

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE CIVIL SERVICE COMMISSION

P.O. BOX 150, CHRB
SAIPAN, CM 96950

Phone: 6925/7327

Filed this 29th day of
August 1983.

Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

PUBLIC NOTICE

of

Proposed Personnel Service
System Rules and Regulations

The Northern Marianas Islands Civil Service Commission, pursuant to Section 3 of Public Law 3-65, and in accordance with the provisions of Section 4(1) of Title 17, Trust Territory Code, and Section 3(f) of Chapter 3 of Title I of Public Law 1-8, as amended, hereby gives notice to the public of its intention to adopt the permanent personnel policies for the Commonwealth Civil Service employees.

All interested persons will be given a reasonable opportunity to submit their views, comments and/or arguments, in writing, concerning the proposed regulations. Written comments must be submitted to the Personnel Officer of the Civil Service Commission not later than the close of business thirty (30) calendar days following the date of publication of this Notice.

Dated, this 26 day of August, 1983.

SUBMITTED BY:

JESUS P. MAFNAS
Personnel Officer
Civil Service Commission

APPROVED BY:

FERMIN M. ATALIG
Chairman, Civil Service Commission



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NUTISIAN PUPBLIKU

pot

I Maproponi na Sesteman
Areklamenton Setbision Manemplehao

I Northern Mariana Islands Civil Service Commission, sigun i Seksiona 3 gi Lain Pupbliku 3-65, yan sigun i probision i Seksiona 4(1) gi Titulu 17, gi Kodigon i Trust Territory, yan Seksiona 3(f) gi Kapitulu 3 gi Titulu I gi Lain Pupbliku 1-8, ni ma'amenda, ha lalaknon nutisian pupbliku pot i entension ni para u adopta i petmanente na areklamento para todun manemplehao i Commonwealth Civil Service.

Todun manenterisao na petsona siha para u fanmana' i rasonapble na tiempo para u matuge' ya i mana'halom hafa hinasson-ñiha, sinienten-ñiha pat atgumenton-ñiha pot i maproponi na areklamento siha. Todun tinige' pot este na asunto u mana'fanhalom guatu gi Personnel Officer i Civil Service Commission trenta (30) dias pot mas atrasao despues di mapupblika-ña este na nutisia.

Mafecha, guine na 26 ha'ani gi Agosto, 1983.

NINA'HALOM AS:

JESUS P. MAFNAS
Personnel Officer
Civil Service Commission

INAPRUEBA AS:

FERMIN M. ATALIG
Chairman, Civil Service Commission



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ARONGORONG NGÁLIIR TOWLAP

reel

Allégh me Aweewe Llól
Personnel Service

Civil Service Commission mellól Northern Marianas, ayiluwal Section mereel Allégh 3-65 me bwal llól afaawuwal Section reel Title 17, llól Trust Territory Code me ayiluwal Section (f) mereel Chapter 3 llól Title I reel Allégh ye 1-8, e kke aronga ngáliir towlap reel igha ebwe lliiwel Allégh kka jaar impliyóowul Commonwealth Civil Service.

Iwe, alongeer towlap me schóókka re tipeli nge rebwe ngáleeer lugóod bwe rebwe atootolong mángemángiir nge ebwe isch. Mángemáng kka e ischitiw bwelle reel allégh kkaal nge ebwe akkafangeló reel samwoolul Personnel mellól Civil Service Commission nge essóbw luuló eliigh (30) rál sáangi ráalil ye e toowow arongorong yeel.

E isch, llól ráalil ye 26 Agosto, 1983.

ATOLOGOYAL:

JESUS P. MAFNAS
Personnel Officer
Civil Service Commission

ALUGHULUGH SÁNGI:

FERMIN M. ATALIG
Chairman, Civil Service Commission

PERSONNEL SERVICE SYSTEM REGULATIONS

PART I PURPOSE AND SCOPE

I.1 PURPOSE.

These Regulations implement the provisions of the Commonwealth of the Northern Mariana Islands Public Law 1-9, and subsequent amendments thereto, which establishes a Personnel Service System in the Executive Branch of the Government of the Commonwealth of the Northern Mariana Islands.

I.2 POLICY.

It is hereby declared to be the policy of these Regulations to establish a system of personnel administration based on merit principles and generally-accepted methods governing the classification of positions and the employment, conduct, movement, and separation of public officials and employees.

It is also declared to be the purpose of these Regulations to build a career service which will attract, select and retain the best-qualified civil servants on merit who shall hold their offices or positions free from coercion, discrimination, reprisal or political influences, with incentives in the form of genuine opportunities for promotions in the public service, to provide competent and loyal personnel to render impartial service to the public at all times, and to render such service according to the dictates of ethics and morality. In order to achieve these purposes, it is declared to be the policy of the Commonwealth that the personnel system hereby established be applied and administered in accordance with the following merit principles:

- A. Equal opportunity for all regardless of age, race, sex, religion, handicap, political affiliation or place of origin;
- B. Impartial selection of the ablest person for government service by means of competitive tests which are fair, objective, and practical;
- C. Just opportunity for competent employees to be promoted within the Service;
- D. Reasonable job security for the competent employee;
- E. Systematic classification of all positions through adequate job evaluations;
- F. Fair and reasonable grievance procedures for all employees pertinent to condition of employment; and
- G. Proper employer-employee relations to achieve a well trained, productive and happy work force.

I.3 COVERAGE

These Regulations apply to all employees and positions in the Executive Branch of the Commonwealth of the Northern Mariana Islands, and all personnel services performed for the Executive Branch, with the following exceptions:

- A. The System shall apply to all employees of and positions in the Commonwealth Government now existing or hereafter established except the following:
- (1) Employees and positions covered by the United States Civil Service System, until and unless exempt by the United States Office of Personnel Management or by United States law;
 - (2) Persons or organizations retained by contract where the Personnel Officer has certified that the service to be performed is special or unique and nonpermanent, is essential to the public interest, and that because of the degree of expertise or special knowledge required and the nature of the services to be performed, it would not be practical to obtain personnel to perform such services through normal public service recruitment procedures;
 - (3) Positions of a temporary nature needed in the public interest where certified by the Personnel Officer and when the need for the same does not exceed ninety (90) days; provided, however, that in the event of a major disaster declared by the President of the United States or a disaster declared by the Governor, the Personnel Officer may extend the 90-day period for a maximum of an additional one hundred eighty (180) days for positions engaged in relief, repair, or rehabilitation as a result of such disaster;
 - (4) Household and domestic employees at the official residence of the Governor;
 - (5) Election inspectors, election clerks, and other election employees;
 - (6) Persons appointed by the Governor to fill the Executive positions;
 - (7) Positions specifically exempt by any other law of the Commonwealth;
 - (8) Personnel presently under contract of employment not included in Paragraph 2 of this subsection during the life of such contract. No contract of employment shall be entered into, renewed, or amended after the effective date of Public Law 1-9, except subject to the provisions hereof;
 - (9) Any position involving intermittent performance which does not require more than forty (40) hours in any one (1) month;
 - (10) Positions of a part-time nature requiring the services of four (4) hours or less per day but not exceeding one (1) year in duration; and
 - (11) Positions of a temporary nature which involve special projects having specific completion dates which shall not exceed one (1) year.
- B. The Personnel Officer shall determine the applicability of this Section to specific positions not expressly covered by the Commonwealth of the Northern Mariana Islands Public Law No. 1-9, as amended.

1.4 SCOPE.

These Regulations cover all aspects of personnel management and administration, including but not limited to development and promulgation of personnel policy, staffing, position classification, employee relations, employee development and training, employee benefits and services, incentives and awards, performance evaluation, employee health services, employee safety and accident prevention, labor-management relations, personnel management program evaluation, and records and reports. Each of the foregoing elements is presented in detail in subsequent parts of the Regulations. Procedures developed by the Personnel Officer for the implementation of these regulations appear as manuals hereto.

1.5 ELIGIBILITY FOR EMPLOYMENT.

It is the policy of the Commonwealth of the Northern Mariana Islands that the personnel system shall be applied and administered according to the principle of equal opportunity for all Commonwealth of the Northern Mariana Islands and United States Citizens and Nationals regardless of age, race, sex, religion, political affiliation or belief, marital status, handicap or place of origin.

PART II
ORGANIZATION FOR PERSONNEL MANAGEMENTII.1 PERSONNEL MANAGEMENT.

Personnel management is the responsibility of all executives, managers and supervisors who direct the work of others. It is the policy of the Civil Service Commission to continuously promote labor relations, human relations, communications, and improved working conditions in order to provide all employees the opportunity to satisfy their needs for recognition, a sense of personal worth and personal achievement. To accomplish these goals, the Personnel Officer has the responsibility to plan, develop, and implement programs and procedures which give effect and meaning to the laws of the Commonwealth of the Northern Mariana Islands, giving due consideration to the changing needs of the several programs of the Commonwealth now in progress and to be initiated in the future.

II.2 THE PERSONNEL OFFICER.

The provisions of Commonwealth of the Northern Mariana Islands Public Law No. 1-9, as amended, and these Regulations shall govern the administration of the Personnel Service System. Subject to these Regulations and laws, the Personnel Officer shall:

- A. Direct and supervise all of the administrative and technical activities of the Personnel Office;
- B. Administer the system of personnel administration for the Executive Branch of the Commonwealth of the Northern Mariana Islands Government;
- C. Act for the Civil Service Commission of the Commonwealth of the Northern Mariana Islands in the exercise of its appointing authority under Public Law 1-9, as amended, and Article III, Section 16 of the Constitution;
- D. Advise the Governor and his staff on all matters concerning personnel management and administration, employee training, and staff housing;
- E. Formulate and recommend to the Commonwealth of the Northern Mariana Islands Civil Service Commission, policies and regulations to carry out the provisions of Public Law 1-9, as amended;
- F. Cooperate fully with and attend, or arrange for a qualified representative to attend meetings of the Civil Service Commission and advise the Civil Service Commission on technical matters as required;
- G. Encourage and exercise leadership in the development of effective personnel administration within the departments of government and make available the facilities of the Personnel Office to this end;
- H. Foster and develop, in cooperation with management officials, programs to promote the Personnel Service System and to improve employee efficiency;

- I. Develop and maintain an adequate position classification and compensation plan;
- J. Administer recruitment and examination programs and determine when employees meet specific qualification requirements;
- K. Provide advice and assistance to management on matters concerned with the administration of employee discipline, as well as in the processing of grievance and appeal actions;
- L. Develop training programs for improvement of employee skills;
- M. Administer a staff housing program for the Commonwealth of the Northern Mariana Islands Government;
- N. Establish and maintain records of all personnel employed in the Personnel Service System;
- O. Administer and interpret these regulations; and
- P. Perform any other activities deemed necessary to assure effective implementation of the merit system.

II.3 THE CIVIL SERVICE COMMISSION.

The Civil Service Commission represents the public interest in matters concerning the Personnel Service System. Subject to the provisions of Section 16 of Article III, Constitution of the Northern Mariana Islands, Public Law 1-9, as amended, and these Regulations, the Civil Service Commission shall:

- A. Prepare a comprehensive personnel management plan and proposed personnel policies of the Commonwealth, which shall be hereinafter referred to as the "Personnel Service System," and submit copies thereof to the Governor and the Legislature;
- B. Oversee the operation of the Personnel Office;
- C. Hear and decide appeals of employees for disciplinary actions, for suspensions of more than three (3) working days, demotions, and dismissals from the Service. The Commission may utilize the services of qualified hearing officers where such services are deemed essential by the Commission. Hearings shall be public except when the appealing employee requests a closed hearing;
- D. Administer oaths to witnesses in any matter pending before the Commission; and
- E. Perform any other lawful acts required by law or deemed by it to be necessary to carry out its duties.

PART III
STAFFING

This Part covers all the elements appropriate to acquiring, maintaining, reassigning, promoting, and releasing employees of the Personnel Service System. Merit principles, open competition, and, in specific application, employee seniority, shall be underlying considerations in performance of the staffing function.

The several sub-parts of this Part treat specifically and in some detail the regulations to be fulfilled in the execution of the respective functions. Procedures to guide personnel specialists and technicians, management officials, and employees in determining the intent, meaning, and processes for implementation of these Regulations are published as the Procedure Manual hereto.

PART III, SUB-PART A
EXAMINATIONS

This sub-part prescribes the examining system to be used in the Personnel Service System. It describes the several types of examinations, the assembly of eligible lists, and the referral of eligibles from those lists to selecting officials.

III.A1 COMPETITIVE EXAMINATIONS.

All examinations shall be competitive and open to the public except where specifically exempted. All examinations shall be either:

- A. Assembled, wherein the applicants assemble in a designated place at a specified time to take written or performance tests germane to the position(s) sought. Assembled examinations will be conducted under conditions affording maximum security at all times to protect the confidential nature of examination questions and related documents.
- B. Unassembled, wherein the candidates, responding to an examination announcement, submit, to designated places and by designated times, their records of education, training, experience, and such other information as requested in the announcement, to be evaluated and rated by a qualified analyst or by a board of rating examiners. The examination shall stipulate the dates of opening and closing of the examination, the forms to be used for filing, and the places to which the forms and associated information shall be sent.

III.A2 NON-COMPETITIVE EXAMINATIONS.

Non-competitive examinations, either assembled or unassembled, may be used when, in the judgment of the Personnel Officer, one of the following conditions or circumstances occurs:

- A. The position to be filled requires rare or special qualifications or training which do not permit competition; or
- B. There is a lesser number of qualified applicants than there are positions to be filled; or
- C. To determine the qualifications of an employee to be placed as a redress for error or omission in processes under the Merit Promotion Program; or
- D. To determine qualifications as part of the in-service placement process, or for placement of persons with reinstatement eligibility.

III.A3 EXAMINATION ANNOUNCEMENTS.

Examination announcements shall contain, as a minimum, the following information:

- A. Class title, pay and pay level of the position;
- B. Brief description of the duties and responsibilities;
- C. Geographical and organizational location of the position;
- D. Minimum qualifications for the position to include general experience, specialized experience, and such qualitative evaluation elements as may be deemed appropriate and necessary;
- E. Instructions on how to apply for the examination, including place to apply, form of application required, documentary support required when appropriate; and
- F. Period of the announcement. In no instance shall this be less than fifteen (15) calendar days. This period may be extended by the Personnel Officer if the response has been inadequate to the need, provided that the extension shall be announced in the same manner as the original announcement.

III.A4 PUBLICITY.

Optimum publicity shall be given to examination announcements through posting in the Personnel Office and at such other places as may be designated by the Personnel Officer (e.g., official bulletin boards in offices or work places). In addition, public announcements through the news media may be used. Department directors shall make every effort to bring announcements to the attention of all personnel under their jurisdiction.

III.A5 CONTENT OF EXAMINATIONS.

Examinations shall be practical and reasonable, and shall examine for the qualifications, capacity, and relative fitness necessary to perform the duties of the positions to be filled. Any acceptable method of examination may be used, including verification and evaluation of education, training, experience, aptitude and character of the applicants, and any other accepted examination method deemed appropriate by the Personnel Officer.

III.A6 CONTINUOUS EXAMINATIONS.

When difficulty is experienced in attracting sufficient numbers of qualified applicants for vacancies in the Personnel Service System, the Personnel Officer may issue a continuous examination. Notice of closing of a continuous examination shall be posted at least fifteen (15) calendar days prior to the final closing date for such examination.

III.A7 ADMISSIONS TO EXAMINATIONS.

Applications for examination shall be made on forms prescribed by the Personnel Officer. Proper completion of applications and submission of supplemental information shall be accomplished in accordance with the examination announcement and established procedures. Applications

shall be signed and such signature shall certify to the truth of all statements contained therein. A knowingly false answer or statement shall be grounds for denying admission to the examination, removal from the eligible list, or for dismissal from the Personnel Service System if the person is employed prior to the discovery of a false answer or statement. The Personnel Officer shall designate persons authorized to accept applications. Applications for specific positions shall be accepted only during the period specified on the examination announcement. Applications submitted by mail shall be postmarked no later than the announced closing date. Late applications will not be accepted unless approved by the Personnel Officer because of unusual circumstances. Such determination shall be made a matter of record and similar circumstances in other examinations shall be treated equally.

III.A8 DISQUALIFICATION OF APPLICANTS.

The Personnel Officer may refuse to examine an applicant for failure to meet the minimum requirements for admission to the examination. Applicants who do not meet the minimum qualifications shall be notified as soon as practical. If an applicant is disqualified following placement on an eligible list, his name shall be removed from the eligible list.

III.A9 NOTIFICATION OF ACCEPTANCE FOR ASSEMBLED EXAMINATION.

Each applicant who has been accepted shall be given sufficient advance notice of the date, time, and place of an assembled examination; inclusion of the requisite information on the examination announcement meets this notification requirement. No applicant shall be entitled to take an assembled examination at a date, time, or place other than that stated in the notification unless specifically authorized by the Personnel Officer. The Personnel Officer shall not be responsible if a notice is lost in the mails or sent to an applicant's former address through failure of an applicant to report a change of address. Where mail service is not adequate to meet these notification appointments, oral notification in person, by telephone, or by radio may be given if the foregoing time and content provisions are met, and if such oral notification is properly documented.

III.A10 CONDUCT OF ASSEMBLED EXAMINATIONS.

The Personnel Officer shall appoint a representative to administer the examinations at the time and place designated in the notification of acceptance for examination or the examination announcement.

III.A11 CANCELLATION OF EXAMINATIONS.

Examinations may be cancelled at any time by the Personnel Officer if there is no longer need for eligibles covered by the examination, or if the examination no longer meets the expressed requirements of the Government.

III.A12 RATING OF EXAMINATIONS.

- A. Examinations shall be rated by a qualification rating examiner from the Personnel Office.
- B. Appropriate statistical techniques and procedures shall be used in scoring and rating examinations, and determining the relative ranking of candidates on competitive examinations. The final rating required to pass an examination shall be set by the Personnel Officer, who may also set minimum ratings for each part of the examination when the examinations are arranged in readily identifiable parts. The final earned ratings of each candidate shall be determined by combining the earned ratings of each part of the examination in accordance with the weights established for each part.

III.A13 REVIEWS OF EXAMINATION RESULTS.

Any applicant may request a review of his rating within ten (10) calendar days following the notification of examination results. Such request for review shall be addressed to the Personnel Officer, who shall comply with the request and make whatever changes, if any, the facts warrant.

III.A14 CHANGES IN RATING.

Changes in rating may be made as a result of correction of errors in the scoring or rating process, or as a result of a request for review wherein the facts warrant a change. Correction of errors shall be applied equally to all participants. An amended notice of rating shall be reported to all applicants affected by such change in rating.

III.A15 ESTABLISHMENT OF ELIGIBLE LISTS.

- A. Following the completion of an open competitive examination and rating process, the Personnel Officer shall establish eligible lists called "Registers of Eligibles," in which all candidates who received an eligible or passing rating on the examination shall be listed. The Registrar of Eligibles shall list the candidates in the order of their respective ratings; highest rating first. When the Personnel Officer provides a list of eligibles to a management official, the names of those candidates with the highest rating shall be certified first. A Register of Eligibles shall be considered "established" when approved by the Personnel Officer.
- B. In the event a list of eligibles for any position contains less than five (5) names, and the appointing authority deems the range of choice to be inadequate, the Personnel Officer shall announce a new examination.
- C. In the event two or more applicants have identical ratings, their names shall be placed according to their scores on the most heavily weighted portion of the examinations. If all portions are identical, the receipt time of their applications

will determine priority. An open competitive list shall be certified by the Personnel Officer only after it has been determined that a qualified candidate is not available through the reemployment priority list or promotional examinations.

III.A16 CERTIFICATION FROM ELIGIBLE LISTS.

- A. Appointments and promotions in the Personnel Service System shall be made from certified eligible lists resulting from examinations, except as otherwise provided by these Regulations. The process of providing a list of eligible candidates to a selecting official is known as "Certification of Eligibles." A Certificate of Eligibles shall be drawn from among the highest rated candidates in precise numerical order, highest rate first. Where a list of eligibles exceeds five (5) names, only the top five (5) names shall be certified. The appointing authorities shall be entitled to the certification of not less than five (5) eligibles for each vacancy, however, when less than five (5) persons comprise a list of eligibles, the appointing authority may accept such lesser number or return the list until sufficient names are available. If a selecting official intends to fill more than one position from the same examination at the same time, the number of names certified shall be increased by one eligible for each additional position to be filled, where possible.
- B. Requests for eligibles shall be made on forms prescribed by the Personnel Officer, and shall clearly identify the position to be filled, including its position number.

No person shall report to work nor receive a salary unless an appropriate personnel action has been approved by the Personnel Officer or his authorized representative.

III.A17 PROCEDURE WHEN ELIGIBLES ARE REQUIRED.

Whenever eligibles are required, the Personnel Officer shall:

- A. prepare the Examination Announcement;
- B. administer the examination; and
- C. establish an eligible list, as determined by the examination results.

III.A18 REMOVAL OF NAMES FROM ELIGIBLE LISTS.

The Personnel Officer may remove the name of any person who has been disqualified under Part III.A8 of this sub-part. The name of any person may also be removed if:

- A. The eligible candidate fails to respond within fifteen (15) calendar days from the date of dispatch of an inquiry as to availability for employment, provided that the name may be restored for reasons deemed sufficient by the Personnel Officer.

- B. The person is appointed from that list to a permanent position in the Personnel Service System.
- C. The eligible voluntarily withdraws.
- D. There is evidence of physical or mental unfitness to perform the duties of the position, as indicated by appropriate medical examination.
- E. The eligible fails to report for duty within the time prescribed by the selecting official.
- F. The eligible is found to be no longer qualified to perform the duties required of the class of position.
- G. Intentional false statements, deception or fraud is included in the application or in the examination process or appointment.

III.A19 SELECTIVE CERTIFICATION.

Where the Personnel Officer determines that a position has a special requirement which is not a general qualification requirement for that class of position, he may certify from the appropriate class eligible list those eligibles who meet that specific requirement.

III.A20 USE OF ELIGIBLE LISTS.

Whenever a vacancy arises in the Personnel Service System, the official responsible for initiating the process to fill that position has the following options:

- A. When the position to be filled does not have promotional potential, the selecting officer may request certification from the appropriate reemployment priority list or eligible list or choose to redefine the position at a lower level and fill it through the Merit Promotion Program. If the position is in an established career ladder, it must be filled at the entry level unless there are overriding reasons not to do so. The Personnel Officer is authorized to grant exceptions to this procedure upon proper justification. Appropriate records of such approvals and associated material shall be maintained by the Personnel Officer.
- B. When the position has promotional potential, the first option shall be to fill the position under the provisions of the Merit Promotion Program. If the internal search for qualified applicants is unsuccessful, the recourse is to the eligible lists produced by the examination process.

III.A21 DURATION OF ELIGIBLE LISTS.

The life of an eligible list, other than the reemployment priority list, shall be for a period of one (1) year, unless extended by the Personnel Officer. An eligible list may be extended up to one year beyond its original expiration date. No person shall be retained on an eligible list beyond the period of extension of the original list. Remaining eligibles shall be combined with those on the new list for the remainder of the term of the original list. An open examination eligible list and a non-competitive examination eligible list shall be combined only as a non-competitive eligible list. If an eligible candidate successfully participates in a subsequent competitive examination and the resulting eligible list is

combined with that of a previous competitive examination eligible ~~is~~ bearing his name, that eligible candidate may elect to have his name retained on a combined list, either at the position and for the remainder of the term of the original list or of the subsequent list, but not at both positions.

III.A22 ORDER OF USE OF ELIGIBLE LISTS.

The following order shall be followed in the use of eligible lists:

- A. Reemployment Priority List
- B. Promotional List
- C. Open Competitive List

III.A23 REEMPLOYMENT PRIORITY LIST.

Any person who has held a permanent position in the Personnel Service and has been demoted or terminated through reduction-in-force, shall be permitted to have his name placed on a reemployment priority list (provided he so requests in writing to the Personnel Officer). The name of such person shall be placed on the reemployment priority list for the same or related class of position as he last held under a permanent appointment. Names shall be arranged on the reemployment priority list in the chronological order of their separation from their respective competitive levels. Names shall be removed from the reemployment priority list at the expiration of three (3) years from the date of separation or demotion, or sooner if the individual is reemployed in a position at the same or higher pay level as that he formerly held in the Personnel Service System. The individual may be removed from the list if he refuses a reasonable offer of employment. A reasonable offer is of the same position or one equivalent to that last held in the Personnel Service.

PART III, SUB-PART B
POSITIONS AND APPOINTMENTSIII.B1 TYPES OF POSITIONS

All positions in the Personnel Service shall be identified in the records of the Personnel Office as permanent, or such other status as is authorized by law.

III.B2 PERMANENT POSITION.

A permanent position is a full-time position which is established based upon the continuing need of the Government and which is authorized to continue longer than one year.

III.B3 TYPES OF APPOINTMENTS.

Appointments in the Commonwealth of the Northern Mariana Islands Personnel Service System are placed in the classes defined in the following:

- A. Probationary Appointment. An appointment in which the appointee is selected from an eligible list resulting from an open examination to fill a permanent position. The appointee shall serve a probationary period of one (1) year from the beginning of his probationary appointment and shall demonstrate his capacity for satisfactory performance before being converted to a permanent appointment. Separations during probation are not processed under adverse action procedures or reduction-in-force (RIF).
- B. Permanent Appointment. An employee who has been appointed to a permanent position and who has satisfactorily completed his probationary period of one (1) year is entitled to the full benefits of these Regulations. Permanent appointment may be made to less than full-time positions with a regularly scheduled tour of duty.
- C. Limited-Term Appointment. A limited-term appointment is one in which the appointee is appointed for a period of not more than one (1) year. The appointee who serves thirty (30) or more hours per week shall be entitled only to Workmen's Compensation, Social Security, annual leave (if the period exceeds ninety [90] days), sick leave, overtime, and holiday pay unless the last day of the appointment falls on a holiday. An appointee to a part-time position who serves for less than thirty (30) hours per week shall not be entitled to group life insurance. An employee serving a limited-term may serve in either a full-time or part-time position. Any person given a limited-term appointment must meet the minimum qualifications for the class of position to which appointed.

D. Provisional Appointment. A provisional appointment is usually limited to ninety (90) days, and is used to fill a permanent position in the absence of an appropriate eligible list. The Personnel Officer may authorize extension of a provisional appointment beyond ninety (90) days for a maximum of one hundred eighty (180) days when the examination fails to make available an adequate number of qualified candidates. Any person given a provisional appointment must meet the minimum qualifications for the class of position to which appointed.

E. Emergency Appointment. An emergency appointment may be authorized by the Personnel Officer for any one of the following purposes:

- (1) When a serious emergency exists; or
- (2) To prevent the stoppage of essential public services.

Such an emergency appointment shall be limited to thirty (30) calendar days but may be extended by the Personnel Officer if the concerned department so requests in writing, when the cause is determined to be good and sufficient, and the extension does not exceed twenty (20) additional working days.

All persons receiving emergency appointments shall be required to meet the minimum qualification requirements of the class of position to which appointed.

This appointing authority shall not continue for more than ten (10) working days.

F. Temporary Appointment. A temporary appointment is utilized when it is anticipated that an employee will temporarily occupy a position for a period in excess of three (3) months. An employee can be temporarily promoted only if he meets the qualification standards of the new position. See Part IV.B6.

G. "Acting" Appointment. An "acting" appointment is the designation, in writing, that an employee will act for a period of up to thirty (30) days in place of a supervisor. When the supervisor's absence exceeds the initial thirty (30)-day period, a new designation shall be made for an additional thirty (30) days. This thirty (30)-day renewal of the "acting" assignment is repeated until the supervisor returns to his position. Whenever the acting assignment exceeds ninety (90) days, the employee shall be temporarily promoted if he meets the qualifications standards of the position. See Part IV.B7.

III.B4 PRE-EMPLOYMENT PHYSICAL EXAMINATIONS.

All persons selected for probationary or permanent appointments in the Personnel Service System must be physically capable of performing the duties of the position. They must be free from communicable diseases and any present or potential medical condition which would be detrimental to successful performance of duty or the health of other employees, or reflect discredit upon the Personnel Service System.

III.B5 ADMINISTRATION OF PHYSICAL AND MEDICAL EXAMINATIONS.

