health (licenses nursing facilities)
- Department of Labor & Industry (enforces labor laws and rules, including the NHWS Act)

What Does the NHWS Board Do?

Researches current conditions
in nursing homes and for
nursing home workers

Makes rules to protect people
who work in nursing homes

Reports to the legislature on its
work and the cost of the
standards to the state

What Does the NHWS Board Do?

Creates processes for worker organizations, such as unions, to train workers on their rights

Sets the curriculum for those trainings

The Board makes sure that nursing home workers know their rights.

Who is a “Nursing Home Worker”?

The law defines which workers within a nursing home are protected by the Nursing Home Workforce Standards Act.

Included

- All direct care staff
- All non-direct care staff (such as dietary and housekeeping)
- Contractors

Not Included

- Administrative staff
- Medical directors
- Nursing directors
- Physicians
- Traveling nurses

Training

The law requires that all nursing home workers must be **informed of their rights** under the NHWS Act as well as other applicable laws and rules.

Workers must receive this training for at least one hour **every two years**.

Employers must certify that workers received this training.

This training time must be paid. You must also receive reasonable travel expenses if the training session is not held at your regular workplace.



Training

The training should be in a language that you, the worker, are proficient in.

You will be able to ask questions during or after the training.

We will send you follow up materials either electronically or in written form.

We may also follow up with you with a survey about how the training went. This is not required, but your feedback helps us to improve the training.

Training

Your employer may share your contact information with the training organization/union. If you do not want your contact information shared, you can opt out by submitting a request in writing to your employer.

Check with your employer about policies regarding travel reimbursement and payment for time worked outside of your facility. Tell your union representative if you have any difficulties with pay or reimbursement.

Wages

This year the Minnesota Legislature has approved funding for increased minimum wages for nursing home workers.

The following minimum wages are scheduled to go into effect in 2026 and 2027.



Wages

Occupation	Minimum Wage 1/1/2026	Minimum Wage 1/1/2027
Licensed Practical Nurse (LPN)	\$27.00	\$28.50
Trained Medication Aide (TMA) Certified	\$23.50	\$25.00
Nursing Assistant (CNA)	\$22.50	\$24.00
All Other Nursing Home Workers	\$19.00	\$20.50



Holiday Pay

The law provides for **mandatory holiday pay** for nursing home workers.

Workers who work on one of the designated holidays must be paid at least **one and one-half times** their regular hourly wage for all hours worked during the holiday.

For example, if your regular pay is \$20/hour, you will be paid \$30/hour when you work on one of the following holidays.

Holiday Pay for Eleven Designated Holidays

1. New Year's Day (January 1)
2. Martin Luther King, Jr. Day (3rd Monday in January)
3. Presidents Day (3rd Monday in February)
4. Memorial Day (last Monday in May)
5. Juneteenth (June 19)
6. Independence Day (July 4)
7. Labor Day (1st Monday in September)
8. Indigenous Peoples Day (2nd Monday in October)
9. Veterans Day (November 11)
10. Thanksgiving Day (4th Thursday in November)
11. Christmas Day (December 25)

Holiday Pay

A holiday is a 24-hour period from midnight to the next midnight.

The law sets the minimum requirements for holidays.

An employer may pay more than time and a half on holidays. An employer may offer more paid holidays than these minimum 11 holidays.

Holiday Pay

Union contracts may offer *additional rights* about holidays and holiday pay, but those are in addition to the minimum set by the Board.

Holiday Pay

There are ways to change the list of paid holidays.

If the nursing home workers have a union, then the union and the employer can agree to change the holidays that are paid in the union contract.

Holiday Pay

If the workers do not have a union, then the employer can only change the paid holidays if the majority of the workers agree. Workers must be able to vote, sign a petition, or use some other way to show that they agree to the change.

Agreements between the workers and employer can allow for up to 4 holidays being changed.

Impacts of the New Law

- ✓ **Understanding Your Rights**
- ✓ **Minimum Wage**
- ✓ **Paid Holidays**

How will these new requirements affect you at work?

How will they affect the quality-of-care residents receive?

What other changes would make your workplace better?

