

5200.2020 NOTICE OF NURSING HOME WORKER RIGHTS.

Subpart 1. **Posting of notice of nursing home worker rights.** Nursing home employers must provide notice informing nursing home workers of the rights and obligations provided under the act or established by the Minnesota Nursing Home Workforce Standards Board. A nursing home employer must provide notice using the same means that the nursing home employer uses to provide other legally required work-related notices to nursing home workers. Nursing home employers must, at a minimum:

A. post a copy of the notice at each work site where nursing home workers work and in a location where the notice is readily seen and reviewed by all nursing home workers working at the site, and take steps to ensure that the notice is not altered, defaced, or covered by other material; or

B. provide a paper or electronic copy of the notice to all nursing home workers and applicants for employment as a nursing home worker.

Subp. 2. **Contents of notice.** Notices of a nursing home worker's rights and obligations must include a statement containing all nursing home employment standards established by the Minnesota Nursing Home Workforce Standards Board. Notices must also include the following statements of rights and responsibilities:

A. It is unlawful for a nursing home employer to discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against a nursing home worker because the person has exercised or attempted to exercise rights granted under the act; participated in any process or proceeding under the act, including but not limited to board hearings, board or department investigations, or other related proceedings; or attended or participated in training under Minnesota Statutes, section 181.214.

B. It is unlawful for a nursing home employer to:

(1) inform another employer that a nursing home worker or former nursing home worker has engaged in activities protected under the act; or

(2) report or threaten to report the actual or suspected citizenship or immigration status of a nursing home worker, former nursing home worker, or family member of a nursing home worker to a federal, state, or local agency for exercising or attempting to exercise any right protected under the act.

C. A nursing home worker found to have experienced retaliation is entitled to back pay and reinstatement to the worker's previous position, wages, benefits, hours, and other conditions of employment.

D. A nursing home worker may individually or as part of a class action bring a civil action against a nursing home employer in district court for violations of the act or of any applicable minimum nursing home employment standards or local minimum nursing home employment standards. The civil action must be filed in the district court of the county where the violation or

violations are alleged to have been committed or where the nursing home employer resides, or in any other court of competent jurisdiction.

E. In an action against nursing home employers for violations of the act, nursing home workers may seek damages and other appropriate relief provided by Minnesota Statutes, section 177.27, subdivision 7, or otherwise provided by law, including reasonable costs, disbursements, witness fees, and attorney fees. A court may also issue an order requiring compliance with the act or with the applicable minimum nursing home employment standards or local minimum nursing home employment standards.

F. An agreement between a nursing home employer and nursing home worker or labor union that fails to meet the minimum standards and requirements under parts 5200.2000 to 5200.2050 and the act is not a defense to an action brought under the act.

G. A nursing home worker seeking information or assistance may contact the Department of Labor and Industry for further information regarding their rights, protections, and obligations. Contact information for the Department of Labor and Industry must be included in the notice.

H. Nursing home workers are required to attend trainings regarding their rights and obligations under the act, and the trainings must, at a minimum, cover the following topics:

- (1) applicable compensation and working conditions standards;
- (2) antiretaliation protections in place;
- (3) information on how to enforce the rights and protections under parts 5200.2000 to 5200.2050 and the act and how to report violations, and the remedies available for violations of those rights, protections, and standards;
- (4) contact information for the Department of Labor and Industry, the board, and any local enforcement agencies;
- (5) the purposes and functions of the board and information on upcoming hearings, investigations, or other opportunities for nursing home workers to become involved in board proceedings;
- (6) other rights, duties, and obligations under the act;
- (7) any updated standards or changes to the information provided since the most recent training session;
- (8) any other information appropriate to facilitate compliance with the act; and
- (9) information on labor standards in other applicable local, state, and federal laws, rules, and ordinances regarding nursing home working conditions or nursing home worker health and safety.

I. A nursing home employer must compensate its nursing home workers for training completed as required by law and reimburse any reasonable travel expenses associated with attending training sessions not held on the premises of the nursing home.

J. The nursing home employer shall provide the notices required under this part in the chosen language of a nursing home worker upon the nursing home worker's request.

Statutory Authority: *MS s 181.213; 181.214; 181.215*

History: *49 SR 628*

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