ARTICLE 8

NURSING HOME WORKFORCE STANDARDS

Subd. 7. Nursing Home Workforce Standards Board Act. "to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount

Sec. 2. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

Subd. 4. Compliance orders. The commissioner may issue an order requiring an employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032, 181.101, 181.111, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.214, 181.215, 181.217, subdivision 2, 181.225, subdivision 2a, 181.23, 181.25, 181.31, 181.32, 181.33, 181.34, 181.35, 181.36, 181.42, 181.43, 181.44, and the order is final or the commissioner and the employer have entered into a settlement agreement that required the employer to pay back wages that were required by sections 177.41 to 177.435. The commissioner shall order the employer to cease and desist from engaging in the violative practice and to make such affirmative steps that in the judgment of the commissioner will effectuate the purposes of the section or rule violated. The commissioner shall order the employer to pay to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount actually paid to the employee by the employer, and for an additional equal amount as liquidated damages. Any employer who is found by the commissioner to have repeatedly or willfully violated a section or sections identified in subdivision 4 shall be subject to a civil penalty of up to $1,000 for each violation for each employee. In determining the amount of a civil penalty under this subdivision, the appropriateness of such penalty to the size of the employer's business and the gravity of the violation shall be considered. In addition, the commissioner may order the employer to reimburse the department and the attorney general.

Sec. 3. Minnesota Statutes 2022, section 177.27, subdivision 7, is amended to read:

Subd. 7. Employer liability. If an employer is found by the commissioner to have violated a section identified in subdivision 4, or any rule adopted under section 177.28, 181.213, or 181.215, and the commissioner issues an order to comply, the commissioner shall order the employer to cease and desist from engaging in the violative practice and to take such affirmative steps that in the judgment of the commissioner will effectuate the purposes of the section or rule violated. The commissioner shall order the employer to pay to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount actually paid to the employee by the employer, and for an additional equal amount as liquidated damages. Any employer who is found by the commissioner to have repeatedly or willfully violated a section or sections identified in subdivision 4 shall be subject to a civil penalty of up to $1,000 for each violation for each employee. In determining the amount of a civil penalty under this subdivision, the appropriateness of such penalty to the size of the employer's business and the gravity of the violation shall be considered. In addition, the commissioner may order the employer to reimburse the department and the attorney general.
for all appropriate litigation and hearing costs expended in preparation for and in conducting
the contested case proceeding, unless payment of costs would impose extreme financial
hardship on the employer. If the employer is able to establish extreme financial hardship,
then the commissioner may order the employer to pay a percentage of the total costs that
will not cause extreme financial hardship. Costs include but are not limited to the costs of
services rendered by the attorney general, private attorneys if engaged by the department's
administrative law judges, court reporters, and expert witnesses as well as the cost of
transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's
order from the date the order is signed by the commissioner until it is paid, at an annual rate
provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish
escrow accounts for purposes of distributing damages.

Sec. 3. [181.211] DEFINITIONS.

Subd. 1. Application. The terms defined in this section apply to sections 181.211
to 181.217.

Subd. 2. Board. "Board" means the Minnesota Nursing Home Workforce Standards
Board established under section 181.212.

Subd. 3. Certified worker organization. "Certified worker organization" means a
worker organization that is certified by the board to conduct nursing home worker trainings
under section 181.214.

Subd. 4. Commissioner. "Commissioner" means the commissioner of labor and industry.

Subd. 5. Compensation. "Compensation" means all income and benefits paid by a
nursing home employer to a nursing home worker or on behalf of a nursing home worker,
including but not limited to wages, bonuses, differentials, paid leave, pay for scheduling
changes, and pay for training or occupational certification.

Subd. 6. Employer organization. "Employer organization" means:
(1) an organization that is exempt from federal income taxation under section 501(c)(6)
of the Internal Revenue Code and that represents nursing home employers; or
(2) an entity that employs, who together employ a majority of nursing home workers
in Minnesota, have selected as a representative.

Subd. 7. Nursing home. "Nursing home" means a nursing home licensed under chapter
144A, or a boarding care home licensed under sections 144.50 to 144.56.