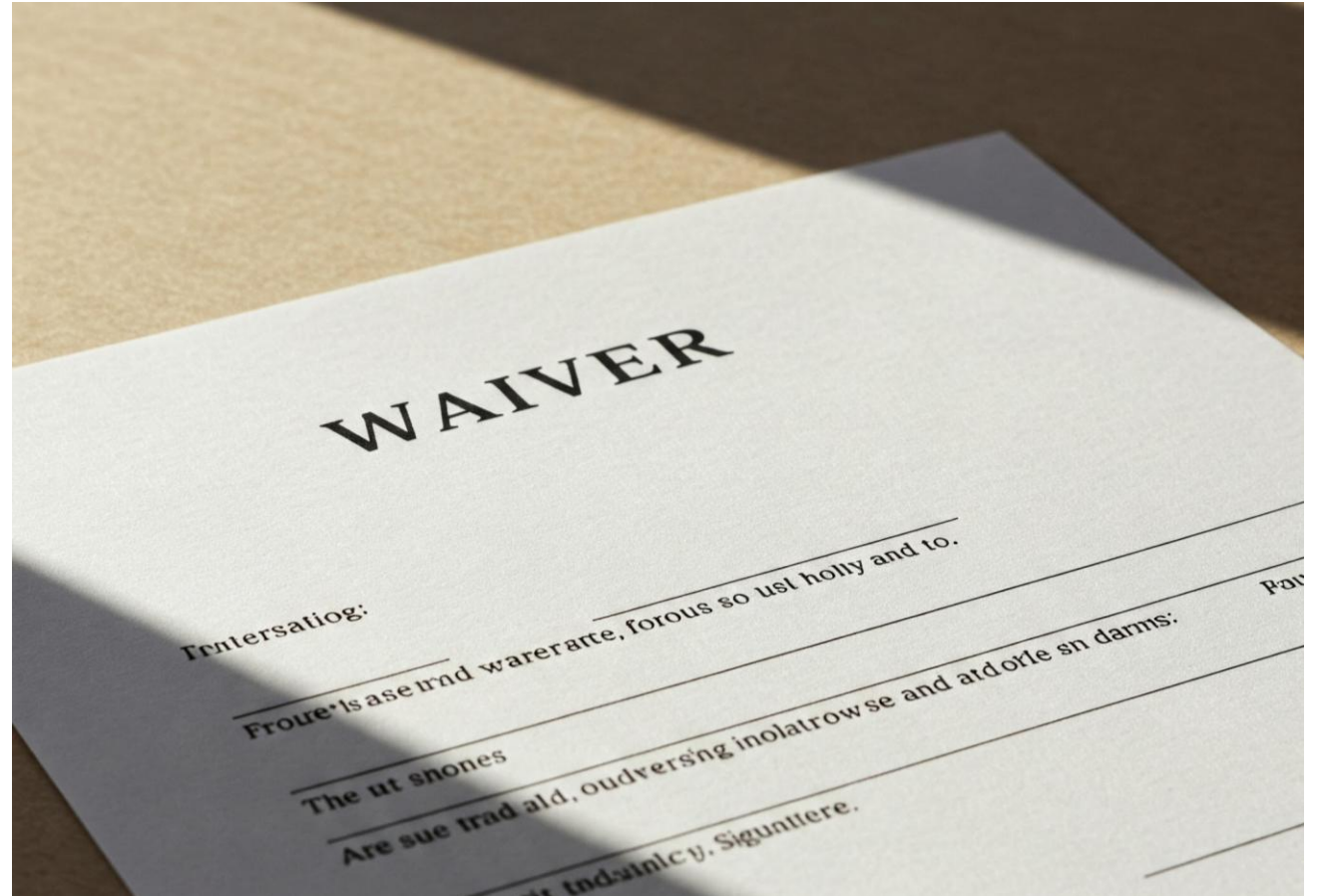


Waivers and Variances

The Board creates procedures for nursing homes to apply for special temporary exceptions to the law. These are called “waivers” or “variances.”

A waiver or variance gives the employer the ability to pay less than the minimum wage required by the law.