Physical and medical examinations shall be administered by medical personnel authorized by the Commonwealth of the Northern Mariana Islands Government to conduct such examinations for employment purposes, and shall be recorded on forms prescribed by the Personnel Officer.

III.B6 PROHIBITED ACTIONS.

- A. Employment of any person without an approved personnel action is prohibited. Supervisors or management officials who permit an employee to report to work without an appropriate and formally approved personnel action shall be held personally liable for any claim for compensation resulting from such improper appointment as provided by Commonwealth of the Northern Mariana Islands Public Law 1-9, as amended.
- B. Retroactive personnel actions shall not be made unless approved by the Personnel Officer prior to commencement of such action.

III.B7 REINSTATEMENT

An employee who has successfully completed a probationary period in the Personnel Service and subsequently left the Personnel Service for any reason shall be granted reinstatement eligibility for a period following his separation equal to his total full years of creditable service with the Government. This means that the former employee may be re-appointed to his former position in the Personnel Service at the same pay level and step that he held upon his separation. If re-appointed to a higher or a lower class, he shall be allowed to retain his former rate of pay. The possession of reinstatement eligibility does not thereby provide the person with any mandatory reemployment rights. This means that the individual may be considered for employment only after persons with higher rating on the reemployment priority list have been considered. If it is in the public interest, such person may be re-employed, provided he meets the noncompetitive qualifications for the position to be filled.

PART III, SUB-PART C
MERIT PROMOTION PROGRAMIII.C1 POLICY.

To the maximum extent possible, the Commonwealth of the Northern Mariana Islands Personnel Service System Merit Promotion Program provides for filling vacancies above the entry level by promotion of highly qualified Commonwealth of the Northern Mariana Islands Personnel Service System employees. This policy does not restrict the right of selecting officials to fill vacancies by transfer or other means when to do so is in the best interest of the government.

The Merit Promotion Program (MPP) is an integral part of the Commonwealth of the Northern Mariana Islands Personnel Service System manager/executive development plan and other programs in the area of staffing, training, and manpower utilization.

III.C2 DEFINITIONS.

- A. Position Change: A promotion, transfer or demotion during an employee's continuous service.
- B. Promotion: The change of an employee to a higher position class and pay level.
- C. Career-Ladder Position: One of a group of positions in which an employee may be given successive promotions until he reaches the full performance level. All employees in positions in a career ladder must be given grade-building experience and training and are promoted to the next higher level as they demonstrate ability to perform in a wholly adequate manner at the next higher level. Minimum time-in-grade requirements, where established, must be observed in making career ladder promotions.
- D. Current Competition: The selection process in which candidates compete with each other for a specific promotional vacancy.
- E. Highly Qualified Candidates: Those eligible candidates whose experience, training, and potential substantially exceed the qualification standard for the position to a degree that they are likely to perform in a superior manner.
- F. Best Qualified Candidates: Those eligible candidates who rank at the top when compared with the other eligible candidates for a promotion within a general group, i.e., qualified or highly qualified.

Position with Known Promotion Potential: A position which is to be filled below the specified performance level for the position. These may be trainee and understudy positions, career ladder positions, and positions filled one or more levels below the established level.

III.C3 SCOPE AND COVERAGE.

Competitive promotion procedures apply to:

- A. All competitive positions in the Commonwealth of the Northern Mariana Islands Personnel Service System when filled by promotion.
- B. Any position which is filled by a candidate at a basic pay level higher than his last position and
 - (1) the position is filled by transfer;
 - (2) the position is filled by selection of a non-temporary Commonwealth of the Northern Mariana Islands Personnel Service System employee from an eligible list following an open competitive examination; and
 - (3) the position is filled by detail for more than ninety (90) days duration. (NOTE: All periods of detail of an employee to the position during the preceding twelve [12] months, including promotion, are counted against the 90-day limitation.)
- C. Any position with known promotion potential which is filled by transfer, or selection from the reemployment priority list.

III.C4 AREAS OF CONSIDERATION.

As a minimum, areas of consideration should be broad enough to provide a reasonable number of highly qualified candidates, and to give employees adequate opportunity for consideration for promotion.

- A. Normal Areas of Consideration. There are two different normal areas of consideration:
 - (1) Commonwealth of the Northern Mariana Islands wide for positions at pay level 22 and above; and
 - (2) Pay level 21 and below compete within their islands.
- B. Broadened Area of Consideration. At the discretion of the Personnel Officer, the areas of consideration may be broadened to the extent necessary to provide a reasonable number of "highly qualified" candidates.
- C. Restricted Areas of Consideration. In exceptional circumstances, the area of consideration may be restricted upon prior approval by the Personnel Officer. For example, during a formal reorganization of one entity, the area of consideration may be restricted to the affected organization, provided no vacancies result from the reorganization.

III.C5 METHODS OF LOCATING CANDIDATES.

When the Personnel Office initiates a promotion process, it selects the appropriate method or combination of methods for locating candidates which is/are entered in the promotion processes record. The following methods are generally used, singly or in combination, depending upon the nature of the position and availability of candidates.

- A. Promotional Opportunity Announcement. A published announcement for posting and distribution and otherwise given maximum publicity within the area of consideration. The promotional opportunity announcement specifies:
 - (1) title, pay level, and location of position(s);
 - (2) opening and closing dates (not less than fifteen [15] calendar days);
 - (3) area of consideration;
 - (4) duties of the position, briefed;
 - (5) conditions of employment, e.g., night work, hazards, standby, etc.;
 - (6) Qualification requirements, including selective placement factors, if any;
 - (7) how and where to apply;
 - (8) non-discrimination statement; and
 - (9) known promotional potential, if any.

- B. Restricted Area of Consideration. When positions are being filled from within a "restricted area of consideration," all eligible persons within that area must be considered.

III.C6 TRANSFER.

An employee may be transferred, without change in pay level, either voluntarily or involuntarily, in order to meet changing program needs, to promote career development, to provide diversity of experience, or for other reasons. Transfers, under this Regulation, are not subject to the promotion program unless the position to which transferred has known promotion potential. Transfers are made, wherever possible, from among employees who have requested such transfers. However, management may direct lateral transfers from among all qualified Commonwealth of the Northern Mariana Islands Public Service System employees, when required by the needs of the service and in accordance with applicable personnel regulations.

III.C7 QUALIFICATION STANDARDS.

The minimum qualification standards prescribed by the Personnel Officer are used for promotion purposes. Selective placement factors also may be used, but only when they are essential to successful performance in the position to be filled. When selective placement factors are used, they become part of the minimum qualifications for the position.

Qualification standards (including any selective placement factors used) must be established and made a matter of record prior to the start of the promotion process for any specific position. All employees who meet

the minimum qualification standards (including selective placement factors) have basic eligibility for promotion. The standards must be applied fairly and consistently to all employees being considered.

Written or performance tests shall be used if they are prescribed by the Personnel Officer.

For supervisory positions, supervisory qualifications are prescribed by the Personnel Officer. They may be supplemented by specific subject matter (non-supervisory) qualification standards for the classification series of the position.

III.C8 CONDITIONS OF EMPLOYMENT.

There are conditions of employment which are considered implicit to successful performance in certain positions. These conditions may relate to hours of work, physical or medical standards, maintenance of a license, maintenance of a health standard, availability during off hours, frequent need to travel, and so on. Such conditions should be made part of the promotion record, the promotion opportunity announcement, and the classification standard or, as a minimum, the position description. Candidates selected for the position must be advised of the conditions and agree, in writing, to those conditions.

III.C9 EVALUATION METHODS.

Since the Merit Promotion Policy requires that the selection be made from among the best qualified candidates, the evaluation process must go beyond basic eligibility to rank the candidates in meaningful array. When properly used, the evaluation process should:

- A. Provide a sound basis for comparing and judging candidates in relation to the knowledge, skills, abilities, and personal characteristics that contribute to successful performance of the position.
- B. Identify those qualities which demonstrate a candidate's potential for future promotion, when the job being filled leads to further advancement.
- C. Distinguish between the knowledge and skills that an employee must have at the time of promotion, and those he can acquire quickly after promotion, through experience and training.

In selecting the proper method for evaluating candidates, recognition should be given to the future needs of the organization as well as the requirements of the position to be filled. The Personnel Officer shall issue, as part of the procedures manual to this part, guidance in evaluation methods used in this program.

III.C10 CERTIFICATION.

In selecting the proper method for evaluating candidates, recognition should be given to the future needs of the organization as well as the

requirements of the position to be filled. The various measures for evaluating candidates are:

- A. Written Tests. Written tests may be used in the evaluation process, but may not be used as the sole means of evaluation. Written tests must be approved by the Personnel Officer or meet such standards as he establishes.
- B. Appraisal of Performance. A supervisory appraisal must be obtained for every employee who is qualified. Appraisals may be obtained from supervisors other than the employee's immediate supervisor.
- C. Experience. In evaluating experience the objective is to determine how well the experience relates to the new position or level of work. Length of service is a factor only when there is a clear and positive relationship with quality of performance.
- D. Awards. In considering awards received by the candidates, the weight assigned must be based on those elements necessary to successful performance for the position to be filled.
- E. Training. An appropriate weight is given for pertinent training, self-development, and outside activities which would increase the employee's potential or effective performance in the position to be filled.
- F. Education. Education may be considered only if it is clearly job-related or if it provides a measure of the learning ability essential for genuine trainee positions.
- G. Qualifications Investigation. A qualification investigation may be used to assist in determining experience, training, degree of responsibility exercised, and effectiveness. Inquiries may be made to assist in judging how well a candidate is likely to perform at a higher level or in a different kind of work.
- H. Oral Interview. Individual or group interviews may be held. Oral questions may relate either to subject matter knowledge or to other questions pertinent to the position or the candidate. If oral questions are in the nature of a test, the same questions must be asked of each candidate and a record of their answers made part of the promotion record.

III.C11 SELECTION PROCEDURE.

- A. Selection is based on the selecting individual's judgment of how well the candidate will perform in the position to be filled and his potential for advancement. When there are less than five (5) names available, the selecting individual is not required to select someone from the merit promotion certificate. However, if he returns the certificate, he must state how he plans to fill the position.

- B. If the selecting individual disagrees with the merit promotion certificate, he states his objections in writing and requests the Personnel Officer to review the rankings.
- C. The selecting individual notes the name of the person selected on the merit promotion certificate. He does not need to cite reasons for his selection. The Personnel Officer notifies all eligible candidates of the selection, including the person selected.
- D. When the promotion involves a move between organizations, the effective date is negotiated, and barriers may not be placed against the employee's release by the losing organization. The interval between notification of selection and the release date may not be more than thirty (30) calendar days unless agreed to by the gaining organization. When the move between organizations also involves a move between islands, the department director concerned must give prior approval of the selection. Personnel actions are usually effective at the beginning of a pay period.
- E. When a first-line supervisory position is filled, a determination is made as to the amount of supervisory training needed to meet the standard. The selecting individual and Personnel Officer determine and schedule the training needed to meet the standard. The fulfillment of this requirement is coordinated with the Chief, Training and Employee Development Division.

III.C12 INFORMATION TO EMPLOYEES.

- A. Employees' acceptance and support of the Commonwealth of the Northern Mariana Islands Personnel Service System promotion program depends to a large extent on how well they understand its purpose and operation and are aware of its effect on them individually. The program does not guarantee a promotion to every employee, but it does give every employee an opportunity for fair consideration.
- B. New employees will receive promotion program information as part of their orientation. All employees will receive this information from time to time.

III.C13 EMPLOYEE QUESTIONS AND COMPLAINTS.

- A. Employee Questions. Any employee who has filed in response to a promotional opportunity announcement or who has been considered for promotion may present questions to the Personnel Office which handled the vacancy, within seven (7) calendar days after receipt of notification of selection. Questions may be submitted in person, in writing, or through a representative. An employee is entitled to know:

- (1) if he was considered for specific promotion and, if so, whether he was found eligible;

- (2) if he was in the group from which final selection was made; and
- (3) who was selected for the promotion.

B. Employee Complaints. If the employee is still dissatisfied and the matter cannot be resolved on an informal basis, the employee may have recourse to Part III, Sub-Part G, Grievance Procedure. Mere failure to be selected for promotion when proper promotion and selection procedures were used is not a basis for a formal complaint.

III.C14 REVIEW OF PROMOTION PROGRAM.

The Personnel Officer appraises the operation of the Merit Promotion Program at least once a year as part of the personnel management evaluation process to assure:

- A. Promotion guidelines and plans are as effective as possible;
- B. The promotion program is useful to management;
- C. Promotion actions are taken promptly and in conformance with the plan;
- D. Employee complaints are handled promptly and properly;
- E. Promotion actions are used effectively to encourage competent employees, to open careers to them, and to make the best use of their skills; and
- F. Employees, supervisors, and managers have a full understanding of the promotion program.

PERSONNEL SERVICE SYSTEM REGULATIONS

PART III, SUBPART D
SUSPENSIONS, SEPARATIONS AND DEMOTIONS

GENERAL.

This sub-part applies to suspensions, furloughs, separations and demotions not resulting from reduction-in-force (RIF).

III.D1 SEPARATIONS NOT INVOLVING PERSONAL CAUSE.

- A. Resignation. Resignations shall be in writing and shall be submitted at least fourteen (14) calendar days in advance of the effective date. The Personnel Officer may designate management and highly skilled technical classes for which this period may be extended to thirty (30) days.

The department director shall submit a copy of the written resignation, together with the necessary terminating documents, to the Personnel Office for consummation of the action. Withdrawal of a resignation may be permitted provided:

- (1) The employee makes his wishes known, in writing, prior to the effective date; and
- (2) The manager concerned agrees to the proposed withdrawal.

- B. Retirement, Voluntary. An employee may be separated, without prejudice, for the purpose of voluntary retirement, provided he meets the eligibility standards for age and covered service under the Social Security System and/or the Commonwealth of the Northern Mariana Islands Retirement Program.

- C. Termination for Medical Reasons. When an employee contracts an infectious or contagious disease which endangers the health of others, or becomes mentally incapacitated, or is otherwise permanently physically disabled for the satisfactory performance of duties of the position to which assigned, the Personnel Officer may terminate his employment provided:

- (1) No suitable reassignment can be made within the department or location to which he is assigned; and
- (2) Medical examination procedures, as outlined in Part III.B5 hereof, have been complied with.

An employee whose services are terminated under the provision of this paragraph may be eligible for disability retirement under the Social Security laws and/or the CNMI Retirement Program. The responsibility for applying for disability retirement rests with the employee although it is the responsibility of the Personnel Officer to assure that the employee is aware of such an opportunity.

D. Voluntary Demotion. An employee may volunteer for demotion without prejudice to a lower class of position at a lower pay level. The approval of such a request by the appropriate management officials must be contingent upon the following factors:

- (1) A vacant position in the class and pay level must be available within the jurisdiction of the management official concerned.
- (2) No additional cost shall accrue to the government as a result of or incident to the demotion action.
- (3) The salary of the demoted employee in the lower level position shall be set at the same numerical step in the lower level position as the employee received in the higher position.

III.D2 CONSTRUCTIVE RESIGNATION.

An employee absent from his position without approved leave for a total of ten (10) working days in any twelve (12) month period shall be terminated from employment.

III.D3 FURLOUGHS, SUSPENSIONS, SEPARATIONS FOR PERSONAL CAUSE, AND DEMOTIONS FOR DISCIPLINARY REASONS (ADVERSE ACTIONS).

- A. Authority to take Adverse Action. The authority to effect adverse actions is limited to management officials authorized to effect Personnel Actions. For this purpose, management officials shall include the Governor, the Lieutenant-Governor, staff officers, the Personnel Officer, and department directors. These persons may delegate, in writing, authority to effect adverse actions to division heads of departments and resident department heads. The authority to effect adverse actions may not be further delegated or redelegated. Throughout this part the term "management official" will refer only to an individual who is specifically granted authority by this part to effect adverse actions.
- B. Employee Coverage. This part applies to all permanent employees of the Commonwealth of the Northern Mariana Islands Government, as provided under Article III, Section 16 of the Constitution and Public Law 1-9, as amended, except:
 - (1) employees whose appointments must be made with the advice and consent of the Legislature;
 - (2) employees, temporarily promoted, to be returned to their former positions from which temporarily promoted;
 - (3) employees and appointees in positions excepted by the Commonwealth of the Northern Mariana Islands Constitution;
 - (4) employees under the Offices of the Mayors as stated in Commonwealth of the Northern Mariana Islands Public Law 1-4, as amended;

- (5) employees hired under special contracts for a specified term not to exceed one (1) year.

Employees of the government excepted from the Personnel Service pursuant to the provisions of Commonwealth of the Northern Mariana Islands Public Law 1-9, Section 4(a) and (b), as amended, are subject to these adverse action regulations, except that those in the excepted service do not compete with regular employees in the Personnel Service System.

- C. Merit of Adverse Action. An action against an employee may not be taken under these paragraphs except for "such cause as will promote the efficiency of the service."
- D. Admonishment. An admonishment is an informal disciplinary measure. A manager or supervisor may discuss at any time minor deficiencies in performance or conduct with the objective of improving an employee's effectiveness. Admonishments shall not be made a matter of record.
- E. Reprimand. A reprimand is a formal means of calling to an employee's attention minor deficiencies in performance or conduct which, if continued, may result in further disciplinary measures. It is the first formal step in the disciplinary process. Reprimands are always in writing and should contain specific references to performance deficiencies, citations of instances of misconduct, and a warning that more stern disciplinary measures may be taken if the employee's performance or conduct is not improved. A copy of the reprimand becomes part of the employee's Official Personnel File (OPF). There is no recourse to formal appeal processes as a result of a reprimand; however, an employee who feels a reprimand is not justified may resort to the Grievance Procedure.
- F. Furlough. A furlough is an action placing an employee in a non-duty and non-pay status because of lack of work or funds. It is an adverse action if for a period of thirty (30) calendar days or less. Furloughs of more than thirty (30) calendar days are reduction-in-force actions and shall be accomplished using reduction-in-force procedures. (see Personnel Service System Regulations, Part III, Sub-part E)
- G. Suspension Not to Exceed Three (3) Working Days. A suspension is an action placing an employee in a non-duty and non-pay status for disciplinary reasons for a period not to exceed three (3) working days.

There is no formal appeal from such a suspension, although the employee may resort to the Grievance Procedure if he feels the suspension is improper or not justified.

- H. Suspension for More than Three (3) Working Days. A suspension is an action placing an employee in a non-duty and non-pay status for disciplinary reasons. Management officials authorized to take adverse actions may suspend an employee

for such cause as will promote the efficiency of the government service, provided all adverse action procedures are followed.

- I. Removals. Management officials may take removal action against an employee for just cause provided all adverse action procedures are followed.
- J. Reduction in Rank or Pay. Managers may take action to reduce an employee in rank or pay for cause.

- (1) Reduction in rank means something more than a numerical grade or pay level under the classification system. Basically, it means an employee's relative standing in the organizational structure as determined by his official position description. An employee's position assignment may be changed only by an official personnel action. When an employee is made the subject of an official personnel action which results in lowering his relative standing in the organizational structure, a reduction in rank has occurred even though there has not been a reduction in class or pay level. Such actions may be taken only under adverse action procedures.
- (2) Reduction in pay under this sub-part means reduction in basic class and pay level of an employee. The base pay is fixed by law or administrative action. Base pay does not ordinarily encompass extra or additional payment for special conditions or duties which are generally regarded as premium pay or allowances. To reduce class and pay level for disciplinary reasons, managers authorized to take such actions must follow adverse action procedures.

K. Separation during Probation.

- (1) If, during the probationary period which each new appointee must serve, it becomes evident that the employee lacks the ability, attitude or desire to become an efficient and productive employee in the position to which appointed, or there is a lack of funds or work to be done, that employee shall be separated from the service.
- (2) Management officials who find it necessary to separate an employee during probation shall provide the employee with not less than fourteen (14) calendar days' notice, in writing, specifying the reasons for the separation. The employee shall be afforded the right to discuss his situation with the management official next above the one initiating the separation.
- (3) Grievance, adverse action or reduction-in-force procedures do not apply to separations during probation.

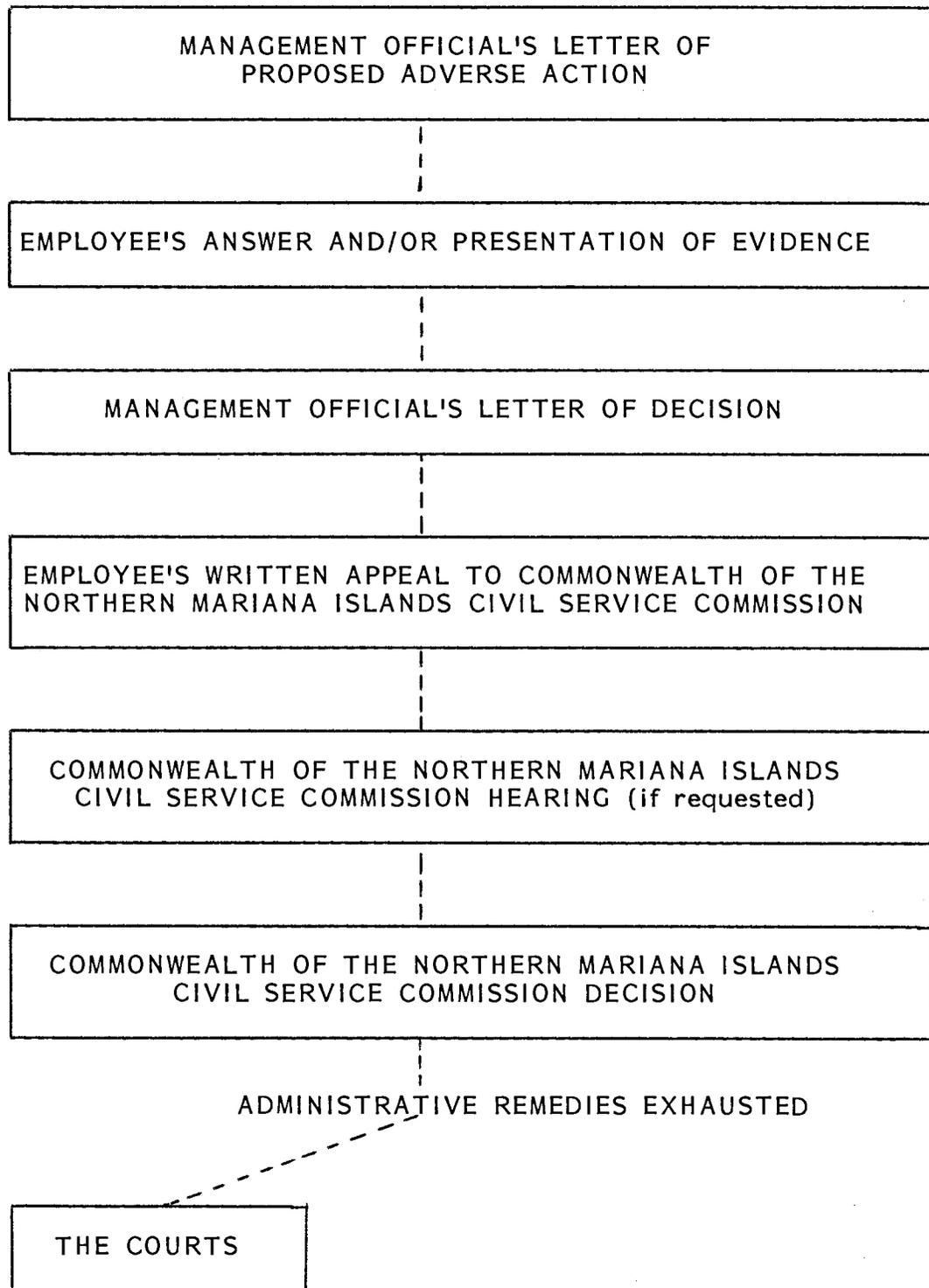
- L. Procedure for taking Adverse Actions. Management officials must observe certain procedural requirements when processing adverse actions covered in this sub-part. These procedural

requirements are shown in abbreviated form in this paragraph. The letter of proposed adverse action must be prepared by a person who has been trained in the technical requirements of processing an adverse action and must be reviewed by the Personnel Officer and the Attorney General, or their designees, before issuance. Procedures for removal, suspension for more than three (3) working days, furlough without pay, and reduction in rank or pay are as follow:

- (1) The management must give the employee at least thirty (30) days' advance written notice of the proposed action. However, if an employee is charged with a crime for which a sentence of imprisonment can be imposed, or if the employee (in writing) voluntarily waives advance notice, the agency may give the employee less than the thirty (30) days' advance notice.
- (2) The notice must state any and all reasons for the proposed action specifically and in detail.
- (3) The management must allow the employee a reasonable amount of official time in which to secure affidavits and prepare an answer. He has the right to answer personally and in writing.
- (4) If the employee answers, the management must consider his answer.
- (5) If at all practicable, the employee must be kept on active duty in his regular position during the notice period. However, in an emergency, the employee may be suspended during the advance notice period or, with the employee's consent, he may be carried on appropriate leave.
- (6) The management must give the employee a written decision before the adverse action is effected. The decision must state which of the reasons in the advance notice have been found sustained and which have been found not sustained.
- (7) The decision must tell the employee of his appeal rights.
- (8) Advance written notice and opportunity to answer are not necessary if the employee is furloughed due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or emergencies requiring curtailment of activities.

THE CHART BELOW ILLUSTRATES THE PATH
THAT AN ADVERSE ACTION MUST TAKE

ADVERSE ACTION PROCEDURAL SYSTEM



PART III, SUB-PART E
REDUCTION-IN-FORCE (RIF)GENERAL.

This sub-part establishes the general regulations under which reduction-in-force shall be accomplished. These regulations concern the removal or reduction in class or pay level of employees because of lack of work or funds, or other management requirements, but not for disciplinary reasons. Management officials should exhaust all administrative alternatives to place the employee in another equivalent position before reduction-in-force procedures are instituted.

III.E1 POLICY.

It is the policy of the Commonwealth of the Northern Mariana Islands Government to provide job security to every employee within its available resources. When it becomes necessary to reduce the work force, every effort will be made to insure that the reduction is accomplished with a minimum disruption in operations and a minimum impact on each employee affected.

III.E2 COVERAGE.

This part applies to all permanent employees of the Commonwealth of the Northern Mariana Islands Government, as provided under Article III, Section 16 of the Constitution and Public Law 1-9, as amended, except:

- A. Employees whose appointments must be made with the advice and consent of the Legislature;
- B. Employees, temporarily promoted, to be returned to their former positions from which temporarily promoted;
- C. Employees and appointees in positions excepted by the Commonwealth of the Northern Mariana Islands Constitution;
- D. Employees under the Offices of the Mayors as stated in Commonwealth of the Northern Mariana Islands Public Law 1-4, as amended;
- E. Employees hired under special contracts for a specified term not to exceed one (1) year.
- F. Temporary or employees under probationary status.

III.E3 REDUCTION-IN-FORCE PLANNING.

When it becomes evident that reduction-in-force must be made, the department director concerned shall provide the Personnel Officer notice of intention to take RIF action at least sixty (60) days in advance. He

shall then institute administrative procedures to assure that all legitimate possibilities for reassignment have been exhausted and that formal reduction-in-force is the only remaining alternative.

III.E4 COMPETITIVE PROCESSES.

Detailed competitive processes shall be established by the Personnel Officer to assure equitable competition, recognition of seniority and tenure, and the public interest. For administrative purposes, competition shall be limited by the establishment of competitive areas and recognition of competitive levels.

A. Competitive Areas. For all positions:

- Area 1. Saipan
- Area 2. Rota
- Area 3. Tinian
- Area 4. Northern Islands

B. Competitive Levels. Competitive levels are comprised of all positions within a competitive area which consist of the same or closely related duties, have essentially the same qualifications and are in the same class and pay level.

C. Competition within a Competitive Level. When a position is abolished within a competitive level, the incumbent shall displace the employee with the lowest retention standing in that competitive level. Persons occupying positions under limited term appointments in the competitive level shall be terminated before RIF competition is instituted.

If an employee whose position is abolished does not have sufficient retention standing to displace another employee, he shall be released from the competitive level to exercise his retreat right or assignment rights or be separated from the service.