Subd. 8. Nursing home employer. "Nursing home employer" means an employer of
nursing home workers in a licensed, Medicaid-certified facility that is reimbursed under
chapter 250R.

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,
Nursing home employer.

"Certified worker organization" means a
worker organization that is certified by the board to conduct nursing home worker trainings
under section 181.214.

"Employer organization" means:
(1) an organization that is exempt from federal income taxation under section 501(c)(6)
of the Internal Revenue Code and that represents nursing home employers; or
(2) an entity that employs, who together employ a majority of nursing home workers
in Minnesota, have selected as a representative.

"Nursing home" means a nursing home licensed under chapter
144A, or a boarding care home licensed under sections 144.50 to 144.56.

"Nursing home employer" means an employer of
nursing home workers in a licensed, Medicaid-certified facility that is reimbursed under
chapter 250R.

"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, or dominated or interfered with by any nursing home worker or worker organization.

Subd. 10. **Worker organization** means an organization that is exempt from federal income taxation under section 501(c)(3), 501(c)(4), or 501(c)(5) of the Internal Revenue Code, that is not interfered with or dominated by any nursing home employer or employer organization.

Sec. 4. **181.212** MINNESOTA NURSING HOME WORKFORCE STANDARDS BOARD; ESTABLISHMENT.

**Subdivision 1.** Board established; membership. (a) The Minnesota Nursing Home Workforce Standards Board is created with the powers and duties established by law. The board is composed of the following voting members:

(1) the commissioner of human services or a designee;

(2) the commissioner of health or a designee;

(3) the commissioner of labor and industry or a designee;

(4) three members who represent nursing home employers or employer organizations, appointed by the governor in accordance with section 15.066; and

(5) three members who represent nursing home workers or worker organizations, appointed by the governor in accordance with section 15.066.

(b) In making appointments under clause (4), the governor shall consider the geographic distribution of nursing homes within the state.

**Subdivision 2.** Terms; vacancies. (a) Board members appointed under subdivision 1, clause (4) or (5), shall serve four-year terms following the initial staggered-lot determination.

(b) **For members appointed under subdivision 1, clause (4) or (5), the governor shall fill vacancies occurring prior to the expiration of a member's term by appointment for the unexpired term. A member appointed under subdivision 1, clause (4) or (5), must not be appointed to more than two consecutive terms.**

(c) A member serves until a successor is appointed.

**Subdivision 3.** Chairperson. The board shall elect a member by majority vote to serve as its chairperson and shall determine the term to be served by the chairperson.

**Subdivision 4.** Staffing. The commissioner may employ an executive director for the board and other personnel to carry out duties of the board under sections 181.211 to 181.217.
Subd. 5. Board compensation. Compensation of board members is governed by section 15.0575.

Subd. 6. Application of other laws. Meetings of the board are subject to chapter 13D.

The board is subject to chapter 13. The board shall comply with section 15.0575.

Subd. 7. Voting. The affirmative vote of five board members is required for the board to take any action, including actions necessary to establish minimum nursing home employment standards under section 181.213.

Subd. 8. Hearings and investigations. To carry out its duties, the board shall hold public hearings on, and conduct investigations into, working conditions in the nursing home industry in accordance with section 181.213.

Subd. 9. Department support. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner shall supply necessary office space and supplies to assist the board in its duties.

Subd. 10. Antitrust compliance. The board shall establish operating procedures that meet all state and federal antitrust requirements and may prohibit board member access to data to meet the requirements of this subdivision.

Subd. 11. Annual report. By December 1, 2023, and each December 1 thereafter the executive director of the board shall submit a report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over labor and human services on any actions taken and any standards adopted by the board.

Sec. 5. [181.213] DUTIES OF THE BOARD; MINIMUM NURSING HOME EMPLOYMENT STANDARDS.

Subdivision 1. Authority to establish minimum nursing home employment standards. (a) The 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, to ensure that nursing home workers are properly trained about and fully informed of their rights under sections 181.211 to 181.217, and to otherwise satisfy the purposes of sections 181.211 to 181.217. Standards established by the board must include standards on compensation for nursing home workers, and may include recommendations under paragraph (c). The board may not adopt standards that are less protective of or beneficial to nursing home workers as any other applicable statute or rule or any standard previously established by the board unless there is a determination by the board under subdivision 2 that existing standards exceed the operating payment rate and external fixed costs payment rates included in the most recent budget and economic forecast completed under section 16A.103. In establishing standards under this section, the board must establish statewide standards, and may adopt standards that apply to specific nursing home occupations.


