DEPARTMENT OF LABOR AND INDUSTRY

Minutes: NHWSB Data and Waiver Workgroup

Date: Monday, Sept. 28, 2026
Minutes prepared by: Linnea Pignatello
Location: Hybrid – Washington Room at the Department of Labor and Industry and via Teams

Attendance

Members present

Jason Anderson (remotely)
Kim Brenne (remotely)
Jamie Gulley

Visitors present

Todd Bergstrom
Jeff Bostic
Luke Boudewyns

DLI staff members present

Paul Enger
Ken McGurran
Linnea Pignatello
Leah Solo

Agenda items

1. Call to order – The meeting was called to order by Executive Director Leah Solo at 1:07 p.m. Roll call was taken and a quorum was declared.
2. Approval of agenda – A motion to approve the agenda as presented was made by Jamie Gulley and seconded by Kim Brenne. A roll call vote was taken and the motion passed unanimously.
3. Approval of drafted meeting minutes – A motion to approve the Sept. 18, 2026, drafted meeting minutes as presented was made by Gulley and seconded by Brenne. A roll call vote was taken and the motion passed unanimously.
4. Board updates –
   a. No new waiver or variance applications to discuss.
   b. The workgroup discussed retirement data options and collection
      - The group concluded the available data seems sparse and inaccessible. Anecdotally, Gulley said many people are offered some type of retirement plan, but they usually have low take-up rates, especially when workers are not automatically enrolled. Todd Bergstrom suggested the Legislature move to create something around retirement. The group discussed the proposal on

the table around retirement benefits. Discussion included a clarification that the employers would still choose which kind of retirement plan they offer and the issue of whether workers could opt out. Jeff Bostic asked if the proposal includes a vesting period and Gulley responded that the proposal is silent about vesting so each employer can decide. Bergstrom asked about how a payroll-based bonus is taxed, both to the employer and worker, and Paul Enger (counsel for the board) said bonuses would likely be paid out as a 1099. However, Enger said it is not the job of the department to decide the way these bonuses are paid out, but it would look similar to year-end or incidental bonuses, which are typically dispersed through a 1099. Jason Anderson asked if these bonuses will be included on the cost report and Brenne said the amount the employer pays toward retirement is reflected in the cost report. Bostic said the retirement benefit either is reported as a retirement benefit or as a wage bonus and both are reported, then reimbursed. Gulley said, in general, there are no payroll taxes on retirement contributions and the reimbursement cap was mentioned as a barrier. It was agreed Solo can reach out to the Minnesota Department of Revenue for clarification about the tax treatment of the proposed bonuses, but it was noted it has no duty to respond.

c. Solo gave a survey update and shared that there are not as many survey responses as the board would like to see. She recommended closing the survey Oct. 6 and will send an email bulletin with that deadline.
    - Solo asked about the public forums and what people heard. Anderson shared that he didn't hear about retirement at the Brainerd forum, but heard about health care benefits for workers. Brenne said she heard about retirement at the Rochester forum and participated in the hybrid forum where she heard about staff-to-patient ratios and benefits leading to staffing issues, and she spoke about the lack of data capture. Gulley said he heard about retirement benefits more than he heard about health care coverage. To address the concerns of nursing home workers who felt left out of the minimum-wage increases, the retirement plan would apply to all nursing home workers. Brenne said that with any kind of rate change, the Centers for Medicare and Medicaid Services process the board just engaged in would need to occur again.
d. Solo asked for feedback about the most recent round of waiver or variance applications and the workgroup noted they thought the process went well and one additional piece would be to consider including an estimated financial impact of waiver requests to support the decision-making process.

4. **New business** –
5. **Next meeting** – The next meeting is Monday, Nov. 2 in the Washington Room and online via Teams.

Adjournment

A motion was made by Gulley to adjourn the meeting at 2:07 p.m. and seconded by Brenne. A roll call vote was taken and the motion passed unanimously.