

## Memo

**Date:** Dec. 3, 2025

**To:** Nursing Home Workforce Standards Board

**From:** Leah Solo, executive director

### RE: CWO complaint

At the Oct. 30, 2025, public forum, I received a complaint about a certified worker organization (CWO). Below is information about the complaint, the rules governing our work and my recommendation to the board.

#### Complaint content

At the Windom, Minnesota, public forum, a person reported their facility had contacted the Minnesota AFL-CIO and asked if there was a virtual training option available, because that was their preferred method of training. The response to the facility was: "In order to ensure an effective program, we will be offering in-person trainings. However, we are flexible with scheduling and are able to hold multiple trainings in a single day or we can hold multiple trainings over several days, whichever is preferred."

The facility had responded: "We would prefer to have the training virtually. The attached document is from the Dept Of Labor and Industry website and it shows that AFL-CIO has the ability to train virtually."

The complainant was disconcerted that the Nursing Home Workforce Standards Board (NHWSB) webpage represented the Minnesota AFL-CIO as offering virtual trainings, while the Minnesota AFL-CIO represented it would be offering in-person trainings and did not confirm its ability to provide virtual training.

#### Rules background

The rules the board promulgated in regard to complaints state, "The executive director or the executive director's designee may receive complaints regarding alleged violations of this part. The executive director or the executive director's designee shall investigate the validity of the complaint and recommend to the board whether revocation is appropriate." (See Minnesota Rules 5200.2040, subpart 2B.)

The rules the board promulgated regarding revoking certification state:

"A. The board may deny an application for certification or recertification, or revoke certification, if an organization does any of the following:

- (1) provides false or incomplete information to the board;
- (2) fails to meet the necessary organizational requirements under the law;
- (3) fails to provide trainings as required;

- (4) fails to provide training records to nursing homes; or
- (5) commits acts that demonstrate incompetence, untrustworthiness, financial irresponsibility or dishonesty." (See Minn. R. 5200.2040, subp. 2A.)

## Investigation

Having received this complaint, I reached out to the Minnesota AFL-CIO contact person, identifying I had received a complaint and outlining the contents of the complaint. Here was the response:

"The MN AFL-CIO is able to facilitate trainings virtually. In our application to become a Certified Worker Organization we noted we have the capacity to hold up to 23 trainings in a month, 20 in-person and 3 virtual.

"Given this breakdown and to ensure high-quality training, offering an in-person training is our initial offer but will facilitate virtual trainings as nursing home requests and capacity allow.

"Going forward, we will make sure this is better communicated with nursing homes."

I asked for further clarification about what the virtual training would be offered for; here is the response:

"For our capacity of holding three virtual trainings per month, currently we are reserving that capacity for makeup sessions, facilitating the training for multiple rural nursing homes at one time, and for nursing homes where geography would be a significant barrier. We will also hold virtual trainings on an as-needed case-by-case basis. Otherwise, the trainings we offer will be predominantly in-person, in-line with our Certified Worker Organization application."

## Verification

Minnesota AFL-CIO's application stated it could hold up to three virtual trainings a month and 20 in person. Accordingly, the information provided by Minnesota AFL-CIO in response to my inquiry is consistent with its application.

## Conclusion, action, recommendation

This appears to be a miscommunication between what was stated in the application and what was posted to our website on the list of CWOs.

As mentioned earlier, the rules lay out specific circumstances where revoking certification is appropriate. Minnesota AFL-CIO did not provide "false or incomplete information to the board[,"] because I was able to verify Minnesota AFL-CIO's training capacity matches what was indicated in its application. The complaint does not allege Minnesota AFL-CIO has failed to meet organizational requirements, provide training or provide training records, which are grounds for revocation under Minn. R. 5200.2040, subp. 2A(2-4). Finally, I do not believe Minnesota AFL-CIO demonstrated "incompetence untrustworthiness, financial irresponsibility or dishonesty" within the meaning of Minn. R. 5200.240, subp.2A(5). This appears to be a miscommunication and a failure of nuance and notes in the list that we provided.

Without finding any of the revocation criteria met, I do not recommend revoking certification. I do recommend updating our list with the caveats about virtual training capacity and notifying the complainant about the conclusion of the investigation.