

**3920.1300 MAINTAINING PAY EQUITY.**

Subpart 1. **Scope.** After the original implementation date and reporting date, a jurisdiction must maintain equitable compensation relationships and submit additional reports as required by the department. The department must monitor compliance on an on-going basis and must report to the legislature annually. This part explains procedures for monitoring pay equity after the first implementation cycle.

Subp. 2. **Future reports.** The department must establish a schedule for future reporting, providing that approximately one-third of all jurisdictions must report each year beginning in 1994.

A. The department must give a jurisdiction at least one year's notice of the date when its next scheduled report will be due.

B. The department must require, and a jurisdiction must submit, the same information required in the original implementation report, except that the information must be revised to be current as of the date 30 days before the new report. In addition, a jurisdiction must:

(1) submit information on additional cash compensation paid at any time in the 12 months before the new report; and

(2) verify that the jurisdiction has notified the department if the jurisdiction has adopted a new job evaluation system, or substantially modified an existing system, at any time after December 31, 1991.

Subp. 3. **Future compliance reviews and notifications.** The department must review the reports and make compliance decisions according to parts 3920.0400 to 3920.0700, and notify jurisdictions of its decisions according to part 3920.0800.

Subp. 4. **Future reconsideration and appeal.** A jurisdiction which was found in compliance at one time, but which is found not in compliance at a future date, may initiate the reconsideration request under part 3920.0900. If a jurisdiction is subject to a penalty after reexamination, the jurisdiction may initiate the request for suspension of penalty under part 3920.1100, and the contested case appeal described in part 3920.1200. The department must consider the evidence and make decisions as provided in parts 3920.0900, 3920.1100, and 3920.1200.

Subp. 5. **Future penalties.** A jurisdiction which was found in compliance at one time, but which is found not in compliance at a future date, and which remains not in compliance after reexamination, is subject to the penalties in part 3920.1000, except that the penalty applies only to the period the jurisdiction is found not in compliance under subpart 6.

Subp. 6. **Enforcement conditions for future penalties.** The Department of Revenue must enforce the penalty beginning in the calendar year in which the department finds the

jurisdiction not in compliance, except that the penalty may not be enforced until after the end of the first regular legislative session in which the jurisdiction was listed not in compliance. In addition, the penalty must be suspended under the circumstances in part 3920.1100, subpart 8, item A, and the penalty may not be imposed under the circumstances in part 3920.1200, subpart 3.

Subp. 7. **Enforcement procedures for future penalties.** The Department of Revenue must enforce the penalty by deducting aid or fining the jurisdiction. For purposes of this part, "aid" means amounts otherwise payable under Minnesota Statutes, section 126C.13, 273.1398, or 477A.011 to 477A.014. The Department of Revenue must determine which of the amounts in items A and B is larger, and deduct the aid or assess the fine accordingly:

A. an amount equivalent to five percent of the aid otherwise payable for the calendar year in which the department finds the jurisdiction not in compliance, added to an amount equivalent to five percent of the aid otherwise payable for all additional years in which the department certifies that the jurisdiction remains not in compliance; or

B. an amount equivalent to \$100 a day, calculated from the date the department finds the jurisdiction not in compliance until the date the department certifies that the jurisdiction has achieved compliance.

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

**History:** *17 SR 712*

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