



## Your Rights Under the Nursing Home Workforce Standards Act

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**afl-cio** MINNESOTA

 **MINNESOTA**  
Training Partnership

1

## Objectives

By the end of this session, you will be able to:

### Identify

- Identify the Nursing Home Workforce Standards Board

### Understand

- Understand your rights under the Nursing Home Workforce Standards Act

### Know

- Know who to contact with questions or for help

2

# Icebreaker



3



## Nursing Home Workers

Nursing home workers provide essential services to our most vulnerable people. Yet, many nursing home workers report that they struggle with low wages and benefits, staffing shortages, and inadequate training.

These conditions can lead to high turnover and impact the quality of care patients receive.

Nursing home workers across the state have been working hard to improve conditions in their workplaces.

4



“Our working conditions are our residents’ living conditions.”

5

## Nursing Home Workforce Standards Board

In 2023, the Minnesota legislature passed the *Nursing Home Workforce Standards Act* (NHWS Act).

This law created a new Nursing Home Workforce Standards Board (“NHWSB” or “Board”).

The Board’s purpose is to **monitor working conditions** in the industry and **create rules** that will **protect** the health and well-being of nursing home workers, including minimum wages.

These laws can be found at Minn. Stat. §181.211-181.217 and Minn. Rules 5200.2060-5200.2090

6

## Who Serves on the Board?



3 worker representatives



3 employer representatives



3 state agency representatives

- Department of Human Services (oversees the state funding of nursing facilities)
- Department of Health (licenses nursing facilities)
- Department of Labor & Industry (enforces labor laws and rules, including the NHWS Act)

} Appointed by the Governor



The Board is run by an Executive Director

7

## What Does the Board Do?

**Researches** current conditions in nursing homes and for nursing home workers, using tools such as public forums, data research, and collaboration with subject matter experts

**Makes rules** to protect people who work in nursing homes

**Reports** to the legislature on its work and the cost of the standards to the state

8

## What Does the Board Do?

Creates processes for worker organizations to train workers on their rights

Sets the curriculum for those trainings

**The Board makes sure that nursing home workers know their rights.**

9

## Who is a “Nursing Home Worker”?

The law defines which workers within a nursing home are protected by the Nursing Home Workforce Standards Act.

Included	Not Included
<ul style="list-style-type: none"> <li>• All direct care staff</li> <li>• All non-direct care staff (such as dietary and housekeeping)</li> <li>• Contractors</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative staff</li> <li>• Medical directors</li> <li>• Nursing directors</li> <li>• Physicians</li> <li>• Traveling nurses</li> </ul>

10

## Training

The law requires that all nursing home workers must be **informed of their rights** under the NHWS Act as well as other applicable laws and rules.

Workers must receive this training for at least one hour **every two years**.

Employers must certify that workers received this training.

**This training time must be paid.** You must also receive reasonable travel expenses if the training session is not held at your regular workplace.



11

The training should be in a language that you, the worker, are proficient in.

You will be able to ask questions during or after the training.

We will send you follow up materials either electronically or in written form.

We may also follow up with you with a survey about how the training went. This is not required, but your feedback helps us to improve the training.

## Training

12

## Training

Your employer may share your contact information with the training organization. If you do not want your contact information shared, you can opt out by submitting a request in writing to your employer.

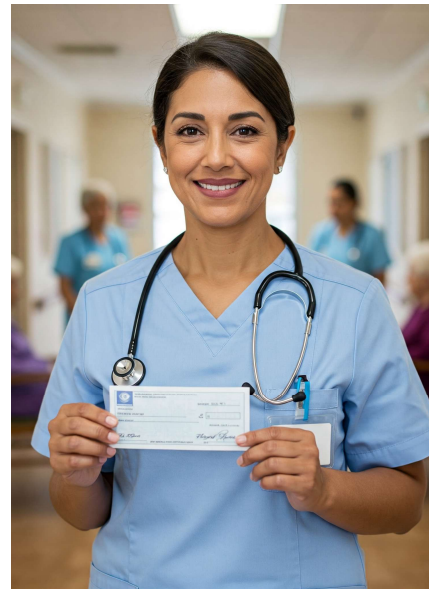
Check with your employer about policies regarding travel reimbursement and payment for time worked outside of your facility. Tell your trainers if you have any difficulties with pay or reimbursement.