Subd. 13. Antitrust compliance. The board shall establish operating procedures that meet all state and federal antitrust requirements and may prohibit board member access to data to meet the requirements of this subdivision.

Sec. 6. [181.213] DUTIES OF THE BOARD; MINIMUM NURSING HOME EMPLOYMENT STANDARDS.

Subdivision 1. Authority to establish minimum nursing home employment standards. (a) The 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, to ensure that nursing home workers are properly trained about and fully informed of their rights under sections 181.211 to 181.217, and to otherwise satisfy the purposes of sections 181.211 to 181.217. Standards established by the board must include standards on compensation for nursing home workers, and may include recommendations under paragraph (c). The board may not adopt standards that are less protective of or beneficial to nursing home workers as any other applicable statute or rule or any standard previously established by the board unless there is a determination by the board under subdivision 2 that existing standards exceed the operating payment rate and external fixed costs payment rates included in the most recent budget and economic forecast completed under section 16A.103. In establishing standards under this section, the board must establish statewide standards, and may adopt standards that apply to specific nursing home occupations.
The board must adopt rules establishing initial standards for wages for nursing home workers no later than August 1, 2024. The board may use the authority in section 14.389 to adopt rules under this paragraph. The board shall consult with the department in the development of these standards prior to beginning the rule adoption process.

(c) To the extent that any minimum standards that the board finds are reasonably necessary and appropriate to protect the health and welfare of nursing home workers fall within the jurisdiction of chapter 182, the board shall not adopt rules establishing the standards but shall instead recommend the occupational health and safety standards to the commissioner. The commissioner shall adopt nursing home health and safety standards under section 182.655 as recommended by the board, unless the commissioner determines that the recommended standard is outside the statutory authority of the commissioner, presents enforceability challenges, is infeasible to implement, or is otherwise unlawful and issues a written explanation of this determination.

Subd. 2. Investigation of market conditions. (a) The board must investigate market conditions and the existing wages, benefits, and working conditions of nursing home workers for specific geographic areas of the state and specific nursing home occupations. Based on this information, 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. Except for standards exceeding the threshold determined in paragraph (d), initial employment standards established by the board are effective beginning January 1, 2025, and shall remain in effect until any subsequent standards are adopted by rules.

(b) The board must consider the following types of information in making determinations that employment standards are reasonably necessary to protect the health and welfare of nursing home workers:

(1) wage rate and benefit data collected by or submitted to the board for nursing home workers in the relevant geographic area and nursing home occupations;
(2) statements showing wage rates and benefits paid to nursing home workers in the relevant geographic area and nursing home occupations;
(3) signed collective bargaining agreements applicable to nursing home workers in the relevant geographic area and nursing home occupations;
(4) testimony and information from current and former nursing home workers, worker organizations, nursing home employers, and employer organizations;
(5) local minimum nursing home employment standards;
(6) information submitted by or obtained from state and local government entities; and
(7) any other information pertinent to establishing minimum nursing home employment standards.

Subd. 2. Investigation of market conditions. (a) The board must investigate market conditions and the existing wages, benefits, and working conditions of nursing home workers for specific geographic areas of the state and specific nursing home occupations. Based on this information, 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. Except for standards exceeding the threshold determined in paragraph (d), initial employment standards established by the board are effective beginning January 1, 2025, and shall remain in effect until any subsequent standards are adopted by rules.

