

115.8

ARTICLE 8

115.9

NURSING HOME WORKFORCE STANDARDS

115.10 Section 1. **TITLE.**

115.11 Minnesota Statutes, sections 181.211 to 181.217, shall be known as the "Minnesota
115.12 Nursing Home Workforce Standards Board Act."

115.13 Sec. 2. Minnesota Statutes 2022, section 177.27, subdivision 7, is amended to read:

115.14 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
115.15 violated a section identified in subdivision 4, or any rule adopted under section 177.28,
115.16 181.213, or 181.215, and the commissioner issues an order to comply, the commissioner
115.17 shall order the employer to cease and desist from engaging in the violative practice and to
115.18 take such affirmative steps that in the judgment of the commissioner will effectuate the
115.19 purposes of the section or rule violated. The commissioner shall order the employer to pay
115.20 to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount
115.21 actually paid to the employee by the employer, and for an additional equal amount as
115.22 liquidated damages. Any employer who is found by the commissioner to have repeatedly
115.23 or willfully violated a section or sections identified in subdivision 4 shall be subject to a
115.24 civil penalty of up to \$1,000 for each violation for each employee. In determining the amount
115.25 of a civil penalty under this subdivision, the appropriateness of such penalty to the size of
115.26 the employer's business and the gravity of the violation shall be considered. In addition, the
115.27 commissioner may order the employer to reimburse the department and the attorney general

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118.21 Section 1. **TITLE.**

118.22 Minnesota Statutes, sections 181.211 to 181.217, shall be known as the "Minnesota
118.23 Nursing Home Workforce Standards Board Act."

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

118.25 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
118.26 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
118.27 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.214
118.28 to 181.217, 181.275, subdivision 2a, 181.722, 181.79, and 181.939 to 181.943, or with any
118.29 rule promulgated under section 177.28, 181.213, or 181.215. The commissioner shall issue
118.30 an order requiring an employer to comply with sections 177.41 to 177.435 if the violation
118.31 is repeated. For purposes of this subdivision only, a violation is repeated if at any time
119.1 during the two years that preceded the date of violation, the commissioner issued an order
119.2 to the employer for violation of sections 177.41 to 177.435 and the order is final or the
119.3 commissioner and the employer have entered into a settlement agreement that required the
119.4 employer to pay back wages that were required by sections 177.41 to 177.435. The
119.5 department shall serve the order upon the employer or the employer's authorized
119.6 representative in person or by certified mail at the employer's place of business. An employer
119.7 who wishes to contest the order must file written notice of objection to the order with the
119.8 commissioner within 15 calendar days after being served with the order. A contested case
119.9 proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15
119.10 calendar days after being served with the order, the employer fails to file a written notice
119.11 of objection with the commissioner, the order becomes a final order of the commissioner.

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

119.13 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
119.14 violated a section identified in subdivision 4, or any rule adopted under section 177.28,
119.15 181.213, or 181.215, and the commissioner issues an order to comply, the commissioner
119.16 shall order the employer to cease and desist from engaging in the violative practice and to
119.17 take such affirmative steps that in the judgment of the commissioner will effectuate the
119.18 purposes of the section or rule violated. The commissioner shall order the employer to pay
119.19 to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount
119.20 actually paid to the employee by the employer, and for an additional equal amount as
119.21 liquidated damages. Any employer who is found by the commissioner to have repeatedly
119.22 or willfully violated a section or sections identified in subdivision 4 shall be subject to a
119.23 civil penalty of up to \$1,000 for each violation for each employee. In determining the amount
119.24 of a civil penalty under this subdivision, the appropriateness of such penalty to the size of
119.25 the employer's business and the gravity of the violation shall be considered. In addition, the
119.26 commissioner may order the employer to reimburse the department and the attorney general

115.28 for all appropriate litigation and hearing costs expended in preparation for and in conducting
115.29 the contested case proceeding, unless payment of costs would impose extreme financial
115.30 hardship on the employer. If the employer is able to establish extreme financial hardship,
115.31 then the commissioner may order the employer to pay a percentage of the total costs that
115.32 will not cause extreme financial hardship. Costs include but are not limited to the costs of
116.1 services rendered by the attorney general, private attorneys if engaged by the department,
116.2 administrative law judges, court reporters, and expert witnesses as well as the cost of
116.3 transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's
116.4 order from the date the order is signed by the commissioner until it is paid, at an annual rate
116.5 provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish
116.6 escrow accounts for purposes of distributing damages.

