
OLR Bill Analysis

sSB 1417

AN ACT CONCERNING THE ESTABLISHMENT OF A NURSING HOME WORKFORCE STANDARDS BOARD.

SUMMARY

This bill establishes an 11-member Nursing Home Workforce Standards Board to set nursing home employment, training, and minimum compensation standards needed to ensure resident and worker safety and well-being. It prohibits the board from implementing or enacting these standards until state appropriations are made to cover associated costs.

Additionally, the bill does the following:

1. prohibits nursing home employers from employing nursing home workers for lower wages or other compensation than the minimum standards the board adopts;
2. provides that an agreement between a nursing home employer and a nursing home employee or labor union that fails to meet the board's minimum employment standards is not a defense for violating the above prohibition if the agreement was entered into after the standards were adopted and implemented;
3. requires nursing home employers to notify workers of the board's minimum employment standards;
4. prohibits nursing home employers from retaliating or discriminating against nursing home workers for exercising their rights under the bill (e.g., participating in investigations of violations or attending trainings);
5. requires the board to (a) create a training curriculum for nursing home workers on its minimum compensation and working

condition standards and the bill's anti-retaliation protections and (b) set requirements for a worker organization the board will certify to provide the training;

6. allows nursing home workers to bring a civil action against an employer who violates the bill's provisions and makes violators liable for certain monetary damages (e.g., lost wages and attorneys' fees);
7. requires the board to report annually, starting by December 1, 2025, to the Aging, Appropriations, Human Services, Labor, and Public Health committees, on actions taken, standards recommended or adopted, and state appropriations needed to implement the standards; and
8. requires the (a) Department of Labor (DOL) commissioner to adopt regulations on minimum compensation standards and (b) Department of Public Health (DPH) commissioner to adopt regulations on minimum training standards, both in consultation with the board.

Under the bill, "nursing home employers" are licensed, Medicaid-certified facilities that receive state Medicaid reimbursement and employ "nursing home workers." These workers include direct care and non-direct care staff and contractors, but exclude administrative staff, medical and nursing directors, physicians, and people employed by supplemental nursing services agencies.

EFFECTIVE DATE: July 1, 2025

BOARD MEMBERSHIP AND MEETINGS

The bill requires the board's membership to include the following five state officials or their designees: (1) the Department of Social Services (DSS), DPH, and DOL commissioners and (2) the Human Services Committee chairpersons. The governor must appoint six additional board members, including three members representing each of the following: (1) nursing home employers or employer organizations and (2) nursing home workers or worker organizations.

When making his appointments, the governor must consider the geographic distribution of nursing homes in the state. Terms for appointed members are initially staggered, with one representative from each of the two categories of appointees described above serving a two-year term, one from each serving a three-year term, and one from each serving a four-year term. Under the bill, after these initial terms, appointed members serve up to two consecutive four-year terms. The governor must fill any vacancies.

The bill requires the DOL commissioner to appoint the board's administrative director and provide office space, resources, and personnel to help the board carry out its duties.

Under the bill, the board must (1) meet within 30 days after all members are appointed, (2) elect a chairperson from among its members by majority vote, and (3) determine the chairperson's term. The board needs an affirmative vote of six board members to take any action.

BOARD HEARINGS AND INVESTIGATIONS

The bill requires the board to hold public hearings and investigate working conditions in the nursing home industry, including by examining the following:

1. wage rate and benefit data the board collects or receives for nursing home workers in the relevant geographic area and nursing home occupations;
2. statements showing these wage rates and benefits paid;
3. signed collective bargaining agreements applicable to these nursing home workers;
4. testimony and information from current and former nursing home workers, worker organizations, nursing home employers, nursing home resident representatives, and employer organizations (i.e. tax-exempt entities representing nursing homes or entities that employers, who together employ a majority of nursing home workers in the state, selected as a

representative);

5. training provided to nursing home workers and experience needed for an organization to be designated a certified worker organization to conduct these trainings (see below);
6. state and federal laws and regulations on nursing home care and labor; and
7. any other information pertinent to establishing nursing home workplace standards.

