

Minnesota Nursing Home Workforce Standards Board

NOTICE OF INTENT TO ADOPT EXPEDITED PERMANENT RULES WITHOUT A PUBLIC HEARING

Proposed Rules Governing Holiday Pay, Certification of Worker Organizations, and Notice Posting Requirements; *Minnesota Rules*, Part 5200.2000 – 5200.2050, Revisor’s ID Number R-04870.

Introduction. The Minnesota Nursing Home Workforce Standards Board (“Board”) intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until September 25, 2024.

Contact Person. Submit comments or questions on the rules to: Leah Solo at the Department of Labor and Industry, 443 Lafayette Rd. N., St. Paul, MN 55155, phone (651) 284-5076, and email to dli.rules@state.mn.us. Comments must be in writing. **You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>.**

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules establish holiday pay provisions for nursing home workers; certification criteria for worker organizations; and minimum notice posting requirements for nursing home employers.

As to holiday pay, the proposed rules establish minimum nursing home worker pay of time-and-one-half for all hours worked on certain holidays. The proposed rules also allow for some modification to the dates and times of prescribed holidays.

As to certification criteria, the proposed rules establish the criteria worker organizations must meet to become certified to conduct nursing home worker trainings under *Minnesota Statutes*, section 181.214. The proposed rules also establish the application and renewal process for certification, and prescribe processes for the revocation of certification and cessation of certification.

As to minimum notice posting requirements, *Minnesota Statutes*, section 181.215, subdivision 1, requires nursing home employers to post notices informing nursing home workers of the minimum nursing home employment standards and local minimum standards. The proposed rules outline the posting obligations for nursing home employers, including minimum content and posting requirements.

The statutory authority to adopt the proposed rules under the expedited rulemaking process is *Minnesota Statutes*, section 181.213, subdivision 1 (granting authority to adopt rules on the compensation of nursing home workers); *Minnesota Statutes*, section 181.213, subdivision 3 (granting authority to adopt new rules for minimum nursing home employment standards); *Minnesota Statutes*, section 181.214, subdivision 1 (granting authority to adopt rules for certification of worker organizations); and *Minnesota Statutes*, section 181.215, subdivision 2 (granting authority to adopt notice posting requirements).

A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed expedited rules may be viewed at <https://www.dli.mn.gov/about-department/rulemaking/nhwsb-rulemaking-expedited-rules-holiday-pay>

Comments. You have until 4:30 p.m. on September 25, 2024, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person or submitted on the Office of Administrative Hearings Rulemaking eComments website by the due date. The Board encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change proposed. You should also make any comments that you have on the legality of the proposed rules during this comment period. **Important:** Comments will be made available to the public. Please only submit information that you wish to make available publicly.

Modifications. The Board may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them “substantially different” as defined in Minnesota Statutes, section 14.05, subdivision 2, paragraphs (b) and (c); or the agency may adopt substantially different rules if it follows the procedure under Minnesota Rules, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the agency will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the Board encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the Board contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 18006573889.

Adoption and Review of Expedited Rules. The Board may adopt the rules at the end of the comment period. The Board will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the Board submits the rules. If you want to be so notified or want to receive a copy of the adopted rules, or want to register with the Board to receive notice of future rule proceedings, submit your request to the Board contact person listed above.

Date

August 13, 2024



Jamie Gulley, Chair

Minnesota Nursing Home Workforce Standards Board