116.7 Sec. 3. ~~[181.211]~~ DEFINITIONS.

116.8 Subdivision 1. **Application.** The terms defined in this section apply to sections 181.211
116.9 to 181.217.

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

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

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

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

116.20 Subd. 6. **Employer organization.** "Employer organization" means:

116.21 (1) an organization that is exempt from federal income taxation under section 501(c)(6)
116.22 of the Internal Revenue Code and that represents nursing home employers; or

116.23 (2) an entity that employers, who together employ a majority of nursing home workers
116.24 in Minnesota, have selected as a representative.

116.25 Subd. 7. **Nursing home.** "Nursing home" means a nursing home licensed under chapter
116.26 144A, or a boarding care home licensed under sections 144.50 to 144.56.

116.27 Subd. 8. **Nursing home employer.** "Nursing home employer" means an employer of
116.28 nursing home workers in a licensed, Medicaid-certified facility that is reimbursed under
116.29 chapter 256R.

116.30 Subd. 9. **Nursing home worker.** "Nursing home worker" means any worker who provides
116.31 services in a nursing home in Minnesota, including direct care staff, non-direct care staff,

119.27 for all appropriate litigation and hearing costs expended in preparation for and in conducting
119.28 the contested case proceeding, unless payment of costs would impose extreme financial
119.29 hardship on the employer. If the employer is able to establish extreme financial hardship,
119.30 then the commissioner may order the employer to pay a percentage of the total costs that
119.31 will not cause extreme financial hardship. Costs include but are not limited to the costs of
119.32 services rendered by the attorney general, private attorneys if engaged by the department,
119.33 administrative law judges, court reporters, and expert witnesses as well as the cost of
119.34 transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's
119.35 order from the date the order is signed by the commissioner until it is paid, at an annual rate
120.1 provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish
120.2 escrow accounts for purposes of distributing damages.

120.3 Sec. 4. ~~[181.211]~~ DEFINITIONS.

120.4 Subdivision 1. **Application.** The terms defined in this section apply to sections 181.211
120.5 to 181.217.

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120.7 Board established under section 181.212.

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120.9 worker organization that is certified by the board to conduct nursing home worker trainings
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120.13 nursing home employer to a nursing home worker or on behalf of a nursing home worker,
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120.15 changes, and pay for training or occupational certification.

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120.17 (1) an organization that is exempt from federal income taxation under section 501(c)(6)
120.18 of the Internal Revenue Code and that represents nursing home employers; or

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120.20 in Minnesota, have selected as a representative.

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120.22 144A, or a boarding care home licensed under sections 144.50 to 144.56.

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120.24 nursing home workers in a licensed, Medicaid-certified facility that is reimbursed under
120.25 chapter 256R.

120.26 Subd. 9. **Nursing home worker.** "Nursing home worker" means any worker who provides
120.27 services in a nursing home in Minnesota, including direct care staff, non-direct care staff,

117.1 and contractors, but excluding administrative staff, medical directors, nursing directors,
117.2 physicians, and individuals employed by a supplemental nursing services agency.

117.3 Subd. 10. **Worker organization.** "Worker organization" means an organization that is
117.4 exempt from federal income taxation under section 501(c)(3), 501(c)(4), or 501(c)(5) of
117.5 the Internal Revenue Code, that is not ~~dominated or~~ interfered with by any nursing home
117.6 employer within the meaning of United States Code, title 29, section 158a(2), and that has
117.7 at least five years of demonstrated experience engaging with and advocating for nursing
117.8 home workers.

