

3920.0600 ALTERNATIVE ANALYSIS TEST.

Subpart 1. **Scope.** This part applies to:

- A. a jurisdiction with three or fewer male-dominated classes;
- B. a jurisdiction with four or five male-dominated classes, when the jurisdiction has an underpayment ratio of less than 80.0 percent as explained in part 3920.0500, subpart 6; and
- C. a jurisdiction with no salary ranges for any of its classes, when the jurisdiction has an underpayment ratio of less than 80.0 percent as explained in part 3920.0500, subpart 6.

Subp. 2. **Criteria for alternative analysis test.** To pass the alternative analysis test, a jurisdiction must meet one of the following criteria:

- A. an initial review shows that salary, or salary plus benefits, for female-dominated classes is not consistently below that of male-dominated classes of comparable work value, as described in subpart 4;
- B. for classes with no salary ranges, differences in years of service explain the underpayment for all underpaid female-dominated classes, as described in subpart 6;
- C. for classes with no salary ranges, differences in performance, separately or in combination with differences in years of service, explain the underpayment for all underpaid female-dominated classes, as described in subpart 7; or
- D. for classes with no salary ranges, combined differences in years of service and performance explain the underpayment for some of the underpaid female-dominated classes, and the remaining number of underpaid female-dominated classes is 20.0 percent, or less, of female-dominated classes in the jurisdiction, as explained in subparts 6 and 7.

Subp. 3. **Basis for alternative analysis.** The analysis is based on the maximum monthly salaries and job evaluation ratings listed in the jurisdiction's implementation report, except as described below. If the jurisdiction has no salary ranges, the analysis is based on the highest actual salary paid for each class. If a jurisdiction provides different benefits to male-dominated and female-dominated classes of comparable work value, and if those differences represent a disadvantage to any female-dominated class, the analysis is based on the jurisdiction's benefits contribution limit plus the maximum monthly salary, or on the jurisdiction's benefits contribution limit plus the highest salary actually paid for each class.

Subp. 4. **Initial review.** The department must conduct an initial review to determine whether salary, or salary plus benefits, for female-dominated classes is not consistently below that of male-dominated classes of comparable work value. The department must examine salary or salary plus benefits for each female-dominated class using the criteria

in items A to D, and must identify each female-dominated class which is underpaid. For purposes of this part, "underpaid" means paid less than the level established by these criteria.

The department must count the number of underpaid female-dominated classes and calculate underpaid female-dominated classes as a percentage of all female-dominated classes in the jurisdiction. If 20.0 percent or a smaller percentage of female-dominated classes are underpaid according to the criteria in items A to D, the department must find that the jurisdiction has passed the alternative analysis test. If more than 20.0 percent of female-dominated classes are underpaid according to these criteria, the department must proceed as explained in subpart 5.

A. If there are any female-dominated classes with higher job evaluation ratings than male-dominated classes, and there are no male-dominated classes with ratings higher than those female-dominated classes, the amount of salary or salary plus benefits for each of those female-dominated classes must be equal to or higher than the amounts for each lower-rated male-dominated class.

B. If there are any female-dominated classes with job evaluation ratings falling between lower-rated and higher-rated male-dominated classes, the amount of salary or salary plus benefits for each of the female-dominated classes must fall between the amounts for the male-dominated classes.

C. If there are any female-dominated classes with the same job evaluation ratings as male-dominated classes, the amount of salary or salary plus benefits for each of those female-dominated classes must be equal to or higher than the amounts for any of the male-dominated classes. This criterion does not apply if there are any male-dominated classes which are rated higher than the female-dominated class, but which receive salary or salary plus benefits amounts equal to or lower than the amounts for the female-dominated class.

D. If there are any female-dominated classes with job evaluation ratings lower than all male-dominated classes, those female-dominated classes must be compensated as reasonably in proportion to their job evaluation ratings as other classes in the jurisdiction.

Subp. 5. **Failure to meet initial review standard.** If more than 20.0 percent of female-dominated classes are underpaid according to the criteria in subpart 4, the department must determine whether the jurisdiction has salary ranges for its classes.

A. If there is no salary range for one or more underpaid female-dominated classes, or if there is no salary range for one or more male-dominated classes with which the underpaid female-dominated classes are being compared, the department must analyze years of service under subpart 6.

B. If there are salary ranges for the underpaid female-dominated class and for all male-dominated classes with which the female-dominated class is being compared, the

department must find that the jurisdiction has failed the alternative analysis test and is not in compliance.

Subp. 6. **Years of service.** The department must analyze the years of service for employees in female-dominated and male-dominated classes in the situation described in subpart 5, item A. For each of the underpaid female-dominated classes, the department must determine whether differences in years of service explain the underpayment.

The department must then count the remaining number of underpaid female-dominated classes for which years of service do not explain the underpayment, and evaluate the result as explained in items A to C.

A. If the remaining number of underpaid female-dominated classes is 20.0 percent or a smaller percentage of female-dominated classes in the jurisdiction, the department must find that the jurisdiction has passed the alternative analysis test.

B. If the remaining number of underpaid female-dominated classes is more than 20.0 percent of female-dominated classes, and if the jurisdiction has no salary ranges for any of its classes, the department must request and analyze any documents about performance differences submitted by the jurisdiction, as explained in subpart 7.

C. If the remaining number of underpaid female-dominated classes is more than 20.0 percent of female-dominated classes, and if the jurisdiction has salary ranges for some or all of its classes, the department must find that the jurisdiction has failed the alternative analysis test and is not in compliance.

Subp. 7. **Performance.** In the situation described in subpart 6, item B, if a jurisdiction reported that documentation of performance differences is available, as explained in part 3920.0300, subpart 7, the department must request the documentation from the jurisdiction. The department must find that a jurisdiction which does not submit this information within the time set by the department has submitted an incomplete or inaccurate report, as explained in part 3920.0700, subpart 2.

The department must analyze the documentation in each case where a female-dominated class is underpaid according to subpart 4. For each of these female-dominated classes, the department must decide whether differences in performance explain the underpayment, separately or in combination with information about years of service for classes without salary ranges.

The department must then count the remaining number of underpaid female-dominated classes for which neither years of service nor performance explain the underpayment, and evaluate the result as explained in items A and B.

A. If the remaining number of underpaid female-dominated classes represents 20.0 percent or a smaller percentage of female-dominated classes in the jurisdiction, the department must find that the jurisdiction has passed the alternative analysis test.

B. If the remaining number of underpaid female-dominated classes represents more than 20.0 percent of female-dominated classes, the department must find that the jurisdiction has failed the alternative analysis test and is not in compliance.

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