(b) The board must consider the following types of information in making determinations that employment standards are reasonably necessary to protect the health and welfare of nursing home workers:

(1) wage rate and benefit data collected by or submitted to the board for nursing home workers in the relevant geographic area and nursing home occupations;
(2) statements showing wage rates and benefits paid to nursing home workers in the relevant geographic area and nursing home occupations;
(3) signed collective bargaining agreements applicable to nursing home workers in the relevant geographic area and nursing home occupations;
(4) testimony and information from current and former nursing home workers, worker organizations, nursing home employers, and employer organizations;
(5) local minimum nursing home employment standards;
(6) information submitted by or obtained from state and local government entities; and
(7) any other information pertinent to establishing minimum nursing home employment standards.
(c) In considering wage and benefit increases, the board must determine the impact of
nursing home operating payment rates determined pursuant to section 256R.21, subdivision
3, and the employee benefits portion of the external fixed costs payment rate determined
pursuant to section 256R.25. If the board, in consultation with the commissioner of human
services, determines the operating payment rate and employee benefits portion of the external
fixed costs payment rate will increase to comply with the new employment standards, the
board shall report to the legislature the increase in funding needed to increase payment rates
to comply with the new employment standards and must make implementation of any new
nursing home employment standards contingent upon an appropriation, as determined by
sections 256R.21 and 256R.25, to fund the rate increase necessary to comply with the new
employment standards.

(d) In evaluating the impact of the employment standards on payment rates determined
by sections 256R.21 and 256R.25, the board, in consultation with the commissioner of human
services, must consider the following:

1. the statewide average wage rates for employees pursuant to section 256R.10, subdivision 5, and benefit rates pursuant to section 256R.02, subdivisions 18 and 22, as
determined by the annual Medicaid cost report used to determine the operating payment
rate and the employee benefits portion of the external fixed costs payment rate for the first
day of the calendar year immediately following the date the board has established minimum
wage and benefit levels;

2. compare the results of clause (1) to the operating payment rate and employee benefits
portion of the external fixed costs payment rate increase for the first day of the second
calendar year after the adoption of any nursing home employment standards included in the
most recent budget and economic forecast completed under section 16A.103; and

3. if the established nursing home employment standards result in an increase in costs
that exceed the operating payment rate and external fixed costs payment rate increase
included in the most recent budget and economic forecast completed under section 16A.103,
effective on the proposed implementation date of the new nursing home employment
standards, the board must determine if the rates will need to be increased to meet the new
employment standards and the standards must not be effective until an appropriation sufficient
to cover the rate increase and federal approval of the rate increase is obtained.

(e) The budget and economic forecasts completed under section 16A.103 shall not
assume an increase in payment rates determined under chapter 256R resulting from the new
employment standards until the board certifies the rates will need to be increased and the
legislature appropriates funding for the increase in payment rates.

Subd. 3. Review of standards. At least once every two years, the board shall:

1. conduct a full review of the adequacy of the minimum nursing home employment
standards previously established by the board; and

2. the statewide average wage rates for employees pursuant to section 256R.10, subdivision 5, and benefit rates pursuant to section 256R.02, subdivisions 18 and 22, as
determined by the annual Medicaid cost report used to determine the operating payment
rate and the employee benefits portion of the external fixed costs payment rate for the first
day of the calendar year immediately following the date the board has established minimum
wage and benefit levels;

2. compare the results of clause (1) to the operating payment rate and employee benefits
portion of the external fixed costs payment rate increase for the first day of the second
calendar year after the adoption of any nursing home employment standards included in the
most recent budget and economic forecast completed under section 16A.103; and

3. if the established nursing home employment standards result in an increase in costs
that exceed the operating payment rate and external fixed costs payment rate increase
included in the most recent budget and economic forecast completed under section 16A.103,
effective on the proposed implementation date of the new nursing home employment
standards, the board must determine if the rates will need to be increased to meet the new
employment standards and the standards must not be effective until an appropriation sufficient
to cover the rate increase and federal approval of the rate increase is obtained.

(e) The budget and economic forecasts completed under section 16A.103 shall not
assume an increase in payment rates determined under chapter 256R resulting from the new
employment standards until the board certifies the rates will need to be increased and the
legislature appropriates funding for the increase in payment rates.

