

Minutes: Nursing Home Workforce Standards Board

Date: Wednesday, Oct. 2, 2024

Minutes prepared by: Linnea Becerra

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

Attendance

Members present

Commissioner Nicole Blissenbach

Jamie Gulley

Michelle Armstrong

Kim Brenne (remotely)

Michele Fredrickson (remotely)

Maria King (remotely)

Katie Lundmark (remotely)

Mary Swanson (remotely)

Paula Rocheleau (remotely)

Visitors present

Todd Bergstrom

Jeff Bostic

Krystle Conley (remotely)

Brian Elliott (remotely)

Rachel Estroff (remotely)

Bob Fischer (remotely)

Blaine Gamst (remotely)

Brooke Hein (remotely)

Mike Jodouin (remotely)

Toby Pearson (remotely)

Cami Peterson-DeVries (remotely)

Brenda Podratz (remotely)

Brian Vamstad (remotely)

Kayla

DLI staff members present

Ali Afsharjavan (remotely)

Linnea Becerra

Paul Enger

Leah Solo

Agenda items

1. **Call to order** – the special meeting was called to order by Chair Jamie Gulley at 2:03 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 Maria King and seconded by Michelle Armstrong. A roll call vote was taken and the motion passed unanimously.
3. **Approval of drafted meeting minutes** – a motion to approve the Sept. 12, 2024, drafted meeting minutes as presented was made by King and seconded by Armstrong. A roll call vote was taken and the motion passed unanimously.
4. **Board updates** –
 - Executive Director Leah Solo updated the board about the status of the rules. Paul Enger (Department of Labor and Industry’s Office of General Counsel) explained to the board the steps moving forward.
 - A motion to file the order to adopt the wage rules was made by Commissioner Blissenbach and seconded by Armstrong. A roll call vote was taken and the motion passed with six votes affirmatively and three votes in abstention.
 - Paula Rocheleau discussed the memo she sent with Katie Lundmark and Mary Swanson regarding the employers abstaining from votes. This memo has been submitted for public record and is posted in multiple places for the public to access.
 - Gulley opened the floor for discussion about the worker certification, posting notice and holiday pay rule comments that were submitted to the eComments page on the Office of Administrative Hearings website, as well as those submitted directly to the Department of Labor and Industry’s rules email address.
 - Executive Director Solo reported there were 56 comments submitted: 55 in opposition of the rules and one in support. She said the purpose of discussion at this time is to highlight concerns so staff members have time to work on answers before the regularly scheduled meeting Oct. 10. She said staff members are being cognizant of the tight timeline of implementation; she opened the floor for discussion.
 - Armstrong began the discussion by highlighting common themes, such as: financial challenges; scheduling and staffing challenges; vendor and contract issues; and the time crunch of implementing the standards by the beginning of the year.
 - There was discussion about the vendor contract complications, as well as the need to change schedules. Rocheleau asked for clarification and understanding about the arguments presented in the Fox Rothschild (representing Leading Age and Care Providers of Minnesota) comment. There was discussion about the comment’s assertion that the rules are subject to federal pre-emption by the National Labor Relations Act. Additionally, a couple of board members discussed the possibility of seeing the filing before sending it to the administrative law judge. There was also discussion about the nursing homes’ voting mechanism for the designated holidays.
 - There was discussion about substantive and nonsubstantive changes to the rules at this stage.
 - The board will discuss specific questions and themes at the coming regularly scheduled board meeting.
5. **New business** –
6. **Next meeting** – the next meeting is Thursday, Oct. 10, 2024, at 11 a.m.

Adjournment

A motion was made by Kim Brenne to adjourn the meeting at 3 p.m. and seconded by King. A roll call vote was taken and the motion passed unanimously.