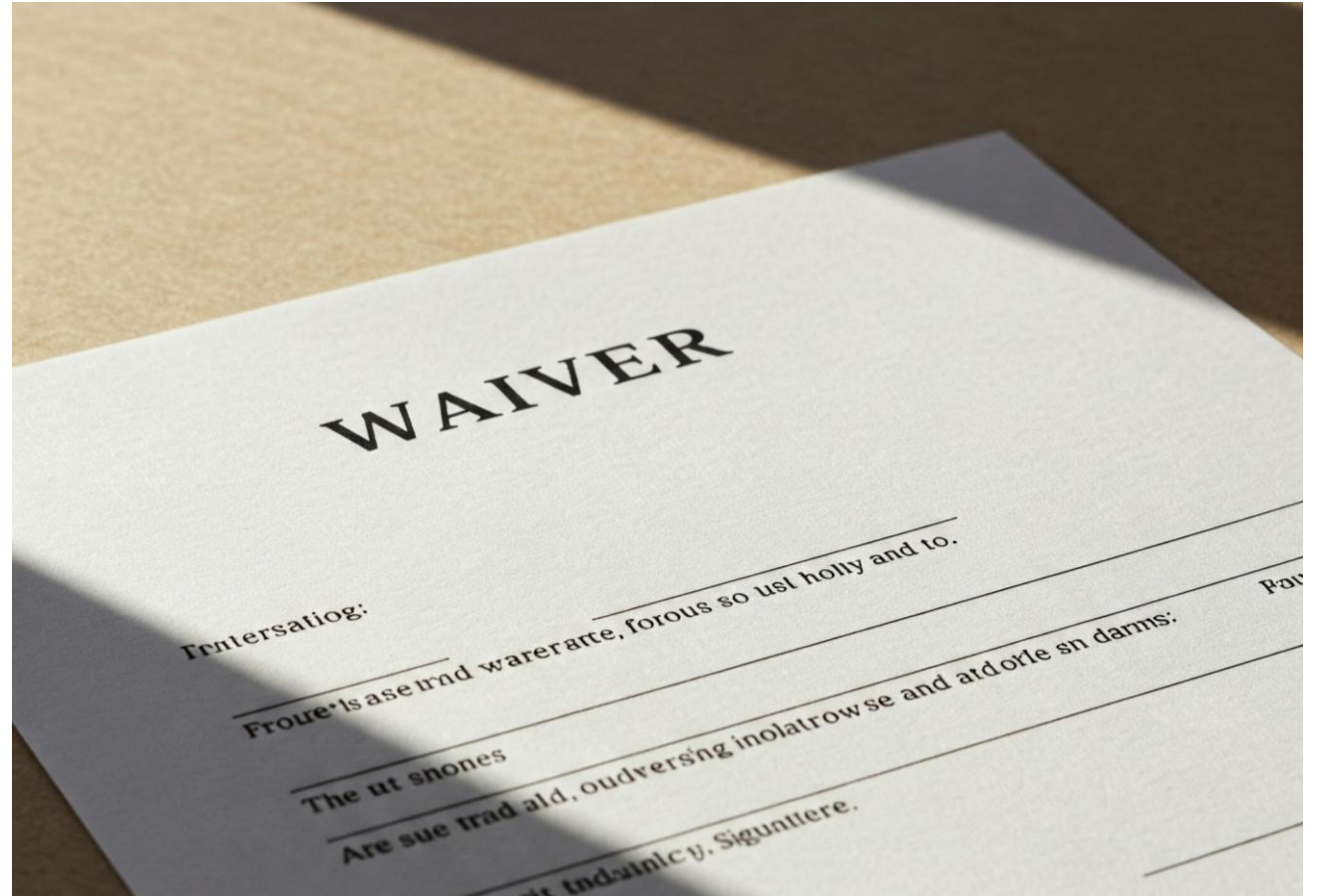
A nursing home can request a waiver or variance if it shows it cannot meet the law’s standards without the risk of going to receivership or closing.



Waivers and Variances

The nursing home must submit detailed financial information to support their request.

The Board is not required to grant the waiver or variance.



Minimum Wage Variance

If a nursing home has a waiver or variance from the minimum wages, those terms will be noted here.

Posting



Your employer must **post a notice** of your rights in the same way that it posts other work-related notices.

Where is work-related information posted in your facility?

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 staff*
 - *Providing a paper or electronic copy of the notice to all staff 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.

Conflicts of Law



If a different law or rule conflicts with one of the Board's rules, the Board's rule will apply, unless:

The other law or rule was established *after* the NHWSB's rules, *and*

The other law or rule is *better* for the workers

If you already have a union, the employer still must comply with your contract that provides the same or better conditions than this law requires.

No Retaliation



Employers may not retaliate against workers for exercising their rights under the NHWS Act.

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 they have attempted to exercise their rights protected under this Act.

This includes:

- Exercising any right protected by the NHWS Act
- Participating in any meetings or investigations under the NHWS Act
- Attending or participating in the training required by the NHWS Act

No Retaliation

In addition, an employer **may not**:

- Tell another employer that you attempted to exercise your rights under this law, or
- Report or threaten to report you or your family to Immigration because you attempted to exercise your rights under this law

Violations of the Law

There are consequences if the employer breaks these rules.

If your employer retaliates against you for exercising your rights under this law, you can receive your job back and back pay.

If the employer violates the NHWS Act in other ways, it may be liable for damages. This means it must pay to compensate you if you lost money.

If you have a union contract, the employer must comply with whatever gives you, the workers, a better deal – your contract or the law.

Violations of the Law

There are options for you if you believe your employer has violated your rights under the NHWS Act.