117.9 Sec. 4. **[181.212] MINNESOTA NURSING HOME WORKFORCE STANDARDS**
117.10 **BOARD; ESTABLISHMENT.**

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

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

117.15 (2) the commissioner of health or a designee;

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

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

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

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

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

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

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

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

118.1 Subd. 4. **Staffing.** The commissioner may employ an executive director for the board
118.2 and other personnel to carry out duties of the board under sections 181.211 to 181.217.

120.28 and contractors, but excluding administrative staff, medical directors, nursing directors,
120.29 physicians, and individuals employed by a supplemental nursing services agency.

120.30 Subd. 10. **Worker organization.** "Worker organization" means an organization that is
120.31 exempt from federal income taxation under section 501(c)(3), 501(c)(4), or 501(c)(5) of
121.1 the Internal Revenue Code, that is not interfered with ~~or dominated by any nursing home~~
121.2 employer within the meaning of United States Code, title 29, section 158a(2), and that has
121.3 at least five years of demonstrated experience engaging with and advocating for nursing
121.4 home workers.

121.5 Sec. 5. **[181.212] MINNESOTA NURSING HOME WORKFORCE STANDARDS**
121.6 **BOARD; ESTABLISHMENT.**

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121.8 Workforce Standards Board is created with the powers and duties established by law. The
121.9 board is composed of the following voting members:

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

121.11 (2) the commissioner of health or a designee;

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

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

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121.24 appointed to more than two consecutive terms.

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121.27 chairperson and shall determine the term to be served by the chairperson.

121.28 Subd. 4. **Staffing.** The commissioner may employ an executive director for the board
121.29 and other personnel to carry out duties of the board under sections 181.211 to 181.217.

118.3 Subd. 5. **Board compensation.** Compensation of board members is governed by section
118.4 15.0575.

118.5 Subd. 6. **Application of other laws.** Meetings of the board are subject to chapter 13D.
118.6 The board is subject to chapter 13. The board shall comply with section 15.0597.

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

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

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

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

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

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

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

121.30 Subd. 5. **Board compensation.** Compensation of board members is governed by section
121.31 15.0575.

122.1 Subd. 6. **Application of other laws.** Meetings of the board are subject to chapter 13D.
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122.10 board. The support includes professional, legal, technical, and clerical staff necessary to
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122.14 meet all state and federal antitrust requirements and may prohibit board member access to
122.15 data to meet the requirements of this subdivision.

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

119.7 (b) The board must adopt rules establishing initial standards for wages for nursing home
119.8 workers no later than August 1, 2024. The board may use the authority in section 14.389
119.9 to adopt rules under this paragraph. The board shall consult with the department in the
119.10 development of these standards prior to beginning the rule adoption process.

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

119.20 **Subd. 2. Investigation of market conditions.** (a) The board must investigate market
119.21 conditions and the existing wages, benefits, and working conditions of nursing home workers
119.22 for specific geographic areas of the state and specific nursing home occupations. Based on
119.23 this information, the board must seek to adopt minimum nursing home employment standards
119.24 that meet or exceed existing industry conditions for a majority of nursing home workers in
119.25 the relevant geographic area and nursing home occupation. Except for standards exceeding
119.26 the threshold determined in paragraph (d), initial employment standards established by the
119.27 board are effective beginning January 1, 2025, and shall remain in effect until any subsequent
119.28 standards are adopted by rules.

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

119.32 (1) wage rate and benefit data collected by or submitted to the board for nursing home
119.33 workers in the relevant geographic area and nursing home occupations;

120.1 (2) statements showing wage rates and benefits paid to nursing home workers in the
120.2 relevant geographic area and nursing home occupations;

120.3 (3) signed collective bargaining agreements applicable to nursing home workers in the
120.4 relevant geographic area and nursing home occupations;

120.5 (4) testimony and information from current and former nursing home workers, worker
120.6 organizations, nursing home employers, and employer organizations;

120.7 (5) local minimum nursing home employment standards;

120.8 (6) information submitted by or obtained from state and local government entities; and

120.9 (7) any other information pertinent to establishing minimum nursing home employment
120.10 standards.