D. Retreat Rights. When an employee has insufficient retention standing to compete within his competitive level, he shall compete down the line of his promotion. This is known as the exercise of Retreat Rights. An employee released from his competitive level may displace the employee with the lowest retention standing below that of the released employee in the highest competitive level from which he was promoted. The employee shall continue to compete at successively lower levels along the line of promotion until he is placed or, if placement cannot be made, separated by reduction-in-force.

E. Creditable Service for Reduction-in-Force.

- (1) Trust Territory Public Service experience since United States administration took over (including WAE until June 30, 1972).

- a) Includes trainees. Includes employment under 61 TTC, Paragraph 9(d), (f), (h), (l), (m), (n) and (o).**
- (b) By Director of Personnel memorandum, dated January 26, 1972, to all Trust Territory of the Pacific Islands departments and districts, WAE appointments were to be terminated or converted to appointments per Administrative Directive 72-1 dated January 26, 1972.

WAE appointments until June 30, 1972 are to be considered as full-time employment and service credited accordingly. After June 30, 1972, for WAE or intermittent employment, time actually worked will be used to compute creditable service.

- (2) Marianas administration under U.S. Navy and NTTU. Until 1962, when TTPI Headquarters moved to Saipan, the Marianas (Saipan and Tinian) were under Naval Administration. Rota was already included in TTPI Administration prior to 1962.
 - (3) Personnel under municipal governments;
 - (4) All employment within TTPI including: Peace Corps, Micronesian Claims Commission, National Weather Service, and U.S. Coast Guard;
 - (5) U.S. military and civilian service in the Trust Territory. Active military service in United States Armed Forces; civilian service with the U.S. Armed Forces in the TTPI;
 - (6) Employees of judiciary and legislative branches (Congress of Micronesia, municipal councils, and district legislatures). Judiciary, including district court judges who may have been or are presently on WAE appointments;
 - (7) Service in the Commonwealth of the Northern Mariana Islands Government since April 1, 1976;
 - (8) Trust Territory Government employment under the Seaman's Act; and
 - (9) Employees of agencies and instrumentalities within the Commonwealth of the Northern Mariana Islands.
- F. Retention Standing. Retention standing is derived by allotting one (1) point for each year of creditable service. In competing with other employees for retention in a competitive level, the individual with lowest retention standing shall be released first.
- G. Reemployment Priority Lists. Employees serving under permanent appointments who are separated by reduction-in-force shall be placed on an appropriate reemployment priority list for a period of three (3) years or until returned to duty in a permanent position in the Personnel Service System. An appropriate reemployment priority list is the one established for the class and pay level from which the employee was finally separated.

III.E5 LIMITATIONS ON COMPETITION.

- A. Obligated positions are positions from which the incumbent is temporary absent because of:
- (1) approved educational leave;
 - (2) temporary promotion; and
 - (3) detail to another activity.
- B. Employees who are incumbents of obligated positions shall not be placed in RIF competition until they have been returned to duty in the obligated position. Similarly, obligated positions shall not be abolished until the employee returns to duty in that position. The Personnel Officer, having jurisdiction over an obligated position, must keep a record thereof in such form or manner that will assure recognition and protection of the obligated position and its incumbent.

III.E6 TENURE GROUPS.

For the purposes of reduction-in-force, Personnel Service employees shall be classed in tenure groups as follow:

TENURE GROUP I
All permanent employees.

TENURE GROUP II
Employees serving in a probationary appointment.

TENURE GROUP III
Employees serving in limited term or provisional appointments

III.E7 FURLOUGH AND SEPARATION.

- A. The Personnel Officer may use furloughs for more than thirty (30) days if there is reasonable assurance that the employees furloughed will be returned to duty within the next twelve (12) months. If there is reasonable doubt regarding the return to duty of furloughed employees, then the management officials concerned must separate the employees found to be in excess of management's needs and proceed according to reduction-in-force procedures.
- B. A combination of furlough and separation may be used to clear the rolls of excess employees, provided no employee is separated while furloughed employees with lower retention standing are kept in furlough status.
- C. Furlough for thirty (30) days or less may be used for clearing the rolls temporarily, not to exceed thirty (30) days when there is positive assurance that employees so furloughed can return to duty within the 30-day period. Adverse action procedures must be used to place an employee in furlough status for thirty (30) days or less.

III.E8 VACANT POSITIONS.

During reduction-in-force situations, management has no obligation to fill vacant positions by placement of employees whose positions have been abolished or who have been released from their competitive level.

III.E9 ASSIGNMENT RIGHTS (Bumping).

- A. An employee released from his competitive level who has exhausted his retreat rights without success may exercise assignment rights provided he:
- (1) Meets the qualification requirements and other standards for the position established by the Personnel Service;
 - (2) Meets any special qualifying condition which has previously been approved by the Personnel Officer; and
 - (3) Has the capacity, adaptability, and special skills needed to perform satisfactorily the duties and responsibilities of the position without undue disruption of the activity. For the purposes of this sub-part, an undue interruption occurs only if the employee placed in a position through assignment requires more than ninety (90) calendar days training to reach the full performance level for the position. For employees in professional categories such as medical and dental doctors, attorneys and engineers and other positions requiring, as a minimum qualification, a four-year degree from a recognized college or university, the training period may be extended to one hundred eighty (180) calendar days.
- B. An employee in Tenure Group I exercising assignment rights may displace another permanent employee with lower retention standing in another competitive level that requires no reduction or the least possible reduction, in representative rate (Step 5 in any pay level).

III.E10 TRANSFER OF FUNCTION.

- A. Function defined. For the purpose of these Regulations "function" means all or a clearly identifiable segment of an entity's mission (including all integral parts of that mission) regardless of how it is performed.
- B. Transfer of employees. Before a reduction-in-force is made in connection with the transfer of any or all of the functions of an entity to another continuing entity, each competing employee in a position identified with the function or functions shall be transferred to the continuing entity without change in the tenure of his employment. An employee whose position is transferred solely for liquidation, and who is not identified with an operating function specifically authorized at the time of transfer to continue in operation more than sixty (60) days, is not a competing employee for other positions in the receiving entity.

C. Change of location. A change of location of a function does not automatically qualify as a transfer of function. The function must move from its commuting area at the time of the transfer to a new commuting area. Consolidation of activities, reorganizations or other changes not involving a move to another commuting area do not qualify as a transfer of function for the purpose of these Regulations. A function transferred for the purpose of liquidation is not a function (for the purpose of this Regulation) and therefore should not be treated as a transfer of function.

D. Failure to accompany a function. An employee in a position in a function which is to be transferred, who does not intend to accompany the function to the new location and so indicates in writing to management, shall be separated from the Personnel Service using the adverse action procedures in Part III, Sub-Part D of these Regulations.

III.E11 REDUCTION-IN-FORCE PROCEDURES.

Procedures which must be used in implementing these RIF Regulations are published in the Personnel Procedures Manual.

PART III, SUB-PART F
EMPLOYEE APPEALSIII.F1 GENERAL.

This sub-part establishes the Personnel Service Appeals System. Any employee of the Personnel Service may appeal, personally and/or in writing, a decision to take adverse action against him for cause, an adverse action resulting from reduction-in-force procedures, or a "less than satisfactory" or "satisfactory" performance rating.

III.F2 RIGHTS OF THE PARTIES.

In an appeal for any reason the appellant employee and the management have certain rights which shall not be denied. These are:

- A. Right to a Hearing. Upon the filing of an appeal by an employee, both the responsible management official and the employee are entitled to a full and fair hearing before the Civil Service Commission or a hearing officer designated by the Commission, to present evidence, and to be represented by counsel. At the hearing, technical rules of evidence shall not apply and the testimony shall be recorded. The Civil Service Commission shall render its findings of fact and final decision in writing with service on all parties.

Only one (1) hearing is held, unless the Civil Service Commission determines that unusual circumstances require a second hearing.

It should be noted that the hearing provided by this sub-part is separate and distinct from the employee's answer and presentation of evidence in response to a letter of proposed adverse action. Any evidence may be presented at the hearing which the Civil Service Commission or hearing officer allows, that bears on the issue of whether the adverse action taken was justified and proper.

B. Denial of a Hearing.

- (1) The Commission may make the determination to deny a hearing on the appeal when a hearing is impracticable by reason of unusual location or other extraordinary circumstance. In this event the Commission must notify both parties in writing of the reason(s) for denying a hearing.
- (2) If the Commission determines that no hearing is reasonably possible, the management official and the employee will be notified to submit, in writing, any additional evidence they desire to present on the issues so that a decision can be made on the record without a hearing.

- C. Freedom from Reprisal or Interference. Unless an employee feels free to use the appeal system, the system will not serve the intended purpose of giving him a means for review of his dissatisfactions. An employee and his representative, therefore, must be free to use the system without restraint, interference, coercion, discrimination, or reprisal.

An employee, whether acting in an official capacity for the government or on any other basis, must not interfere with, or attempt to interfere with, another employee's exercise of his rights under this sub-part. To be fully effective, the spirit as well as the letter of the requirement, must be enforced. It is not enough for an official to abstain from overthreats or interference. He must also refrain from making any statement or taking any action that has the appearance of a threat, interference, or intimidation.

- D. Employee Representation. An employee has the right to present an appeal without representation. He also has the right to be accompanied, represented and advised by a representative of his choice at any state of the proceeding. An employee may change his representative, but to do so, he must notify the Commission of the change, in writing. The employee may select another government employee as his representative, provided that such employee is willing to represent him. In addition, the representative must be free to do so, e.g., not be disqualified because of conflict of position or unavailability to serve in that capacity because of priority needs of the service or reasonable cost to the government as determined by the department director or staff officer. The employee is free to select as his representative anyone outside the government service, but entirely at his own expense.
- E. Government Representation. The management official's representative at Commonwealth of the Northern Mariana Islands Civil Service Commission hearings must be the Attorney General.
- F. Employee Entitled to Official Time to Prepare an Appeal. An employee is entitled to a reasonable amount of official time to prepare his appeal if he is otherwise in an active duty status. If the employee's representative is an employee of the government, he is also entitled to a reasonable amount of official time to prepare the appeal if he is otherwise in an active duty status. Both the employee who appeals and the employees who act as representatives shall make arrangements with the Personnel Officer for the use of official time. The Personnel Officer shall determine the reasonable amount of official time that is to be granted and will inform the supervisors of the employee and of the employee's representative. The time to be allowed must necessarily depend on the facts and circumstances of each case, e.g., the number and nature of the reasons stated in the letter of decision, the specifics,

the volume of the supporting evidence compiled by the management official, the availability of documents, witnesses, assistance at the employee's place of employment, and similar considerations. If preparation requires more official time than was originally considered reasonable, the employee or his representative may request the Personnel Officer for more time. The request should explain fully why more time is needed. The Personnel Officer will determine if the request is reasonable and should be granted. If granted, he will make the necessary arrangements.

III.F3 EMPLOYEE APPEAL.

An employee must file an appeal within fifteen (15) calendar days after delivery of the letter of decision. The appeal must be in writing and delivered personally or by registered mail to the Civil Service Commission. The appeal must give the employee's reasons for contesting the adverse action, together with any offer of proof and pertinent documents he desires to submit. It should also include his request for hearing if he so desires. Employees located away from Saipan must also meet the fifteen (15) calendar days period for filing an appeal to the Civil Service Commission. This can be accomplished by submitting the written appeal to the Mayor who will certify to the date of presentation. After certification has been made by the Mayor as to the date, the employee should mail the appeal letter to the Civil Service Commission.

III.F4 PREPARATION FOR HEARING.

- A. When the Civil Service Commission grants a hearing, and establishes a hearing date, it will notify the Personnel Officer of the employee concerned, by name, title, grade and organizational unit.
- B. The Personnel Officer must either simultaneously or at different times meet with the employee and his representative, and the management official and his representative, within seven (7) calendar days, if possible, after receiving notice that a hearing has been granted. If it is not possible to hold the meeting or meetings within the seven (7) calendar day period, the meeting or meetings will be held as soon thereafter as possible. At this time, the Personnel Officer will inform the Commission of the delay and request a new hearing date if necessary. At this meeting, the employee and the management official will be required to furnish the Personnel Officer and the other party with the following information:
 - (1) Employee's list of witnesses containing:
 - (a) name, location, and occupation of each witness;
 - (b) a summary of each witness' anticipated testimony;
 - and
 - (c) the availability of each witness in the area of the employee's duty station during the next thirty (30) days.
 - (2) Management official's list of witnesses containing:

- (a) name, location, and occupation of each witness;
 - (b) a summary of each witness' anticipated testimony; and
 - (c) the availability of each witness in the area of the employee's duty station during the next thirty (30) days.
- (3) The availability of the employee and his representative, and the management official and his representative, in the area of the employee's duty station during the next thirty (30) days.
- C. The Personnel Officer must direct the management official to make available to him and the employee the management official's entire adverse action file for review and reproduction.
 - D. The employee may inspect and copy any part of the appeal file upon request.
 - E. The employee may request that the government, at its own expense, produce at the hearing those witnesses who are employed by the Commonwealth of the Northern Mariana Islands Government and whose testimony the employee alleges, in writing, to be pertinent to the issues and necessary to his defense. The employee may include in his list of witnesses non-governmental individuals, but arrangements for their presence at the hearing are the obligation of the employee and will be at the expense of the employee unless otherwise ordered by the Commonwealth of the Northern Mariana Islands Civil Service Commission.

III.F5 APPEAL FILE.

When an employee files an appeal from adverse action with the Commonwealth of the Northern Mariana Islands Civil Service Commission, the Personnel Office must establish and maintain an appeal file containing copies of all available pertinent documents; in addition, that Office must immediately forward originals of all pertinent documents to the Civil Service Commission. The employee appeal file is independent, separate and distinct from the Official Personnel Folder (OPF). The employee appeal file, both with the Personnel Office and the Commonwealth of the Northern Mariana Islands Civil Service Commission, must contain all documents pertinent to the appeal, such as:

- A. A copy of the delegation of authority of the management official taking the action;
- B. A copy of the letter of proposed adverse action;
- C. The material relied on by the management official to support the reason(s) listed in the letter of proposed adverse action;
- D. The employee's written answer, if any;
- E. A transcript or summary of the employee's presentation of oral evidence and copies of documents presented;

- F. A copy of the letter of ~~decision~~ decision;
- G. The employee's written notice of appeal;
- H. Any pertinent evidence developed after issuance of the letter of proposed adverse action;
- I. The lists of witnesses submitted by both parties;
- J. The reason(s) for not granting a hearing when one is requested but not granted;
- K. The reason(s) for not producing witnesses at the hearing;
- L. The transcript of the Civil Service Commission hearing when a hearing is held;
- M. The recommendation of the Commonwealth of the Northern Mariana Islands Civil Service Commission's hearing officer, if any; and
- N. A copy of the notice of decision of the Commonwealth of the Northern Mariana Islands Civil Service Commission.

III.F6 PROCEDURAL DEFECTS.

If at any time after the appeal has reached the Commonwealth of the Northern Mariana Islands Civil Service Commission, the Commission finds a regulatory or procedural defect which would warrant reversal of the action taken by the management official, the Commission will prepare a report of its findings on the issue and order that the action be dismissed without prejudice. Copies of the findings and the order will be served on all parties.

III.F7 STATUS OF EMPLOYEE DURING APPEAL.

If an employee appeals a management official's decision given in accordance with adverse action procedures, that decision shall remain in effect unless and until the Commission has entered its findings and decision on the Appeal. The Commission may enter such findings and decision on appeals decided by it as it finds the circumstances of the case require, and that it deems just and proper.

III.F8 PERFORMANCE RATING APPEAL.

- A. An employee may appeal a "less than satisfactory" or "satisfactory" performance rating to the Commonwealth of the Northern Mariana Islands Civil Service Commission.
- B. An employee has a right to representation of his choice as provided in Section III.F2(D) of this sub-part.
- C. The appeal to the Civil Service Commission must be in writing, stating the reasons for the appeal, and must be filed with the Personnel Officer within thirty (30) calendar days after receiving the notice of rating.

- D. Upon receipt of the notice of appeal, the Personnel Officer will appoint an ad hoc committee of three (3) to review the rating and evaluate the objection by the employee. The ad hoc committee shall be selected from among the employees (1) who are on at least equal rank as the appellant; (2) who are not in the supervisory line above the appellant; and (3) at least one of whom must have an understanding of the work the employee is performing. The Personnel Officer or his representative shall serve as Executive Secretary and advisor to the committee.
- E. The ad hoc committee shall review the content of the appeal, make such inquiries of the rating supervisor and employee as is considered necessary and, in closed session, arrive at a judgment. The committee then may (1) refer the rating and the appeal to the rating supervisor and the reviewing official for reevaluation, or (2) determine that the performance rating should stand.
- F. In the event the committee determines that the appeal is justified and re-rating is required, it shall direct the rating supervisor to correct the rating. The committee's orders shall be in writing and state specifically where the original rating was deficient. All documentation in support of this conclusion must accompany the rating when referred back to the rating supervisor.
- G. If the employee is not satisfied with the decision of the ad hoc committee, he may appeal to the Commission, using the procedure defined in this sub-part for appeals from adverse action decisions.

PART III, SUB-PART G
GRIEVANCE PROCEDURE

III.G1 GENERAL.

The Commonwealth of the Northern Mariana Islands Government recognizes the importance of settling disagreements and misunderstandings promptly, fairly and in an orderly manner that will maintain the self-respect of the employee and the supervisor and be consistent with the principles of good management. To accomplish this, every effort will be made to settle grievances expeditiously and at the lowest possible level of supervision.

III.G2 EMPLOYEE COVERAGE.

The Personnel Service grievance system covers all Personnel Service System employees.

III.G3 GRIEVANCE COVERAGE.

The grievance system will cover all matters of concern or dissatisfaction to an eligible employee unless excepted by Section III.G4 below.

III.G4 MATTERS NOT COVERED.

The grievance system will not cover the following:

- A. An adverse action appealed under Part III, Sub-part D;
- B. A fitness-for-duty examination;
- C. The content of published government policy;
- D. Nonselection for appointment, promotion, or transfer from a group of properly ranked and certified candidates;
- E. Non-adoption of a suggestion or disapproval of a merit increase, performance award, or other kind of honorary discretionary award;
- F. An employee who is serving on probationary status.

III.G5 FREEDOM FROM RESTRAINT.

Employees will be unimpeded and free from restraint, interference, coercion, discrimination and reprisal in seeking adjudication of their grievances and appeals.

III.G6 EMPLOYEE'S RIGHT TO REPRESENTATION.

The government recognizes that grievances are personal in nature and that aggrieved employees or groups of employees must have the right in presenting their grievances to be accompanied, represented, and advised by representatives of their own choosing. Thus, in the formal grievance process, as hereinafter defined, the employee or group of employees have the right to be represented by counsel or other representative of their own choosing at their own discretion. If the employee or group of employees choose to serve as their own representative or to designate a member of the aggrieved group as spokesman, they may do so.

III.G7 ROLE OF THE CIVIL SERVICE COMMISSION.

The Commonwealth of the Northern Mariana Islands Civil Service Commission serves as the ultimate appellate level for grievances of employees or groups of employees. It shall take under cognizance only those formal grievances which cannot be settled to the satisfaction of all concerned in accordance with the formal grievance procedure defined in Section III.G9 of this sub-part.

III.G8 EMPLOYEE'S RIGHT TO SEEK ADVICE.

Sometimes an employee has a valid reason for not taking a grievance to his immediate supervisor. The government's grievance system, therefore, provides opportunity for an employee to communicate, informally, with and seek advice from:

- A. The Personnel Officer; and/or
- B. A supervisory or management official of higher rank than the employee's immediate supervisor.

III.G9 INFORMAL GRIEVANCE PROCEDURE.

- A. The grievance action shall first be initiated by the aggrieved employee who will discuss his problem informally with his supervisor, or if he feels his relationship with his immediate supervisor is such that he cannot reasonably discuss the matter with him, he may discuss it with the next level of supervision. A grievance concerning a particular act or occurrence must be presented within ten (10) calendar days of the date of the act or occurrence or the date the aggrieved employee became aware of the act or occurrence.
- B. If the grievance is not settled within five (5) calendar days, or if the employee is not satisfied with the decision of the immediate supervisor, he or his representative may, within the next ten (10) calendar days, put his grievance in writing and submit it to his department director as a formal grievance. The written representation must contain the following information:

- (1) the identify of the aggrieved employee and the organization in which he works;
- (2) the details of the grievance;
- (3) the corrective action desired; and
- (4) the name of his personal representative, if any.

III.G10 FORMAL GRIEVANCE PROCEDURE.

- A. The department director or otherwise authorized officer will examine the grievance, discuss it with the grievant or his representative, and render his decision, in writing, within fourteen (14) calendar days after receiving the grievance. The department director or otherwise authorized officer may have present the employee's immediate supervisor, if he deems it appropriate to the resolution of the grievance.
- B. If the department director or otherwise authorized officer is not successful in settling the grievance to the employee's satisfaction within fourteen (14) calendar days after it is presented to him in writing, the employee shall, within fifteen (15) calendar days after receiving written notification of the decision, submit his grievance to the Commonwealth of the Northern Mariana Islands Civil Service Commission.
- C. The Commonwealth of the Northern Mariana Islands Civil Service Commission shall meet and set a time for its review of the case within a reasonable time after receiving a grievance. If the Commission desires to have the grievance heard by a hearing officer, it must inform the aggrieved employee and his representative as soon as possible.
- D. In hearings before the Commonwealth of the Northern Mariana Islands Civil Service Commission or a hearing officer, the aggrieved employee and/or his representative shall be allowed to appear and present his case. An appropriate management representative shall also be allowed to appear before the Commission. Both sides shall have the right to call witnesses in support of their positions and to cross-examine witnesses for the other side. The Commonwealth of the Northern Mariana Islands Civil Service Commission or the hearing officer shall prepare a summary of the hearing. If both parties desire a formal, written record prepared by a reporter, the cost of such services shall be shared equally. If only one side desires a formal written record of the proceedings, that side shall bear the cost.
- E. The Commonwealth of the Northern Mariana Islands Civil Service Commission shall reach a decision and present it formally to the appropriate management official within ten (10) working days of the close of the formal hearing. Decision by the Commonwealth of the Civil Service Commission shall be made by a two-thirds (2/3) vote of the entire members, as required by Public Law 1-9, as amended, and shall be final.

- F. If the aggrieved employee is dissatisfied with the decision after having exhausted all administrative appeal levels, he has recourse to the courts.
- G. The Personnel Officer shall be kept informed as to the progress of a formal grievance and is responsible for assuring that the time limits established in this procedure are met. He is also responsible to assure that the formal record of the grievance is assembled into one place, stored and safeguarded.
- H. The Personnel Officer shall be the final custodian of all records of a grievance and is responsible for their proper storage and security.

PART IV, SUB-PART A
POSITION CLASSIFICATIONIV.A1 GENERAL.

All positions subject to the provisions of the Commonwealth of the Northern Mariana Islands Personnel Service System Law shall be classified in accordance with the approved Commonwealth of the Northern Mariana Islands Position Classification Plan.

IV.A2 DEFINITIONS.

- A. Position Classification. Position classification means the process by which positions in an organization are identified according to their duties and responsibilities, like positions segregated into groups called classes, and a systematic record made of the classes found and of the particular positions found to be of each class.
- B. Class. Class means one position or a group of positions sufficiently similar in respect to their duties, responsibilities, and authority that the same title may be used with clarity to designate each position allocated to the class, the same standard qualifications may be required of all incumbents, the same test of fitness may be used to choose qualified employees, and the same schedule of compensation may be applied with equity under the same or substantially the same employment conditions; and sufficiently dissimilar from any position or any other group of positions to warrant exclusion from those groups of positions.
- The class title assigned to a position in accordance with the Position Classification Plan shall be the official title and will be used for all personnel, budgetary and financial purposes. In addition, the official title should be used for all position organization charts.
- C. Position. The work, consisting of duties and responsibilities assigned by competent authority for performance by an employee.
- D. Position Classification Plan. Position classification plan means classes of positions arranged in a logical and systematic order to reflect all of the kinds and levels of work utilized in the Personnel Service.
- E. Management Official. Management official means a person having power to make appointments or changes in status of an employee in the Personnel Service, or a delegate of such a person.

- F. Allocation. Allocation means the assignment of a position to its appropriate class on the basis of analysis of the duties and responsibilities of the position.
- G. Reallocation. Reallocation of a position is a position change resulting from a gradual change of duties and responsibilities over an extended period of time, not a result of planned management action.
- H. Reclassification. Reclassification means change of a position or group of positions to a different class as a result of a change in duties and responsibilities, classification standards, or as a result of correcting a classification error.
- I. Class Specification. Class specification means an official position classification plan document describing the general characteristics of the class, including the official class title, a description of the scope of duties and responsibilities of the class, examples of work or typical duties performed, and a statement of the qualifications required to perform the work of the class.
- J. Occupational Group. Occupational group means a major subdivision of a position classification plan, generally embracing several series of classes of positions in associated or related work specialties, professions or related activities (e.g., Clerical and Machine Operation; Administrative, Management, and Allied; Agriculture and Allied; etc., make up occupational groups).
- K. Series of Classes. Series of classes means classes closely related as to occupational speciality but differing in level of difficulty, responsibility, and qualifications required. (For example, the three classes of Architect I, Architect II, and Architect III make up a series.)
- L. Position Description. Position description means a formal, official written statement by management documenting the assignment or arrangement of the duties and responsibilities of a position.

IV.A3 PRINCIPLES AND POLICY.

The basic principles underlying the position classification system are:

- A. Equal pay for equal work; and
- B. Variations in pay in proportion to substantial differences in difficulty, responsibility, and qualification requirements of the work.

The Personnel Service System's position classification program applies these principles in response to management's expressed needs and in support of mission accomplishments. Changes in classification shall not be made for the purpose of raising or reducing pay, but only to reflect

clear and significant changes in duties and responsibilities. Supervisors and managers are expected to organize the work of their organizations and structure the positions so that vacancies can be filled at the lowest level at which qualified applicants can be obtained.

IV.A4 RESPONSIBILITIES.

A. Personnel Officer.

- (1) Administers a classification program which supports management's objectives, meets legal and regulatory requirements, and promotes participation by operating officials in the classification process.
- (2) Provides advice and assistance to management on the classification aspects of position structure needed to carry out the government's mission.
- (3) Conducts periodic reviews to evaluate the effectiveness of the classification program and directs corrective action where appropriate.
- (4) Develops new classification standards, revises existing standards as needed; seeks advice and counsel of operating officials with the approval of the Civil Service Commission.
- (5) Groups positions into classes on the basis of their similarities in duties, responsibilities, and other significant factors.
- (6) Assigns a title to each class which shall apply to all positions in the class; prescribes the characteristics of each class; and the standards for employment in any position in the class subsequent to consultation with the Commonwealth of the Northern Mariana Islands Civil Service Commission and the appropriate management officials concerned.
- (7) Changes a position from one class to another where substantial changes have occurred in the duties and responsibilities.
- (8) Determines the status of occupants of positions which have been changed from one class to another class.

The Personnel Officer is authorized to delegate authority to the degree which he deems appropriate, to other qualified personnel in the Personnel Office to identify positions at certain levels with established classes of positions which have been approved and allocated within the Classification Plan.

B. Management Officials and Supervisors.

- (1) The planning, organizing, developing and assigning of duties and responsibilities to positions, whether occupied or vacant;
- (2) When making assignments, giving consideration to the mission of the organization and structuring positions for accomplishment of requirements in the most effective and economical manner possible;

- (3) Assuring that assigned duties and responsibilities do not duplicate or overlap those of other positions;
- (4) Assuring that current duties and responsibilities assigned to positions are completely and accurately described in position descriptions in full and sufficient detail for position classification and all related purposes;
- (5) Assuring the development, preparation, maintenance, and submission of factual and up-to-date functional statements and organizational position charts which clearly depict such information as assigned organizational and/or supervisory responsibility, organizational segment identification, employee names with official class titles and pay levels for the positions to which assigned, the title and pay levels of vacant positions which are funded and approved, and other similar essential details; and
- (6) Assisting their employees to whatever extent necessary to accomplish the foregoing and to obtain information from authoritative sources, as necessary, to answer specific questions as may be raised by their employees.

IV.A5 POSITION PLANNING.