Call AFSCME at 1-888-474-3242
or reach us by email at: info@afscme65.org

File a Complaint with the Minnesota Department of Labor and Industry

If you suspect your employer is not following the NHWS law, you can contact the Labor Standards division at 651-284-5075 or dli.laborstandards@state.mn.us.

File a lawsuit

You can also file a lawsuit in state court.

Additional Resources for Your Rights



***IF YOU ARE IN A
UNION***

TALK TO YOUR UNION

AFSCME Council 65

1-888-474-3242

**Email at:
info@afscme65.org**



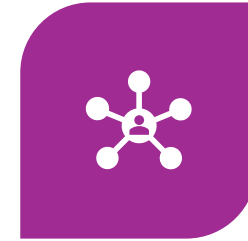
**OFFICE OF THE
ATTORNEY
GENERAL**

[www.ag.state.mn.us/Consumer/
Publications/HiringAnAttorney
.asp](http://www.ag.state.mn.us/Consumer/Publications/HiringAnAttorney.asp)



**NATIONAL
EMPLOYMENT
LAWYERS
ASSOCIATION**

[exchange.nela.org/memberdir
ectory/
findalawyer](http://exchange.nela.org/memberdirectory/findalawyer)



**VOLUNTEER
LAWYERS
NETWORK**

www.vlnmn.org/help

Other Rights and Protections: If you have a UNION*

Please ask your President or Labor Representative for a copy of your Union contract.

You can also call AFSCME: 1-888-474-3242

Or email: info@afscme65.org

Visit the AFSCME website at: www.afscme65.org

Weingarten Rights

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at this meeting. Until my representative arrives, I choose not to participate in this discussion.”

If you are not part of a Union, this slide, and Weingarten Rights do not apply to you

Other Rights and Protections: Federal Laws

National Labor Relations Act

Federal law protects your right to join a union and your right to discuss wages and working conditions with your co-workers

<https://www.nlrb.gov/>

Federal Staffing Rules

The federal government sets standards for minimum staffing in nursing homes. This rule is phased in over 3-5 years, depending on whether your facility is rural or non-rural.

<https://www.federalregister.gov/documents/2024/05/10/2024-08273/medicare-and-medicaid-programs-minimum-staffing-standards-for-long-term-care-facilities-and-medicaid>

Other Rights and Protections: State Laws - Safety

Minnesota Occupational Safety and Health Act

State law protects workplace safety and health.

<https://www.dli.mn.gov/business/safety-and-health-work>

Employee's Right to Know & Hazard Communication (HAZCOM)

Employers must evaluate their workplaces for the existence of hazardous substances and infectious diseases and to provide training and information to employees who are routinely exposed to those substances and diseases.

<https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries>

Ergonomics

Employers must proactively address ergonomics issues in the workplace.

<https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-ergonomics>

Safe Patient Handling Act

Every licensed health care facility in the state must have a written safe patient handling policy and committee. The goal is to minimize manual lifting of patients by care workers by utilizing safe patient handling equipment.

<https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-wsc-safe-patient-handling>

Other Rights and Protections: State Laws - Benefits

Earned Sick and Safe Time (ESST)

Paid leave employers must provide to employees for reasons related to illness or safety.

<https://dli.mn.gov/sick-leave>

Pregnancy and Parenting Rights

Pregnant workers have the right to certain workplace protections during pregnancy and a clean, private place to pump breast milk while they are lactating.

<https://dli.mn.gov/newparents>

Paid Family and Medical Leave (Paid Leave)

Starting January 1, 2026, Minnesota workers will be able to take up to 20 weeks of paid time off to care for themselves or a family member.

<https://mn.gov/deed/paidleave/>

How to Contact the Nursing Home Workforce Standards Board

You can find information about the NHWSB here:

<https://www.dli.mn.gov/about-department/boards-and-councils/nursing-home-workforce-standards-board>

The website contains public meeting notifications and other information about how you can connect with the Nursing Home Workforce Standards Board.



These new standards will help nursing home workers to keep doing the critical work of caring for our most vulnerable people while also caring for their own families.

How Can Nursing Home Workers Help to Influence Future Standards?

- Through surveys issued by the Standards Board
- Through public comment whenever rules are being considered
- At special public comment hearings before new standards are adopted
- By requesting a Standards Board site visit
- ***By joining together to make our voices heard at the Capitol***

A photograph of a classroom where several students have their hands raised. The background is a large green chalkboard. The focus is on a hand in the foreground on the left, with other hands visible but blurred in the background. The word "Questions?" is written in white text in the center of the image.

Questions?

Next Steps

1. You will receive a certificate of completion and an invitation to take a survey about this training.
2. AFSCME Council 65 will certify to your employer that you attended this training.



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