Subd. 3. Review of standards. At least once every two years, the board shall:

1. conduct a full review of the adequacy of the minimum nursing home employment
standards previously established by the board; and
121.17 (2) following that review, adopt new rules, amend or repeal existing rules, or make
121.18 recommendations to adopt new rules or amend or repeal existing rules for minimum nursing
121.19 home employment standards using the expedited rulemaking process in section 14.389, as
121.20 appropriate to meet the purposes of sections 181.211 to 181.217.
121.21 Subd. 4. Variance and waiver. The board shall adopt procedures for considering
121.22 temporary variances and waivers of the established standards for individual nursing homes
121.23 based on the board’s evaluation of the risk of closure or receivership under section 144A.15.
121.24 due to compliance with all or part of an applicable standard.
121.25 Subd. 5. Conflict. (a) In the event of a conflict between a standard established by the
121.26 board in rule and a rule adopted by another state agency, the rule adopted by the board shall
121.27 apply to nursing home workers and nursing home employers.
121.28 (b) Notwithstanding paragraph (a), in the event of a conflict between a standard
121.29 established by the board in rule and a rule adopted by another state agency, the rule adopted
121.30 by the other state agency shall apply to nursing home workers and nursing home employers
121.31 if the rule adopted by the other state agency is adopted after the board’s standard and the
121.32 rule adopted by the other state agency is more protective or beneficial than the board’s
121.33 standard.
121.34 (c) Notwithstanding paragraph (a), if the commissioner of health determines that a
121.35 standard established by the board in rule or recommended by the board conflicts with
121.36 requirements in federal regulations for nursing home certification or with state statutes or
121.37 rules governing licensure of nursing homes, the federal regulations or state nursing home
121.38 licensure statutes or rules shall take precedence, and the conflicting board standard or rule
121.39 shall not apply to nursing home workers or nursing home employers.
121.40 Subd. 6. Effect on other agreements. Nothing in sections 181.211 to 181.217 shall be
121.41 construed to:
121.42 (1) limit the rights of parties to a collective bargaining agreement to bargain and agree
121.43 with respect to nursing home employment standards; or
121.44 (2) diminish the obligation of a nursing home employer to comply with any contract,
121.45 collective bargaining agreement, or employment benefit program or plan that meets or
121.46 exceeds, and does not conflict with, the minimum standards and requirements in sections
121.47 181.211 to 181.217 or established by the board.
121.48 Sec. 6. [181.214] DUTIES OF THE BOARD; TRAINING FOR NURSING HOME
121.49 WORKERS.
121.50 Subdivision 1. Certification of worker organizations. The board shall certify worker
121.51 organizations that if, finds are qualified to provide training to nursing home workers according
121.52 to this section. The board shall by rule establish certification criteria that a worker
121.53 organization must meet in order to be certified and provide a process for renewal of
121.54 certification upon the board’s review of the worker organization’s compliance with this
121.55 recommendation.
section. In adopting rules to establish certification criteria under this subdivision, the board may use the authority in section 14.389. The criteria must ensure that a worker organization, if certified, is able to provide:

(1) effective, interactive training on the information required by this section; and

(2) follow-up written materials and responses to inquiries from nursing home workers in the languages in which nursing home workers are proficient.

Subd. 4. Annual review of curriculum requirements. The board must review the adequacy of its curriculum requirements at least annually and must revise the requirements if certified, is able to provide:

(1) effective, interactive training on the information required by this section; and

(2) follow-up written materials and responses to inquiries from nursing home workers in the languages in which nursing home workers are proficient.

Subd. 2. Curriculum. (a) The board shall establish requirements for the curriculum for the nursing home worker training required by this section. A curriculum must at least provide the following information to nursing home workers:

(1) the applicable compensation and working conditions in the minimum standards or local minimum standards established by the board;

(2) the antiretaliation protections established in section 181.216;

(3) information on how to enforce sections 181.211 to 181.217 and on how to report violations of sections 181.211 to 181.217 or of standards established by the board, including contact information for the Department of Labor and Industry, the board, and any local enforcement agencies, and information on the remedies available for violations;

(4) 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;

(5) other rights, duties, and obligations under sections 181.211 to 181.217;

(6) any updates or changes to the information provided according to clauses (1) to (5) since the most recent training session;

(7) any other information the board deems appropriate to facilitate compliance with sections 181.211 to 181.217; and

(8) 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.

(b) Before establishing initial curriculum requirements, the board must hold at least one public hearing to solicit input on the requirements.