122.32 (b) The board must adopt rules establishing initial standards for wages for nursing home
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123.4 necessary and appropriate to protect the health and welfare of nursing home workers fall
123.5 within the jurisdiction of chapter 182, the board shall not adopt rules establishing the
123.6 standards but shall instead recommend the occupational health and safety standards to the
123.7 commissioner. The commissioner shall adopt nursing home health and safety standards
123.8 under section 182.655 as recommended by the board, unless the commissioner determines
123.9 that the recommended standard is outside the statutory authority of the commissioner,
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123.11 issues a written explanation of this determination.

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123.15 this information, the board must seek to adopt minimum nursing home employment standards
123.16 that meet or exceed existing industry conditions for a majority of nursing home workers in
123.17 the relevant geographic area and nursing home occupation. Except for standards exceeding
123.18 the threshold determined in paragraph (d), initial employment standards established by the
123.19 board are effective beginning January 1, 2025, and shall remain in effect until any subsequent
123.20 standards are adopted by rules.

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123.22 that employment standards are reasonably necessary to protect the health and welfare of
123.23 nursing home workers:

123.24 (1) wage rate and benefit data collected by or submitted to the board for nursing home
123.25 workers in the relevant geographic area and nursing home occupations;

123.26 (2) statements showing wage rates and benefits paid to nursing home workers in the
123.27 relevant geographic area and nursing home occupations;

123.28 (3) signed collective bargaining agreements applicable to nursing home workers in the
123.29 relevant geographic area and nursing home occupations;

123.30 (4) testimony and information from current and former nursing home workers, worker
123.31 organizations, nursing home employers, and employer organizations;

123.32 (5) local minimum nursing home employment standards;

123.33 (6) information submitted by or obtained from state and local government entities; and

124.1 (7) any other information pertinent to establishing minimum nursing home employment
124.2 standards.

120.11 (c) In considering wage and benefit increases, the board must determine the impact of
120.12 nursing home operating payment rates determined pursuant to section 256R.21, subdivision
120.13 3, and the employee benefits portion of the external fixed costs payment rate determined
120.14 pursuant to section 256R.25. If the board, in consultation with the commissioner of human
120.15 services, determines the operating payment rate and employee benefits portion of the external
120.16 fixed costs payment rate will increase to comply with the new employment standards, the
120.17 board shall report to the legislature the increase in funding needed to increase payment rates
120.18 to comply with the new employment standards and must make implementation of any new
120.19 nursing home employment standards contingent upon an appropriation, as determined by
120.20 sections 256R.21 and 256R.25, to fund the rate increase necessary to comply with the new
120.21 employment standards.

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

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

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

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

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

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

121.15 (1) conduct a full review of the adequacy of the minimum nursing home employment
121.16 standards previously established by the board; and

124.3 (c) In considering wage and benefit increases, the board must determine the impact of
124.4 nursing home operating payment rates determined pursuant to section 256R.21, subdivision
124.5 3, and the employee benefits portion of the external fixed costs payment rate determined
124.6 pursuant to section 256R.25. If the board, in consultation with the commissioner of human
124.7 services, determines the operating payment rate and employee benefits portion of the external
124.8 fixed costs payment rate will increase to comply with the new employment standards, the
124.9 board shall report to the legislature the increase in funding needed to increase payment rates
124.10 to comply with the new employment standards and must make implementation of any new
124.11 nursing home employment standards contingent upon an appropriation, as determined by
124.12 sections 256R.21 and 256R.25, to fund the rate increase necessary to comply with the new
124.13 employment standards.

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

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

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

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

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

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

125.6 (1) conduct a full review of the adequacy of the minimum nursing home employment
125.7 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.

122.1 (c) Notwithstanding paragraph (a), if the commissioner of health determines that a
122.2 standard established by the board in rule or recommended by the board conflicts with
122.3 requirements in federal regulations for nursing home certification or with state statutes or
122.4 rules governing licensure of nursing homes, the federal regulations or state nursing home
122.5 licensure statutes or rules shall take precedence, and the conflicting board standard or rule
122.6 shall not apply to nursing home workers or nursing home employers.