13

## Wages

This year, the Minnesota legislature has approved funding for increased minimum wages for nursing home workers.

The following minimum wages will go into effect in 2026 and 2027.



14

## Wages

Occupation	Minimum Wage 1/1/2026	Minimum Wage 1/1/2027
Licensed Practical Nurse (LPN)	\$27.00	\$28.50
Trained Medication Aide (TMA) Certified	\$23.50	\$25.00
Nursing Assistant (CNA)	\$22.50	\$24.00
All Other Nursing Home Workers	\$19.00	\$20.50

15



## Holiday Pay

The law provides for **mandatory holiday pay** for nursing home workers.

Workers who work on one of the designated holidays must be paid at least **one and one-half times** their regular hourly wage for all hours worked during the holiday.

*For example, if your regular pay is \$20/hour, you will be paid \$30/hour when you work on one of the following holidays.*

16

## Holiday Pay

Effective 1/1/2025

1. New Year's Day (January 1)
2. Martin Luther King, Jr. Day (3<sup>rd</sup> Monday in January)
3. Presidents Day (3<sup>rd</sup> Monday in February)
4. Memorial Day (last Monday in May)
5. Juneteenth (June 19)
6. Independence Day (July 4)
7. Labor Day (1<sup>st</sup> Monday in September)
8. Indigenous Peoples Day (2<sup>nd</sup> Monday in October)
9. Veterans Day (November 11)
10. Thanksgiving Day (4th Thursday in November)
11. Christmas Day (December 25)

17

## Holiday Pay

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A holiday is a 24-hour period from midnight to the next midnight.

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The law sets the minimum requirements for holidays.

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An employer may pay more than time and a half on holidays. An employer may offer more paid holidays than these minimum 11 holidays.

18

## Holiday Pay

Union contracts may offer additional rights about holidays and holiday pay, but those are in addition to the minimum set by the Board.

19

## Holiday Pay

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There are ways to change the list of paid holidays.

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If the nursing home workers have a union, then the union and the employer can agree to change the holidays that are paid in the union contract.

20

## Holiday Pay

If the workers do not have a union, then the employer can only change the paid holidays if the majority of the workers agree. Workers must be able to vote, sign a petition, or use some other way to show that they agree to the change.

Agreements between the workers and employer can allow for up to 4 holidays being changed.

21

## Impacts of the New Law

- ✓ **Understanding Your Rights**
- ✓ **Minimum Wage**
- ✓ **Paid Holidays**



How will these new requirements affect you at work?

How will they affect the quality of care residents receive?

What other changes would make your workplace better?

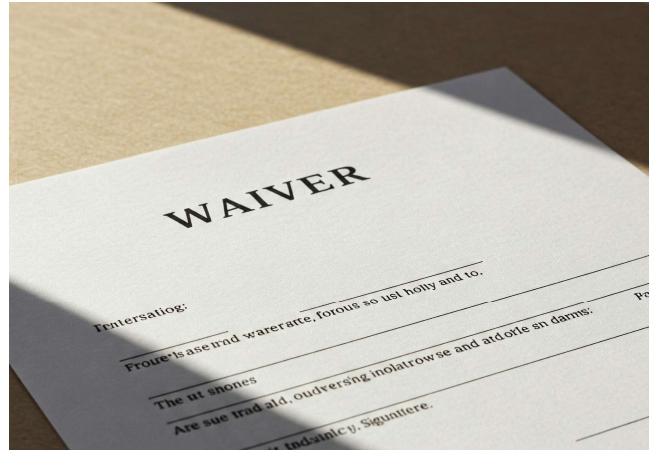
22

## Waivers and Variances

The Board creates procedures for nursing homes to apply for special temporary exceptions to the law. These are called “waivers” or “variances.”