ADOPTING STANDARDS

The bill requires the board to adopt minimum compensation and training standards for nursing home workers. Compensation includes all income and benefits a nursing home employer pays directly to, or on behalf of, a nursing home worker, including wages, bonuses, differentials, paid leave, and pay for scheduling changes and training or occupational certifications.

The bill allows the board to (1) adopt regional compensation standards based on wage rate and benefit data for similar occupations in a geographic area, (2) set minimum compensation standards by worker occupation, and (3) approve a waiver to these standards for a nursing home employer that presents evidence that the standards would cause financial difficulty putting the facility at risk of closing.

Under the bill, the board must consult with DSS before adopting any compensation or training standards for Medicaid-funded nursing homes whose reimbursement rates are determined by state law. Specifically, it must consult with the department to determine the amount of state funding needed to implement any changes in compensation or cover additional costs associated with new training requirements. The bill prohibits the board from adopting or implementing standards until necessary state appropriations are made (presumably, in an enacted budget).

TRAININGS AND RELATED COMPENSATION

The bill requires the board to establish requirements for a worker organization it will certify to provide training on the board's minimum standards and the bill's anti-retaliation protections. Under the bill, a "worker organization" is a nonprofit labor organization that is protected from employer interference under federal law and has at least five years' experience engaging with and advocating for nursing home workers.

The bill requires the training to include follow-up written materials in languages in which participating nursing home workers are proficient. The board must hold at least one public hearing to solicit input before establishing or updating training requirements.

The bill requires nursing home employers to:

1. compensate workers at their regular hourly rate of wages and benefits for each hour of training completed;
2. reimburse them for reasonable travel expenses for off-site trainings;
3. certify to the board that each nursing home worker completes one hour of training every two years and that trainings meet the board's requirements and are provided by a certified worker organization; and
4. provide a certified worker organization, at its request, the names and contact information for each worker who attended the training session, unless the worker opts out in a written statement filed with the nursing home employer.

NOTICE REQUIREMENTS AND ANTI-RETALIATION PROTECTIONS

The bill requires nursing home employers to notify workers in writing of applicable minimum nursing home employment standards. Employers must (1) include in the notice the DOL commissioner's contact information to report violations of these standards and (2) upon request, provide the notice in a language the worker is proficient in.

Additionally, the bill prohibits nursing home employers from discharging, disciplining, interfering with, threatening, restraining, coercing, or otherwise retaliating or discriminating against a worker for exercising or trying to exercise rights established under the bill. These rights include participating in violation investigations or attending trainings or board proceedings. The bill makes it unlawful for a nursing home employer to:

1. inform another employer that a current or former worker engaged in a violation investigation or exercised any other right under the bill or
2. report or threaten to report a current or former worker's (or their family member's) actual or suspected citizenship or immigration status to a federal, state, or local agency for exercising or attempting to exercise rights under the bill.

VIOLATIONS AND PENALTIES

The bill allows nursing home workers, individually or as a class, to bring a civil action in any Superior Court against a nursing home employer who violates the bill's provisions. Violators are liable to each worker for (1) the full amount of any wages, benefits, and overtime compensation lost due to the violation, less any amount actually paid, and (2) liquidated damages, costs, and attorneys' fees. A court may also order a nursing home employer to comply with the bill.

Under the bill, any worker found to have experienced retaliation and loss of pay in violation of the bill's provisions is entitled to back pay and reinstatement of their previous position, wages, benefits, hours, and other employment conditions.

BACKGROUND

Related Bills

SB 805 and sSB 11, § 7, both favorably reported by the Human Services Committee, require nursing homes to spend at least 80% of their funding on residents' direct care.

sSB 1415, favorably reported by the Human Services Committee,

requires nursing homes to increase the minimum hourly wage for certain employees to \$22.50 by January 1, 2026, and \$25.00 by January 1, 2027.

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 16 Nay 6 (03/13/2025)