

## Minutes: Nursing Home Workforce Standards Board

Date: Thursday, Dec. 12, 2024

Minutes prepared by: Linnea Becerra

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

### Attendance

#### Members present

Michelle Armstrong  
Commissioner Nicole Blissenbach  
Kim Brenne (remotely)  
Michele Fredrickson (remotely)  
Jamie Gulley (remotely)  
Maria King (remotely)  
Katie Lundmark  
Paula Rocheleau  
Mary Swanson (remotely)

#### Visitors present

Todd Bergstrom  
Jeff Bostic  
Krystle Conley (remotely)  
Brian Elliott (remotely)  
Scott Grosskreutz  
Bryce Hingst (remotely)  
Community member (remotely)  
Brenda Podratz (remotely)  
Kayla Revier (remotely)  
Linnea VanPilsun-Bloom  
Bob (remotely)  
Call-in user 507276\*\*\*\* (remotely)

#### DLI staff members present

Ali Afsharjavan  
Linnea Becerra  
Krystle Conley (remotely)  
Paul Enger  
Leah Solo

## Agenda items

1. **Call to order** – the meeting was called to order by Chair Jamie Gulley at 11:03 a.m. Roll call was taken. A quorum was declared.
2. **Approval of agenda** – a motion to approve the agenda as presented was made by Commissioner Nicole Blissenbach 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 Dec. 5, 2024, drafted meeting minutes as presented was made by Commissioner Blissenbach and seconded by Lundmark. A roll call vote was taken and the motion passed unanimously.
4. **Board updates** –
5. **New business** –
  - Gulley entertained a motion to close the meeting pursuant to Minnesota Statutes § 13D.05, subdivision 3B. During the closed session of the meeting, the Nursing Home Workforce Standards Board will receive attorney/client privilege information and discuss with counsel the pending lawsuit that has been brought against the board by Leading Age Minnesota and Care Providers of Minnesota in the United States District Court for the District of Minnesota, case number 24-cv-4282, which challenges the validity of the holiday pay, worker organization, certification and posting rules. Michelle Armstrong made the motion and Commissioner Blissenbach seconded it. There was discussion raised by Lundmark about holding a closed meeting and whether the agenda needed to state as such per *Robert's Rules of Order*. Commissioner Blissenbach said open meeting law allows the board to close a meeting without prior notice. Ali Afsharjavan said that while the board may choose to follow *Robert's Rules of Order*, it is not required. Paul Enger said, “pursuant to Minn. Stat. § 13.D.01, subdivision 3, all that is required is before closing a meeting, a public body shall state on the record, the specific grounds for permitting the meeting to be closed and describe the subject to be discussed.” Enger followed up by saying the agenda itself does not require a notice of possible closure. There was no more discussion, so a roll call vote was taken and the motion passed unanimously.
  - The meeting closed and attendees who were in person for the meeting were dismissed to the common area at the Department of Labor and Industry and attendees online stayed in the main meeting while the board members joined a private breakout session.
  - The meeting was opened again and Commissioner Blissenbach made a motion for the board to authorize its executive director to take actions in furtherance of: defending the validity of the board's holiday pay, worker organization certification and posting rules, which are being challenged in the United States District Court for the District of Minnesota, case number 24-cv-4282; and defending the board from that lawsuit. This would include the authority to provide evidentiary documents and other information to the Office of the Minnesota Attorney General. The executive director's authority would not include authority to settle the lawsuit. Any decision to settle the lawsuit would need to be voted upon by the board. The motion was seconded by Michele Fredrickson. A roll call vote was taken and the motion passed unanimously.
6. **Next meeting** – the next meeting is Thursday, Jan. 9, 2025.

## **Adjournment**

A motion was made by Maria King to adjourn the meeting at 11:54 a.m. and seconded by Paula Rocheleau. A roll call vote was taken and the motion passed unanimously.