The supervisor is responsible for position planning. He analyzes the work to be accomplished, decides on work or production methods, and determines the requirements for supervision, special technical support, qualitative and quantitative controls, and review and evaluation. A well defined position has clearly defined operation, tasks, duties, authorities, responsibilities, and supervisory relationships.

PART IV, SUB-PART B
COMPENSATIONIV.B1 GENERAL.

All persons subject to the provisions of Commonwealth of the Northern Mariana Islands Public Law 1-9, as amended, and Article III, Section 16 of the Constitution, shall be compensated in accordance with such laws and the provisions of this part.

IV.B2 COMPENSATION PLAN.

The classes in the position classification plan, when assigned to appropriate pay levels of the Base Salary Schedule as established, shall constitute the basic compensation plan.

The Personnel Officer shall assign all classes in the position classification plan to appropriate pay levels in the Base Salary Schedule in accordance with the following:

- A. Kind and level of work;
- B. Degree of difficulty and responsibility;
- C. Kind, quality and level of qualification requirements;
- D. Relationship to other classes in its occupational group, and of its occupational group to other occupational groups.

IV.B3 PERIODIC REVIEW OF COMPENSATION PLAN.

The Personnel Officer shall periodically conduct necessary and appropriate studies of rates of compensation and compensation practices in all geographic areas from which employees are normally recruited, and shall recommend and transmit the same to the Civil Service Commission for its review. Following such review, the Civil Service Commission shall submit the same, together with its comments and recommendations, to the Legislature for review and approval as stated in Commonwealth of the Northern Mariana Islands Public Law 1-9, Section 3(f)(1), as amended.

IV.B4 ESTABLISHING SALARY UPON APPOINTMENT.

- A. Salary shall be fixed at the first step of the appropriate pay level upon initial appointment. Should a higher rate be deemed necessary to recruit, and is appropriate to the qualifications of the applicant, the salary may be fixed at any succeeding step but not beyond the fifth step. Payment of salary above Step 1 of a pay level must be approved by the Personnel Officer.
- B. When a person may be reemployed after a break in service of one (1) or more days into a position in a class and pay level lower than the highest class and pay level he had previously held, the salary may be set at the highest previous rate

held, provided the rate does not exceed the salary range of the lower pay level.

IV.B5 PROMOTIONS.

An employee who is promoted from a position in one class to an existing position in a higher class shall be compensated at the lowest step in the new pay level which at least equals the amount of two (2) step increases in the old pay level. The rate of compensation cannot exceed the rate of the maximum step in the higher pay level. The effective date of the promotion shall be the new service anniversary date for the promoted employee. Retroactive promotions shall not be made except when directed by a decision of the Civil Service Commission pursuant to an employee's appeal.

IV.B6 TEMPORARY PROMOTIONS.

A temporary promotion is utilized when it is anticipated that an employee will temporarily occupy a position for a period in excess of three (3) months. An employee can be temporarily promoted only if he meets the qualifications standards of the new position. The employee temporarily promoted shall be compensated at the step in the new pay level which is at least equal to an increase of two steps at his current pay level. The employee must be informed in advance and agree, in writing, that at the expiration of the temporary promotion, he will be returned to the former salary (grade and step) that he would be receiving had he remained in the former position. No temporary promotion shall exceed a period of one (1) year except when the temporary promotion is to replace an employee on educational leave outside the Commonwealth of the Northern Mariana Islands. In this instance the temporary promotion may continue for not longer than two (2) years.

IV.B7 "ACTING" ASSIGNMENT.

An "Acting" assignment is the designation, in writing, that an employee will act for a period of up to thirty (30) days in place of a supervisor. When the supervisor's absence exceeds the initial thirty (30)-day period, a new designation shall be made for an additional thirty (30) days. This thirty (30)-day renewal of the "acting" assignment is repeated until the supervisor returns to his position. Whenever the acting assignment exceeds ninety (90) days, the employee shall be temporarily promoted if he meets the qualifications standards of the position. If the acting assignment exceeds ninety (90) days and the employee does not meet the qualifications standards of the position, the employee may be temporarily promoted to an intermediate grade if one exists and he meets the qualifications requirements, or if the employee does not meet the qualifications standards of either the target grade or the intermediate grade, he shall be compensated with two (2) steps in his current pay level, but may not exceed the maximum step.

When an employee in the classified service is designated for an "acting" assignment in the excepted service, he shall be required to resign from the classified service in order to accept the "acting" assignment. While in the acting assignment, he shall be entitled to receive a salary equivalent to the salary received by the previous incumbent of the position.

Upon expiration of the "acting" assignment, the employee will be reinstated to his former position and salary (grade and step) that he would be receiving had he remained in his former position.

IV.B8 DEMOTION.

An employee demoted because of abolishment of position or reallocation of position to a lower pay level, except at his own request, shall be compensated at the rate which does not exceed his current pay rate. Where his existing rate exceeds the rate of the maximum step of the lower pay level, the employee shall be compensated at such maximum step. An employee demoted as a disciplinary measure shall have his compensation reduced to the corresponding step of the lower pay level, and may, with the approval of the Personnel Officer, be compensated at a lower step.

An employee demoted at his own request shall have his pay set at the numerical step in the lower pay level which corresponds to the step he held in the higher level.

IV.B9 TRANSFER.

An employee who is transferred to a different position at the same pay level shall receive no change in compensation. A minimum of two weeks' notice must be given the losing supervisor or department prior to effecting a transfer.

IV.B10 EFFECT ON SERVICE ANNIVERSARY DATE.

An employee's service anniversary date will not be affected by a detail, "acting" assignment, or temporary promotion.

IV.B11 REALLOCATION/RECLASSIFICATION OF POSITION TO HIGHER PAY.

An employee whose position is reallocated/reclassified to a higher class shall be compensated at the lowest step in the higher pay level which at least equals the amount of a two (2) step increases in the lower pay level. The rate of compensation cannot exceed the rate of the maximum step in the higher pay level. The anniversary date of the new reallocation/reclassification shall be recycled.

IV.B12 EFFECTIVE DATE OF POSITION CHANGES.

The effective date of all position changes shall be the beginning of the first pay period immediately following the approval of the action by the Personnel Officer. Exceptions to this rule may be made by the Personnel Officer only for such reasons as will expedite public business and not result in an equitable situation.

IV.B13 WITHIN-GRADE INCREASES

- A. Within-grade increases may be granted upon completion of fifty-two (52) calendar weeks of satisfactory performance.

- B. Employees who are included under the Personnel Service System and assigned to work part-time will be eligible for a within-grade increase only at such time as the cumulative total of all hours worked equates to a standard work year of 2,080 hours and such work has been satisfactory. Employees who are employed on an intermittent basis are not eligible to receive within-grade increases.
- C. The effective date of a within-grade step increase shall be the first day of the first pay period following completion of the required waiting period.
- D. For all positions, approved leave in a non-pay status (LWOP) and/or unapproved leave (AWOL) not to exceed eighty (80) hours, is creditable toward the waiting period for a within-grade increase. Unapproved leave (AWOL) and leave without pay (LWOP) of more than eighty (80) hours will extend the waiting period by at least one pay period or by the amount of time such AWOL or LWOP exceeds the eighty (80) hours, whichever is greater.
- E. Time served in a LWOP status for purposes of job-related education or training is credited toward within-grade increases, the same as if the employee had been in a pay status for that period of time while on LWOP, provided that the employee is a registered or enrolled student. To be creditable toward the waiting period, the education program in which the employee is enrolled must be clearly and directly applicable to the employee's present position or one to which he may reasonably aspire, and for which he is released from full-time status and placed in an approved leave without pay (LWOP) status. Finally, the employee must perform his educational program satisfactorily as determined by management and the Personnel Officer.
- F. A former employee reemployed with a break in service begins a new waiting period for a within-grade increase. No credit will be given toward the completion of this new waiting period for any time served under a former waiting period prior to the break in service.

IV.B14 WORKSHOPS.

An employee who successfully completes a total of 120 hours of workshops, or multiple units thereof, that are supervised, sponsored and/or sanctioned by the Personnel Officer may be given a salary increase equivalent to one (1) step for each 120-hour unit.

- A. No employee may receive more than one (1) step increase under this Sub-part in any one calendar year regardless of the number of workshops that he successfully completed. Employees who are employed on an intermittent basis are not eligible to receive this increase.

- B. Upon determination of the department or activity head that such employee is eligible to receive a salary increase as provided for in this Sub-part, the department or activity head shall prepare, sign and submit a Notification of Personnel Action to the Personnel Officer for final approval.
- C. The effective date of the increase under this Sub-part shall be on the first day of the following pay period after the approval of the Personnel Officer.
- D. This increase shall not affect the anniversary date of the employee.

IV.B15 OVERTIME COMPENSATION, COMPENSATORY TIME AND CONTROL.

- A. Any employee who is directed to work and does work in excess of forty (40) hours a week shall be paid overtime at the rate of one and one-half (1-1/2) times his basic pay; or in the absence of any funds for overtime compensation, compensatory time-off shall be granted at time and one-half (1-1/2). Compensatory time-off shall be granted within four (4) pay periods from the date in which it was earned, and any compensatory time not used within a four pay period interval shall be converted to overtime pay the following pay period. All classified employees shall be eligible for overtime pay, except as provided for in Section 5 of Public Law 1-20, as amended.
 - (1) Any employee who is being paid a standby premium for remaining on call for duty at anytime during a regularly scheduled standby period in excess of a forty (40) hour-week shall not be eligible for overtime pay or compensatory time-off for any work performed while on scheduled standby.
 - (2) Such overtime work is directed to a specific objective or goal of accomplishment, and it cannot be accomplished during the regular workday, nor postponed to the following day or days. An employee who is required to work overtime of less than two (2) hours is credited with a minimum of two (2) hours overtime work.
- B. Reduction and Control of Overtime. Intelligent and responsible control of overtime for all Personnel Service employees is a continuing management function and, to this end, certain steps are to be taken by all management officials and subordinate supervisors to reduce overtime. These steps include:
 - (1) Ensure that every effort is made to improve management of the man-hours available during the 40-hour work week; eliminate unessential or low priority work; make certain that reasonable discipline is maintained with respect to hours of work, leave, punctuality, industry, and individual productivity.

- (2) Examine the purpose of ~~overtime to determine whether~~ the work to be accomplished requires immediate completion. No overtime should be approved to complete any work that could be delayed without undue hardship.
- (3) Where recurring overtime appears necessary, consider the relative cost of additional personnel versus the current cost of overtime. Where additional personnel would result in less cost to the Government, they should be provided by reassigning employees in less essential positions, wherever possible.
- (4) Consider pooling clerical personnel and freely loaning employees from one activity to another as the needs of the moment require. No situation should be allowed to exist wherein employees are not fully occupied in necessary work eight hours a day.
- (5) Use available recognition devices, merit increase, performance awards, and priority consideration for promotion to reward employees who make extra efforts on behalf of their organizations. This will encourage other employees to raise their sights.

- C. Approval of Overtime. As a general policy, an employee who has taken annual or sick leave or who plans to take annual or sick leave within the same work week will not be scheduled to work overtime, and will be advised that overtime voluntarily performed is not compensable.
- D. Supervisors Working Overtime. As a general policy, management officials should refrain from directing supervisory personnel to work overtime.
- E. Supervision of Overtime Work. In the event three or more employees are directed to work overtime, a supervisor must be present to ensure proper utilization of the overtime period.

IV.B16 STANDARD WORKWEEK.

The standard workweek is scheduled to commence on Monday, at 7:30 A.M., and to end on the following Friday, at 4:30 P.M., of each week.

IV.B17 USE OF NON-STANDARD WORK WEEK.

Non-standard work weeks may be used to provide continuity of service or to fulfill other needs of the public interest. Schedules for non-standard work weeks shall be devised, in advance, by the management official concerned and approved by the department director. When it becomes necessary to change an employee from a standard work week to a non-standard work week, he shall be given notice ten (10) working days in advance of the effective date of the change. If an employee is not given the required notice of change in schedule of work, he shall be compensated at the overtime rate for those days worked within the first ten (10) working days which do not fall within the standard work week.

- A. Employees shall be paid holiday pay or be given compensatory time-off for work performed on Commonwealth of the Northern Mariana Islands Government holidays, in accordance with the Regulations set forth herein.
- B. Payment for work on holidays:
 - (1) Any employee required to work on a legal holiday which falls within his regularly scheduled work week shall be compensated at two (2) times the base salary rate or the adjusted base salary rate; or in the absence of any funds for holiday compensation, compensatory time-off shall be granted at two times (2). Compensatory time-off shall be granted within four (4) pay periods from the date in which it was earned, and any compensatory time not used within a four pay period interval shall be converted to holiday pay the following pay period. All classified employees shall be eligible for holiday pay, except as provided for in Section 5 of Public Law 1-20, as amended. Holiday pay for hours of work performed on a legal holiday will not be paid any employee who is paid a standby differential for the same hours.
 - (2) Any employee required to work on a holiday which falls outside his regularly scheduled work week, shall be compensated at two (2) times the base salary rate or the adjusted base salary rate when provided, by law, for his position.
 - (3) An employee will not receive holiday pay unless he is on full pay status immediately before and after the holiday.
- C. Holiday Pay in a Non-Standard Work Week. When holidays fall on a regular non-work day for employees whose basic work week is other than the standard work week, the work day immediately preceding or succeeding the holiday shall be designated (as determined by the department head) as the holiday in lieu of such holiday which occurs on the employee's scheduled non-work day:
 - (1) Such employees who have designated holidays in lieu of the official holiday shall, if possible, be excused from duty on the designated holiday.
 - (2) Such employees who are required to work on their designated holiday shall receive two times the basic salary rate or adjusted basic salary rate for work performed on that day.

IV.B18 MERIT INCREASE.

An employee with a minimum of three (3) exceptional ratings may additionally be granted a merit increase not to exceed one (1) step increase in the base rate of pay upon completion of fifty-two (52) calendar weeks period for sustained superior performance over such period. Such additional merit increase will not alter the waiting period required

for qualifying for the next within-grade step increase. No employee shall be compensated above the maximum step prescribed for his pay level except where he was receiving such compensation pursuant to law.

A merit increase is initiated and signed by the employee's supervisor and forwarded to the Personnel Officer for review. Following approval recommendation by the appropriate department, the Personnel Officer is authorized to approve merit increases within his authorities.

The effective date of all merit increases shall be the beginning of the pay period immediately following the approval of the Personnel Officer. Exceptions to this rule may be made by the Personnel Officer only for such reasons as will expedite public business and not result in an inequitable situation.

IV.B19 PREMIUM PAY.

- A. Hazardous Work. All employees meeting the qualification criteria below, whose occupation involves unusual and extreme hazards to their health and safety, shall be paid a differential of twenty-five percent (25%) of their base salary rate.

Qualification Criteria. To qualify for payment of a hazardous work differential, the following conditions of work must be met :

- (1) The conditions of unusual and extreme hazard to the employee's health and safety must be clearly evident and fully defined;
- (2) The hazard, on which a request for payment of such differential might be based, has not previously been recognized in the establishment of the pay level for the class which covers the position(s) and work involved;
- (3) Exposure to the particular unusual and extreme hazard must constitute a reasonable amount of time so as to be clearly recognizable. For example, several repeated exposures to such a hazard may occur for a brief period of time, but collectively measured over a period of time, e.g., one day, may possibly provide a valid basis for recognition of the hazard. Conversely, clear and sustained exposure to an unusual and extreme hazard is readily more recognizable and measurable.

- B. Hardship Post Differential. To provide additional compensation, the hardship post differential of twenty percent (20%) of base salary rate or adjusted base salary rate is paid employees meeting the qualification criteria below, assigned to duty stations which involve conditions of unusual hardship.

Qualification Criteria. To qualify for payment of a hardship post differential, employees must be regularly assigned to a location or duty station which has been certified by the Personnel Officer as constituting a hardship situation.

Factors of Unusual Hardship. A post location or duty station will be individually assessed to determine whether it involves conditions of unusual hardship as compared with other locations throughout the Commonwealth. Factors collectively considered to constitute unusual hardship include, but are not limited to:

- (1) Geographic Isolation. A site sufficiently remote and removed from population centers, isolated from other activities or facilities, inaccessible except by means of special and infrequent transportation and/or communications, a physical location well removed and functioning with little recourse and contact with other locations or activities.
- (2) Lack of Amenities. Broadly encompasses all considerations relating to characteristics or conditions of pleasantness, attractiveness, or desirable features of a place; includes consideration for the existence and types of facilities such as shopping, recreation, housing, transportation, communications, relationships and presence of other people.
- (3) Lack of Availability of Shipping. Broadly includes locations where commerce and transport of goods and materials via sea, air, or ground is sporadic, may or may not be regularly scheduled, goods are subject to loss, damage or excessive delays, transport facilities are of limited capacity, and other similar features which enhance the difficulty of obtaining goods and services.
- (4) Lack of Transportation. Generally identifies and refers to accepted means of transportation such as lack of suitable roadways for automotive or other vehicular traffic to move about from place to place on the island; includes all forms of common transportation, such as automobiles, motorbikes, boats and the absence or presence of local facilities to support both their use and maintenance.
- (5) Other Conditions. Other conditions or special features characteristic of the location or post of duty assignment which contribute to or result in a situation of unusual hardship to the employees assigned to that duty station.

The authorization and approval to pay a hardship post differential is not automatic and once authorized, is not a guarantee that it will continue indefinitely. An employee on annual or home leave will not be paid the hardship post differential if he is away from the hardship post.

- C. Night Work. Additional compensation in the form of a night work differential of fifteen percent (15%) of base salary rate or adjusted base salary rate is paid for all hours work between 4:30 p.m. and 7:30 a.m., when such hours are included within a regular scheduled tour of duty.

- (1) Control Criteria. To be eligible to receive payment of a night work differential, the following criteria must be met:

- (a) Payment will be made only for actual hours worked which fall between the period of 4:30 p.m. and 7:30 a.m.
 - (b) The above is restricted to include only those regularly scheduled work hours within the specified time period which constitute all or a part of the employee's regular hours of duty.
- (2) Non-payment of Night Work Differential. Payment of a night work differential will not be made for the following situations:
- (a) An employee whose regular hours of duty include scheduled hours during the period of 4:30 p.m. to 7:30 a.m., is absent and does not actually perform work for the hours involved;
 - (b) An employee required to perform work during the hours of 4:30 p.m. to 7:30 a.m. which is not a part of his regularly scheduled hours of night work duty; or
 - (c) An employee who is paid a standby differential for remaining on call to duty at any time during the regularly scheduled standby period in excess of normal forty (40) hour work week shall not be eligible for payment of night work differential for any work performed while on scheduled standby.

D. Standby Differential. All employees whose conditions of work or employment involve all of the following criteria shall be entitled to receive a standby differential of twenty percent (20%) of base salary rate or adjusted salary rate:

- (1) Qualification Criteria. To qualify for entitlement to receive a standby differential of twenty percent (20%) of base salary rate or the adjusted base salary rate when provided by law, all of the following conditions of work or employment must be met:
- (a) The nature of the position or occupation is such that employees are required to remain on call in a standby duty status which must be performed at their designated work stations or locations;
 - (b) Hours of standby duty must be for a regularly scheduled period of time in excess of a normal forty (40) hour work week. The minimum scheduled standby duty tour shall consist of not less than eight (8) hours per week;
 - (c) Employees assigned to work regularly scheduled hours of standby duty must be regularly and frequently called upon to perform the assigned duties or services while on standby;
 - (d) Employees being paid standby differential are not eligible to receive night work differential, holiday pay, or overtime pay for any work performed while serving a scheduled standby. Overtime compensation will be paid, however, for all hours worked in addition to the normal forty (40) hour work week and any hours beyond regularly scheduled standby hours.

- E. Typhoon Emergency Differential. Employees who are required by the Commonwealth of the Northern Mariana Islands Government to work in a location and during a period of time in which a typhoon or tropical storm emergency has been declared, and in which other government employees are released from work as a result of such condition, shall be compensated as follows: For the hours such employees are required to work while such declaration of emergency shall remain in force, compensation shall be at the rate of two and one-half (2-1/2) times the base salary rate or adjusted base salary rate. When provided for in this sub-paragraph, this shall not limit the right of the employee to any other differential to which he may otherwise be entitled by law or applicable regulation.
- F. Outside Commonwealth of the Northern Mariana Islands Service Differential. Any employee of the Personnel Service residing in the Commonwealth of the Northern Mariana Islands and assigned a permanent change of duty station to work at locations outside the geographic boundaries or administrative control limits of the Commonwealth of the Northern Mariana Islands shall receive, in addition to a base salary, fifty percent (50%) of the base salary.
- G. Special Medical Differential - 15 percent. A Medical Officer or Dental Officer who occupies a position with duties predominantly clinical, as opposed to administrative in nature, shall receive in addition to the base salary, a Special Medical Differential of fifteen percent (15%) of the base salary for the pay level and step of the position.
- H. Advanced Professional Differential - 30 percent. Any employee who has achieved advance professional capabilities through obtaining an L.L.B. or J.D. Degree, a Doctorate in Medicine or Dentistry, or an earned doctorate in any other field from an accredited United States University or any other university accredited or accepted in the United States, and who is employed in a position having a requirement for such degree, shall receive, in addition to a base salary, a premium of thirty percent (30%) of the base salary for the pay level and step of the position.

IV.B20 APPROVAL OF PROPOSALS TO PROVIDE PREMIUM PAY OR DIFFERENTIALS.

All proposals for pay differentials as defined herein shall be submitted by department heads on a Request for Personnel Action (Form CSC-P-1) to the Personnel Officer for review and approval. The Request must be accompanied by a letter of justification addressing each of the criteria required to support the particular differential. Similarly, a request to remove differentials shall be accomplished by an approved Personnel Action. Removal of differentials does not constitute a "reduction in pay" and thus does not require a formal adverse action under Part III, Sub-part D of these Regulations.

No employee shall receive compensation for two positions or two appointments in the Personnel Service. When an employee is engaged in government work other than in his regular position under provision of Commonwealth of the Northern Mariana Islands, he shall be (1) placed in LWOP from his regular position, or (2) continue his government salary and reject the salary for the second position, whichever is to his personal advantage.

Exception: When an employee is engaged as a classroom teacher outside his regular work day to teach Adult Basic Education, he shall be paid at the rate established by regulation. Other exceptions may be made upon proper justification with the specific written approval of the Personnel Officer.

IV.B22 SEVERANCE PAY.

Employees who are separated from the Personnel Service System by reduction-in-force, not eligible to receive immediate retirement pay under the Social Security System, are entitled to severance pay computed as follows:

- A. For each full year of creditable service with the Commonwealth of the Northern Mariana Islands Government, the employee is entitled to one-half (1/2) of his bi-weekly pay rate in effect upon separation by RIF.
- B. For each full three (3) months of service beyond the total full years of service, the employee is entitled to twenty-five percent (25%) of the pay for a bi-weekly period at the rate in effect upon separation by RIF. Not more than seventy-five percent (75%) of the pay for one bi-weekly period shall be paid under this part-year provision.

Severance pay is paid at the regular bi-weekly sequences until the entitlement is exhausted. If an employee separated by RIF is reemployed by the Government in any capacity before the allowable severance pay liability is satisfied, he sacrifices the unpaid balance upon return to duty. If the employee's total creditable service is less than one (1) full year, he is not entitled to severance pay.

IV.B23 TIMEKEEPERS.

It is essential that the Civil Service Commission and the government have available accurate data concerning the time and attendance of employees. This information assists forecasting of future personnel needs and analysis of current practices. To provide the needed information, it is necessary that competent timekeepers be appointed and certified.

- A. Appointment and Certification of Timekeeper. Each department director or his designee shall appoint timekeepers from among the employees assigned to such department. Each timekeeper appointed shall be assigned designated employees

for whom the timekeeper will be responsible. Every employee (classified service and excepted service) shall be required to be assigned a timekeeper. Upon the appointment, each timekeeper will undertake a course of instruction in timekeeping procedures as specified by the Personnel Officer and Director of Finance. Upon satisfactory completion of such instruction, the Personnel Officer shall certify the timekeeper. The Personnel Officer may certify as acting timekeepers employees who have not yet completed the required instruction, where circumstances dictate. No person may perform the duties of timekeeper without certification.

- B. Duty of the Timekeeper. Each timekeeper will be responsible for recording and certifying time and attendance records of the assigned employees. The timekeeper will also record and certify leave time taken by any assigned employee. The method of recording and certifying time, attendance and leave shall be prescribed by the Personnel Officer and the Director of Finance.
- C. Protection of Timekeeper. It is essential that timekeepers be able to fulfill their duties without harrassment. No person may attempt to coerce, threaten, or otherwise attempt to hinder the timekeeper. Any person violating this provision shall be reported promptly by the timekeeper to the Personnel Officer. Any person violating this provision may be subject to disciplinary and/or criminal sanctions.
- D. Employees' Rights to Challenge Timekeeping Records. Any employee who wishes to challenge the accuracy of any timekeeper's records may institute an employee appeal under the Grievance Procedure, Part III of these regulations.

PART V, SUB-PART A
EMPLOYEE MANAGEMENT COOPERATIONV.A1 GENERAL.

Employee-management cooperation is the essence of a productive work relationship. It is the continuing responsibility of employees, supervisors, and managers to seek out ways to improve cooperation and thus, productivity, in the work situation. This sub-part sets forth the rights and obligations of employees and management in this area of employee relations.

V.A2 POLICY.

It is the policy of the Commonwealth of the Northern Mariana Islands Government that the Employee-Management Council as hereinafter described shall be strongly supported by all levels of management, that management representation shall be drawn from the highest levels of the management structure, and that problems or situations raised in the Council meetings shall be studied and resolved forthwith by the responsible persons. On those rare occasions when problems or situations are too complex for immediate solution, they may be carried forward no further than the next regularly scheduled meeting, at which time the problem or situation must be resolved. As an interim measure, the Executive Secretary of the Council shall pursue unresolved problems to conclusion, if possible, prior to the next regularly scheduled Council meeting, and shall so advise Council membership on both sides as to the nature and form of the resolution.

V.A3 RELATION WITH LABOR ORGANIZATIONS.

- A. Freedom of Choice. Each employee in the Personnel Service has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in this right. The right to assist a labor organization extends to participation in the management of the organization and acting for the organization in the capacity of an organization representative, including presentation of its views to officials of the government or the legislature. The Personnel Officer is responsible to assure that all employees are apprised of these rights, and that no interference, coercion, restraint, or discrimination is practiced within the Personnel Service to encourage or discourage membership in a labor organization.
- B. Limitation - Conflict of Interest. Although any employee of whatever rank or station in the Personnel Service may join or decline to join a labor organization, neither supervisors nor

managers may participate in the management of a labor organization or serve as a representative of such organization. No employee may participate in the management of a labor organization or serve as a representative of the organization if such activity would result in a conflict or apparent conflict of interest or would otherwise be incompatible with the law or the official duties of the employee. Specifically excluded by this paragraph are the employees in the Personnel Office.

- C. Consultation with Labor Organizations. The Personnel Officer and other management officials may consult with duly organized labor organizations or employee groups having as their major objective the improvement of working conditions for their members. Such consultation may be in such areas as personnel management policies and practices, pay and working conditions, or such other areas which are of mutual concern and interest. The results of such consultations are not necessarily binding upon either party unless a specific agreement is reached, reduced to writing and incorporated into an appropriate administrative manual or directive. The Personnel Officer shall assure that labor organizations or employee groups having a significant number of Personnel Service employees as members shall be given opportunity to consult on matters of mutual interest. For the purposes of this sub-part, a significant number of members is twenty-five (25).
- D. Negotiations with Organized Labor. No management official is authorized to negotiate, as differentiated from consult, with any labor organization or employee group as defined in Section C above. Any approach from such organizations to negotiate matters shall be promptly referred to the Personnel Officer.

V.A4 EMPLOYEE-MANAGEMENT COUNCIL.

An Employee-Management Council shall be established in the Commonwealth of the Northern Mariana Islands:

- A. Purpose.
- (1) To serve as a communications link between management and the employees;
 - (2) To establish a forum where problems of common interest to management and employees may be aired and resolved without rancor, in a cooperative atmosphere; and
 - (3) To provide a vehicle (or place) upon which problems of significant interest to either side may be laid before the other for consideration and resolution.
- B. Membership:
- (1) Management members shall be department directors; first line assistants of these officials shall be designated as Alternate Management Members.

