

Minnesota Nursing Home Workforce Standards Board

Bylaws

Article I – Name

These are the Bylaws of the Minnesota Nursing Home Workforce Standards Board (Board).

Article II – Purpose

The purpose of the Nursing Home Workforce Standards Board is to carry out the duties prescribed in the Minnesota Nursing Home Workforce Standards Board Act (Minnesota Statutes, sections 181.211 to 181.217).

Article III – Membership

Section 1. The membership of the Minnesota Nursing Home Workforce Standards Board consists of nine members, as prescribed by Minnesota Statutes, section 181.212, subdivision 1.

Section 2. A member may be replaced as provided by Minnesota law.

Article IV – Officers

The Board shall elect a Chairperson. All members of the Board are eligible to serve as Chairperson. The Chairperson shall preside at Board meetings. If the Chairperson cannot attend a meeting, the commissioner of the Department of Labor and Industry or their designee shall preside at the Board meeting.

The Chairperson shall serve a two-year term.

Article V – Meetings

Section 1. Regular meetings are held on a schedule determined by the Board. The Board may increase its meeting frequency by an affirmative vote of at least five members. Meetings may be canceled by an affirmative vote of at least five members or by the Executive Director as needed.

Section 2. The regular Board meeting schedule shall be maintained at 443 Lafayette Road N., St. Paul, MN, and on the Department of Labor and Industry website.

Section 3. Special meetings may be called at any time by the Executive Director, Chairperson or a majority of the members of the Board in accordance with Minnesota Statutes, section 13D.04, subdivision 2. Notice may be given by email, mail or telephone. The notice shall state the purpose of the meeting.

Section 4. If the Executive Director or the Chairperson determines that circumstances require immediate consideration by the Board, the Chairperson shall call an emergency meeting in accordance with Minnesota Statutes, section 13D.04, subdivision 3.

Section 5. A majority of the members of the Board constitutes a quorum. The Board may take testimony and discuss agenda items without a quorum present, but no question may be decided in the absence of a quorum.

Section 6. Agenda –

- a. At all regular meetings of the Board, the following shall normally be the order of business:
 - 1. call to order;
 - 2. roll call and declaration of quorum;
 - 3. approval of meeting agenda, which may be modified prior to approval, and no matter may be voted on at a regular meeting unless it is on the approved agenda;
 - 4. approval of the minutes of the preceding meeting and actions thereon, and the minutes may be modified prior to approval;
 - 5. reports of the Executive Director, Chairperson and committees (including subcommittees and workgroups);
 - 6. new business;
 - 7. unfinished business;
 - 8. Board member discussion;
 - 9. announcements; and
 - 10. adjournment.
- b. At all special meetings of the Board, the following shall normally be the order of business:
 - 1. roll call and declaration of quorum;
 - 2. reports of the Executive Director, Chairperson and committees (including subcommittees and workgroups) concerning the purpose for which the meeting is called; and
 - 3. discussion of the purpose for which the meeting is called.

Section 7. Meeting agendas shall be prepared by the Executive Director in consultation with the Chairperson or a member appointed by the Chairperson. If a member wishes to have an issue placed on the agenda, that member shall give notice to the Executive Director or Chairperson prior to the meeting by email, mail or telephone.

Section 8. Meeting minutes –

- a. The Chairperson of the Board and any committee shall cause minutes to be kept and the minutes must include:
 - 1. the name of the Board;
 - 2. the start time of the meeting;
 - 3. the location of the meeting;
 - 4. a list of Board members present;
 - 5. the names of all persons attending the meeting;
 - 6. the name of the person or entity who has proposed any workforce standard, administrative rule or guidance, which may include a description of all proposed and/or adopted workforce standards, administrative rules, guidance or legal opinion which the Board or any committee discusses, reviews or adopts during any meeting;
 - 7. attached copies of all administrative rules, workforce standards or guidance proposed at the meeting;
 - 8. the disposition of each item on the agenda;
 - 9. the substance of each motion, the person so moving and the result of any vote on the motion;
 - 10. a summary of other important discussion related to the work of the Board; and
 - 11. the time of adjournment.
- b. Minutes of Board meetings shall be reviewed and approved at the next regular meeting of the Board.

Section 9. Unless otherwise provided by law, all Board meetings, including committee meetings, shall be open to the public and are to be held at the Department of Labor and Industry offices located at 443 Lafayette Road N., St. Paul, MN, though if noticed, as such, the Board may hold meetings in other locations. As provided in Minnesota Statutes, chapter 13D, meetings may be conducted through use telephone or other electronic means.