122.7 Subd. 6. **Effect on other agreements.** Nothing in sections 181.211 to 181.217 shall be
122.8 construed to:

122.9 (1) limit the rights of parties to a collective bargaining agreement to bargain and agree
122.10 with respect to nursing home employment standards; or

122.11 (2) diminish the obligation of a nursing home employer to comply with any contract,
122.12 collective bargaining agreement, or employment benefit program or plan that meets or
122.13 exceeds, and does not conflict with, the minimum standards and requirements in sections
122.14 181.211 to 181.217 or established by the board.

122.15 Sec. 6. **[181.214] DUTIES OF THE BOARD; TRAINING FOR NURSING HOME**
122.16 **WORKERS.**

122.17 Subdivision 1. **Certification of worker organizations.** The board shall certify worker
122.18 organizations that it finds are qualified to provide training to nursing home workers according
122.19 to this section. The board shall by rule establish certification criteria that a worker
122.20 organization must meet in order to be certified and provide a process for renewal of
122.21 certification upon the board's review of the worker organization's compliance with this

125.8 (2) following that review, adopt new rules, amend or repeal existing rules, or make
125.9 recommendations to adopt new rules or amend or repeal existing rules for minimum nursing
125.10 home employment standards using the expedited rulemaking process in section 14.389, as
125.11 appropriate to meet the purposes of sections 181.211 to 181.217.

125.12 Subd. 4. **Variance and waiver.** The board shall adopt procedures for considering
125.13 temporary variances and waivers of the established standards for individual nursing homes
125.14 based on the board's evaluation of the risk of closure due to compliance with all or part of
125.15 an applicable standard.

125.16 Subd. 5. **Conflict.** (a) In the event of a conflict between a standard established by the
125.17 board in rule and a rule adopted by another state agency, the rule adopted by the board shall
125.18 apply to nursing home workers and nursing home employers.

125.19 (b) Notwithstanding paragraph (a), in the event of a conflict between a standard
125.20 established by the board in rule and a rule adopted by another state agency, the rule adopted
125.21 by the other state agency shall apply to nursing home workers and nursing home employers
125.22 if the rule adopted by the other state agency is adopted after the board's standard and the
125.23 rule adopted by the other state agency is more protective or beneficial than the board's
125.24 standard.

125.25 (c) Notwithstanding paragraph (a), if the commissioner of health determines that a
125.26 standard established by the board in rule or recommended by the board conflicts with
125.27 requirements in federal regulations for nursing home certification or with state statutes or
125.28 rules governing licensure of nursing homes, the federal regulations or state nursing home
125.29 licensure statutes or rules shall take precedence, and the conflicting board standard or rule
125.30 shall not apply to nursing home workers or nursing home employers.

125.31 Subd. 6. **Effect on other agreements.** Nothing in sections 181.211 to 181.217 shall be
125.32 construed to:

126.1 (1) limit the rights of parties to a collective bargaining agreement to bargain and agree
126.2 with respect to nursing home employment standards; or

126.3 (2) diminish the obligation of a nursing home employer to comply with any contract,
126.4 collective bargaining agreement, or employment benefit program or plan that meets or
126.5 exceeds, and does not conflict with, the minimum standards and requirements in sections
126.6 181.211 to 181.217 or established by the board.

126.7 Sec. 7. **[181.214] DUTIES OF THE BOARD; TRAINING FOR NURSING HOME**
126.8 **WORKERS.**

126.9 Subdivision 1. **Certification of worker organizations.** The board shall certify worker
126.10 organizations that it finds are qualified to provide training to nursing home workers according
126.11 to this section. The board shall by rule establish certification criteria that a worker
126.12 organization must meet in order to be certified and provide a process for renewal of
126.13 certification upon the board's review of the worker organization's compliance with this

122.22 section. In adopting rules to establish certification criteria under this subdivision, the board
122.23 may use the authority in section 14.389. The criteria must ensure that a worker organization,
122.24 if certified, is able to provide:

122.25 (1) effective, interactive training on the information required by this section; and
122.26 (2) follow-up written materials and responses to inquiries from nursing home workers
122.27 in the languages in which nursing home workers are proficient.

