



MINNESOTA

NURSING HOME WORKFORCE STANDARDS BOARD

Holiday Pay- An overview

A webinar for employers

Agenda

- Holiday pay rules
- How to modify the standard list of holidays and times
- Frequently asked questions
- Notes
- Background on NHWSB

Holiday Pay Rules- Overview

- The Holiday Pay rules are moving toward a January 1, 2025, implementation date.
- Nursing home workers who work on 11 state holidays are paid at least time and a half.
- The day includes all hours from midnight to midnight.



The 11 state Holidays

- New Year's Day, January 1;
- Martin Luther King's Birthday, the third Monday in January;
- Washington's and Lincoln's Birthday, the third Monday in February;
- Memorial Day, the last Monday in May;
- Juneteenth, June 19;
- Independence Day, July 4;
- Labor Day, the first Monday in September;
- Indigenous Peoples' Day, the second Monday in October;
- Veterans Day, November 11;
- Thanksgiving Day, the fourth Thursday in November; and
- Christmas Day, December 25.

How to modify the standard days and times


Do you have exclusive representation?

Yes

Come to an agreement in the manner that you usually would in order to change a condition of a contract

No

Reach an agreement with a majority of affected workers



Frequently
asked
questions

Q: What does it mean to "reach an agreement with a majority of affected workers?"

1. Determine who in your staff qualify as nursing home workers under the rules. A majority would be fifty percent of those workers plus one.
2. Find a way to discuss and decide together. This could be a meeting with a vote at the end, a survey monkey, a petition in the break room, or any other reasonable way for workers to let their voices be heard.

Keep a record of the agreement for a minimum of 3 years after the observation of the modified holiday. This could be meeting minutes, records of vote numbers and when the vote was held, a copy of the petition or something similar.

Q: Who is considered a worker under this rule?

Minnesota Statutes, Section 181.211, Subd. 9. Nursing home worker. "Nursing home worker" means any worker who provides services in a nursing home in Minnesota, including direct care staff, non-direct care staff, and contractors, but excluding administrative staff, medical directors, nursing directors, physicians, and individuals employed by a supplemental nursing services agency.

Q: What if the employee is “exempt?”

If you have someone who meets the definition of nursing home worker, who is also exempt from overtime rules, this rule for time and a half if they work a holiday **would** still apply to them. If an employee meets the definition of nursing home worker, then they are conferred the benefits of the holiday pay rules.

The holiday pay contemplated in these rules is not overtime pay, so the provisions of the Fair Labor Standards Act and Overtime Pay laws dealing with overtime pay are not applicable; a nursing home worker that is overtime exempt under FLSA is still entitled to holiday pay.

Q: We have multiple bargaining units in our facility. Can we have different lists of holidays for different bargaining units?

Yes, assuming you have reached an agreement with the bargaining units to have those different lists of holidays, it is up to you and the bargaining units, so long as you meet the minimum number of holidays being paid at least time and a half.

Q: Do we have to pay time and a half for our workers whether they are working in the nursing home or a different building on our campus?

No, the NHWSB standards only apply to work done in for the nursing home.

To note:

- This is a minimum, not a maximum. An employer or a contract can offer more than time and a half pay on holidays, a larger list than the 11 days listed, and more.
- This rule applies to nursing home workers who are working on a holiday. It does not obligate employers to give all workers paid time off.
- This rule cannot be used to pay workers less than what is already in an employment contract. For instance, if an existing contract dictates that workers get paid double for working Christmas, this rule does not allow an employer to only pay time and a half.

Background

The Minnesota Nursing Home Workforce Standards Act was passed as part of the Omnibus Jobs, Economic Development, Labor and Industry appropriations bill, SF 3035, Session Law Chapter 53 and codified as 2023 Minnesota Statutes sections 181.211 to 181.217. The statute lays out the building blocks for a board that will, through expedited rulemaking, set compensation standards for nursing home workers that are “reasonably necessary and appropriate to protect the health and welfare of nursing home workers” and ensure nursing home workers are trained about these standards.

For more information about the Board, please visit [Nursing Home Workforce Standards Board | Minnesota Department of Labor and Industry \(mn.gov\)](#)

Thank You!

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