Section 10. Robert's Rules of Order may be used to help the Board conduct its meetings.

Section 11. Department of Labor and Industry staff members who have a role in supporting the work of the Board may attend and participate in all committee, subcommittee and workgroup meetings.

Section 12. Each Board member may give notice to the Executive Director of up to two people who shall be permitted to receive meeting notifications and materials for the purposes of providing them support.

Article VI – Attendance

A member of the Board who is absent from two consecutive regular meetings shall receive written notice from the Chairperson indicating the member may be removed if three consecutive meetings are unattended. The Chairperson shall inform the appointing authority of a member missing three consecutive meetings.

Article VII – Voting

The affirmative vote of five Board members is required for the Board to take any action, including actions necessary to establish minimum nursing home employment standards under Minnesota Statutes, section 181.213. At least two of the affirmative votes must be cast by commissioner members or the commissioner's appointees.

Article VIII – Committees

Section 1. Committees, subcommittees or workgroups may be formed to consider and report on subjects requiring special study. The Board shall appoint these committees and their members by an affirmative vote of at least five members. However, the Board may delegate this appointment responsibility to the Chairperson and/or Executive Director. The members of said groups should have experience in the subjects being studied by the group. The members of said group should also represent diverse viewpoints on the subjects being studied by the group.

Section 2. Committees, subcommittees or workgroups will be charged with an issue for study as determined by the Board. Their responsibility will be to review the issue and make recommendations to the Board in a time and manner determined by the Board.

Section 3. No more than four Board members may serve on the same committee, subcommittee or workgroup.

Section 4. Each member of a committee, subcommittee or workgroup may give notice to the Executive Director of up to two people providing them support and expertise in the subjects being studied by the group, who shall be permitted to receive meeting notifications and materials for the purposes of providing them support and to participate in meetings of the committee, subcommittee or workgroup in a nonvoting capacity.

Section 5. Department of Labor and Industry staff members who have a role in supporting the work of the Board may attend and participate in all committee, subcommittee and workgroup meetings.

Article IX – Responsibilities and expectations of members

Section 1. Members are generally expected to:

- a. prepare for active discussion in meetings and to serve on committees;
- b. comply with the provisions set forth in Minnesota Statutes, sections 10A.07 to 10A.09; and
- c. refrain from writing letters or other communication in the name of Board except as authorized elsewhere in these Bylaws.

Section 2. The Board intends to have its activities conform to all state and federal antitrust requirements. The members acknowledge that some members may compete with other members in business and that it is important that member actions do not violate any applicable antitrust laws. Members who are competitors shall not discuss with one another, to the extent that the information is not publicly available, information relating to: costs; allocation of customers or sales areas; pricing; customer identity; or marketing. The Board may prohibit Board member access to data to meet the requirements of Minnesota Statutes, section 181.212, subdivision 10. When data is withheld from certain Board members, the Executive Director shall, to the extent practicable, provide a written explanation for why the data is being withheld.

Article X – Per diem and expenses

Section 1. Consistent with Minnesota Statutes, section 15.0575, subdivision 3, members of the Board may be compensated at the rate of \$55 a day spent on Board activities. But members who are state employees or employees of the political subdivisions of the state must not receive the daily payment for activities that occur during working hours for which they are compensated by the state or political subdivision. However, a state or political subdivision employee may receive the daily payment if the employee uses vacation time or compensatory time accumulated in accordance with a collective bargaining agreement or compensation plan for Board activities.

Section 2. The Board defines a day spent on Board activities as any day members attend a regular or special Board meeting, or when specifically authorized by the Board to attend committee meetings or other meetings or activities, or perform other duties on any day other than the day of a regular or special Board meeting.

Section 3. Consistent with Minnesota Statutes, section 15.0575, subdivision 3, members of the Board may be compensated for expenses in the same manner and amount as authorized by the commissioner's plan adopted under Minnesota Statutes, section 43A.18, subdivision 2.

Article XI – Amendments to bylaws

Section 1. The Executive Director or any member may propose an amendment to these Bylaws provided such a proposal is submitted to the Chairperson.

Section 2. All proposed amendments shall be distributed to the entire Board membership at least seven days prior to being placed on the agenda for action.

Section 3. Proposed amendments must be passed by an affirmative vote of at least five Board members at a meeting at which a quorum is present.

Article XII – Scope

Section 1. These Bylaws apply to the Board, the committees and other groups appointed by the Board.

Adopted by unanimous vote: Nov. 9, 2023.

Amended by unanimous vote: Jan. 11, 2024.

Amended by unanimous vote: Aug. 8, 2024.