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

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

123.1 (2) the antiretaliation protections established in section 181.216;
123.2 (3) information on how to enforce sections 181.211 to 181.217 and on how to report
123.3 violations of sections 181.211 to 181.217 or of standards established by the board, including
123.4 contact information for the Department of Labor and Industry, the board, and any local
123.5 enforcement agencies, and information on the remedies available for violations;

123.6 (4) the purposes and functions of the board and information on upcoming hearings,
123.7 investigations, or other opportunities for nursing home workers to become involved in board
123.8 proceedings;

123.9 (5) other rights, duties, and obligations under sections 181.211 to 181.217;
123.10 (6) any updates or changes to the information provided according to clauses (1) to (5)
123.11 since the most recent training session;

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

123.14 (8) information on labor standards in other applicable local, state, and federal laws, rules,
123.15 and ordinances regarding nursing home working conditions or nursing home worker health
123.16 and safety.

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

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

123.23 Subd. 4. **Annual review of curriculum requirements.** The board must review the
123.24 adequacy of its curriculum requirements at least annually and must revise the requirements

126.14 section. In adopting rules to establish certification criteria under this subdivision, the board
126.15 may use the authority in section 14.389. The criteria must ensure that a worker organization,
126.16 if certified, is able to provide:

126.17 (1) effective, interactive training on the information required by this section; and
126.18 (2) follow-up written materials and responses to inquiries from nursing home workers
126.19 in the languages in which nursing home workers are proficient.

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

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

126.25 (2) the antiretaliation protections established in section 181.216;
126.26 (3) information on how to enforce sections 181.211 to 181.217 and on how to report
126.27 violations of sections 181.211 to 181.217 or of standards established by the board, including
126.28 contact information for the Department of Labor and Industry, the board, and any local
126.29 enforcement agencies, and information on the remedies available for violations;

126.30 (4) the purposes and functions of the board and information on upcoming hearings,
126.31 investigations, or other opportunities for nursing home workers to become involved in board
126.32 proceedings;

127.1 (5) other rights, duties, and obligations under sections 181.211 to 181.217;
127.2 (6) any updates or changes to the information provided according to clauses (1) to (5)
127.3 since the most recent training session;

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

127.6 (8) information on labor standards in other applicable local, state, and federal laws, rules,
127.7 and ordinances regarding nursing home working conditions or nursing home worker health
127.8 and safety.

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

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

127.15 Subd. 4. **Annual review of curriculum requirements.** The board must review the
127.16 adequacy of its curriculum requirements at least annually and must revise the requirements

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

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

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

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

124.1 (3) must, at the end of each training session, provide attending nursing home workers
124.2 with follow-up written or electronic materials on the topics covered in the training session,
124.3 in order to fully inform nursing home workers of their rights and opportunities under sections
124.4 181.211 to 181.217;

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

124.7 (5) may conduct surveys of nursing home workers who attend a training session to assess
124.8 the effectiveness of the training session and industry compliance with sections 181.211 to
124.9 181.217 and other applicable laws, rules, and ordinances governing nursing home working
124.10 conditions or worker health and safety.

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

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

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

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

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

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

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

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

127.25 (3) must, at the end of each training session, provide attending nursing home workers
127.26 with follow-up written or electronic materials on the topics covered in the training session,
127.27 in order to fully inform nursing home workers of their rights and opportunities under sections
127.28 181.211 to 181.217;

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

127.31 (5) may conduct surveys of nursing home workers who attend a training session to assess
127.32 the effectiveness of the training session and industry compliance with sections 181.211 to
128.1 181.217 and other applicable laws, rules, and ordinances governing nursing home working
128.2 conditions or worker health and safety.

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

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

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

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

124.29 Sec. 7. **[181.215] REQUIRED NOTICES.**

124.30 Subdivision 1. **Provision of notice.** (a) Nursing home employers must provide notices
124.31 informing nursing home workers of the rights and obligations provided under sections
124.32 181.211 to 181.217 of applicable minimum nursing home employment standards and local
124.33 minimum standards and that for assistance and information, nursing home workers should
125.1 contact the Department of Labor and Industry. A nursing home employer must provide
125.2 notice using the same means that the nursing home employer uses to provide other
125.3 work-related notices to nursing home workers. Provision of notice must be at least as
125.4 conspicuous as:

125.5 (1) posting a copy of the notice at each work site where nursing home workers work
125.6 and where the notice may be readily seen and reviewed by all nursing home workers working
125.7 at the site; or

125.8 (2) providing a paper or electronic copy of the notice to all nursing home workers and
125.9 applicants for employment as a nursing home worker.