Subd. 3. Topics covered in training session. A certified worker organization is not required to cover all of the topics listed in subdivision 2 in a single training session. A curriculum used by a certified worker organization may provide instruction on each topic listed in subdivision 2 over the course of up to three training sessions.

The board must review the adequacy of its curriculum requirements at least annually and must revise the requirements if certified, is able to provide:

(1) effective, interactive training on the information required by this section; and

(2) follow-up written materials and responses to inquiries from nursing home workers in the languages in which nursing home workers are proficient.

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(1) the applicable compensation and working conditions in the minimum standards or local minimum standards established by the board;

(2) the antiretaliation protections established in section 181.216;

(3) information on how to enforce sections 181.211 to 181.217 and on how to report violations of sections 181.211 to 181.217 or of standards established by the board, including contact information for the Department of Labor and Industry, the board, and any local enforcement agencies, and information on the remedies available for violations;

(4) 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;

(5) other rights, duties, and obligations under sections 181.211 to 181.217;

(6) any updates or changes to the information provided according to clauses (1) to (5) since the most recent training session;

(7) any other information the board deems appropriate to facilitate compliance with sections 181.211 to 181.217; and

(8) 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.

(b) Before establishing initial curriculum requirements, the board must hold at least one public hearing to solicit input on the requirements.
as appropriate to meet the purposes of sections 181.211 to 181.217. As part of each annual
review of the curriculum requirements, the board must hold at least one public hearing to
solicit input on the requirements.

Subd. 5. Duties of certified worker organizations. A certified worker organization:

(1) must use a curriculum for its training sessions that meets requirements established
by the board;

(2) must provide trainings that are interactive and conducted in the languages in which
the attending nursing home workers are proficient;

(3) must, at the end of each training session, provide attending nursing home workers
with follow-up written or electronic materials on the topics covered in the training session;

(4) must make itself reasonably available to respond to inquiries from nursing home
workers during and after training sessions; and

(5) may conduct surveys of nursing home workers who attend a training session to assess
the effectiveness of the training session and industry compliance with sections 181.211 to
181.217 and other applicable laws, rules, and ordinances governing nursing home working
conditions or worker health and safety.

Subd. 6. Nursing home employer duties regarding training. (a) A nursing home
employer must submit written documentation to the board to certify that every two years
each of its nursing home workers completes one hour of training that meets the requirements
of this section and is provided by a certified worker organization. A nursing home employer
may, but is not required to, host training sessions on the premises of the nursing home.

(b) If requested by a certified worker organization, a nursing home employer must, after
a training session provided by the certified worker organization, provide the certified
organization with the names and contact information of the nursing home workers who
attended the training session, unless a nursing home worker opts out according to paragraph
(c).

(c) A nursing home worker may opt out of having the worker's nursing home employer
provide the worker's name and contact information to a certified worker organization that
provided a training session attended by the worker by submitting a written statement to that
effect to the nursing home employer.

Subd. 7. Training compensation. A nursing home employer must compensate its nursing
home workers at their regular hourly rate of wages and benefits for each hour of training
completed as required by this section and reimburse any reasonable travel expenses associated
with attending training sessions not held on the premises of the nursing home.

as appropriate to meet the purposes of sections 181.211 to 181.217. As part of each annual
review of the curriculum requirements, the board must hold at least one public hearing to
solicit input on the requirements.

Subd. 5. Duties of certified worker organizations. A certified worker organization:

(1) must use a curriculum for its training sessions that meets requirements established
by the board;

(2) must provide trainings that are interactive and conducted in the languages in which
the attending nursing home workers are proficient;

(3) must, at the end of each training session, provide attending nursing home workers
with follow-up written or electronic materials on the topics covered in the training session;

(4) must make itself reasonably available to respond to inquiries from nursing home
workers during and after training sessions; and

(5) may conduct surveys of nursing home workers who attend a training session to assess
the effectiveness of the training session and industry compliance with sections 181.211 to
181.217 and other applicable laws, rules, and ordinances governing nursing home working
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a training session provided by the certified worker organization, provide the certified
organization with the names and contact information of the nursing home workers who
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provide the worker's name and contact information to a certified worker organization that
provided a training session attended by the worker by submitting a written statement to that
effect to the nursing home employer.

