

Meeting Minutes: Nursing Home Workforce Standards Board

Date: Thursday, May 9, 2024

Minutes prepared by: Linnea Becerra

Location: Minnesota Room, DLI, 443 Lafayette Rd. N., St. Paul, MN 55155 and online via Webex

Members Present

- Commissioner Nicole Blissenbach (present at 11:08)
- Chair Jaime Gulley
- Michelle Armstrong
- Kim Brenne
- Maria King (remotely)
- Katie Lundmark
- Paula Rocheleau (remotely)
- Mary Swanson

Visitors

- Todd Bergstrom
- Jeff Bostic
- Brian Elliott
- Casey Murphy (remotely)
- Toby Pearson (remotely)
- Kari Thurlow (remotely)

DLI Staff

- Ali Afsharjavan (remotely)
- Linnea Becerra
- Paul Enger
- Leah Solo

Agenda items

1. **Call to order** – The meeting was called to order by Chair Jamie Gulley at 11:01 a.m. Roll call was taken by the secretary and a quorum was declared.
2. **Approval of agenda** - A motion to approve the agenda as presented was made by Kim Brenne, seconded by Mary Swanson. Item was presented for discussion; roll call was taken and the motion passed unanimously.
3. **Approval of drafted meeting minutes** – A motion to approve the April 29, 2024 drafted meeting minutes as presented was made by Kim Brenne, seconded by Mary Swanson. Roll call was taken, the motion passed unanimously.
4. **Board Updates**
 - Executive Director Solo introduced ‘Review of data for Board Meeting’ by board member Lundmark and the ‘Data request response May 8, 2024’ by Director Elyse Bailey as well as the ‘Cost to Nursing Facilities of Proposed Standards April 29, 2024’ which board member Lundmark explained. Chair Gulley posed questions about the data workgroup taking on the task of gathering and interpreting more data

regarding the overall costs for facilities implementing the new minimum wage standards. The board discussed this and concluded that yes, the data workgroup should do more digging into the numbers and engage in robust discussion while acknowledging that the November forecast will ultimately influence that discussion. Todd Bergstrom and Jeff Bostic were invited to the table by the board to discuss the data collection and its implications. The Long-Term Care Imperative collected responses from employers for over 9,000 employees and their current base wage and compensated hours for the month of March. The chart explains the projected upfront cost of the standards. This survey only looked at the nursing home workers who would be affected by the initial standards going into effect. See 'Cost to Nursing Facilities of Proposed Standards April 29 2024' in Meeting Materials. Todd spoke about the chart not taking wage compression or other operating costs into account. Jeff noted that implementing the standards will take a lot of money from the facilities up front.

- OGC representative Paul Enger reviewed the rulemaking process and deadlines using the chart in the board packet.
- Executive Director Leah Solo reviewed the Minimum Nursing Wage Standards that were initially voted upon at the last meeting. Paula Rocheleau asked about the standards applying to administrative staff or not, pointing out that clerical staff are sometimes classified as administrative staff. There was acknowledgement that this is still an unsettled question. There was discussion about the reading of rules and statute to decide who is covered. It was discussed that labor standards would be the ones looking closely at this question when complaints come in and that they would likely have enough from the statute and rules to settle whether somebody is an administrative staff.
- There was discussion about nursing home worker and nursing home employer.
- Executive Director Solo talked about the amendment to the Holiday Pay proposal being an agreement between the employees and the employer though the adopted language only referenced the employee. The draft rules are written with the initial meaning in mind. Employers set a calendar with those four optional holidays with employee agreement. There was discussion about a 24-hour period for holiday pay and whether they should be designated, midnight-to-midnight in this case, or any 24-hour period. There was editing of the lettering and wording in
- There was a motion to approve the Minimum Nursing Home Wage Standards by Michelle Armstrong, seconded by Commissioner Blissenbach. A roll call was taken, and the motion passed with six yes votes and three abstentions.
- There was a motion to approve the Holiday Pay Standards by Michelle Armstrong, seconded by Commissioner Blissenbach.
 - There was then a motion to amend the Holiday Pay Standards by rewriting the language in subpart 2(a) to read "The start and stop times for the 24-hour period comprising a holiday can be modified by an employer if such change is agreed upon by a majority of affected nursing home workers or the exclusive representative of the affected nursing home workers if one exists." By Commissioner Blissenbach. The motion was seconded by Kim Brenne. A roll call was taken, the motion carried with three members abstaining and the rest voting to approve.
 - The motion to approve the Holiday Pay Standards was taken back up and a roll call was taken. The motion carried with six members voting to approve and three abstaining.

5. New Business –

- The board will need to look at curriculum over the summer which will require a public hearing.
- There will need to be a process on waivers and variances.
- Principles meeting occurred between the last board meeting and this one. Executive Director Solo is working on track changes for the group to work on a take up again at the next meeting. There was good discussion at the principles meeting.

•

6. Next Meeting – Thursday, June 13, 2024, at 11 a.m. in the Minnesota Room

Adjournment:

A motion made by Katie Lundmark to adjourn the meeting at 12:30 p.m., seconded by Michelle Armstrong. A roll call was taken, the motion passed unanimously.