

**3920.0700 OTHER TESTS.**

Subpart 1. **Scope.** This part describes additional tests to be passed in the compliance review. If a jurisdiction fails any of the tests which apply to that jurisdiction as explained in subparts 2 to 5, the department must find the jurisdiction not in compliance.

Subp. 2. **Complete and accurate information test.** Each jurisdiction must report accurately and completely all of the information required by Minnesota Statutes, sections 471.991 to 471.999, and this chapter. If a jurisdiction fails to submit a report by January 31, 1992, the department must find that jurisdiction not in compliance.

Any person or entity may submit a complaint about the accuracy or completeness of a jurisdiction's report by writing to the department. The complaint must specify the information believed to be inaccurate or incomplete. In response to a complaint, the department must decide either that the complaint is without merit and that no review is necessary, or that the complaint may have merit and a review is necessary.

In addition, the department may initiate a review of the accuracy and completeness of a jurisdiction's report for the purpose of ensuring that the compliance review is based upon correct and complete information.

If the department decides that a review is necessary, the department must notify the jurisdiction in writing that a review is being undertaken. The department's notice must identify the missing information, the information which may be inaccurate, and any information required to demonstrate the completeness and accuracy of the report. The department must establish and notify the jurisdiction of a reasonable time period for the jurisdiction to submit missing information or to verify the information.

If the jurisdiction does not respond within the established time period, or if the department determines after reviewing the response that the report remains inaccurate or incomplete, the department must find the jurisdiction not in compliance.

Subp. 3. **Reopening department determinations.** If the conditions listed in items A and B are met, the department must reopen the jurisdiction determination under part 3920.0200, the compliance review under part 3920.0400, the reconsideration review under part 3920.0900, or the request for suspension of penalty review under part 3920.1100. The appropriate review process must be reopened if:

A. after making a jurisdiction determination, a compliance determination, a reconsideration determination, or a determination on a request for suspension of penalty, the department becomes aware that information submitted by a jurisdiction may be inaccurate or incomplete; and

B. the department has reason to believe that completing or correcting the information is likely to affect one of those determinations.

If any of the review processes are reopened, the department must use the procedure in subpart 2. In addition, the department must consider the evidence, notify the jurisdiction, and undertake all other procedures appropriate for the affected review process.

Jurisdictions found not in compliance as the result of reopening a review process may submit a reconsideration request under part 3920.0900. Jurisdictions subject to a penalty as the result of reopening a review process may submit a request for suspension of penalty under part 3920.1100, a contested case appeal as provided in part 3920.1200, or both.

Subp. 4. **Salary range test.** The average number of years required for female-dominated classes to qualify for the maximum monthly salary may not be consistently larger than the average number of years required for male-dominated classes to qualify for the maximum monthly salary. If a jurisdiction provides a different number of years to qualify for the maximum monthly salary for male-dominated and female-dominated classes, the department must evaluate this information as follows. The evaluation is limited to classes with an established number of years to reach maximum salary.

A. Calculate the average years to maximum for female-dominated classes by adding the years to maximum for female-dominated classes and dividing the result by the number of female-dominated classes.

B. Calculate the average years to maximum for male-dominated classes by adding the years to maximum for male-dominated classes and dividing the result by the number of male-dominated classes.

C. Divide the result from item B by the result from item A, and multiply the result times 100. If this amount is 80.0 percent or more, the department must find that the jurisdiction has passed the salary range test. If this amount is less than 80.0 percent, the department must find that the jurisdiction has failed the salary range test and is not in compliance.

Subp. 5. **Exceptional service pay test.** The percentage of female-dominated classes receiving exceptional service pay may not be consistently below the percentage of male-dominated classes receiving exceptional service pay. If employees in male-dominated classes receive exceptional service pay, the department must evaluate the information as provided in items A to D.

A. Count the number of male-dominated classes in which employees are receiving some form of exceptional service pay. Divide the sum by the total number of male-dominated classes, and multiply the quotient by 100.

B. If the result from item A is 20.0 percent or less, the department must find that the jurisdiction has passed the exceptional service pay test. If the result from item A is more than 20.0 percent, the department must continue the evaluation.

C. Count the number of female-dominated classes in which employees are receiving some form of exceptional service pay. Divide the sum by the total number of female-dominated classes, and multiply the quotient by 100.

D. Divide the result from item C by the result from item A, and multiply the quotient by 100. If the result is 80.0 percent or more, the department must find that the jurisdiction has passed the exceptional service pay test. If the result is less than 80.0 percent, the department must find that the jurisdiction has failed the exceptional service pay test and is not in compliance.

**Statutory Authority:** *MS s 43A.04*

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