2) Employee representatives shall be elected from among the non-supervisory employees. Each department shall be represented by one delegate and one alternate delegate for fifty (50) non-supervisory employees in that department. When departmental strength exceeds fifty (50) non-supervisory employees, a delegate and alternate delegate shall be chosen for each additional fifty (50) non-supervisory employees or fraction thereof. When the number of employees in a department is ten (10) or less, they shall be included in another department of their choosing for representation. The Personnel Officer shall serve as Executive Secretary. The Attorney General shall serve as legal counsel for the Council. Each eligible employee in a department shall be entitled to vote, regardless of nationality, and the council member shall represent all employees. Nominations of candidates shall be by petition and shall require the signatures of at least twenty percent (20%) of the non-supervisory employees of the organization represented.

Terms of office, constitution and by-laws shall be established by the Council and submitted to the employees for ratification by secret ballot.

- C. Council Meetings. The council shall meet semi-annually on ~~the last Thursday~~ of the last full work week of each six (6) months period. The morning of the meeting day shall be reserved for an employee caucus at which time the employee delegates shall meet and prepare the employee agenda for the day. Concurrently, the management representatives may meet to establish the management agenda for the day. Total time for Council meetings shall not extend beyond three (3) working days. To the fullest extent possible, all problems raised in the meeting shall be resolved in that semi-annual meeting. Only rarely will items be carried from one meeting to the next.

V.A5 FUNCTIONS OF EMPLOYEE DELEGATES.

Employee delegates, assisted by their alternates, shall represent the constituency by:

- A. Bringing to the council problems, questions, or proposals presented by employees.
- B. Assuring their personal familiarity with the problems, questions, or proposals so that they may present and support the matter effectively before the Council.
- C. Informing the constituency of the results of all the proceedings through an oral report following the Council meeting.
- D. Representing and speaking for the employees individually and collectively on policies, procedures, and management practices

which affect the vital interests of employees: their pay, status, and working conditions.

- E. Consulting with and making comments for employees in the departments on proposed changes in policies, procedures, and practices.

V.A6 TERM OF OFFICE AND SUCCESSION OF DELEGATES.

The delegates to the Employee-Management Council shall serve one (1) full year. The alternate delegate shall succeed to the delegate role upon:

- A. Change of status for the delegate which precludes his fulfillment of the delegate role; or
- B. At the expiration of the delegate's full year in office. At the first election a delegate and alternate shall be chosen. In succeeding years only an alternate delegate shall be elected.

V.A7 FUNCTIONS OF THE ALTERNATE DELEGATE.

The alternate delegate shall assist the delegate in his functions by gathering material from the constituency and referring it to the delegate with the appropriate explanation. He shall attend, in official status, one (1) Council meeting. He shall replace the delegate temporarily if, for any reason, the delegate is unable to attend a regularly scheduled Council meeting. If the delegate becomes ineligible to fulfill his term of office because of ineligibility (usually assumption of supervisory position), the alternate shall fill the unexpired term of the delegate and the full year of succession to which he was elected. In event the alternate must succeed the delegate in office, the constituency shall elect a new alternate delegate who will fill the unexpired term. The alternate so elected shall serve as alternate for the succeeding year.

V.A8 RESPONSIBILITIES OF THE EXECUTIVE SECRETARY.

The Executive Secretary of the Council shall be responsible for the following:

- A. Issuing notices of Council meetings at least fifteen (15) calendar days in advance.
- B. Arranging an appropriate meeting place, assuring that furniture present is adequate and that the physical surroundings, while possibly austere, are conducive to a successful meeting. On the day of Council meeting, securing from both sides agenda items, arranging and publishing for use during the meeting.
- C. Taking appropriate and reliable minutes from which a digest of proceedings shall be made.

- D. Issuing a digest of proceedings within fifteen (15) days of the meeting with copies available to all.
- E. Maintaining a log of problems, questions, and proposals presented by either side and corrective action taken. Establishing a follow-up system so that any unresolved problem laid before the Council shall receive appropriate attention and be resolved by or before the next meeting.
- F. Assuring that the Recording Secretary of the Council receives an authoritative copy of each agenda and digest so that he may compile a composite of all Council proceedings for his own use and reference.

V.A9 NATURE OF BUSINESS TO COME BEFORE THE COUNCIL.

Only those matters which are of general interest shall be in order for Council business. Grievances, appeals and complaints of individuals must be resolved through the appropriate standing procedures. A member of the Council may serve as a spokesman for employees involved in adverse action and grievance appeals, when requested to do so by the employee concerned.

V.A10 CONDUCT OF COUNCIL MEETINGS.

There shall be co-chairpersons designed for the Council. The Governor shall designate the management chairperson for each meeting. Employee delegates shall elect, from their members, one delegate to serve as employee-co-chairperson of the Council. Beginning with a management chairperson for the first meeting, the chairmanship of subsequent meetings shall be alternated. Similarly, agenda precedence shall also be alternated. Thus, on management's day, management items shall be considered first. On employee's day, employee items shall precede.

V.A11 RULES OF ORDER.

No rules of order are prescribed because these meetings are for presentation and discussion of matters on the agenda or closely related issues. The Chairperson of the Day is admonished to conduct the affairs and deliberations of the Council in a manner which will assure that all items are given adequate attention and those matters deserving of resolution receive that attention.

V.A12 FREEDOM FROM RESTRAINT OR REPRISAL.

The right of employees to participate as members of the Council, or to bring matters to the attention of the administration through the Council, shall be free from restraint or reprisal, except for reasonable limits on the use of government time. The Personnel Officer shall be the final judge of these reasonable limits. Complaints of restraint or reprisal shall be brought directly to the Personnel Officer. His decision may be appealed to the Civil Service Commission, by either the aggrieved employee or the supervisor charged with restraint or reprisal.

PART V, SUB-PART C
EMPLOYEE CONDUCT AND PERFORMANCEV.C1 GENERAL.

This sub-part deals with employee conduct and performance when outside influences adversely affect an employee's effectiveness. The influences include, but are not limited to, the following:

Politics	Family problems
Employee-Supervisor conflict	Drug dependence
Employee-Employee conflict	Legal concerns
Perceived personal crisis	Alcoholism
Retirement crisis	Divorce
Death in family	Financial problems

Early recognition of deteriorating performance or conduct is a vital first step in the government's program to help the troubled employee retain or resume his place as a productive member of the work force. Early recognition is also an integral part of supervision. Because the immediate supervisor must assume such a key role in helping the troubled employee, this sub-part is prepared to help the supervisor:

- A. Recognize early signs indicative of personal problems;
- B. Deal in an appropriate manner with the employee whose work is suffering because of personal problems; and
- C. Make the employee aware of sources of help within the organization.

V.C2 POLICY ON EMOTIONAL AND MENTAL HEALTH.

As employer, the government is concerned with any person or social situation which interferes with the individual employee's mental and physical well-being, or interferes with the efficient and safe performance of assigned duties, reduces dependability, or reflects discredit on the Personnel Service.

It is the government's policy to offer assistance through confidential counseling and referral guidance when indicated. This assistance includes but is not limited to such areas as alcoholism, emotional problems, family and marital problems, indebtedness, interpersonnel conflicts (employee-supervisor, employee-employee) and crises situations, where it is determined by the employee or management that these problems adversely affect employee health and performance. Sick leave, annual leave, or leave without pay may be granted for approved programs of

treatment, counseling or rehabilitation. The confidential nature of records in these cases will be maintained in the same manner as medical records.

V.C3 POLICY ON ALCOHOLISM AND PROBLEM DRINKING.

As an employer, the government is not concerned with the private decision of an employee to use or not to use alcoholic beverages. Management is concerned with an employee's use of alcoholic beverages when it interferes with the efficient and safe performance of assigned duties, reduces dependability, or reflects discredit on the Personnel Service.

The government has an interest in any health problem that reduces employee productivity. It recognizes that alcoholism and problem drinking are treatable illnesses and should be given the same careful consideration as other health problems. The goal is improved job performance and not discipline. Accordingly, it is the government's policy to offer assistance toward treatment and rehabilitation. Sick leave, annual leave or leave without pay may be granted for approved programs of treatment and rehabilitation.

V.C4 ACTION BY SUPERVISORS AND MANAGERS.

- A. Supervisors and managers must be alert to indications of deteriorating performance on the part of employees under their supervision. Some of the indications which may occur are:
- (1) A marked change in behavior. This may show up as emotional outbursts, chronic irritability, excessive fatigue, or rule violations.
 - (2) Frequent short term absences, notably the afternoon of pay day or the following Monday;
 - (3) Repeated accidents;
 - (4) Frequent complaints related to health;
 - (5) Chronic inability to get along with fellow employees; or
 - (6) Excessive problem drinking.
- B. Upon identification of presumed problems, the supervisor concerned should approach the employee to determine the cause of performance change. Should such an approach be rebuffed, which is likely, the supervisor should continue observation of the employee's performance, recording occurrences which tend to support the supervisor's feeling that the employee is troubled. If the conduct continues for a lengthy period, the supervisor must counsel with the employee and, if the employee is unresponsive, refer the matter to the Personnel Officer.

V.C5 ACTION BY PERSONNEL OFFICER.

Upon referral of a case to the Personnel Officer by a supervisor, the Personnel Officer should contact the Department of Health and Environmental Services for assistance. Once arrangements for assistance, on

reasonable call, have been made, the Personnel Officer should seek out the employee and counsel him to seek medical help. If the employee is agreeable, the Personnel Officer should notify the supervisor concerned so that arrangements can be made for the employee to seek help.

If the employee is not agreeable, the Personnel Officer should advise the employee that if his unsatisfactory performance continues, disciplinary action will result.

V.C6 ACTION RELATED TO ALCOHOLISM OR DRUG ABUSE.

When an employee's unsatisfactory performance appears clearly to be related to excessive use of alcohol or drug abuse, the supervisor, with advice and assistance from the Personnel Officer, should advise the employee that his removal will be sought. The Personnel Officer and the supervisor, jointly, shall prepare a letter of proposed adverse action against the employee according to instructions in Part III, Subpart D. As a part of the letter of decision, the following paragraph should be included:

"If, however, you agree to seek medical help to correct and improve your condition of health, which is responsible for your unsatisfactory performance, your removal will be held in abeyance, provided you, with the help of your doctor, establish a program of rehabilitation which is satisfactory to me. The program of rehabilitation must continue successfully for a minimum of two years. Should you fail to carry out the program you have agreed to and revert to your former unsatisfactory performance, I will consider that to be a determination on your part that you do not wish to be retained as an employee in the Personnel Service. I shall then proceed with your removal, for cause, which will promote the efficiency of the service."

V.C7 ACTIONS RELATED TO OTHER CAUSES.

Should an employee's conduct and performance continue to deteriorate and the supervisor is convinced that the cause is other than alcohol abuse or drug dependence, he should consult with the Personnel Officer. The Personnel Officer should then approach the Department of Health and Environmental Services, seeking assistance from the appropriate practitioner.

Once the availability of professional help has been arranged, the Personnel Officer should meet with the employee and, candidly, discuss his problem and offer to assist him in seeking professional help from the Department of Health and Environmental Services.

The course of action to be taken after referral to professional attention depends on the professional recommendation given.

PART V, SUB-PART D
RESPONSIBILITIES OF EMPLOYEES AND MANAGEMENT

V.D1 CODE OF ETHICS FOR GOVERNMENT PERSONNEL SERVICE.

All persons in government service should:

- A. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.
- B. Uphold the laws applicable in the Commonwealth of the Northern Mariana Islands and in all subdivisions thereof and never be a party to their evasion.
- C. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
- D. Seek to find and employ more efficient and economic ways of getting tasks accomplished.
- E. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or note; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
- F. Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.
- G. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
- H. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
- I. Expose corruption wherever discovered.
- J. Uphold these principles, ever conscious that public office is a public trust. In addition, guaranties and custodians of Federal funds shall maintain a written code or standards of conduct which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by Federal funds. No employee, officer or agent of the grantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparant,

would be involved. Such a conflict would arise when the employee, officer or agent, any member of his immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The grantee's and contractor's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

To the extent permitted by state or local law or regulations, such standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's officers, employees, or agents, or by contractors or their agents.

The Northern Mariana Islands Commonwealth Government expects its employees to be representatives of its legal self. Like any other employer, it has the right to expect the employees to foster its business and well-being. This government's first business is the maintenance of law and order at all times (even after working hours) because without law and order, the government's goals and objectives (to which employees are committed) cannot be realized. An illegal or dishonorable act of an agent or employee may degrade and embarrass the government and lessen its effectiveness. To protect its credibility and rapport in the community, the government has the right to take administrative action as necessary and justifiable against employees who violate its laws or detract from its policies. Such administrative action is aside from any court action which may ensue from a criminal act or omission. If employees in the Personnel Service System take pride in their service, it will reduce the number of formal disciplinary actions necessary. Disciplinary actions are wasteful of the time of many employees, who must sit on hearing committees and serve as investigators or witnesses, and such actions leave a residue of bad feeling which affects the entire department.

It is a mistake for anyone to believe that good discipline is simply a matter of enforcement by those at the head of the administration. Good discipline requires leadership, not enforcement procedures. Most of all, it involves enlisting the active support of the employees. The employees, as a group, have a greater stake in improving the quality of government service than any other interested party. An organization which treats all employees fairly, with consistency, is one in which they can take genuine pride and it will provide an opportunity to find a meaningful outlet for abilities, and an opportunity to advance in accordance with their contribution. Leadership which meets these needs of employees will have no difficulty getting employee support.

So that all employees will understand the standards of conduct that are expected of them, these principles are set forth. Officials and employees of the government are reminded that they must not only avoid wrongdoing in the conduct of their official duty, but must, with equal

care, avoid the appearance of wrongdoing. Acts which have the appearance of wrongdoing to an honest observer are prohibited equally with actual acts of wrongdoing. The citizen forms his image of the government service from what he observes, and does not inquire minutely into the circumstance to determine whether appearances are deceptive.

V.D2 POLICY ON EMPLOYEE CONDUCT.

The maintenance of the highest standards of honesty, integrity, impartiality, and conduct by Personnel Service System employees is essential to assure the proper performance of government business and maintenance of confidence by citizens in their government.

Employees of the Commonwealth of the Northern Mariana Islands are expected to comply with all laws and regulations. Legal requirements are essentially concerned with official conduct, i.e., the behavior of the employee in the course of or in relation to his official duties. Personnel Service System employees are required to conduct themselves in such a manner that the work of the government is effectively accomplished and to observe the requirements of courtesy, consideration, and promptness in dealing with or serving the public or its clientele. Personal and private conduct of an employee (as opposed to official conduct), that reflects adversely upon the dignity and prestige of the Personnel Service System, is also a matter of concern to management. All employees are expected to cultivate those personal qualities which characterize a good civil servant--loyalty to our government, a deep sense of responsibility for the public trust, and a standard of personal deportment which will be a credit to the individual.

V.D3 SUBORDINATION TO AUTHORITY.

An employee is required to carry out the announced policies and programs of the Commonwealth of the Northern Mariana Islands Government. While policies related to his work are under consideration, he may, and is expected to, express his opinions and points of view; but once a decision has been rendered by those in authority, he will be expected unreservedly to assure the success of programs which it is his responsibility to effectuate. If he fails to carry out any lawful regulation, order, or policy, or deliberately refuses to obey the proper requests of his superiors having responsibility for his performance, he is subject to appropriate disciplinary action.

V.D4 MANAGEMENT RESPONSIBILITY.

Directors of departments shall establish and maintain internal procedures by means of which all employees are adequately and systematically informed of the content, meaning, and importance of the regulations in this Sub-Part. Copies of the Regulations in this Sub-Part shall be given to each employee within ninety (90) days from the effective date of the Regulations and to new employees upon entrance to duty. Each department shall remind its employees of the regulations in this Sub-Part periodically, at least once annually, through a publication or memorandum issued to all employees.

It is the responsibility of employees to familiarize themselves, and to comply with the Regulations in this Sub-Part. Employees are expected to consult with their supervisors and Personnel Officer on general questions they may have regarding the applicability of the Regulations. On specific matters and for guidance on questions of conflict of interest they may receive authoritative advice and guidance from the Personnel Officer and the Attorney General's Office.

V.D6 INTERPRETATION AND ADVISORY SERVICE.

- A. Channels for counseling. It is the government's policy to encourage responsible disposition of counseling requests by the Personnel Officer. Counseling provided by the Personnel Officer involving any question of conflict of interest shall be in cooperation with the Attorney General.
- B. In order that the Attorney General may be informed as to the content and scope of counseling at all levels, the Personnel Officer will be responsible for communicating a summary of each such counseling action to the Attorney General on a concurrent basis, provided, however, that such reporting is required only as to counseling in regard to conflict of interest questions.

V.D7 DISCIPLINARY AND OTHER REMEDIAL ACTION.

- A. Violations of the Regulations in this Part by an employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

After consideration of the statements of employment and financial interests submitted by the employee and the explanation of such employee as required in these Regulations in this Part, if the Attorney General or his designee decides that remedial action is required, he shall take immediate action to end the conflict or appearance of conflict of interest.
- B. Remedial action may include, but is not limited to:
 - (1) Changes in assigned duties;
 - (2) Divestment by employee of his conflicting interest;
 - (3) Disciplinary action; and
 - (4) Disqualification for a particular assignment.
- C. Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws or regulations.

V.D8 ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES
OF EMPLOYEES.

- A. Gifts, entertainment, and favors. Except as provided in Paragraphs B and C of this Section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:
- (1) Has, or is seeking to obtain, contractual or other business or financial relations with this government;
 - (2) Conducts operations or activities that are regulated by this government; or
 - (3) Has interests that may be substantially affected by the performance or non-performance of his official duty.

Except as specifically authorized by law, employees are not authorized to accept on behalf of the Commonwealth of the Northern Mariana Islands Government voluntary donations or cash contributions from private sources for travel expenses, or the furnishing of services in kind, such as hotel accommodations, meals, and travel accommodations.

- B. The prohibitions of Paragraph V.8(A) of this Part do not apply in the context of obvious family or personal relationships, such as those between the parents, children, or spouse of the employee and the employee, when the circumstances make it clear that it is those relationships, rather than the business of the persons concerned, which are the motivating factors.

An employee may accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance.

- C. An employee may accept loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans. An employee may accept unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value. An employee shall avoid any action, whether or not specifically prohibited by this Sub-Part, which might result in, or create the appearance of:
- (1) Using public office for private gain;
 - (2) Giving preferential treatment to any person;
 - (3) Impeding government efficiency or economy;
 - (4) Losing complete independence or impartiality;
 - (5) Making a government decision outside official channels; and
 - (6) Affecting adversely the confidence of the public in the integrity of the government.

- (3) If the work for a private employer is of the same type or closely kin to that involved in the program responsibilities of the office in which he is employed.
- (4) If the work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his official duties.

G. This Section does not preclude an employee from:

- (1) Participation in the activities of political parties not prescribed by applicable law.
- (2) Participation in the affairs of, or acceptance of an award for, meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, non-profit educational and recreational, public service, or civic organization.

V.D10 FINANCIAL INTERESTS.

A. An employee shall not:

- (1) Have a direct or indirect financial interest that conflicts with his government duties and responsibilities.
- (2) Engage in directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his government employment.

B. This Section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the government, so long as it is not prohibited by law, the Constitution, or the Regulations in this Part.

V.D11 GOVERNMENT PROPERTY.

General Responsibility. Employees shall be held accountable for government properties and monies entrusted to their individual use in connection with their official duties. It is their responsibility to protect and conserve government property and to use it economically and for official purposes only.

V.D12 MISUSE OF GOVERNMENT VEHICLES.

Employees shall not use or authorize the use of a government owned or leased motor vehicle for other than official purposes.

V.D13 INFORMATION.

It is the policy of the Commonwealth of the Northern Mariana Islands Government to accord the public access to information about its activities and to make available to the public records of the government except in the cases where the disclosure of the record is prohibited by statute or constitutes an invasion of privacy of any individual concerned, or the record is exempt from the disclosure requirements, and sound grounds exist which require application of an applicable exemption. An employee may not testify in any judicial or administrative

- D. An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself. However, this paragraph does not prohibit a voluntary gift of nominal values or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.
- E. An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by law or by the Constitution.
- F. This Section does not prohibit receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with this Part for which no government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, or entertainment, nor does it allow an employee to be reimbursed by a person for travel on official business under government orders when reimbursement is prescribed by law.

V.D9 OUTSIDE WORK AND INTERESTS.

- A. Policy. Outside work is permitted to the extent that it does not prevent an employee from devoting his primary interests, talents, and energies to the accomplishment of his work for the Commonwealth of the Northern Mariana Islands Government or tend to create a conflict between the private interests of an employee and his official responsibilities. The employee's outside employment shall not reflect discredit on the government.
- B. Definitions:
 - (1) The term "outside work" means all gainful employment other than the performance of official duties. It includes, but is not limited to self-employment, working for another employer, the management or operation of a private business for profit (including personally owned businesses, partnerships, corporations, and other business entities).
 - (2) The term "active proprietary management" as used in relation to outside work refers to a business affiliation in which substantial ownership is coupled with responsibility for day-to-day management effort in making decisions, supervising operations, dealing with the public and otherwise discharging essential tasks in the direction of the business.
 - (3) A situation which may involve a "conflict of interest" is one in which a Personnel Service System employee's private interest, usually of an economic nature, conflicts or raises a reasonable question of conflict with his public

duties and responsibilities. The potential conflict is of concern whether it is real or only apparent.

- C. Restrictions. An employee shall not engage in outside activity not compatible with the full and proper discharge of the duties and responsibilities of his government employment. Any activity involving an incompatibility of interest is prohibited. Any work assignment or employment affiliation which might encourage on the part of members of the general public a reasonable presumption of a conflict of interest falls in this category. Incompatible activities include but are not limited to:
- (1) Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest.
 - (2) Outside employment which tends to impair an employee's mental or physical capacity to perform his government duties and responsibilities in an acceptable manner. An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Commonwealth of the Northern Mariana Islands Government.
- D. Among other things, abuse of leave privileges to engage in outside work shall be treated as an interference with official performance. Active proprietary management of any except the smallest business is questionable because of the probability that such management responsibilities may interfere with the employee's obligations to his primary employer, the Commonwealth of the Northern Mariana Islands Government. Employees are especially urged to seek the advice of their Personnel Officer before committing themselves to such activities.
- E. An employee shall not perform outside work:
- (1) Which is of such a nature that it may be reasonably construed by the public to be the official act of the government.
 - (2) Which involves the use of government facilities, equipment, or supplies of whatever kind.
 - (3) Which involves the use of official information not available to the public.
- F. While an employee is not prohibited from performing outside work solely because the work is of the same general nature as the work he performs for the government, no employee may perform outside work:
- (1) If the work is such that he would be expected to do it as a part of his regular duties.
 - (2) If the work involves active proprietary management of a business closely related to the official work of the employee.

proceedings concerning matters related to the business of the government without the permission of the department director, his designee, or the Governor or his designee.

V.D14 GAMBLING, BETTING, AND LOTTERIES.

An employee shall not participate, while on government owned or leased property or while on duty for the government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this Section does not preclude activities necessitated by the employee's law enforcement duties.

V.D15 USE OF INTOXICANTS.

An employee who habitually uses intoxicants or narcotics or dangerous drugs is subject to removal. Employees shall not use intoxicating beverages on government property except at officially sanctioned events.

V.D16 SPECIFIC TYPES OF CONDUCT.

- A. Misconduct. Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct on the part of a government employee is cause for his removal from the service of the government.
- B. Negotiations for Employment. It is the policy of the Commonwealth of the Northern Mariana Islands Government that employees shall not, without proper clearance, negotiate for future non-Personnel Service System employment with persons or organizations having business with the Commonwealth of the Northern Mariana Islands as to which the employee is called upon officially to render advice or make judgments. In the event an employee desires to negotiate for such employment, he shall inform his supervisor of his intentions. If the supervisor determines that the proposed negotiations will not adversely affect the government's interests, he may authorize the employee to proceed.
- C. Selling or Soliciting. Employees and other persons are prohibited from selling or soliciting for personal gain within any building occupied or used by the government without proper permission. This prohibition does not apply to:
 - (1) Authorized and installed business activities such as Employees Credit Union.
 - (2) Solicitation for health drives, the Red Cross and other purposes approved under the Governor's fund-raising policy.
 - (3) Token solicitations for floral remembrances, retirement gifts, and similar purposes.

Employees are encouraged to participate in the activities of professional societies and of civic organizations whose purpose and objectives are not inconsistent with those of the department in which they are employed. Affiliation with such groups may be mutually beneficial to the employee and to the Commonwealth of the Northern Mariana Islands Government; however, such participation must not affect adversely an employee's performance of his regularly assigned duties.

PERSONNEL SERVICE SYSTEM REGULATIONS

PART V, SUB-PART E
POLITICAL ACTIVITY

V.E1 POLITICAL ACTIVITIES.

The political activities of persons in the Personnel Service System shall be subject to the restrictions of this Section.

V.E2 RIGHTS OF EMPLOYEES.

All employees in the Personnel Service System shall have the following rights:

- A. To vote for the candidates of their choice and to express their opinions on political matters.
- B. To be active members of the political party or organization of their choosing.
- C. To make voluntary contributions to a political party for its general expenditures.
- D. To become candidates for political office while working in the Personnel Service System, providing their campaigning does not take place on government time.

V.E3 PROHIBITIONS.

Employees of the Personnel Service System shall not:

- A. Use their office or official influence to interfere with an election or to affect the results of an election.
- B. Use their official authority to coerce any person or political party in reference to any politically related activity.
- C. Be obligated to contribute to any political fund or render service to any political activity.
- D. Solicit or receive political contributions from anyone while on government time or on government property.
- E. Campaign for any candidate for public office during official working hours.
- F. Promote or oppose legislation relating to programs of the departments without the official sanction of the proper departmental authority. (It should be clearly understood, however, that nothing in this policy is to be considered as restricting or interfering with the obligation of employees to respond

freely and candidly to any inquiries made of them in regard to appropriations or related matters.)

V.E4 PUBLIC OFFICE.

An employee who is an official candidate for public office shall take annual leave or leave without pay.

V.E5 PENALTY.

Any employee found guilty of a prohibited activity shall be subject to disciplinary action by management.

PART V, SUB-PART F
EQUAL GOVERNMENT EMPLOYMENT POLICYV.F1 EQUAL GOVERNMENT EMPLOYMENT OPPORTUNITY POLICY.

It is the policy of the Commonwealth of the Northern Mariana Islands Government that there shall be no discrimination based on such factors as race, creed, color, ancestry, membership in a labor organization, political affiliation, place of origin, physical handicap, sex, religion, age, and similar matters not related to merit and fitness. Also, stated in Commonwealth of the Northern Mariana Islands Public Law 1-9, as amended, Section 2:

"It is hereby declared to be the purpose of this Act to establish a system of personnel administration based on merit principles and generally-accepted methods governing the classification of positions and the employment, conduct, movement, and separation of public officials and employees.

"It is also declared to be the purpose of this Act to build a career service which will attract, select and retain the best-qualified civil servants on merit who shall hold their offices or positions free from coercion, discrimination, reprisal or political influences, with incentives in the form of genuine opportunities for promotions in the public service, to provide competent and loyal personnel to render such service, according to the dictates of ethics and morality. In order to achieve these purposes, it is declared to be the policy of the Commonwealth that the personnel system hereby established be applied and administered in accordance with the following merit principles:

- "A. Equal opportunity for all regardless of age, race, sex, religion, political affiliation or place of origin;
- "B. Impartial selection of the ablest person for government service by means of competitive tests which are fair, objective, and practical;
- "C. Just opportunity for competent employees to be promoted within the Service;
- "D. Reasonable job security for the competent employee;
- "E. Systematic classification of all positions through adequate job evaluation;
- "F. Fair and reasonable grievance procedures for all employees pertinent to condition of employment; and

"G. Proper employer-employee relations to achieve a well trained, productive and happy work force."

V.F2 NEPOTISM.