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

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

125.20 Sec. 8. **[181.216] RETALIATION PROHIBITED.**

125.21 (a) A nursing home employer shall not discharge, discipline, penalize, interfere with,
125.22 threaten, restrain, coerce, or otherwise retaliate or discriminate against a nursing home
125.23 worker because the person has exercised or attempted to exercise rights protected under
125.24 this act, including but not limited to:

125.25 (1) exercising any right afforded to the nursing home worker under sections 181.211 to
125.26 181.217;

125.27 (2) participating in any process or proceeding under sections 181.211 to 181.217,
125.28 including but not limited to board hearings, board or department investigations, or other
125.29 related proceedings; or

125.30 (3) attending or participating in the training required by section 181.214;

125.31 (b) It shall be unlawful for an employer to:

128.21 Sec. 8. **[181.215] REQUIRED NOTICES.**

128.22 Subdivision 1. **Provision of notice.** (a) Nursing home employers must provide notices
128.23 informing nursing home workers of the rights and obligations provided under sections
128.24 181.211 to 181.217 of applicable minimum nursing home employment standards and local
128.25 minimum standards and that for assistance and information, nursing home workers should
128.26 contact the Department of Labor and Industry. A nursing home employer must provide
128.27 notice using the same means that the nursing home employer uses to provide other
128.28 work-related notices to nursing home workers. Provision of notice must be at least as
128.29 conspicuous as:

128.30 (1) posting a copy of the notice at each work site where nursing home workers work
128.31 and where the notice may be readily seen and reviewed by all nursing home workers working
128.32 at the site; or

129.1 (2) providing a paper or electronic copy of the notice to all nursing home workers and
129.2 applicants for employment as a nursing home worker.

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

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

129.13 Sec. 9. **[181.216] RETALIATION PROHIBITED.**

129.14 (a) A nursing home employer shall not discharge, discipline, penalize, interfere with,
129.15 threaten, restrain, coerce, or otherwise retaliate or discriminate against a nursing home
129.16 worker because the person has exercised or attempted to exercise rights protected under
129.17 this act, including but not limited to:

129.18 (1) exercising any right afforded to the nursing home worker under sections 181.211 to
129.19 181.217;

129.20 (2) participating in any process or proceeding under sections 181.211 to 181.217,
129.21 including but not limited to board hearings, board or department investigations, or other
129.22 related proceedings;

129.23 (3) attending or participating in the training required by section 181.214;

126.1 (1) inform another employer that a nursing home worker or former nursing home worker
126.2 has engaged in activities protected under sections 181.211 to 181.217; or

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

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

126.10 Sec. 9. [181.217] ENFORCEMENT.

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

126.19 Subd. 2. Investigations. The commissioner may investigate possible violations of sections
126.20 181.214 to 181.217 or of the minimum nursing home employment standards established by
126.21 the board whenever it has cause to believe that a violation has occurred, either on the basis
126.22 of a report of a suspected violation or on the basis of any other credible information, including
126.23 violations found during the course of an investigation.

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

126.31 (b) Upon a finding of one or more violations, a nursing home employer shall be liable
126.32 to each nursing home worker for the full amount of the wages, benefits, and overtime
126.33 compensation, less any amount the nursing home employer is able to establish was actually
127.1 paid to each nursing home worker, and for an additional equal amount as liquidated damages.
127.2 In an action under this subdivision, nursing home workers may seek damages and other
127.3 appropriate relief provided by section 177.27, subdivision 7, or otherwise provided by law,
127.4 including reasonable costs, disbursements, witness fees, and attorney fees. A court may also
127.5 issue an order requiring compliance with sections 181.211 to 181.217 or with the applicable
127.6 minimum nursing home employment standards or local minimum nursing home employment

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

129.26 (5) reporting or threatening to report the actual or suspected citizenship or immigration
129.27 status of a nursing home worker, former nursing home worker, or family member of a
129.28 nursing home worker to a federal, state, or local agency for exercising or attempting to
129.29 exercise any right protected under this act.