Subd. 7. Training compensation. A nursing home employer must compensate its nursing
home workers at their regular hourly rate of wages and benefits for each hour of training
completed as required by this section and reimburse any reasonable travel expenses associated
with attending training sessions not held on the premises of the nursing home.
Sec. 8. [181.215] REQUIRED NOTICES.

Subdivision 1. Provision of notice. (a) Nursing home employers must provide notices informing nursing home workers of the rights and obligations provided under sections 181.211 to 181.217 of applicable minimum nursing home employment standards and local minimum standards and that for assistance and information, nursing home workers should contact the Department of Labor and Industry. A nursing home employer must provide notice using the same means that the nursing home employer uses to provide other work-related notices to nursing home workers. Provision of notice must be at least as conspicuous as:

1. posting a copy of the notice at each work site where nursing home workers work and where the notice may be readily seen and reviewed by all nursing home workers working at the site; or
2. providing a paper or electronic copy of the notice to all nursing home workers and applicants for employment as a nursing home worker.

(b) The notice required by this subdivision must include text provided by the board that informs nursing home workers that they may request the notice to be provided in a particular language. The nursing home employer must provide the notice in the language requested by the nursing home worker. The board must assist nursing home employers in translating the notice in the languages requested by their nursing home workers.

Subd. 2. Minimum content and posting requirements. The board must adopt rules under section 14.389 specifying the minimum content and posting requirements for the notices required in subdivision 1. The board must make available to nursing home employers a template or sample notice that satisfies the requirements of this section and rules adopted under this section.

Sec. 9. [181.216] RETALIATION PROHIBITED.

(a) A nursing home employer shall not 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 protected under this act, including but not limited to:

1. exercising any right afforded to the nursing home worker under sections 181.211 to 181.217;
2. participating in any process or proceeding under sections 181.211 to 181.217, including but not limited to board hearings, board or department investigations, or other related proceedings;
3. attending or participating in the training required by section 181.214;
(b) It shall be unlawful for an employer to:

1. exercising any right afforded to the nursing home worker under sections 181.211 to 181.217;
2. participating in any process or proceeding under sections 181.211 to 181.217, including but not limited to board hearings, board or department investigations, or other related proceedings;
3. attending or participating in the training required by section 181.214;
appropriate relief provided by section 177.27, subdivision 7, or otherwise provided by law, section 181.213, subdivision 4, paragraph (b) or (c), it shall be unlawful for a nursing home worker to a federal, state, or local agency for exercising or attempting to exercise any right protected under this act.

(ii) A person found to have experienced retaliation in violation of this section shall be entitled to back pay and reinstatement to the person’s previous position, wages, benefits, hours, and other conditions of employment.

Sec. 9. [181.217] ENFORCEMENT.

Subdivision 1. Minimum nursing home employment standards.
Except as provided in section 181.213, subdivision 4, paragraph (b) or (c), the minimum wages and other compensation established by the board in rule as minimum nursing home employment standards shall be the minimum wages and other compensation for nursing home workers or a subgroup of nursing home workers as a matter of state law. Except as provided in section 181.213, subdivision 4, paragraph (b) or (c), it shall be unlawful for a nursing home employer to employ a nursing home worker for lower wages or other compensation than that established as the minimum nursing home employment standards.

Subd. 2. Investigations. The commissioner may investigate possible violations of sections 181.214 to 181.217 or of the minimum nursing home employment standards established by the board whenever it has cause to believe that a violation has occurred, either on the basis of a report of a suspected violation or on the basis of any other credible information, including violations found during the course of an investigation.

Subd. 3. Civil action by nursing home worker. (a) One or more nursing home workers may bring a civil action in district court seeking redress for violations of sections 181.211 to 181.217 or of any applicable minimum nursing home employment standards or local minimum nursing home employment standards. Such an action may be filed in the district court of the county where a violation or violations are alleged to have been committed or where the nursing home employer resides, or in any other court of competent jurisdiction, and may represent a class of similarly situated nursing home workers.

(b) Upon a finding of one or more violations, a nursing home employer shall be liable to each nursing home worker for the full amount of the wages, benefits, and overtime compensation, less any amount the nursing home employer is able to establish was actually paid to each nursing home worker, and for an additional equal amount as liquidated damages.

