

3920.0200 JURISDICTION DETERMINATION.

Subpart 1. **Scope.** This part explains how the department will proceed when there is a question or dispute about the jurisdiction responsible for establishing equitable compensation relationships and for meeting reporting requirements under Minnesota Statutes, sections 471.991 to 471.999, and this chapter.

Subp. 2. **Requesting a determination.** A person or entity may request a determination of the responsible jurisdiction by writing to the department. The request must specify the employee classes in question, and must identify the jurisdiction which the requester believes may be the responsible jurisdiction. In response to a request, the department must decide that a request is without merit and that no review of documents is necessary, or that the request may have merit and a review of documents is necessary, as explained in subpart 3.

In addition, the department may initiate a review of the responsible jurisdiction for the purpose of ensuring that a jurisdiction's implementation report has included all classes for which that jurisdiction is responsible and has not included any classes for which the jurisdiction is not responsible.

Subp. 3. **Documents to support determination.** If the department decides that the request may have merit, or if the department initiates a review, the department must determine the responsible jurisdiction for the employee classes specified by the requesters or the department, based on the documents listed in items A to D. The department may require the requesters, or one or more jurisdictions, to submit this information within a reasonable time set by the department as needed to make a jurisdiction determination.

A. Documents such as enabling legislation, ordinances, or resolutions which demonstrate that a particular jurisdiction has final budgetary approval authority for one or more employee classes.

B. Documents which demonstrate that a different jurisdiction has final budgetary approval authority for one or more employee classes.

C. Documents which identify how a jurisdiction's budget is established and how its budget is adopted.

D. Any other documents which identify the responsible jurisdiction as defined in part 3920.0100, subpart 9.

Subp. 4. **Notice to jurisdictions.** If the department undertakes a review of the responsible jurisdiction, it must send a written notice to the jurisdictions which may be affected by the review, and must provide an opportunity for those jurisdictions to submit any of the documents listed in subpart 3, within a reasonable time set by the department. When the department makes a jurisdiction determination, it must send a written notice to the affected jurisdictions and to the requester, if any.

Subp. 5. **Impact on compliance determination.** The department must follow the procedure explained in items A and B. Any jurisdiction found not in compliance as the result of a jurisdiction determination may request reconsideration as explained in part 3920.0900. If a jurisdiction is subject to a penalty, the jurisdiction may submit a request for suspension of penalty as explained in part 3920.1100, or a contested case appeal as explained in part 3920.1200, or both.

A. If the department determines that a jurisdiction is the responsible jurisdiction for one or more employee classes which were not included in the jurisdiction's implementation report, that report will be considered an incomplete report. Inaccurate and incomplete reports are subject to part 3920.0700, subpart 2.

B. If the department determines that a jurisdiction reported on one or more employee classes for which it is not the responsible jurisdiction, that report will be considered an inaccurate report. Inaccurate and incomplete reports are subject to part 3920.0700, subpart 2.

Statutory Authority: *MS s 43A.04*

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