A waiver or variance gives the employer the ability to pay less than the minimum wage required by the law.

A nursing home can request a waiver or variance if it shows it cannot meet the law’s standards without the risk of going to receivership or closing.

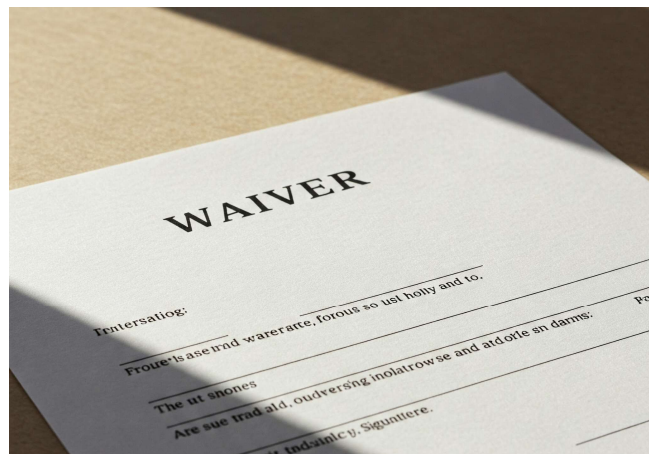


23

## Waivers and Variances

The nursing home must submit detailed financial information to support their request.

The Board is not required to grant the waiver or variance.



24

## Minimum Wage Variance

*If a nursing home has a waiver or variance from the minimum wages, those terms will be noted here.*

25



## Posting

Your employer must **post a notice** of your rights in the same way that it posts other work-related notices.

*Where is work-related information posted in your facility?*

The notice must be **communicated clearly**, such as:

- Posting a copy of the notice at each work site where it can be seen by all staff
- Providing a paper or electronic copy of the notice to all staff and applicants for employment

Your employer must also notify you that you can request the notice in a **language** you are proficient in. The Board can assist in translation.

26

## Conflicts of Law



If a different law or rule conflicts with one of the Board's rules, the Board's rule will apply, unless:

The other law or rule was established *after* the NHWSB's rules, *and*

The other law or rule is *better* for the workers

If you already have a union, the employer still must comply with your contract that provides the same or better conditions than this law requires.

27

## No Retaliation



**Employers may not retaliate against workers for exercising their rights under the NHWS Act.**

A nursing home employer shall not "discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate" against a nursing home worker because they have attempted to exercise their rights protected under this Act.

This includes:

- Exercising any right protected by the NHWS Act
- Participating in any meetings or investigations under the NHWS Act
- Attending or participating in the training required by the NHWS Act

28

## No Retaliation

In addition, an employer **may not**:

- Tell another employer that you attempted to exercise your rights under this law, or
- Report or threaten to report you or your family to Immigration because you attempted to exercise your rights under this law

29

## Violations of the Law

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**There are consequences if the employer breaks these rules.**

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If your employer retaliates against you for exercising your rights under this law, you can receive your job back and back pay.

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If the employer violates the NHWS Act in other ways, it may be liable for damages. This means it must pay to compensate you if you lost money.

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If you have a union contract, the employer must comply with whatever gives you, the workers, a better deal – your contract or the law.

30

## Violations of the Law

**There are options for you if you believe your employer has violated your rights under the NHWS Act.**

**Contact your Union, if you have one.**

**File a Complaint with the Minnesota Department of Labor and Industry**

If you suspect your employer is not following the NHWS law, you can contact the Labor Standards division at 651-284-5075 or [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us).

**File a lawsuit**

You can also file a lawsuit in state court.

