

Minutes: NHWSB Waivers and Variances Workgroup

Date: Monday, Dec. 2, 2024

Minutes prepared by: Linnea Becerra

Location: Hybrid – Isanti Room at the Department of Labor and Industry and via Webex

Attendance

Members present

Kim Brenne (remotely at 3:05 p.m.)

Jamie Gulley

Maria King (remotely)

Katie Lundmark

Visitors present

Todd Bergstrom

Jeff Bostic

Brian Elliott (remotely)

DLI staff members present

Ali Afsharjavan (remotely)

Linnea Becerra

Paul Enger

Leah Solo

Agenda items

- 1. Call to order** – the meeting was called to order by Jamie Gulley at 3:02 p.m. Roll call was taken. A quorum was declared.
- 2. Approval of agenda** – a motion to approve the agenda as presented was made by Gulley and seconded by Katie Lundmark. A roll call vote was taken and the motion passed unanimously.
- 3. Approval of drafted meeting minutes** – a motion to approve the Nov. 14, 2024, drafted meeting minutes as presented was made by Gulley and seconded by Lundmark. A roll call vote was taken and the motion passed unanimously.
- 4. Board updates** –
 - Executive Director Leah Solo said the goal of the meeting was to see if this group is ready to bring a draft application before the board, go over the spreadsheet drafted by Todd Bergstrom and Jeff Bostic, and resolve the data privacy questions brought up at the previous month’s meeting.
 - Bergstrom walked through the “copy of draft application1” spreadsheet. There was discussion about the “Revenue, expense, budget” tab around what other revenue and expenses should be submitted and how granular the board wants facilities to be when completing the application. Solo mentioned having facilities report their budgets and expenses in the way they typically would report them, then fill the cost of the standards in a normed spreadsheet; while Lundmark said it would be difficult to

compare facilities to each other that way. Bergstrom talked about the “Census-rates” tab of the spreadsheet. There was discussion about projecting 2026 revenue and what to use to accomplish that.

- Executive Director Solo drew the attention back to the process for this year. There was discussion about scenarios that would lead to a facility facing risk of closure or receivership due to the holiday pay rules being implemented. Bostic suggested a “cost of standard” tab for the holiday pay portion, with only a few reported numbers and the central question could be: What do the standards do to your expenses?
- Solo added that the application may want to ask what the current operating budget is and what documents do the facilities currently have to support their need for a waiver or variance. Bostic said projected revenue, projected expenses and cost to the state would be enough for this holiday pay waiver process. Gulley added that the facility should note whether it is asking for a waiver from the standard altogether or asking for more time to implement.
- Paul Enger clarified the board does not have enforcement authority and, conversely, no authority to waive enforcement. The Department of Labor and Industry would enforce the rules based on complaints made to the Labor Standards Division.
- Solo highlighted some questions from the most recent meeting and, before answering them, raised the question of bringing this discussion to the full board or to meet again before the Dec. 5 board meeting. The workgroup decided to meet again before the full board meeting and Executive Director Solo will work on another draft of the application to discuss then.
- The group agreed it doesn’t want to rush the full application for the minimum-wage rules, but have a shorter and more direct application for the holiday pay rules and the waivers and variances that accompany those.

5. New business

- 6. Next meeting** – the next meeting is Thursday, Dec. 5, at 10 a.m., in the Koochiching Room.

Adjournment

A motion was made by King to adjourn the meeting at 4:03 p.m. and seconded by Lundmark. A roll call vote was taken and the motion passed unanimously.