Employment by reason of blood or marriage relationship rather than merit is prohibited. No employee shall supervise a member of his immediate family except in emergency situations such as typhoons, floods, or at isolated field stations or where there is a shortage of quarters. No supervisor shall employ any relative or any other person whose relationship or association with him is such that it creates a reasonable assumption that that person, as an employee, would be in a favored position in relationship to other employees.

V.F3 POLITICAL AFFILIATION.

Under the Personnel Service System, no person with authority to make or recommend a personnel action relative to a person in, or an eligible or applicant for, a position in the Personnel Service, may make inquiry concerning his political affiliation. All disclosures concerning political affiliation shall be ignored. Except as may be authorized or required by law, discrimination may not be exercised, threatened, or promised by any person in the Commonwealth of the Northern Mariana Islands Government against or in favor of an employee in, or an eligible or applicant for, a position in the Personnel Service because of his political affiliation.

V.F4 COERCION.

A Personnel Service System employee shall not use his government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business or financial ties.

PART VI, SUB-PART A
INCENTIVES AND AWARDSVI.A1 INTRODUCTION AND PURPOSE.

To set forth policies and procedures for the Personnel Service Incentives and Awards Program under applicable regulations.

VI.A2 POLICY.

It is the policy of the Commonwealth of the Northern Mariana Islands Government to use incentives and awards as an integral part of supervision and management to:

- A. Recognize and reward employees who contribute to increased efficiency, economy, or other improvements in operation; and
- B. Encourage individual or group effort to make such contributions.

VI.A3 PROGRAM RESPONSIBILITY.

- A. The Personnel Officer is responsible for the overall direction and supervision of the Incentive Awards Program. He administers the program in conjunction with the Incentive Awards Committee.
- B. The department directors are responsible for directing awards activities, including suggestions processing, within their respective departments, to the Incentive Awards Committee. Department directors have been delegated responsibility for recommending Superior Service Awards, Awards of Service, Letters of Appreciation, and Honor Awards to the Incentive Awards Committee.
- C. All department directors and supervisors at all levels have the primary responsibility for the conduct and promotion of the Incentive Awards Program. They should encourage all employees to become active participants in the government's search for efficiency and economy in the conduct of its business. When superior work performance or special acts are identified through normal management review, responsible program managers shall request appropriate supervisors in those areas to identify the employees who have made the special contribution, and consider submitting award nominations.

VI.A4 INCENTIVE AWARDS COMMITTEE.

- A. The Incentive Awards Committee will consist of two (2) employee representatives, the Chairman and the Vice-Chairman of

the Employee Management Council. One of the members is designated Chairman who, in turn, may appoint from the other members a Vice-Chairman who will preside over the meetings during the absence of the Chairman. The Personnel Officer or his designee attends all the meetings of the Committee and acts as technical advisor and Executive Secretary, and has one vote in the event of a deadlock among the appointed members. A member who cannot attend a meeting may designate his proxy to another member in writing, authorizing him to act in his stead.

- B. The Committee meets each quarter or more frequently, at the call of the Chairman, if the number of award nominations warrants. The presence of the Chairman or Vice-Chairman and two (2) members will constitute a quorum.
- C. The Committee reviews and evaluates Letters of Appreciation, Suggestion Awards, Superior Performance Awards, Special Act or Service Awards and Honor Awards for the employees and for cash awards.

VI.A5 CONTRIBUTIONS AND AWARD CATEGORIES.

An employee's contribution, to be considered for an Incentive Award, must be identified with one of the following four (4) categories:

- A. Suggestion Award;
- B. Superior Performance Award;
- C. Special Act or Service Award; and
- D. Sustained Superior Performance for two (2) years or more.

Supervisors shall be given due recognition for the extent to which they are successful in creating a climate in which their employees are motivated to express their interests and participate in the Incentive Awards Program. An employee shall not be advised that an award nomination has been submitted on his behalf until final approval has been received. So that an employee may be given full benefit and recognition of his achievement, department directors are encouraged to submit award nominations at the time an important contribution is made and to recognize a notable career well in advance of retirement.

VI.A6 LETTERS OF COMMENDATION.

Supervisors should initiate letters of commendation for employees who make contributions which are worthy of recognition but do not meet the minimum standards for monetary or honor awards. Such letters may be signed by the immediate supervisor or higher official, depending upon the significance of the contribution. The original is presented to the employee and a copy is furnished to the official personnel file. If the letter concerns an adopted suggestion, a copy is also forwarded to the Executive Secretary of the Incentive Awards Committee.

PART VI, SUB-PART B
RECOGNITION AND AWARDSVI.B1 SUPERIOR PERFORMANCE AWARD.

A Superior Performance Award is granted for performance exceeding job requirements, and involving a contribution so superior or meritorius as to warrant special recognition. An employee may be considered for a lump-sum cash award for Superior Performance, provided his performance meets all the following criteria:

- A. Performance of one or more important job functions in a manner that substantially exceeds normal requirements so that, when reviewed as a whole, the work performance is of a high degree of effectiveness.
- B. Performance that exceeds the normal or typical;
- C. Performance that does not meet all the requirements of a merit increase, but does significantly exceed performance standards in one or more important job functions.

VI.B2 A SPECIAL ACT OR SERVICE AWARD.

A Special Act or Service Award is granted for performance which has involved overcoming unusual difficulties, or exemplary or courageous handling of an emergency situation related to official employment. Awards in this category are made in the form of a lump sum payment.

VI.B3 HONORARY AWARDS.

When appropriate, an Honorary Award may be granted in recognition of an employee's contribution. The Honorary Award may be in addition to a cash award. For example, an Honorary Award is particularly appropriate in recognition of continued distinguished service, a singular achievement, or an act of personal heroism. It may be granted independently of, or as a supplement to, a cash award; it is not intended, however, to serve as a substitute for deserved monetary awards. It is designed to select and bestow singular honor as an official recognition of achievement and as an incentive for further accomplishments. The concept of recognizing career public employees for significant contribution is to encourage excellence in government service which, in turn, should promote public appreciation of quality in government. By raising public opinion of government employees, the more able youth may be persuaded to choose government careers. Recommendations of Honor Awards should be submitted during the nominee's active service, at least one or two years before retirement. General requirements for each type are listed below:

- A. The Distinguished Service Award (Gold Medal) is the Commonwealth of the Northern Mariana Islands' highest award and can be received by an employee only once. It is granted by the Incentive Awards Committee for:
- (1) An outstanding contribution to science;
 - (2) An outstanding skill or ability in the performance of duty;
 - (3) An eminent career in the Commonwealth of the Northern Mariana Islands;
 - (4) An outstanding record in administration; or
 - (5) Any other exceptional contribution to the public service.
- B. The Valor Award (Gold Medal) is granted by the Incentive Awards Committee to employees who demonstrate unusual courage involving a high degree of personal risk in the face of danger. The valorous act does not have to be performed while on official duty.
- C. The Meritorious Service Award (Silver Medal) is granted by the Incentive Awards Committee for:
- (1) An important contribution to science or management;
 - (2) A notable career;
 - (3) Superior service in administration or execution of duties;
 - (4) Initiative in devising improved work methods and procedures;
 - (5) Superior achievement in improving safety, health, or morale; or
 - (6) Superior accomplishments in fostering the objective of the Commonwealth of the Northern Mariana Islands in the development in management.
- D. The Superior Service Award (Certificate) is given at any time during the employee's career to recognize significant acts, services, or achievements that materially aid or affect the successful accomplishment of the Commonwealth of the Northern Mariana Islands Government's mission. This Award is granted by the Incentive Awards Committee for:
- (1) Accomplishment of a particularly difficult or important assignment in a manner that reflects favorably on the employee or the Commonwealth of the Northern Mariana Islands Government;
 - (2) Development of a new procedure or process that results in substantially increased productivity, efficiency, or economy of operation and for which the employee has not been otherwise rewarded;
 - (3) Innovations of significance to further Commonwealth of the Northern Mariana Islands programs; or
 - (4) Any other aspect of superior performance related to assigned duties and deemed to be deserving of special recognition.

E. The Commonwealth issues two other types of honor awards to employees. These are: Award of Service (Plaque) and Letter of Appreciation. General requirements for each type are listed below:

- (1) The Award of Service (Plaque) is granted by the Incentive Awards Committee upon the retirement or death of an employee who has completed ten (10) years or more of government service. A letter, signed by the Incentive Awards Committee citing the service and attainments of the recipient, accompanies the plaque. The employee's organization prepares the letter and submits the justification memorandum to the Personnel Officer, who arranges for Incentive Awards Committee approval, signing of the letter, and engraving of the plaque. The award materials are forwarded to the organization for presentation.
- (2) Letter of Appreciation. An employee who upon retirement has not qualified for the Award of Service (plaque) receives a Letter of Appreciation signed by the Incentive Awards Committee. The letter reflects the employee's service and attainments. The employee's organization prepares the letter and submits it by memorandum to the Personnel Officer, who arranges for Incentive Awards Committee approval and signing of the letter. The Letter of Appreciation is returned to the organization for presentation.

VI.B4 LENGTH OF SERVICE AWARDS.

Commonwealth of the Northern Mariana Islands employees receive emblems commemorating ten (10), twenty (20), and thirty (30) years of government service. The Personnel Office issues these emblems annually.

VI.B5 AWARDS TO PERSONS OUTSIDE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

An award in the form of a brief citation or certificate is granted by the Incentive Awards Committee to private citizens to commend them officially for their voluntary contributions to the public service. Any employee may initiate a recommendation for this award by memorandum to the Incentive Awards Committee, outlining the individual's or group's contribution. Criteria might include:

- A. Advancements in technology of benefit to Commonwealth of the Northern Mariana Islands Government;
- B. Effective cooperation among various sectors of private enterprises; and
- C. Esthetic and environmental aspects of citizenship.

VI.B6 PRESENTATION OF AWARDS.

The Distinguished Service Awards and Valor Awards are presented at a special annual convocation by the Governor. It is preferable that the ceremony accompanying the presentation of the Distinguished Service Awards or Valor Awards be made a truly memorable occasion to which the spouse and family of the recipient should be invited, and following which may be served refreshments if the administration or the recipients' co-workers so desire. By their very nature, these awards represent truly significant accomplishments, worthy of public note, because their awards reflect credit not only upon the employees being given the recognition, but on the organization and individuals with whom they work.

- A. Meritorious Service Awards, length-of-service emblems for thirty (30) years, and special achievement awards of two hundred dollars (\$200.00) and over are presented in the department director's staff meetings.
- B. Length of service pins for twenty (20) or more years are presented to the employee by his department director.
- C. Other awards may be presented by any appropriate official in the recipient's organization, in accordance with the importance of the contribution. The recipient of a special achievement award is given the original of the approved recommendation, along with his check.

PART VI, SUB-PART C
BENEFICIAL SUGGESTIONS PROGRAMVI.C1 SUGGESTION AWARD.

A Suggestion Award is an award for an idea submitted by an employee and adopted for use by the government. Awards of this kind are made only when the employee's suggestion directly contributes to economy or efficiency or directly increases effectiveness in carrying out government programs or missions. Lack of novelty or originality does not necessarily make an idea ineligible for an award. Awards are made in the form of a cash lump-sum payment.

VI.C2 SUGGESTIONS PROCEDURES.

A suggestion is prepared on Form CSC-P-BS-61 in triplicate with the original being submitted to the suggestor's immediate supervisor, the duplicate to the Executive Secretary of the Incentive Awards Committee and the triplicate retained by the suggestor. The Executive Secretary will acknowledge receipt of the suggestion, number it and return the "Suggestion Acknowledgment" part of the form to the suggestor. The suggestion is accepted only if the idea contributes to increased efficiency or economy; suggestions which relate to employee benefits, working conditions, housekeeping, buildings and grounds, etc., are not processed as part of the awards program. The supervisor determines adoption or rejection of a suggestion, if he has authority to do so. If the suggestion is not within the scope of his authority, he initiates further referral.

If a suggestion is not adopted, the supervisor advises the suggestor by memorandum of the reasons for its rejection and furnishes a copy of the memorandum to the Executive Secretary of the Incentive Awards Committee. If it is adopted and has significant first-year benefits, he initiates the recommendation for a special achievement award (see Part VI, Sub-Part B.2). If it is adopted but the benefits are not sufficient to qualify for a cash award, he initiates a Letter of Commendation to the suggestor, to be signed by himself or a higher level official. Suggestions which appear to have benefits applicable to other departments are referred to them by the Incentive Awards Committee handling the suggestion.

VI.C3 DOCUMENTATION.

Employee suggestions must be submitted in writing on a Commonwealth of the Northern Mariana Islands Suggestion Form, CSC-P-61. Recommendation for a Performance Award, Special Act or Service Award related to the suggestion must be submitted in writing by supervisors on Commonwealth of the Northern Mariana Islands Form CSC-P-62. Awards for cash and certain honor awards should be forwarded to the Personnel Officer for consideration by the Incentive Awards Committee.

The Executive Secretary of the Incentive Awards Committee will receive reports and maintain necessary files. Each case file includes a copy of the suggestion itself and a copy of the letter to the suggestor concerning its adoption or rejection. Copies of Letters of Commendation for adopted suggestions are also forwarded. By the tenth day of each month, the Executive Secretary of the Incentive Awards Committee will report on the number of suggestions received, adopted, and rejected, to the Civil Service Commission. He will use this information to prepare a memorandum--at least at 6-month intervals--to all employees concerning awards granted throughout the Commonwealth.

PERSONNEL SERVICE SYSTEM REGULATIONS

PART VII
EMPLOYEE BENEFITS AND SERVICES

VII.1 POLICY.

It is the policy of the Commonwealth of the Northern Mariana Islands Government to provide benefits and services to its employees in keeping with the general practices of government and private enterprise and as limited or prescribed by law. This Part delineates those benefits and services which include:

- A. Leaves of Absence; and
- B. Benefits, such as Social Security coverage, Group Life Insurance, Accident and Health Insurance, Workmen's Compensation coverage, etc.

Procedures for application of these Regulations are included in the Procedural Manual.

PERSONNEL SERVICE SYSTEM REGULATIONS

PART VII, SUB-PART A
LEAVES OF ABSENCE

VII.A1 PURPOSE.

Leaves of absence from the Personnel Service are for the mutual benefit of the employee and his employer. When leaves of absence are granted, they are considered to be for legitimate reasons not detrimental to the Personnel Service.

VII.A2 CREDITABLE SERVICE FOR LEAVE PURPOSES.

A. Trust Territory Public Service experience since United States administration took over (including WAE until June 30, 1972).

- (a) Includes trainees. Includes employment under 61 TTC, Paragraph 9(d), (f), (h), (l), (m), (n) and (o).
- (b) By Director of Personnel memorandum, dated January 26, 1972, to all Trust Territory of the Pacific Islands departments and districts, WAE appointments were to be terminated or converted to appointments per Administrative Directive 72-1 dated January 16, 1972.

WAE appointments until June 30, 1972 are to be considered as full-time employment and service credited accordingly. After June 30, 1972, for WAE or intermittent employment, time actually worked will be used to compute creditable service.

- (2) Marianas administration under U.S. Navy and NTTU. Until 1962, when TTPI Headquarters moved to Saipan, the Marianas (Saipan and Tinian) were under Naval Administration. Rota was already included in TTPI Administration prior to 1962.
- (3) Personnel under municipal governments.
- (4) All employment within TTPI including: Peace Corps, Micronesian Claims Commission, National Weather Service, and U.S. Coast Guard.
- (5) U.S. military and civilian service in the Trust Territory. Active military service in United States Armed Forces; civilian service with the U.S. Armed Forces in the TTPI.
- (6) Employees of judiciary and legislative branches (Congress of Micronesia, municipal councils, and district legislatures). Judiciary, including district court judges who may have been or are presently on WAE appointments.
- (7) Service in the Commonwealth of the Northern Mariana Islands Government since April 1, 1976.
- (8) Trust Territory Government employment under the Seaman's Act.

VII.A3 KINDS.

Broadly characterized, leaves of absence are either with pay or without pay.

VII.A4 BASIS FOR ACCRUAL

Employees occupying permanent positions shall accrue annual leave for each biweekly pay period in which they are in pay status for the entire ten (10) days; otherwise there shall be no accrual for such period.

VII.A5 LEAVES WITH PAY.

- A. Annual Leave. Annual Leave, or vacation, shall be granted for the purpose of rest and relaxation. Personnel Service System employees who have less than three (3) years of creditable service shall earn annual leave at the rate of four (4) hours per pay period; except that newly appointed employees shall undergo a waiting period of ninety (90) calendar days before being credited with annual leave. Employees with three (3) but less than six (6) years of creditable service shall earn annual leave at the rate of six (6) hours per pay period. Employees who have six (6) or more years of creditable service shall earn annual leave at the rate of eight (8) hours per pay period.

Employees occupying permanent positions shall accrue annual leave for each biweekly pay period in which they are in pay status for the entire ten days; otherwise there shall be no accrual for such period.

Annual leave requests of more than three (3) working days must be made in advance on a leave request form. All annual leave requests must be approved by the employee's division head upon recommendation of such employee's immediate supervisor. In smaller organizations where divisions may not exist, the head of such organizations shall approve annual leave. A denial of request for annual leave is subject to employees Grievance Rights.

- B. Maximum accumulation. The maximum accumulation of annual leave for Personnel Service System shall be three hundred sixty (360) hours. Accrued annual leave in excess of 360 hours remaining at the end of the leave year shall be converted to sick leave.
- C. Sick Leave. Employees occupying permanent positions shall accrue sick leave at the rate of one-half day (4 hours) for each biweekly pay period in which they are in pay status for the entire ten days; otherwise, there shall be no accrual for such period.

Unused sick leave may be accumulated and carried over to succeeding leave years without limitation.

Sick leave with pay shall be allowed whenever the employee is compelled to be absent from duty because of illness or injury or because of quarantine of his family and residence. Use of sick leave is appropriate for medical, dental, or optometry examination or treatment, or for any mental health examination, counseling or treatment.

If an employee is absent because of illness, injury or quarantine in excess of three (3) days, he may be required to furnish a certification as to the incapacity from qualified medical personnel (medex or doctor). The department head or his designee may require certification for such other period of illness as is appropriate.

If the certification required is not furnished, all absence which would have been covered by such certification shall be indicated on the payroll as leave of absence without pay (LWOP).

The generality of the foregoing is subject to the following special provisions:

- (a) Falsification of an illness report shall be considered sufficient cause for disciplinary action, including dismissal from the government service for repeated offenses.
- (b) Sick leave with pay shall be allowed during leaves of absence or vacations, provided, however, that any sick leave taken by an employee while on vacation must be supported by a certificate issued by a qualified medical personnel (medex or doctor). No employee shall be allowed to undertake gainful employment while on sick leave status.
- (c) Sick leave with pay may be granted in advance of earning sick leave as provided under Part VII.A5.D. If an employee is separated from the service without having earned all of the sick leave allowed and taken, there shall be deducted from any money due him at the time of separation an amount equal to his salary for the period of unearned sick leave allowed and taken.

Sick leave accrued for service with the Commonwealth Government shall vest in the employee upon accrual and shall remain vested so long as he is employed by the Commonwealth Government, provided that if such employee is separated from government service for a period longer than three (3) years, he shall be divested of accumulated sick leave.

- D. Leave Advance. Where, for good reason, an employee requires additional annual or sick leave, the Personnel Officer may grant advance leave up to a maximum of one-half (1/2) of the total

earnable leave credits for one year from the date the application is made. Subsequent earnings shall serve to replace the amount of advance leave granted and taken.

- E. Training and Education Leave. Leaves for the purpose of job-related training and education may be granted permanent Commonwealth of the Northern Mariana Islands employees for a period not to exceed one (1) year, by the Personnel Officer.

The Personnel Officer may extend this period, upon recommendation of the appointing authority. The period of leave shall not affect the employee's service anniversary date.

- F. Compassionate Leave. Permanent employees may be granted compassionate leave with pay of no more than five (5) working days in cases of death in the immediate family of the employee. For the purpose of this sub-part, the term "immediate family" shall be defined as an employee's mother, father, spouse, immediate offspring (natural and culturally or legally adopted), brother or sister, grandfather or grandmother and mother-in-law or father-in-law. The department director or his designee is responsible for approving compassionate leave requests.

- G. Excused Absences. An absence from duty administratively authorized, without loss of pay and without charge to leave, is an excused absence. The Governor, department heads, or their designees shall have the responsibility for approving administrative leave requests. The following are the three general classes into which excused absences fall:

- (1) Administrative leave is absence authorized under emergency conditions beyond the control of management, e.g., typhoons, or for participation in civic activities of interest to the government, or employment connected examinations, or for such reasons as the Governor may determine (e.g., early closing on Christmas Eve).
- (2) Extended absence required for medical appointments and care following job-related injuries may be authorized as administrative leave.
- (3) Excused absences related to disciplinary actions. Managers may place an employee in non-working status with pay for up to three (3) working days pending preparation of a notice of proposed suspension for up to thirty (30) calendar days or removal from the Personnel Service.

- H. Court Leave. The Government encourages its employees to fulfill their obligations as citizens of the Commonwealth of the Northern Mariana Islands. Thus, employees who are called upon to serve as jurors may, at their option, be granted Court Leave for such period as the jury may be impaneled. Employees who are called to jury duty shall present their Juror Summons to their immediate supervisor together with a completed Request for Leave, for his signature and processing. Employees who serve as jurors using Court Leave to cover the period

of absence shall turn over to the Commonwealth of the Northern Mariana Islands Treasurer such jury fees (as distinct from expense allowances) as they receive from the Court. Expense allowances paid the employee for whatever purpose may be retained by the employee to defray the expenses for which granted. An employee subpoenaed as witness, except as a government witness, shall charge such absence to annual leave or leave without pay. Court leave shall be granted to an employee subpoenaed in litigation in which the government has no interest, to serve as a witness in his official capacity as a government employee, and who will be required to present government records in testimony. Such employee must inform his department director of the required testimony as soon as possible after being subpoenaed.

- I. Military Leave. Military leaves of absence with pay, not to exceed fifteen (15) calendar days in any calendar year, regardless of the number of training periods in the year, may be granted by the Personnel Officer to full-time employees on permanent appointments, who are members of the United States National Guard and Reserve components of the United States Armed Forces, when directed under orders issued by proper military authority. Administrative leave will not be granted in order to extend leave time for any additional training days.
- J. Maternity Leave. Maternity Leave shall be granted to a female employee occupying a permanent position who is absent from work because of confinement for childbirth. The appointing authority shall have the responsibility for approving maternity leave requests. Such maternity leave shall not exceed ten (10) days, shall be in addition to any accumulated sick leave, and shall be paid leave. Such maternity leave shall be any ten (10) days encompassing the date of childbirth, and any additional leave taken for such childbirth purposes shall be charged against accumulated sick leave. Requests for maternity leave shall be submitted on Form CSC-P-32, "Request for Special Leave."
- K. Paternity Leave. Paternity leave shall be granted to a male employee occupying a permanent position who is absent from work because of his wife's confinement for childbirth. Such paternity leave shall not exceed two (2) days encompassing the date of childbirth. The appointing authority shall have the responsibility for approving paternity leave requests.

VII.A6 DISPOSITION OF LEAVE UPON SEPARATION.

- A. Annual Leave. An employee separated from the Personnel Service for any reason shall receive a lump sum payment for all annual leave accrued to his credit at the time of separation.
- B. Sick Leave. An employee separated from the Personnel Service for any reason shall have all sick leave accrued to his account held in the leave records for three (3) years. Should the

person be reemployed in the Personnel Service at any time during that three (3) year period, the sick leave balance shall be recredited to his sick leave account and available for use from the first day of his reemployment.

VII.A7 LEAVES WITHOUT PAY.

- A. An employee may be granted leave without pay not to exceed ninety (90) days if the approving officer considers it justified. Leave without pay may be extended up to ninety (90) additional days ONLY with the approval of the Personnel Officer, upon recommendation by the appointing authority. Such leave without pay may be granted to permit the employee to attend to important family affairs, such as settling an estate, or for justifiable personal or business reasons.

An employee desiring extended leave without pay shall prepare a memorandum of explanation addressed to his immediate supervisor explaining in detail the reasons for the request. He shall also prepare a CSC-P-32 "Request for Special Leave" and forward both to the department director, through his immediate supervisor.

- B. Training and Education Leave. Permanent Commonwealth of the Northern Mariana Islands employees who are ineligible for further training or education leaves with pay, as provided for under Sub-Part VII.A5.E of this Regulation, or who wish to pursue their education on a full-time basis without financial assistance by the government, may be granted leaves of absence without pay for a period not to exceed one (1) year. Such employees shall have the right to return to their positions at the satisfactory conclusion of their education or training, and their service anniversary dates shall be adjusted by the amount of leave without pay taken. The Personnel Officer is responsible for approving or disapproving requests for Training and Education Leave.
- C. Leave Without Pay in Extension of Annual or Sick Leave. With the concurrence of his department head, a permanent employee may be granted leave without pay for the purpose of extending his vacation. Similar extensions may be granted for sick leave purposes, provided, however, that the attending physician certifies to the necessity for the extensions.
- D. Tardiness. Tardiness shall be charged to leave without pay (LWOP) at the end of the pay period. The timekeeper shall determine the total number of minutes the employee has been late at the end of the pay period, and charge LWOP to the nearest hour.

VII.A8 UNAUTHORIZED LEAVE.

Unauthorized Leave (Absent Without Leave, AWOL) is absence from duty without appropriate authorization. Employees who are absent from duty

without prior approval, except in bona fide emergencies, shall be charged as being AWOL. Employees who are AWOL are subject to loss of pay and possible disciplinary act.

VII.A9 ADMINISTRATION OF THE SYSTEM.

- A. Leave Year. For administrative convenience, leave accumulations and usages are based upon the "Leave Year." A "Leave Year" is that period of fifty-two (52) consecutive weeks (twenty-six [26] pay periods) which begins on the first day of the first full pay period of the calendar year and ends on the last day of the last pay period which begins in that calendar year. For example, if the first day of the first pay period in the new year is January 11, then the leave year ends on January 10 the following year.
- B. Employee's Right to Annual Leave. Employees have a legal right to accumulate annual leave, but the right to use that leave is contingent upon management's requirements. Thus, it is incumbent upon managers and employees to agree mutually as to the duration of annual leave and the period of taking. A manager is wholly within his rights, as a manager, to deny an employee's request for annual leave if that denial is based upon demands of the Personnel Service. He is obligated, in event of a denial, to suggest to the employee a more appropriate time for taking annual leave.
- C. Vacation Scheduling. The government urges and encourages employees to use Annual Leave for the purpose for which it is intended. That is for rest and relaxation. The government considers that a "vacation" of not less than two (2) consecutive weeks of Annual Leave meets the basic intent of Annual Leave provisions. To avoid confusion, recriminations, disappointments and grievances, managers are urged to schedule vacation periods for their employees, bearing in mind employees' preferences, needs and desires, so that the work force will not be unduly affected by employee absences. In event of conflict between employees over choice of a vacation period, government seniority or some other device, consistently applied, may be used to resolve such conflicts.
- D. Lump Sum Leave Payment Upon Separation. When an employee is separated from the Personnel Service, he is entitled to the payment for his unused Annual Leave in a lump sum. If he returns to duty in any capacity with the government before the accumulated term of leave would have expired, had it been liquidated in the normal course, he must return to the government the gross value of such unusable leave and have those hours of leave credited to his Annual Leave account.

For example, if an employee has three hundred sixty (360) hours Annual Leave to his credit upon separation, that represents forty-five (45) days of leave. If he returns to government employment before the passage of forty-five (45) working

days, he is required to make a refund for the unexpired term of leave.

Employee is offered a return to duty with the same pay classification and pay, accepts, and reports to work March 15. Thirty-four (34) working days have elapsed (one holiday occurred in February), for a total of two hundred seventy-two (272) hours. Employee would be required to repay to the government the dollar value of eighty-eight (88) hours, the difference between the 360 accumulated hours, and 272 hours elapsed time, leaving a balance to be repaid of 88 hours.

VII.A10 RESPONSIBILITIES.

The employee shall be responsible for initiating his request for leave using such forms, documentation, and explanatory material as may be required. He shall initiate such request sufficiently in advance, wherever possible, so as to enable management to make the necessary staff adjustments for coverage of the employee's assignments during his absence.

