

Memo

Date: March 21, 2025

To: Data Workgroup

From: Leah Solo, executive director, Nursing Home Workforce Standards Board

RE: Investigations

At the March 13, 2025, full Nursing Home Workforce Standards Board (NHWSB) meeting, the board decided to begin collecting additional data. The board contemplated the importance of collecting data regarding how the current rules are impacting workers and the industry and supplementing current data points for the next round of research and rulemaking. Determining what additional sources of data the board wishes to collect in advance of the next market investigation will help it get a baseline of the current conditions of the nursing home workforce before the minimum-wage standards have gone into effect for current and future work.

The purpose of this memo is to provide some background about the board's data work to help shape next steps. This memo contains:

- a recap of what the NHWSB Act says about data and data collection;
- a recap of the board's past data collection and analysis;
- some questions to consider for the next round of data collection; and
- thoughts about resources that could be used.

Statute

The NHWSB Act gives the board guidance about the purpose of its work (which should frame any work that is done with research and data), as well as some specific guidance about data and data collection. Here are the relevant portions of the NHWSB Act.

Minnesota Statutes § 181.213, subdivision 1(a) and (c), contain some important language about the board's purpose:

Subdivision 1. **Authority to establish minimum nursing home employment standards**

(a) The board must adopt rules establishing minimum nursing home employment standards that are reasonably necessary and appropriate to protect the health and welfare of nursing home workers, to ensure that nursing home workers are properly trained about and fully informed of their rights under sections [181.211](#) to [181.217](#), and to otherwise satisfy the purposes of sections [181.211](#) to [181.217](#) ...

(c) To the extent that any minimum standards that the board finds are reasonably necessary and appropriate to protect the health and welfare of nursing home workers fall within the jurisdiction of chapter 182, the board shall not adopt rules establishing the standards but shall instead recommend the occupational health and safety standards to the commissioner. The commissioner shall adopt nursing home health and safety standards under section [182.655](#) as recommended by the board, unless the commissioner determines that the recommended standard is outside the statutory authority of the commissioner, presents enforceability challenges, is infeasible to implement, or is otherwise unlawful and issues a written explanation of this determination.

These two sections charge the board to establish rules “to protect the health and welfare of nursing home workers” and ensure those workers are trained about their rights arising under the act. Additionally, it directs the board about what to do if it determines a workplace health and safety standard is needed, which falls under the Occupational Safety and Health Administration’s (OSHA’s) authority. In that case, the board is to work with the commissioner of the Department of Labor and Industry (DLI).

There are other parts of the act that guide the board about some data sets to gather. For instance, during the investigation of market conditions that shape the rules the board will establish, the act identifies some data the board must examine.

Minn. Stat. 181. 213, subd. 2. **Investigation of market conditions**

(a) The board must investigate market conditions and the existing wages, benefits and working conditions of nursing home workers for specific geographic areas of the state and specific nursing home occupations. Based on this information, the board must seek to adopt minimum nursing home employment standards that meet or exceed existing industry conditions for a majority of nursing home workers in the relevant geographic area and nursing home occupation. Except for standards exceeding the threshold determined in paragraph (d), initial employment standards established by the board are effective beginning Jan. 1, 2025, and shall remain in effect until any subsequent standards are adopted by rules.

(b) The board must consider the following types of information in making determinations that employment standards are reasonably necessary to protect the health and welfare of nursing home workers:

(1) wage rate and benefit data collected by or submitted to the board for nursing home workers in the relevant geographic area and nursing home occupations;

(2) statements showing wage rates and benefits paid to nursing home workers in the relevant geographic area and nursing home occupations;

(3) signed collective bargaining agreements applicable to nursing home workers in the relevant geographic area and nursing home occupations;

(4) testimony and information from current and former nursing home workers, worker organizations, nursing home employers and employer organizations;

- (5) local minimum nursing home employment standards;
- (6) information submitted by or obtained from state and local government entities; and
- (7) any other information pertinent to establishing minimum nursing home employment standards.

Minnesota Statutes § 181.213, subd. 2 [emphasis added].

Additionally, it should be noted some items on the list in Minn. Stat. 181.213, subd. 2 (b)(3), (5-7), can be obtained through working with agencies in state government or by engaging with organizations.

In conclusion, numerous provisions of the act obligate the board to explore data sets about its work and the rules being created.

Recap of previous data work

Previous data sources include multiple data sets from the Minnesota Department of Human Services (DHS), wage and hour data from the Minnesota Department of Employment and Economic Development (DEED) and DLI. The board concluded the data DHS collects and maintains provides the most comprehensive wage and benefit data. The NHWSB Data Workgroup will continue to explore other available data.

To inform the proposed minimum-wage standards, the workgroup relied heavily on DHS wage and benefit data derived from the workforce incentive grant program that compiled actual per-hour wage data on nursing home workers who make less than \$30 an hour.¹ Based on a sample of that data, from 132 facilities out of approximately 322 possible facilities, staff members created a tool that allows one to input a hypothetical minimum wage per hour for one of five occupations (certified nursing assistant (CNA), dietary aide, cook, housekeeping worker and activities aide) and determine the percentage of people working in that profession whose wages currently fall below the proposed minimum standard. This tool was critical to the board's work to develop appropriate minimum-wage standards for nursing home workers because it illustrated to the board what the compensation conditions are for a representative sample of nursing home workers across the state and how many nursing home workers would be directly impacted by a proposed minimum-wage standard.

This data was very helpful but, as has been discussed, had some shortcomings. This was a set of data DHS may only receive once, meaning this is not a set of data DHS or the board will necessarily get another year of when developing another set of wage standard rules. Additionally, the data set was only for workers making less than \$30 an hour and didn't specify some occupations that might have been helpful to examine.

No data set can be perfect, but it is worthwhile for the workgroup and board to explore if there are other avenues for researching wage and benefit data, in addition to the data sources it has previously identified and used.

¹"5b analysis of data for WFSB 20240130 11452" from the Feb. 8, 2024, board packet – [nhwsb_5b_analysis_of_data_020824.xlsx](#) (live.com).

Questions to consider

As the workgroup and board explore next steps for data collection, here are some questions to consider.

- What data will be useful to the board in evaluating current standards and investigating conditions for future rules?
- How will the board use the data to inform its evaluation of current rules and curriculum, and shape future rules?
- The board can examine things by occupation and geographic region. What occupations and geographic regions seem relevant and important to track?
- What data sets might be available to the board currently through agencies or organizations?
- What data sets might the board try to gather on its own? What would the implications and obligations be of gathering that data?

Potential resources

Here are some resources the board can consider:

- connections with employers and employer organizations;
- connections with workers and worker organizations;
- state agencies and their offices throughout Minnesota; and
- technology to email and survey.