

Meeting minutes: Nursing Home Workforce Standards Board

Date: Thursday, April 11, 2024

Minutes prepared by: Linnea Becerra

Location: Hybrid – Department of Labor and Industry’s (DLI’s) Minnesota Room and Webex

Members present

- Commissioner Nicole Blissenbach (present at 11:15 a.m.)
- Chair Jaime Gulley
- Kim Brenne
- Maria King
- Michelle Armstrong (remotely)
- Paula Rocheleau
- Mary Swanson (remotely)

Visitors present

- Todd Bergstrom
- Peter Butler – Department of Human Services
- Jeff Bostic
- Brian Elliott
- Nicole Mattson (remotely)
- Casey Murphy (remotely)
- Toby Pearson (remotely)
- Chris Zempel – Department of Human Services

DLI staff members present

- Ali Afsharjavan
- Linnea Becerra
- Paul Enger
- Josiah Moore (remotely)
- Leah Solo

Agenda items

1. **Call to order** – the meeting was called to order by Jamie Gulley. A roll call was taken and a quorum was declared. The meeting was called to order at 11:07 a.m.
2. **Approval of agenda** – a motion to approve the agenda as presented and to acknowledge attendees are seated at the main table due to limited seating was made by Paula Rocheleau and seconded by Maria King. An item was presented for discussion, a roll call vote was taken and the motion passed unanimously.
3. **Approval of drafted meeting minutes** – a motion to approve the March 27, 2024, drafted meeting minutes as presented was made by Michelle Armstrong and seconded by Kim Brenne. An item was presented for discussion, a roll call vote was taken and the motion passed unanimously.

4. Board updates –

- Executive Director Leah Solo presented a memo about analyzing proposals that was a compilation of previous memos, created to guide discussion about the overall goal as prescribed by the Legislature. Solo quoted the statute that says “[t]he board must adopt rules establishing minimum nursing home employment standards that are reasonably necessary and appropriate to protect the health and welfare of nursing home workers ...”; additionally, the board needs to set initial standards that must include wage standards. Solo said the board must seek a majority benchmark and she quoted the statute that says, “the board must seek to adopt minimum nursing home employment standards that meet or exceed existing industry conditions for a majority of nursing home workers in the relevant geographic area and nursing home occupation.” Rocheleau asked for clarification around the phrasing “meeting or exceeding” in relation to the current wages being paid to workers. There was discussion among board members regarding this language with the conclusion being the minimum standard should meet or exceed the median and that majority is 50% plus one. Executive Director Solo then walked through the “data to use” section of the memo, which pulls language directly from statute, the research the Nursing Home Workforce Standards Board has already done and the potential questions the board can ask to continue decision-making.
- Brenne introduced Peter Butler, the budget director from the Aging Disability Services Administration, a portion of the Department of Human Services (DHS) that looks at long-term care impacts, who prepared a fiscal note. Butler introduced his colleague Chris Zempel, the fiscal policy director for DHS. Butler began by talking through the fiscal note process, including that the format presented is what the department would formally send to the Legislature. He then walked through the “Workforce Standards Board Scenario – Holiday Pay Only” fiscal note by starting with the assumptions presented on the second page of the document. He highlighted this fiscal note would not require the passing of an appropriation and employers could forgo large wage increases due to this benefit. Butler then went over the “Workforce Standards Board Scenario – Holiday Pay and Wage Floor” fiscal note by first stating it would have a fiscal impact of \$2.2 million to the general fund in fiscal-year 2028 and about \$6.9 million in fiscal-year 2029. He then reviewed the assumptions made in this fiscal note, highlighting the step increases in the proposal (Jan. 1, 2026, and Jan. 1, 2027), as well as the share of the costs distributed between state, federal and local municipalities. The fiscal note will continue to change based on the release of coming forecasts and budgets. Rocheleau asked if there could be a current rate increase added to the wage standard proposal; there was discussion about who can make that request and whether it is within the board’s purview to make such a request. Many board members added their thoughts about rate increases and funding formulas or one-time payments. After discussion, the board made a request to DLI’s Office of General Counsel to investigate whether there could be proposals contingent upon increased funding. It was clarified the “Workforce Standards Board Scenario – Holiday Pay and Wage Floor” fiscal note would require an appropriation. Members discussed the two step increase formulas and questioned whether the increased rate in the second step would mean much since it is years away.
- Chair Jamie Gulley brought the “Posting and Notice Requirements” from the March 27 meeting to the table; Armstrong made a motion to approve the requirements and DLI Commissioner Nicole Blissenbach seconded the motion. The item was presented for discussion and there was a question about edits of the “Posting and Notice Requirements” during the rulemaking process. Commissioner

Blissenbach and the Office of General Counsel clarified they can be amended as long as the changes are not substantial. A roll call vote was taken and the motion passed unanimously.

- Rocheleau spoke about the memorandum brought by her, Mary Swanson and Katie Lundmark, and asked that it be added to the next meeting's agenda for a vote by the board, saying they are willing to make edits to the document.
5. **New business** – Oak Hills Living Center in New Ulm, Minnesota, has extended an invitation for the board to tour. Executive Director Solo asked if the board would like to accept Oak Hill's invitation. A couple members indicated they would like to attend that tour, scheduled for May 15.
 6. **Next meeting** – the next meeting is Monday, April 15, at 2:30 p.m.

Adjournment

A motion was made by King to adjourn the meeting at 12:42 p.m. and seconded by Brenne. A roll call vote was taken and the motion passed unanimously.