Management shall be responsible for reviewing all requests in the light of program needs, replacement services, and legal and policy requirements. In consideration of the foregoing and any other pertinent considerations, management may approve, disapprove, or arrange modifications of leave requests.

The Personnel Officer shall be available for advice and assistance and for final decisions in cases requiring interpretation of legal requirements and policy. The Personnel Officer shall be available for advice and assistance to all agencies in matters concerning leaves.

PART VII, SUB-PART B
BENEFITSVII.B1 GENERAL.

It is the policy of the government to provide certain benefits to all its employees, whatever their appointive status. These are defined in the Sections which follow.

VII.B2 RESPONSIBILITIES.

- A. The Personnel Office is charged with the responsibility to administer the several benefits.
- B. The Personnel Officer is responsible for advising the Civil Service Commission as to the kinds of coverage needed for the employees, the preparation and oversight of procedures used, and for the training of managers and employees in the development and presentation of claims.
- C. Managers and supervisors are responsible to know the provisions of the several plans for coverage of the employees under their supervision and the procedures necessary to present claims.
- D. Employees are responsible to familiarize themselves with reporting procedures so that they may be assured of proper coverage in event of injury, illness or death.

VII.B3 NATURE OF COVERAGE.

Commonwealth of the Northern Mariana Islands employees are entitled to the following benefits with specific exceptions as noted below:

- A. Workmen's Compensation for work related injury or illness. The Trust Territory Workmen's Compensation program is currently provided to all employees of the Commonwealth of the Northern Mariana Islands who are not otherwise covered by U.S. laws.
- B. Group Life Insurance. The Commonwealth of the Northern Mariana Islands Group Life Insurance coverage is available to all Personnel Service employees employed for at least one year and who work at least thirty (30) hours per week, provided, however, that should a group life insurance policy be in effect covering employees not meeting the stated requirements, such coverage shall immediately be afforded such employees.

VII.B4 INSURANCE PROGRAM DEFINITIONS.

Brochures and other information concerning nature and extent of coverage, cost to the employee, and manner of processing claims shall be maintained, on a current basis, in the Personnel Office.

VII.B5 PROCEDURES.

Procedures covering the administration of the insurance programs and plans are contained in the procedural manual to these Regulations.

VII.B6 RETIREMENT PROGRAM.

Old age and survivors benefits and disability coverage are provided for employees in the Personnel Service System by Social Security and the Commonwealth Retirement Program. The Personnel Officer and his respective staff must be conversant with the provisions and entitlements under the Social Security and Commonwealth Retirement Program so that they may provide informal advice and counsel to employees or their survivors who need information and guidance with respect to filing claims for Social Security and Retirement Program benefits.

PART VIII
PERFORMANCE EVALUATIONVIII.1 GENERAL.

This Part prescribes the annual employee review system which seeks to recognize the merit of employees and their contributions to efficiency and economy in the Personnel Service.

VIII.2 EMPLOYEE PERFORMANCE EVALUATION.

Employee performance evaluation is essential for:

- A. Improving employee effectiveness by:
 - (1) Providing the working atmosphere in which an employee may be motivated to achieve his performance potential; and
 - (2) Identifying performance standards and assuring employee awareness of them.

- B. Strengthening employee-supervisory relationship by:
 - (1) Establishing a framework for continuing employee-supervisor communications regarding performance standards and employee potential; and
 - (2) Providing employees with the opportunity to participate in the establishment of performance standards.

- C. Providing management with a basis for relating employee performance to other pertinent personnel management activities.

VIII.3 POLICY.

Each Director of a Department shall ensure that supervisors under their respective jurisdictions each year reach a clear understanding with their subordinates of the standards of performance which must be met in accomplishing assigned work. The supervisor and the employee on a person-to-person basis must arrive at an understanding of the work objectives to be met and the manner in which they may be reached. A review of the employee's position description is necessary to reach agreement on duties, performance standards and work objectives.

Annually, by the employee's anniversary date, based upon the preceding twelve (12) months' performance standards reviews and other pertinent factors, an annual written rating of performance shall be submitted by the supervisor, and concurred in by the activity head, on forms prescribed by the Personnel Officer, for each permanent and probationary employee. The Personnel Officer, through his authorized representative, shall administer the performance evaluation system and be alerted to changes needed for improvement of such system.

VIII.4 REPOSIBILITIES.

- A. The Personnel Officer shall be responsible for:
 - (1) Developing, evaluating, and improving the Personnel Service annual employee review system and performance rating plan; and
 - (2) Providing staff advice and assistance to the departments in the administration of the system;

- B. The directors of departments and agencies shall be responsible within their respective organizations for implementing, administering, and obtaining compliance with the purposes of the system including:
 - (1) Providing assistance to supervisors and employees in developing performance standards;
 - (2) Providing the necessary training to supervisors so that they can effectively carry out their responsibilities for communicating with and evaluating employees; and
 - (3) Assuring that employees understand the objectives of performance evaluation and the provisions of the annual employee review system and the performance evaluation plan.

- C. Supervisors are responsible for:
 - (1) Assuring that position descriptions accurately reflect the duties and responsibilities assigned.
 - (2) Determining jointly with the employee concerned, on a person-to-person basis, the performance standards and keeping them advised of their strengths, weakness, and opportunities for improvement in terms of the performance standards.
 - (3) Conducting the annual employee reviews.
 - (4) Initiating appropriate personnel actions in case of continuing less than satisfactory performance.

- D. Each employee is responsible for:
 - (1) Requesting clarification from his supervisor of any performance standard or work objective which is not clearly understood.
 - (2) Advising his supervisors of any facts or circumstances which he believes should be taken into account during the annual employee review.
 - (3) Participating in appraisal discussions of his performance and making suggestions for improving it.

VIII.5 RELATIONSHIP TO OTHER PERSONNEL MANAGEMENT ACTIVITIES.

- A. By using the employee anniversary date system (as contrasted to a fixed due date, such as March 31), supervisors are given a better opportunity to consider and evaluate each employee as an individual and to coordinate the performance evaluation with other appraisal actions which make up the annual employee review system.

- B. Supervisors do not have a right to retain an employee in a position in which the employee's summary rating is "Less than Satisfactory." To permit such a situation to continue would not be in the public interest or consistent with good management principles. Supervisors, with the assistance of the Personnel Officer, must initiate the necessary action to have such an employee reassigned, demoted, or separated from the position at earliest possible date.
- C. Part III, Sub-Part E of these Regulations provides that an employee with a current official performance rating of "Exceptional" has an additional two (2) points of retention credits for reduction-in-force purposes.

VIII.6 RATING PROBATIONARY EMPLOYEES.

Employees serving probationary periods shall be given a written performance rating (as distinct from an annual employee review) at the end of each successive period of three (3) months. The final rating, for the tenth, eleventh, and twelfth months of probation, shall be completed for probationary appointees no later than the end of the eleventh month of the probation period. For employees serving a new probationary period the review must be accomplished at least two (2) weeks before the completion of the period of probation.

VIII.7 APPEALS.

Employees who believe their ratings are unjust shall be entitled to appeal as provided for in Part III.F8 of these Regulations.

PERSONNEL SERVICE SYSTEM REGULATIONS

PART IX
TRAINING AND EMPLOYEE DEVELOPMENT

IX.1 POLICY.

Insofar as appropriate training increases workers' effectiveness in jobs; improves morale, decreases labor turnover, prepares new employees to do jobs for which they are not trained, provides an effective means of screening and placement, and prepares employees for filling responsible jobs, and upward mobility; and insofar as it is a major commitment of the Government to train and develop a viable Personnel Service System workforce within the Commonwealth of the Northern Mariana Islands, it is, therefore, in keeping with Commonwealth of the Northern Mariana Islands policy and the intent of Commonwealth of the Northern Mariana Islands Public Law 1-9, as amended, that the following policy be reiterated:

"It is hereby declared to be the purpose of this Act to establish a system of personnel administration based on merit principles and generally-accepted methods governing the classification of positions and the employment, conduct, movement, and separation of public officials and employees.

"It is also declared to be the purpose of this Act to build a career service which will attract, select and retain the best-qualified civil servants on merit who shall hold their offices or positions free from coercion, discrimination, reprisal or political influences, with incentives in the form of genuine opportunities for promotions in the public service, to provide competent and loyal personnel to render impartial service to the public at all times, and to render such service, according to the dictates of ethics and morality. In order to achieve these purposes, it is declared to be the policy of the Commonwealth that the Personnel System hereby established be applied and administered in accordance with the following merit principles:

- "A. Equal opportunity for all regardless of age, race, sex, religion, political affiliation or place of origin;
- "B. Impartial selection of the ablest person for government service by means of competitive tests which are fair, objective, and practical;
- "C. Just opportunity for competent employees to be promoted within the Service;
- "D. Reasonable job security for the competent employee;
- "E. Systematic classification of all positions through adequate job evaluation;

"F. Fair and reasonable grievance procedures for all employees pertinent to condition of employment; and

"G. Proper employer-employee relations to achieve a well trained, productive and happy work force."

The Special Education Fund, as stated in Section 702 of the Commonwealth of the Northern Mariana Islands Covenant, shall be used to carry forth the policy of this Part.

IX.2 RESPONSIBILITIES.

- A. The Personnel Officer shall work with department directors to:
- (1) Develop and define policy requirements for developing the work force in the Personnel Service;
 - (2) Determine goals to be met in all job categories;
 - (3) Set standards to be met by Personnel Service employees for promotion and career development;
 - (4) Evaluate all training programs and recommend alternatives to assure that manpower development programs accomplish their objectives;
 - (5) Coordinate the training and employee development programs with the departments and other appropriate training agencies so that manpower development in the Personnel Service is in harmony with development in the private sector;
 - (6) Assure that education services in the Commonwealth are fully utilized; and
 - (7) Establish the minimum training requirements for mobility in the work force.
- B. Department directors, supported by the designated officer or the Personnel Officer, shall:
- (1) Implement all training programs at all levels within their respective organization to assure that training objectives are met;
 - (2) Submit to the Civil Service Commission annual training objectives and implementation plans for their functions by October 31st of each year. Such objectives and plans are to reflect their immediate priorities within overall Commonwealth objectives and the needs of their organizations;
 - (3) Budget funds to support the training programs needed for their employees and conducted under their auspices;
 - (4) Maintain training units within the training framework concurred in by the Personnel Officer;
 - (5) Report to the Personnel Officer annually by September 30th of each year, the nature, content, and results attained by in-service training activities;
 - (6) Establish committees of senior staff personnel to implement procedures for systematic training of employees in their respective jurisdictions; and
 - (7) Assure that effective in-service training programs are carried forward within their respective jurisdictions.

2. The Training Division shall:

- (1) Identify training needs and develop training programs for the management officials;
 - (2) Provide advice and staff assistance to management officials as they conduct their employee development activities;
 - (3) Locate, evaluate and determine cost of training resources within and outside the Commonwealth of the Northern Mariana Islands;
 - (4) Maintain current employee training records for all departments;
 - (5) Coordinate plans and programs for in-service training to develop employees in managerial, supervisory, secretarial, clerical, trades, crafts, and other skills areas;
 - (6) Formulate standards for selection of trainees and instructors;
 - (7) Coordinate all training with management officials and the Commonwealth of the Northern Mariana Islands Training Task Force to assure a balanced development of manpower and to avoid duplication of efforts; and
 - (8) Improve quality of training through evaluation of course content and testing, by securing evaluations from supervisors and employees and counseling reports.
- D. Supervisors, in carrying out the training objectives in their respective program areas, shall:
- (1) Plan for employee release time when it is needed for formal classroom instruction;
 - (2) Inform trainees of the content of their training programs, their objectives and benefits, and the employees' responsibility to absorb and use the instruction provided;
 - (3) Encourage employees to engage in self-improvement activities which may lead to improved performance and possible promotion; and
 - (4) Provide reports to their managers regarding all aspects of the training programs in which their subordinates are participating.

IX.3 DEFINITIONS.

For the purpose of this Part:

- A. "Job Skill Training" means training to:
- (1) Improve an employee's performance in the position in which he is currently employed; and
 - (2) Prepare an employee to move laterally in the same or closely related class of position.
- B. "Promotional Training" means that training which prepares an employee to perform with adequate efficiency the basic task of a class series within which he is being trained.
- C. "Employee Development" means that type of training offered an employee to broaden his background and perspectives in his own or closely related occupational areas.

In keeping with the intent of Commonwealth of the Northern Mariana Islands Public Law 1-9, as amended, major training emphasis will be geared to developing a systematic and balanced program to meet the needs in the professional, managerial, technical, vocational, educational, and training areas.

- A. The government in that implementation of its training policy, intends that the Personnel Office plan, fund, schedule, conduct and evaluate all training in these areas:

- Supervisory, Executive and Managerial;
- Secretarial and Clerical; and
- Basic Communications.

In addition, the government intends that the departments plan, fund, schedule, conduct, evaluate and report to the Personnel Office all training of a specialized nature particularly related to their respective functions.

- B. Orientation. When an employee enters a new position, a period of ninety (90) days will be given the supervisor in which to conduct an orientation for the new employee in the policies, procedures, rules and regulations which are specific to him and to the performance of his job. At the end of the initial 90-day period, a report on completion of such training will be submitted to the Personnel Office, bearing both the signature of the employee and the supervisor.

The report should contain the sequence, content, and duration of training sessions undertaken during the initial 90-day period. This 90-day period may be extended, provided that a supervisor submits the reasons for extension, in writing, for the approval of the department director, for inclusion in the employee's Official Personnel Folder.

As part of the induction process, the Personnel Officer or his designee will indoctrinate each new employee entering the Personnel Service through his office concerning:

- the employee's identification with his work situations;
- formation of favorable attitudes and the goals of the employee with those of the government; and
- Commonwealth of the Northern Mariana Islands Government policies and objectives, organization structure, and functions;

Detailed instructions concerning the orientation process are contained in the Procedural Manual to these Regulations.

- C. Supervisory, Executive, and Managerial Training:

- (1) Inasmuch as the work of the government is the best and most important training resource for potential managers, opportunity should be given to qualified Commonwealth of the Northern Mariana Islands citizens to participate in:

- formulating objectives, policies and operating procedures with respect to the programs of their organizations;
 - defining and analyzing problems, evaluating workload, and developing operating procedures;
 - planning, programming, and budgeting; and
 - representing their inter-departmental committees, work groups, survey teams, and at legislative hearings.
- (2) The Personnel Officer shall supervise the development of all supervisory, executive, and managerial training programs and develop a list of required courses for entry into such classes and required courses to be taken prior to or immediately after entry into the supervisory classes.

A person entering a supervisory position must take such required courses not earlier than six (6) months prior to such promotion and no later than six (6) months after entry into such position.

D. Clerical and Secretarial Training:

- (1) The Training Division shall recommend clerical and secretarial procedures to be standardized for the clerical and secretarial functions within the Government of the Commonwealth of the Northern Mariana Islands.
- (2) The Personnel Officer shall supervise the development of courses in the clerical and secretarial areas; maintain a list of required courses for entry and for promotions within these classes, when necessary; and require employees to take the required courses for these classes and the required tests for promotion within these classes.
- (3) The Personnel Officer shall develop training courses to insure that the standard Commonwealth of the Northern Mariana Islands Government correspondence and administrative procedures are taught to employees performing clerical and secretarial duties.

E. Vocational and Trades Training:

- (1) Insofar as possible, trades training of employees will take place at institutions within the Commonwealth of the Northern Mariana Islands. When courses are needed for certification, or otherwise are not available at the institutions within the Commonwealth of the Northern Mariana Islands, the Personnel Officer shall approve outside training, after determining that the courses are job-related and that such skills are critical to the normal execution of government functions.
- (2) Inasmuch as a majority of trades positions in the Commonwealth of the Northern Mariana Islands are within the public sector, the institutions within the Commonwealth of the Northern Mariana Islands engaging in trades training shall make every effort to offer courses that will meet the needs of the public sector.

- 3 ~~Whenever possible~~, the Personnel Officer shall arrange with the Department of Education the development of needed remedial education for adults in the trades positions.
- (4) The Work Evaluation Program at the Skill Center will explore vocational interest and ascertain physical and mental capabilities of individuals by utilizing various work sample tasks that are set up in a "realistic work environment."

The individual entering this program will be looked at in the light of someone entering the labor force. In this regard, such things as ability to perform job tasks, work tolerance (i.e., tolerance to physical and mental demands of the job, tolerance to routine repetitive work, etc.) and work habits (i.e., job responsibility, worker cooperation, attention span, etc.) are focused upon.

In addition to the "Work Sample" assessment in the Work Evaluation Unit, a "Situational" assessment will be performed in the various vocational training areas in the Skill Center. During this phase of the evaluation process, the classroom instructor will be utilized in obtaining data with respect to the mental and physical performance of the individual along with such information as the person's reaction to criticism by supervisors, interpersonal relations with co-workers, and potential for success within that particular vocational area.

The evaluation process can be 1-8 weeks in length depending on the questions needing answers with respect to the individual choosing a vocational training area/ vocational goal.

At the completion of the "Work Sample" and "Situational" assessment, the individual being evaluated will conference with the work evaluator. At this time the work evaluation report is discussed and specific recommendations are offered regarding a vocational plan for the evaluatee.

If in the judgment of the work evaluator and the vocational training area teacher, the evaluatee needs academic or vocational reinforcement in order to function in an effective manner within the training class, facilities will be made available at the Skill Center for this purpose (i.e., Programmed Instruction Lab; Adult Basic Education Classes, etc.). In the event that the Skill Center does not have a particular work area for the client, arrangement could be made to send him/her abroad to a recognized community college or university for reinforcement.

- F. Other Training. The Personnel Officer in coordination with appropriate management officials shall establish requirements for other areas of training when such requirements become necessary.

IX.5 EXTERNAL TRAINING.

- A. Training courses given by agencies outside the Commonwealth of the Northern Mariana Islands will be utilized as necessary and to the extent the budget will permit. All departments wishing to engage in special training, formal short-term training, and other academic programs for their employees outside the Commonwealth must submit to the Personnel Officer the names of employees to be given such courses and the content and length of such training, for evaluation prior to sending an employee abroad for training. All such requests will be made on Form CSC-P-T-66 (Training Agreement).
- B. Payment of Costs:
- (1) Employees released to attend authorized job-related training and developmental programs will receive any combination of basic salary, travel expenses when required, and stipend, as applicable to the training involved. Training provided as part of a planned up-grading program, such as management internship, is job-related, within the meaning of this Part.
 - (2) It shall be the policy of the Commonwealth of the Northern Mariana Islands Government to pay all costs for training defined as "job-skill training" in X.3(A) above; to pay one-half of all costs of training defined as "promotional training;" and one-fourth of all costs of training defined as "employment development."
 - (3) Employees attending education or training designed generally to improve their potential for advancement, but not specifically related to their present duties or duties they are specifically being trained to assume, may be released on training and education leave at the discretion of their supervisors in accordance with the requirements set forth in this Part.
 - (4) For academic training or training toward baccalaureate or higher degrees other than those classified above, the employee may seek scholarship assistance from the Education Department and the government shall have no responsibility for any costs incurred when such is initiated by the employee. Educational expenses will not be paid from Commonwealth of the Northern Mariana Islands Covenant grant funds for employees to go outside the Commonwealth of the Northern Mariana Islands to earn a baccalaureate or higher degree. All requirements for job eligibility shall apply to the employee when he severs himself from his present position to pursue such training.
 - (5) Salary and related benefits provided employees released for training under all the paragraphs above shall be limited to a period of one (1) year, unless an extension is recommended by the Personnel Officer with the approval of the Civil Service Commission.

IX.6 TRAINING COSTS DEFINED.

The term "all costs," when used to define the government's intent to support an employee undergoing training, means, for the purpose of this Part:

- Round-trip transportation to the training site by the least expensive air routing;
- Training leave with pay;
- Cost of tuition, books, and fees; and
- Stipend. One-half the regular per diem rate for the time authorized to be spent at the training site. In the event the training is received at or near a high cost resort area, the Personnel Officer may approve an upward adjustment of the stipend.

IX.7 SUPPORT FOR TRAINING.

Management officials are encouraged to support positively the training efforts, since improved skills and more effective supervision at all levels will improve mission accomplishment. Department directors are encouraged to provide adequate training facilities in their respective departments to assure the optimum level of effective training.

IX.8 COORDINATION WITH UNITED STATES FEDERAL PROGRAMS.

The Training Division will coordinate training efforts with personnel engaged in monitoring United States Federal Grants training efforts. Training needs met through these efforts will be included in annual reports of training accomplishments. Such coordination will be concerned with avoiding duplication of effort and attempting to direct training efforts toward that which is most needed.

IX.9 EVALUATION OF TRAINING.

The Personnel Office shall develop and maintain a system which will provide information and analysis of the effectiveness of training provided. Such analyses will be used to alter training courses where needed and in training needs surveys. All personnel who attend and return from a training course outside the Commonwealth shall submit a written report including a summary of the course along with a judgment of the added value gained from the course. Copies of such reports shall be addressed to the department director and the Personnel Officer.

PART X
PERSONNEL MANAGEMENT EVALUATIONX.1 PURPOSE.

Evaluating personnel management of an organization is one of the most difficult, yet one of the most important assignments that can be given a personnel management specialist. Personnel management evaluation requires the individuals conducting an evaluation not only to know the policies and procedures applicable and appropriate in all areas of a total personnel management operation, but also to be able to analyze how well an organization has applied and adapted these policies and procedures in managing its human resources. Then after full consideration of the findings, make an objective judgment of the degree of effectiveness attained in relation to mission accomplishment. For the purpose of this Part, the mission of personnel management can be defined as follows:

- A. Provide management with an efficient and effective work force, using the structure and regulations of the Personnel Service System to do so;
- B. Assist employees in their individual development and advancement by providing developmental opportunities through training and career guidance; and
- C. Assist management at every level to administer the work force by providing advice and counsel as to management rights and obligations under Commonwealth of the Northern Mariana Islands Public Law 1-9, as amended, and regulations which were promulgated thereunder.

None of the personnel management activity can be the sole province of the personnel specialist. Personnel management, ultimately, is the responsibility of each manager and supervisor. The prime function of personnel management is the development of the people in the work force. The Personnel Office must have a definite role in the process of providing leadership and advice on the principles and practices of personnel management, but the acquisition and utilization of a work force are part of the overall management of organizations. Unless it participates in the management process, however, a personnel office may be reduced to the primary function of overseeing and carrying out the MECHANICS of personnel operations, reacting to management action rather than affecting it. "Personnel administration" may thus be differentiated from "personnel management." This technical and regulatory function is an essential part of personnel management but not synonymous with it. In the conduct of personnel management, great care must be taken that efforts are not restricted to the area of personnel administration rather than the broader perspective of total management. The Regulations stated in this Part are directed toward evaluation of personnel MANAGEMENT and only incidentally personnel administration.

X.2 OBJECTIVE.

The objectives of the Commonwealth of the Northern Mariana Islands Government's personnel management evaluation program are to:

- A. Provide a comprehensive basis for improvements in personnel management activities, programs, and policies;
- B. Assure compliance with statutory requirements, regulations, and directives governing personnel programs and practices.
- C. Evaluate the participation and effectiveness of managers and supervisors in their exercise of personnel management; and
- D. Attain the personnel management goals and objectives established in Commonwealth of the Northern Mariana Islands Public Law 1-9, as amended, and these Regulations.

X.3 RESPONSIBILITIES.

- A. Department directors are responsible for keeping the Personnel Office apprised of significant problems and achievements in carrying out their personnel management responsibilities, and for proposing constructive changes in personnel policies and practices.
- B. Personnel Officer is responsible for:
 - (1) Developing and administering with the Commonwealth of the Northern Mariana Islands Civil Service Commission the Commonwealth of the Northern Mariana Islands personnel management evaluation program;
 - (2) Reporting results to the Civil Service Commission;
 - (3) Using evaluation results to work with the Civil Service Commission in developing plans and improving personnel programs and activities; and
 - (4) Assisting outside audit teams and/or the Civil Service Commission in the performance of reviews, audits, and inspections.

X.4 EVALUATION METHODS AND PROCEDURES.

- A. The Personnel Officer must develop a very comprehensive guide to assure full coverage of the personnel management effort. The Personnel Office shall make evaluations, on site, of personnel management in each of the departments not less often than each two (2) years.
- B. Specific Techniques. The following specific techniques are employed:
 - (1) Collection, analysis, and organization of a wide variety of information relating to personnel management effectiveness, including statistical data, minutes of meetings and conferences, reports on problem cases, special

studies of programs or occupations, proposals by operating officials, analyses by personnel specialists, and results of employee-management consultations.

- (2) Use of questionnaires, attitude surveys, interviews, and similar tools to elicit opinions from employees and supervisors on the personnel program.
- (3) Periodic review of personnel actions taken throughout the Commonwealth to determine compliance with classification and qualification standards, appointment and status change regulations, etc. The review includes desk audits, examination of official personnel folders, personnel action forms and position description reviews.
- (4) Inclusion of relevant information, reports, analyses, etc. from relevant government agencies.
- (5) Schedule. The Personnel Officer shall schedule personnel management reviews with departments each fiscal year. The schedule shall be published and provided to the Commonwealth of the Northern Mariana Islands Civil Service Commission and department directors concerned, not later than March 31 of each year. As opportunity is provided by other necessary business, a personnel specialist should make selective regulatory compliance reviews on a random basis as part of the overall personnel management evaluation effort.

X.5 REPORTS.

Reports of personnel management evaluations conducted by the Personnel Officer to the Commonwealth of the Northern Mariana Islands Civil Service Commission and the Governor shall be made not less than once each two (2) years by February 1, as of December 31. The reports shall be based upon

- the comprehensive audit reports of evaluations accomplished by the Personnel Office; and
- reports of program accomplishments under Personnel Management Plan.

The Personnel Officer in consultation with the Civil Service Commission shall develop the evaluation plan and the format for reporting.

X.6 ACTION.

Using the interim evaluations and the annual comprehensive personnel management report, the Personnel Officer shall:

- A. Direct and follow up on corrective action to be taken with respect to any improper, illegal, or unprofessional personnel practices noted in any of the reports.
- B. Arrange for and conduct training for those persons involved in personnel management activities who appear to be deficient in the technical or professional phases of personnel management as indicated in the several evaluations.

PART XI, SUB-PART A
PERSONNEL MANAGEMENT PLANNING

XI.A1 PERSONNEL MANAGEMENT PLAN.

Each year, as of October 1, the Personnel Officer shall, in consultation with the Commonwealth of the Northern Mariana Islands Civil Service Commission, prepare a Personnel Management Plan which will lay out the critical program areas to be addressed during the ensuing fiscal year. The Plan shall address:

- A. Scheduled personnel management evaluation reviews to be conducted by the Personnel Office and/or the Commonwealth of the Northern Mariana Islands Civil Service Commission. The schedule shall indicate which departments will be given attention and the scheduled dates therefor.
- B. Scheduled interim evaluations to be made at the Personnel Office.
- C. Program development work to be done by the Personnel Office and the timetable for it. As an example, staff effort toward revision of a class standard or a project to develop a qualification standard or personnel management training to be done.
- D. Commentary on evaluation of the labor market with respect to critically needed skills, estimates of turn-over by classes and reports of changes or turnover and similar elements of management information.

XI.A2 REPORT ON PERSONNEL MANAGEMENT PLAN (PMP).

The Personnel Officer shall report not later than December 31 of each year to the Governor, the Commonwealth of the Northern Mariana Islands Civil Service Commission and department directors on performance under the Personnel Management Plan for the preceding fiscal year period, October 1 to September 30. The report shall contain, in addition to a report on status of PMP projects, comments on such elements as:

- A. Employee turnover, by department and by class.
- B. Adverse actions taken for disciplinary reasons.
- C. Adverse actions under RIF procedures.
- D. Adverse actions not for cause.
- E. Promotion actions processed, by departments by the several methods used.

- F. Hires above entry level in comparison to those hired at entry level.
- G. Accomplishments in Training and Employee Development, and such other information as may be determined to be of interest to management.

PART XI, SUB-PART B
RECORDSXI.B1 PURPOSE.

This Sub-Part defines the minimum requirements for personnel records to be originated and maintained by the Personnel Office.

XI.B2 POLICY.