31

## Additional Resources for Your Rights



**TALK TO YOUR  
UNION, IF YOU HAVE  
ONE**

Not sure? Contact the  
Minnesota AFL-CIO  
[info@mntrainingpartnership.org](mailto:info@mntrainingpartnership.org)



**OFFICE OF THE  
ATTORNEY GENERAL**

[www.ag.state.mn.us/Consumer/  
Publications/HiringAnAttorney.asp](http://www.ag.state.mn.us/Consumer/Publications/HiringAnAttorney.asp)



**NATIONAL  
EMPLOYMENT  
LAWYERS  
ASSOCIATION**

[exchange.nela.org/memberdirectory/  
findalawyer](http://exchange.nela.org/memberdirectory/findalawyer)



**VOLUNTEER  
LAWYERS NETWORK**

[www.vlnmn.org/help](http://www.vlnmn.org/help)

32

## Other Rights and Protections: Federal Laws

### **National Labor Relations Act**

Federal law protects your right to join a union and your right to discuss wages and working conditions with your co-workers

<https://www.nlr.gov/>

### **Federal Staffing Rules**

The federal government sets standards for minimum staffing in nursing homes. This rule is phased in over 3-5 years, depending on whether your facility is rural or non-rural.

<https://www.federalregister.gov/documents/2024/05/10/2024-08273/medicare-and-medicaid-programs-minimum-staffing-standards-for-long-term-care-facilities-and-medicaid>

33

## Other Rights and Protections: State Laws - Safety

### **Minnesota Occupational Safety and Health Act**

State law protects workplace safety and health.

<https://www.dli.mn.gov/business/safety-and-health-work>

### **Employee's Right to Know and Hazard Communication (HAZCOM)**

Employers must evaluate their workplaces for the existence of hazardous substances and infectious diseases and to provide training and information to employees who are routinely exposed to those substances and diseases.

<https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries>

### **Ergonomics**

Employers must proactively address ergonomics issues in the workplace.

<https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-ergonomics>

### **Safe Patient Handling Act**

Every licensed health care facility in the state must have a written safe patient handling policy and committee. The goal is to minimize manual lifting of patients by care workers by utilizing safe patient handling equipment.

<https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-wsc-safe-patient-handling>

34

## Other Rights and Protections: State Laws - Benefits

### Earned Sick and Safe Time (ESST)

Paid leave employers must provide to employees for reasons related to illness or safety.

<https://dli.mn.gov/sick-leave>

### Pregnancy and Parenting Rights

Pregnant workers have the right to certain workplace protections during pregnancy and a clean, private place to pump breast milk while they are lactating.

<https://dli.mn.gov/newparents>

### Paid Family and Medical Leave (Paid Leave)

Starting January 1, 2026, Minnesota workers will be able to take up to 20 weeks of paid time off to care for themselves or a family member.

<https://mn.gov/deed/paidleave/>

35

## How to Contact the Nursing Home Workforce Standards Board

You can find information about the NHWSB here:

<https://www.dli.mn.gov/about-department/boards-and-councils/nursing-home-workforce-standards-board>

The website contains public meeting notifications and other information about how you can connect with the Nursing Home Workforce Standards Board.

36

## How Can Nursing Home Workers Help to Influence Future Standards?

- Through surveys issued by the Standards Board
- Through public comment whenever rules are being considered
- At special public comment hearings before new standards are adopted
- By requesting a Standards Board site visit
- ***By joining together to make our voices heard at the Capitol***

37



These new standards will help nursing home workers to keep doing the critical work of caring for our most vulnerable people while also caring for their own families.

38



39

## Next Steps

1. You will receive a certificate of completion and an invitation to take a survey about this training.
2. Minnesota Training Partnership will certify to your employer that you attended this training.



Contact us at:  
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175 Aurora Avenue  
St. Paul, MN 55103  
[www.mntrainingpartnership.org](http://www.mntrainingpartnership.org)

40