In an action under this subdivision, nursing home workers may seek damages and other appropriate relief provided by section 177.27, subdivision 1, or otherwise provided by law, including reasonable costs, disbursements, witness fees, and attorney fees. A court may also issue an order requiring compliance with sections 181.211 to 181.217 or with the applicable minimum nursing home employment standards or local minimum nursing home employment standards.

(informing another employer that a nursing home worker has engaged in activities protected under sections 181.211 to 181.217; or

(ii) reporting or threatening 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 this act.

(b) A nursing home worker found to have experienced retaliation in violation of this section shall be entitled to reinstatement to the worker’s previous position, wages, benefits, hours, and other conditions of employment.

Sec. 10. [181.217] ENFORCEMENT.

Subdivision 1. Minimum nursing home employment standards. Except as provided in section 181.213, subdivision 4, paragraph (b) or (c), the minimum wages and other compensation established by the board in rule as minimum nursing home employment standards shall be the minimum wages and other compensation for nursing home workers or a subgroup of nursing home workers as a matter of state law. Except as provided in section 181.213, subdivision 4, paragraph (b) or (c), it shall be unlawful for a nursing home employer to employ a nursing home worker for lower wages or other compensation than that established as the minimum nursing home employment standards.

Subd. 2. Investigations. The commissioner may investigate possible violations of sections 181.214 to 181.217 or of the minimum nursing home employment standards established by the board whenever it has cause to believe that a violation has occurred, either on the basis of a report of a suspected violation or on the basis of any other credible information, including violations found during the course of an investigation.

Subd. 3. Civil action by nursing home worker. (a) One or more nursing home workers may bring a civil action in district court seeking redress for violations of sections 181.211 to 181.217 or of any applicable minimum nursing home employment standards or local minimum nursing home employment standards. Such an action may be filed in the district court of the county where a violation or violations are alleged to have been committed or where the nursing home employer resides, or in any other court of competent jurisdiction, and may represent a class of similarly situated nursing home workers.

(b) Upon a finding of one or more violations, a nursing home employer shall be liable to each nursing home worker for the full amount of the wages, benefits, and overtime compensation, less any amount the nursing home employer is able to establish was actually paid to each nursing home worker, and for an additional equal amount as liquidated damages. In an action under this subdivision, nursing home workers may seek damages and other appropriate relief provided by section 177.27, subdivision 1, or otherwise provided by law, including reasonable costs, disbursements, witness fees, and attorney fees. A court may also issue an order requiring compliance with sections 181.211 to 181.217 or with the applicable minimum nursing home employment standards or local minimum nursing home employment standards.
standards. A nursing home worker found to have experienced retaliation in violation of
section 181.216 shall be entitled to back pay and reinstatement to the worker's previous
position, wages, benefits, hours, and other conditions of employment.

(c) An agreement between a nursing home employer and nursing home worker or labor
union that fails to meet the minimum standards and requirements in sections 181.211 to
181.217 or established by the board is not a defense to an action brought under this
subdivision.

Sec. 10. INITIAL APPOINTMENTS.

The governor shall make initial appointments to the Minnesota Nursing Home Workforce
Standards Board under Minnesota Statutes, section 181.212, no later than August 1, 2023.
Notwithstanding Minnesota Statutes, section 181.212, subdivision 2, the initial terms of
members appointed under Minnesota Statutes, section 181.212, subdivision 1, clauses (4)
and (5), shall be determined by lot by the secretary of state and shall be as follows:

1. one member appointed under each of Minnesota Statutes, section 181.212, subdivision
   1, clauses (4) and (5), shall serve a two-year term;
2. one member appointed under each of Minnesota Statutes, section 181.212, subdivision
   1, clauses (4) and (5), shall serve a three-year term; and
3. one member appointed under each of Minnesota Statutes, section 181.212, subdivision
   1, clauses (4) and (5), shall serve a four-year term.

The commissioner of labor and industry must convene the first meeting within 30 days after
the governor completes appointments to the board. The board must elect a chair at its first
meeting.

EFFECTIVE DATE. This section is effective the day following final enactment.