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

130.1 Sec. 10. [181.217] ENFORCEMENT.

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

130.10 Subd. 2. Investigations. The commissioner may investigate possible violations of sections
130.11 181.214 to 181.217 or of the minimum nursing home employment standards established by
130.12 the board whenever it has cause to believe that a violation has occurred, either on the basis
130.13 of a report of a suspected violation or on the basis of any other credible information, including
130.14 violations found during the course of an investigation.

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

130.22 (b) Upon a finding of one or more violations, a nursing home employer shall be liable
130.23 to each nursing home worker for the full amount of the wages, benefits, and overtime
130.24 compensation, less any amount the nursing home employer is able to establish was actually
130.25 paid to each nursing home worker, and for an additional equal amount as liquidated damages.
130.26 In an action under this subdivision, nursing home workers may seek damages and other
130.27 appropriate relief provided by section 177.27, subdivision 7, or otherwise provided by law,
130.28 including reasonable costs, disbursements, witness fees, and attorney fees. A court may also
130.29 issue an order requiring compliance with sections 181.211 to 181.217 or with the applicable
130.30 minimum nursing home employment standards or local minimum nursing home employment

127.7 standards. A nursing home worker found to have experienced retaliation in violation of
127.8 section 181.216 shall be entitled to back pay and reinstatement to the worker's previous
127.9 position, wages, benefits, hours, and other conditions of employment.

127.10 (c) An agreement between a nursing home employer and nursing home worker or labor
127.11 union that fails to meet the minimum standards and requirements in sections 181.211 to
127.12 181.217 or established by the board is not a defense to an action brought under this
127.13 subdivision.

127.14 Sec. 10. **INITIAL APPOINTMENTS.**

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

127.20 (1) one member appointed under each of Minnesota Statutes, section 181.212, subdivision
127.21 1, clauses (4) and (5), shall serve a two-year term;

127.22 (2) one member appointed under each of Minnesota Statutes, section 181.212, subdivision
127.23 1, clauses (4) and (5), shall serve a three-year term; and

127.24 (3) one member appointed under each of Minnesota Statutes, section 181.212, subdivision
127.25 1, clauses (4) and (5), shall serve a four-year term.

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

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

130.31 standards. A nursing home worker found to have experienced retaliation in violation of
130.32 section 181.216 shall be entitled to reinstatement to the worker's previous position, wages,
130.33 benefits, hours, and other conditions of employment.

131.1 (c) An agreement between a nursing home employer and nursing home worker or labor
131.2 union that fails to meet the minimum standards and requirements in sections 181.211 to
131.3 181.217 or established by the board is not a defense to an action brought under this
131.4 subdivision.

131.5 Sec. 11. **INITIAL APPOINTMENTS.**

131.6 (a) The governor shall make initial appointments to the Minnesota Nursing Home
131.7 Workforce Standards Board under Minnesota Statutes, section 181.212, no later than August
131.8 1, 2023.

131.9 (b) Notwithstanding Minnesota Statutes, section 181.212, subdivision 2, the initial terms
131.10 of members appointed under Minnesota Statutes, section 181.212, subdivision 1, paragraph
131.11 (a), clauses (4) and (5), shall be determined by lot by the secretary of state and shall be as
131.12 follows:

131.13 (1) one member appointed under each of Minnesota Statutes, section 181.212, subdivision
131.14 1, paragraph (a), clauses (4) and (5), shall serve a two-year term;

131.15 (2) one member appointed under each of Minnesota Statutes, section 181.212, subdivision
131.16 1, paragraph (a), clauses (4) and (5), shall serve a three-year term; and

131.17 (3) one member appointed under each of Minnesota Statutes, section 181.212, subdivision
131.18 1, paragraph (a), clauses (4) and (5), shall serve a four-year term.

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

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