

3920.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Benefits.** "Benefits" means health insurance or health self-insurance programs to which a jurisdiction contributes on behalf of an employee or an employee plus dependents. Benefits does not include pensions, life insurance, dental insurance, disability insurance, or other insurance programs.

Subp. 3. **Compensation.** "Compensation" consists of salary, exceptional service pay, and benefits. Compensation does not include overtime pay, shift differentials, or uniform allowances, as defined in items A to C. Compensation also excludes any other payments not defined as salary, benefits, or exceptional service pay.

A. "Overtime pay" means payment to employees for services performed in excess of the normal work period, and when the payments are required by applicable state and federal overtime laws, by an applicable collective bargaining agreement, or by written personnel policies.

B. "Shift differential" means payment to employees for working other than the standard daytime weekday shift.

C. "Uniform allowance" means payment to employees for purchasing a specified, required uniform.

Subp. 4. **Department.** "Department" means the Minnesota Department of Management and Budget.

Subp. 5. **Employee.** "Employee" means a public employee as defined by Minnesota Statutes, section 179A.03, subdivision 14, except that employee also includes employees of charitable hospitals as defined by Minnesota Statutes, section 179.35, subdivision 3. Employee does not include employees of charitable hospitals who would be excluded under Minnesota Statutes, section 179A.03, subdivision 14, paragraphs (a) to (f).

Subp. 6. **Exceptional service pay.** "Exceptional service pay" means longevity pay or performance pay, as defined in items A and B.

A. "Longevity pay" means payment above the salary range maximum to employees with specified years of service or seniority.

B. "Performance pay" means payment above the salary range maximum to employees who meet specified performance or production standards.

Subp. 7. **In compliance, not in compliance.** "In compliance" means that the jurisdiction has established equitable compensation relationships and met the reporting requirements of Minnesota Statutes, sections 471.991 to 471.999, and this chapter. "Not

in compliance" means that the jurisdiction has not established equitable compensation relationships, or has not met reporting requirements under the statute or rules.

Subp. 8. **Job evaluation system.** "Job evaluation system" means the system used to measure the comparable work value of work performed by each class of employees.

Subp. 9. **Jurisdiction.** "Jurisdiction" means a political subdivision, governmental subdivision, or public employer responsible for achieving equitable compensation relationships under Minnesota Statutes, sections 471.991 to 471.999. For purposes of pay equity compliance, jurisdiction means a public employer as defined by Minnesota Statutes, section 179A.03, subdivision 15, clause (c), except that jurisdiction may also include charitable hospitals as defined by Minnesota Statutes, section 179.35, subdivision 2.

If a charitable hospital does not have final budgetary approval authority for employees in the hospital, the jurisdiction for purposes of parts 3920.0100 to 3920.1300 is defined as the public employer with final budgetary approval authority for employees in that hospital. If the governing board of a joint powers agency does not have final budgetary approval authority for employees in the joint powers agency, the jurisdiction for purposes of parts 3920.0100 to 3920.1300 is defined as the public employer with final budgetary approval authority for employees in that joint powers agency.

Subp. 10. **Salary.** "Salary" consists of wages and additional cash compensation, as defined in items A and B.

A. "Wages" means all regular payments for routinely scheduled labor or services made by a jurisdiction to a class of employees, whether these payments are made on an hourly, monthly, or annual basis, except for payments defined as exceptional service pay, and except for payments excluded from the definition of compensation. Wages refers to the maximum monthly payment for a job class if there is an established payment range for the class, or to the highest actual monthly wage paid to any member of a class if there is no established payment range for that class.

B. "Additional cash compensation" means all payments made by a jurisdiction to a class of employees when the payments are made to all employees in the class and when the payments exceed the maximum of an established payment range. Additional cash compensation includes lump sum payments and bonus payments except as provided in subitems (1) and (2).

(1) Additional cash compensation does not include retroactive adjustments to wages when those adjustments do not exceed the reported wage maximum, and does not include retroactive contributions to benefits when those contributions do not exceed the reported benefits contribution limits.

(2) Additional cash compensation does not include payments defined as exceptional service pay, and does not include payments excluded from the definition of compensation.

Subp. 11. **Submit, submitted by, or submitted within.** To "submit" means to provide the department with the information specified. When this chapter requires that information be submitted by a specified date, "submitted by ..." or "submitted within ..." means postmarked on or before the specified date, or hand carried to the department and received by the department on or before the specified date. Hand carried materials will be accepted by the department only during regular business hours, from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding state holidays. The department's address is Second Floor Centennial Building, 658 Cedar Street, Saint Paul, Minnesota, 55155.

Statutory Authority: *MS s 43A.04*

History: *17 SR 712; L 2008 c 204 s 42; L 2009 c 101 art 2 s 109*

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