- A. The Personnel Office shall establish a system of records for all personnel presently or previously employed by the Commonwealth of the Northern Mariana Islands. The records shall be separated so that those of active employees are filed separately from those of former employees. Other supporting records, as deemed appropriate by the Personnel Officer, may also be maintained.
- B. The Personnel specialists shall develop and maintain a system of personnel records which parallels that maintained in the Personnel Office.

XI.B3 RECORDS REQUIRED.

- A. Official Personnel Folder (OPF). For each active employee an Official Personnel Folder (or File) shall be maintained. The folder shall contain, as a minimum, the following elements of permanent information covering the employee:
 - Formal application for employment.
 - Copy of the certificate of eligibles from which selected or other documents which indicate the appointing authority.
 - Form on which prior creditable service is listed and Service Computation Date is derived.
 - Letter of original selection signed by an authorized selecting official.
 - Copy of each personnel action affecting the employee.
 - Copy of promotion certificate from which employee was selected, if appropriate.
 - Copy of promotion selection letter signed by an authorized selecting official.
 - Copy of each form reflecting choice of health benefits or group life insurance coverage, designation of beneficiary and other legal and binding assignments or designations.
 - Adverse action supporting material if the action is consummated. Temporary information, as contrasted to permanent type information as delineated above, shall be kept in the OPF but filed on the LEFT side of the folder.

Examples of temporary material include:

- Performance evaluation reports.
- Annual Employee Review documentation sheets.
- Copy of the descriptions of positions occupied by the employee.
- Letter of Reprimand -- retain for two (2) years only.
- Items of correspondence concerning the employee but which have no historical or permanent value, e.g., letters of commendation or congratulation.

B. Employee Record Card. A card record which summarizes critical data concerning the identity, status, movement, and separation of an employee. Every personnel action taken will be recorded on the Employee Record Card. Exceptional or Less than Satisfactory performance ratings shall be noted on the Employee Record Card showing the rating and date thereof.

C. Medical Examination Records. Medical examination forms for each employee shall be maintained in a file separate from the OPF. This is essential to protect the privacy of the individual concerned. The records shall be maintained in a locked, fire resistant file with access allowed only to personnel authorized by the Personnel Officer. Access must be restricted only to the persons having a "need to know" as determined and approved by the Personnel Officer. Whenever access to a medical record is allowed, the Personnel Officer shall record:

- the date of access;
- the person allowed such access; and
- the reason therefor.

This memorandum record shall be kept in the folder of the individual medical record.

D. Records of Investigations and Inquiry. Any records of investigation or inquiry concerning an employee shall be filed in a separate folder, clearly identified by employee's name, date of birth and Social Security number. The material shall be kept in a locked, fire resistant storage facility, safe or fire proof cabinet, with access allowed only on a "need to know" basis and upon approval by the Personnel Officer. The existence of an investigation file shall be noted in the OPF, filed on top of the last entry therein.

XI.B4 DISPOSITION OF RECORDS.

Upon the separation of an employee for whatever reason, his Official Personnel Folder shall be closed and removed to storage. Prior to sending the file to storage, all temporary material filed on the left side of the folder shall be removed and either given to the employee or destroyed. Medical records and investigation file material shall be placed in the OPF so that the record is accurate and complete.

If an employee is separated but is expected to return to the government service within a specified time, not to exceed a year, the OPF may be held in suspense rather than treated as a former employee defined above.

XI.B5 ACCESS TO OFFICIAL PERSONNEL FOLDER.

An employee may have access to his own official personnel folder at any time during regular working hours provided a responsible personnel specialist or clerk watches as the employee's review takes place. The employee is entitled access to his or her medical records. Investigation reports are not available to the employee. If an employee persists in his desire to see an investigation report, he should be referred to the agency which prepared the report or secure a court order authorizing the Personnel Officer to allow the employee access to the investigation report.

XI.B6 INFORMATION AVAILABLE TO THE PUBLIC.

The names, present and past position titles, grades, salaries, and duty stations of a government employee is information available to the public, except when: the release of the information is prohibited under law; or the information is sought for the purpose of commercial or other solicitation.

XI.B7 INFORMATION MAY BE PROVIDED

Upon written waiver by the employee, or upon subpoena by a court of jurisdiction, information may be released regarding the name, past and present position titles, grades, salaries and duty stations.

PERSONNEL SERVICE SYSTEM REGULATIONS

PART XI, SUB-PART C
REPORTS

XI.C1 PURPOSE.

- A. Accurate and timely reports are invaluable to the management of a workforce. They are important to the processes of budgeting, manpower planning, forecasting staffing needs and declines, and other management areas.
- B. The Commonwealth of the Northern Mariana Islands Public Law 1-9, as amended, requires that the Personnel Officer "establish and maintain a roster of all persons in the Government in which shall be set forth, as to each, the class of position held, the salary or pay, any change in class, title, pay, or status and any other necessary data."

XI.C2 ROLE OF THE PERSONNEL OFFICER.

The Personnel Officer shall prescribe a system of reports and the format for reporting to provide, on a timely basis, the information required by law.

XI.C3 ROLE OF THE TIMEKEEPER

The Timekeeper shall be responsible for recording and certifying time and attendance records of the assigned employees. The Timekeeper will also record and certify leave time taken by any assigned employee. The method of recording and certifying time, attendance, and leave shall be prescribed by the Personnel Officer and the Director of Finance.

Filed this 30th day of
August 1983.

Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

Sisando

PUBLIC NOTICE

Adopted Regulations for Fish and Game

The Director of Natural Resources, in accordance with Chapter 13 of Public Law 1-8 and Public Law 2-51, has published new regulations identified as the "Regulations for Fish and Game". These regulations enable the Director of Natural Resources to carry out his responsibilities in protecting the Commonwealth's fish and wildlife resources under the aforementioned laws. These regulations are adopted in compliance with Section 5 of Title 17 of the Trust Territory Code.

The adopted regulations include the following subject areas:

1. General Provisions
2. Licenses
3. Hunting Regulations
4. Fishing Regulations
5. Miscellaneous Provisions
6. Adjudications

No public comment was received on the proposed regulations. However, the Division of Fish and Wildlife did conduct a review and their comments are incorporated in the adopted regulations.

These adopted regulations are available for public inspection at the office of the Director of Natural Resources on Capitol Hill, Saipan or the Division of Fish and Wildlife, Charlie Dock, Saipan. These adopted regulations are published in the Commonwealth Register and copies may be obtained from the Attorney General's Office pursuant to Section 2 of Title 17 of the Trust Territory Code.

Certified by: *Nicolas M. Leon Guerrero*
Nicolas M. Leon Guerrero
Director of Natural Resources

Date: 8/29/83

NOTISIAN PUBLIKU

Ma Adopta Na Areklamento Siha Para Guihan yan Ga'ga Machalek

I Direktot Natural Resources, sigun nui Kapitulo 13 gi Lai Pupbliku 1-8 yan Lai Pupbliko 2-51, ha pupblika nuebo na areklamento siha ni ma aidentifika komu "Areklamento para Guihan yan Ga'ga Machalek." Este na areklamento siha ha na posipble para hu kumple i responsablidad na i Direktot Natural Resources ni para u protehi i guihan yan ga'ga machalek i Commonwealth sigun gi lai siha ni esta ma menta. Este na areklamento siha man ma adopta sigun gi Seksiona 5 pot Titula 17 pot Codigon Trust Territory.

I man ma' adopta na areklamento siha ha konsiste ni este siha na suhetas:

1. Henerat Probension
2. Lisensia Siha
3. Peskan Ga'ga Machalek
4. Pumeskan Guihan
5. Probension otro Klasi
6. Huisio yan Otden Siha

Taya rekomendasion o sino opinion ha risibi i Depattamenton Natural Resources pot i ha ofresi na areklamento para guihan yan ga'ga machalek. Lao, i Division of Fish and Wildlife ma ribisa i ma ofresi na areklamento ya i rekomendasion-niha mana saonao gi este man ma'adopta na areklamento siha.

Este man ma'adopta na areklamento siha sina ma taitai gi ofisinan Direktot Natural Resouces giya Capitol Hill, Saipan pat gi ofisinan i Division of Fish and Wildlife gi Charlie Dock, Saipan. Este man ma'adopta na areklamento ma pupblika gi Commonwealth Register ya kopia siha sina ma'chule ginen ofisinan Attorney General sigun Seksiona 2 pot Titula 17 pot Codigon Trust Territory.

Sinettifika as:

Nicolas M. León Guerrero
Nicolas M. León Guerrero
Director of Natural Resources

Fecha:

8/29/83

DEPARTMENT OF NATURAL RESOURCES
FISH AND GAME REGULATIONS

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GENERAL PROVISIONS

Section 1. Findings

The Director finds that the use of certain mesh sized and type of nets, explosives, chemicals, electricity and poisons in the taking of fish is contrary to the purposes of Public Law 2-51 (P.L. 2-51). The Director further finds that the use of lights, fire, dogs, traps, explosives and vehicles in the taking of game is also contrary to P.L. 2-51.

Section 2. Authority

Pursuant to Section 5(b) (7) of P.L. 2-51 of the Commonwealth of the Northern Mariana Islands, the subject regulations are hereby promulgated.

Section 3. Purpose

To establish uniform regulations governing hunting and fishing with respect to law as set forth in Section 5(a), (b) and (c) of P. L. 2-51.

Section 4. Definitions

For the purposes of these regulations, the term

- a. "ACT" means CNMI P.L. 2-51, "The Fish, Game and Endangered Species Act."
- b. "Animal" means any species or organism in the animal kingdom including, but not limited to, mammals, birds, reptiles, amphibians, fish, mollusks, crustaceans, and corals.

- c. "Chief" means the Chief of the Division of Fish and Wildlife of the Department of Natural Resources, CNMI.
- d. "Director" means the Director, Department of Natural Resources, CNMI.
- e. "Department" means Department of Natural Resources.
- f. "Division" means Division of Fish and Wildlife, Department of Natural Resources, CNMI.
- g. "Export" means to remove from any land or water area under the jurisdiction of the CNMI to any other place in the world.
- h. "Game Bird" means those birds designated by law or regulation for hunting.
- i. "Game Mammal" means those mammals designated by law or regulation for hunting.
- j. "Industry or Trade" in the definition of "Commercial Activity" means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit.
- k. "Commercial Activity" means all activities of industry and trade including, but not limited to, buying or selling of commodities, and activities conducted for the purpose of facilitating such buying and selling.
- l. "Import" means to land on, bring into or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the CNMI.

- m. "Harass" in the definition of "take" means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.
- n. "Harm" in the definition of "take" means an act or omission which actually injures or kills wildlife, including acts which annoy it to such an extent as to significantly disrupt essential behavioral patterns, which include, but are not limited to, breeding, feeding or sheltering.
- o. "Person" means any individual, corporation, partnership, trust, association, or any other other private entity, or any officer, employee, agent, department or instrumentality of the Government of the Commonwealth of the Northern Mariana Islands (CNMI), or any CNMI Municipality.
- p. "Possession" occurs when an article, object, or thing is under a person's dominion and control is carried on his person or is in his presence and custody, or, if not on his person or presence the dominion and control thereof is immediate, accessible, and exclusive to him. Two or more persons may have joint possession of an article, object or thing if jointly and knowingly they have exclusive dominion and control.
- q. The term "or parts thereof" means, in the case of animals, any flesh, hide, hair, bone, skeleton, teeth, feathers, skin, scales, tissues or internal organs. In the case of plants, the term means any root, leaf, stem, trunk, bark, fiber, fruit, flower, tissue or extract.
- r. "Population" means a distinct group of fish or wildlife in the same taxon below the subspecific level, in common spatial arrangement that interbreed when mature.

- s. "Public Hunting Area" means those public lands controlled by the Department of Natural Resources or designated in conjunction with the Marianas Public Land Corporation where the public may hunt game birds and mammals.
- t. "Specimen" means any animal or plant or any part, product, egg, seed or root of any animal or plant.
- u. "Plant" means any species of organism in the plant kingdom including, but not restricted to, trees, shrubs, flowers, grasses, algae and fungus.
- v. "Subsistence Taking" means the customary, traditional taking of restricted game to provide sustenance for the taker and his immediate family when no other means of providing sustenance is available or when curtailment would result in severe malnutrition.
- w. "Take" means to harass, harm, pursue, hunt, shoot, angle, wound, kill, trap, spear, capture or collect, or to attempt to engage in any such conduct.
- x. "Wasteful Manner" means any taking or method of taking which is likely to result in the killing or injury of fish and/or game, or which results in the waste of a substantial portion of an animal or a population of fish and/or game, and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of the wildlife, or which is not immediately followed by a reasonable effort to retrieve the fish and/or game.
- y.. "Southern Islands" includes Saipan, Bird Island, Forbidden Island, Managaha, Tinian, Aguijan, Naftan Rock, Rota and Anjota Island.
- z. "Northern Islands" includes Farallon de Medinilla, Anatahan, Sariguan, Guguan, Alamagan, Pagan, Agrihan, Asuncion, Maug Islands and Farallon de Pajaros.

Section 5. Exemptions

Division staff and conservation officers shall be exempt from provisions of the Act and regulations issued under the Act when acting in the course of their official duties, provided those duties are consistent with the overall purposes of the Act.

Section 6. Penalties

Violation of any of the provisions of this chapter shall be penalized in accordance with Section 10 of P.L. 2-51.

LICENSESSection 1. General Proceduresa. License Required

No person shall take fish or game without first procuring a license from the Division or any designated agent of the Division.

A license is required for the taking of any of the following fish and game:

1. Sambar Deer (Cervus marianus) Binado
2. Wild Pig (Sus scrofa) Babuin halom tano
3. Wild Goat (Capra hircus) Chiban halom tano
4. Marianas Fruit Bat (Pteropus mariannus) Fanihi
5. Coconut Crab (Birgus latro) Ayuyu
6. Wild Chicken (Gallus gallus) Manog halom tano
7. Land Crab
 - A. (Cardisoma hirtipes) Pangloa tunas
 - B. (Cardisoma carnifex) Pangloa echung
8. Philippine Turtle-Dove (Streptopelia bitorquata) Paluman Apu
9. White-Throated Ground Dove (Gallicolumba xanthonura) Paluman Kotbata/Apaka/Fachi
10. Marianas Fruit-Dove (Ptilinopus roseicailla) Totut

11. Micronesian Starling (Aplonis oracus)
Sali
12. Trochus (Trochus niloticus) Aliling
tulompo
13. Coral (Hermatypic Hard-reef building)
Coraling Mahetog
14. Monitor Lizard (Varanus indicus) Hilitai
15. Green Turtle (Chelonia mydas) Haggan betde

b. Application and Issuance of Licenses

Licenses for taking of fish and game listed in PART 2 and PART 4 shall be issued by the Division or any of its agents upon written application in the form prescribed by the Division, and payment of a fee as hereinunder provided. Any false statement or information rendered shall invalidate the license issued and subject the individual making the false statement to punishment and penalty or both as prescribed in Section 10 of the Act. A person who has resided in the Commonwealth for one (1) year or longer may apply as a resident; all others must apply as non-residents.

No Person shall be issued a license if he has:

1. been convicted of any violation of these regulations or any other law relating to the taking of any fish and game; or
2. failed to provide the information required to issue a license or has made false statements in his application; or
3. no valid CNMI identification card allowing him to possess firearms, if he is applying for a hunting license.

c. Type of License

The following types of license shall be issued:

License	Fee
1. Scientific Research	\$10.00
2. Export	10.00
3. Trochus	2.00
4. Net	
A. Commercial	25.00
B. Non-Commercial	5.00
5. Resident Hunting	
A. Each Species	5.00
B. All Species	25.00
6. Non-Resident Hunting	
A. Each Species	100.00
B. All Species	300.00
7. Coral (Afuk)	15.00
8. Green Turtle	5.00
9. Fish Weir	Highest bidder
10. Precious Coral Harvesting License	500.00

d. Duration of License

A license shall be valid from 0000 hour of January 1 until December 31 at 2400 hours, regardless of the date of its issuance. The Chief may suspend, revoke, modify or cancel any license or permit issued upon conviction of any violation under this Act or regulations therefrom in addition to any other penalty provided under the Act. Any person convicted for a second offense shall not be granted a license for a period of two (2) years after the date of the second conviction.

e. Duplicate License

Duplicate licenses may be issued upon application stating under oath that the original license has been lost or destroyed and upon payment of a fee of \$1.00.

No person to whom a license has been issued as provided in Section 1.a. shall permit any other person to carry, display, or use the license in any way. Every person to whom a license has been issued shall carry the license upon his person when hunting or fishing, and shall show the license upon demand of any officer authorized to enforce the Fish and Game laws of the CNMI. No person, upon the request of an officer, shall refuse to show his license or withhold permission to inspect his fish, game, bag, creel, container, hunting coat or jacket, or carrier or vehicle of any kind where fish or game might be concealed.

Section 2. Scientific Research License:

a. Purpose

The purpose of the scientific research license is to gain access to the research data for use in resource management.

b. Persons Requiring License

1. Scientific research licenses are required for all persons conducting biological research in the CNMI.
2. When the research is being conducted by a team, only the Team Leader is required to have a license provided:
 - A. The team leader is always present during field studies.

B. All other members of the team are under the team leaders direct supervision.

c. Issuance of license

1. Prior to issuing the license the Director or Chief shall analyze the benefit of the particular research to the CNMI and determine whether it exceeds any potential harm to the resource involved.
2. The license will be issued only upon agreement by the licensee that a complete data report be submitted to the Division within one (1) year.

d. Exemption from Regulations

The Director or Chief may exempt, for a specific period of time, the licensee from specific regulations.

Section 3. Export License:

a. Persons Requiring License

Any person who for gain removes any fish or wildlife from the jurisdiction of the Commonwealth for export must obtain an export license.

b. Issuance of License

1. Upon application for an export license, the Director shall determine, in consultation with the Chief, the extent of the proposed commercial export activity and its anticipated impact upon the natural resources of the Commonwealth.
2. Based upon such the determination, the Director may deny issuance of an export license or grant its issuance upon specific terms and conditions. Such specific terms shall include any limit necessary for the protection of fish and game on the number, size, reproductive state and geographic location of the species covered by the license.

c. Record Keeping

- a. A person granted an export license shall be required to maintain the following records which must be presented upon annual renewal of the export license.
1. Form of wildlife or fish such as, dead, cooked, frozen, live, rawhides, garments, etc.
 2. Numbers of pieces.
 3. Weight
 4. Common and scientific names
 5. Exact place of origin
 6. Date and place of export.
 7. Date of subsequent disposition or sale.
 8. Manner of disposition such as: sale, trade, consumed, etc.
- b. The licensee shall permit conservation officers to examine and copy these records during regular working hours upon request by the conservation officer.

PART 3

HUNTING REGULATIONS

Section 1. General Regulations

a. Legal Hunting Time:

It shall be legal to hunt wild game in season from one-half hour before sunrise to one-half hour after sunset.

b. Hunting License Required:

It shall be unlawful for any person to take any wildlife without first obtaining a general hunting license from the Chief or any authorized agent. All persons obtaining a hunting license shall complete hunters report cards (attached to each license) whether they harvest game or not.

c. Unprotected Wildlife:

The following wildlife may be taken at any time of year during the legal shooting time as specified in Part 3 Section 1a without a hunting license.

1. Wild Dogs (Feral Dogs)
2. Wild Cats (Feral Cats)
3. Rodents

d. License to be in Possession:

Every hunter shall have on his person while taking wildlife a valid CNMI hunting license.

e. Inspection of License and Game Bag:

The game bag or kill are subject at all times to inspection by any conservation officer or peace officer of the Commonwealth.

f. Hunting Age:

Only persons 21 years of age or older may hunt with firearms, bows and arrows or cross bows.

g. Influence of Alcohol/Drugs

No person shall hunt at any time while under the influence of alcohol or a narcotic or another disabling drug.

h. Hunting from Moving Vehicle Prohibited:

No person shall take any wildlife while operating or riding in or on a moving automobile, power propelled vehicle or other mechanical contrivance. Nor shall any person take any wildlife while mounted upon an animal's back.

i. Use of Lights and Fire Prohibited:

The use of fire or artificial light of any kind as an aid to the taking of game is prohibited.

j. Villages and Roads Closed to Hunting:

The firing of any gun, bow and arrow or cross bow to take any wildlife is prohibited within a village or within 100 yards thereof or within 100 yards of an occupied dwelling, or across a public road, or within twenty-five (25) feet of a road.

k. Use of Dogs Prohibited:

The use of dogs in hunting or hunting related activities is prohibited.

l. Hunting Areas:

Hunting shall be conducted only on designated public lands. Any hunting on private lands shall be done with the permission of the landowner.

m. Taking of Sambar Deer, Wild Goats and Wild Pigs:

1. Only Sambar deer having visible antlers may be taken.
2. Only wild billy (male) goats may be taken.
3. Only wild boar (male) pigs may be taken.

n. Firearms and Devices are authorized for hunting.

1. Shotguns no larger than .410 gauge, using rifled slugs or buckshot may be used.
2. Centerfire rifles of .22 caliber may be used and only bullets of the expanding type may be used.
3. Crossbows and bows and arrows may be used, provided:
 - A. Bows or crossbows must have a minimum draw weight of at least forty (40) lbs.
 - B. Bow and Crossbow arrows must be fitted with arrowheads that measure no less than seven-eighths (7/8) of an inch at the widest point or that have no fewer than two sharp cutting edges.
4. Taking of Game Birds:
When using .410 gauge shotguns to hunt game birds, the shot shall be no larger than No.6.
5. The use of all other firearms, devices, nets, explosives, traps, chemicals etc., in the taking of game shall be illegal.

o. Special Hunts:

1. The Director, after consultation with the Chief, may authorize special hunts for the following purposes:
 - A. To prevent economic (including agricultural damage), social or traditional hardship;
 - B. To mitigate adverse impact to the environment; and,

C. To avert any danger or safety hazard to man.

2. The Director may promulgate special regulation for special hunts.
3. The Director may waive any provision(s) of these regulations for any special hunt. Except that, the Director shall require the Chief to investigate and report on claims of damage to crops by wildlife. The granting or denial of a permit to take wildlife for agricultural damage shall be based on the Chief's report. The Chief or his designee shall supervise the taking of wildlife for agricultural damage.
4. Special hunts for other than for agricultural damages shall require possession of a valid hunting license.

p. Definition of Bag, and Season Limits:

1. Bag limit is the maximum number of game species (each) that may be legally taken in one hunting day.
2. Season Limit is the maximum number of game species (each) that a hunter may take or bag during an entire given season.

q. Hunting Seasons, Bag Limits and Hutable Species

The following are the bag limits and season limits as well as the dates of the seasons for the hunting of game. Any other wildlife shall be considered as protected unless exempted otherwise.

	<u>Bag</u>	<u>Season</u>	<u>Limit</u>	<u>Limit</u>	<u>Season</u>
Sambar Deer	1	1			9/1-12/31
Wild Pig	2	6			9/1-12/31
Wild Goat	3	9			9/1-12/31
Philippine Turtle	10	40			7/1-7/31
Dove					
White-Throated					
Ground Dove	2	6			7/1-7/31
Coconut Crab	10	50			9/1-11/30
Land Crab	No	Limit			4/1-6/30
					10/1-12/31
Wild Chicken	4	12			7/1-7/31
Marianas					
Fruit-Dove	3	9			7/1-7/31
Starling	10	40			7/1-7/31
Monitor Lizard	No	Limit			Open
Green Turtle	1	1			9/1-11/30

r. Moratorium:

When it is determined by the Director, in consultation with the Chief, that a moratorium on hunting of any or all game species identified in these regulations is required, he shall have the authority to declare such a moratorium. A moratorium shall remain in effect until it is determined by the Director, in consultation with the Chief, that the population of the affected species has reached levels sufficient to sustain hunting pressure.

s. Subsistence Taking:

The Director may exempt persons from bag and season limits for subsistence taking of wildlife, as defined in Part 1 Section 3.

t. Accidental Taking or Killing of Game

All accidental taking or killing of game shall be reported to the Division. The Division shall investigate to obtain pertinent biological data on the accidental kill.

Section 2. Northern Islands:

- a. Persons transporting game taken on the Northern Islands to the islands of Saipan, Tinian or Rota must check in at the Division of Fish and Wildlife on Saipan before the game is landed. The captain of a vessel, person in charge or boat owner shall be responsible for compliance with this subsection. Normal working hours is from 7:30 a.m. to 4:30 p.m., on regular work days. Inspections performed on weekends, holidays and outside of the regular working hours shall be compensated by the vessel or boat owner or person in charge at double the rate of compensation for the Conservation Officers performing the service, which payment shall be for a minimum of two hours or actual charges for any inspection requiring more than two hours service.
- b. Bag limits as promulgated in Part 3 Section 1.q. shall be in effect for the Northern Islands.
- c. Season limits as promulgated in Part 3 Section 1.q. shall be in effect.
- d. Taking or hunting of any animal on Sariguan and Guguan is prohibited. These two islands are declared off-limits to all landings by people except in case of an actual emergency.

Section 3. Marianas Fruit Bat:

a. Moratorium:

It shall be unlawful to take fruit bats (Pteropus mariannus and P. tokudae) on the islands of Rota, Tinian, Aguiguan, and Saipan for a period of two (2) years from the effective date of these regulations. Further, it shall be unlawful to take fruit bats on any island north of Saipan for a period of one (1) year from the effective date of these regulations.

Section 4. Coconut Crab (Birgus latro) AYUYU

a. General Provisions:

These provisions apply only to coconut crabs taken within the Commonwealth of the Northern Marianas.

1. No coconut crab may be taken at any time which measures less than three (3) inches wide across the back (carapace).
2. No female crab, regardless of size, may be taken that is berried (carrying eggs beneath the abdomen).
3. No coconut crab may be possessed in any form other than live or cooked.
4. The preserving or mounting of coconut crabs, taken in the Commonwealth, for display purposes or selling of crabs taken in the Commonwealth that have been subsequently mounted is prohibited.

Section 5. Captive Wildlife

- a. The possession of captive wildlife is prohibited; except, that this provision shall not apply to captive wildlife possessed before the effective date of these regulations; Provided, however, that the captive wildlife shall be reported to the Division for recording and tagging and/or banding.
- b. The off-springs of captive wildlife born after the effective date of these regulations shall be public property under the control and supervision of the Division. The Division may allow the off-springs to continue under the care of the captive wildlife owner.
- c. The Division shall inspect all captive wildlife pens or enclosures etc., to insure proper and humane treatment. Wildlife held under improper and inhumane conditions shall be confiscated by the Division.
- d. The Division shall issue a license to possess captive wildlife. The duration of the license is the calendar year and shall be renewed annually. The Division may impose any terms and conditions on the face of the license.

Section 6. Random Selection of Hunters

- a. The Director or the Chief shall have the authority to limit the number of hunters and to determine eligible hunters through random selection method.
- b. The Director or Chief will exercise fair and random selection of eligible hunters based upon but not limited to the following factors:
 1. The available game bird, mammal and designated wildlife resources;

2. Equitable distribution of the harvest of the wildlife resources;
3. Public Safety; and,
4. The requirement of private landowners who permit public hunting through agreement with the Department.

PART 4
FISHING REGULATIONS

Section 1. General Regulations

a. Legal Fishing Time:

It shall be legal to fish during all hours of the day and during all days of the year.

b. Fishing License Required:

No license is required when taking fin fishes with rod and reel, line tackle or with spear.

c. Fishing Age:

Persons of all ages may fish.

Section 2. Use of Explosives, Chemicals, Poisons, and Electric Shocking Devices.

a. Prohibitions:

The use of explosives, chemicals, poisons, and electric shocking devices is prohibited in the taking of any fish or wildlife.

1. No person shall place or cause to be placed, in any waters of the Commonwealth, explosives, poisons, chemicals, electric shocking devices, or other substances with the intent to kill fish, game, marine or other aquatic life.
2. No person shall take any fish, game or other marine or aquatic life by means of explosives, poison, chemicals, electric shocking devices or other substances.
3. No person shall possess, sell, or purchase any fish, game, marine or other aquatic life taken by means prohibited in this section.

b. Definitions:

1. The terms "Poisons", "Chemicals", include but are not limited to Hypochlorus Acid or any of its salts, including bleaches commonly sold under various trade names such as Clorox and Purex and bleaching powders, preparations containing Rotenone, Tephrosin, or plant material from Barintonia asiatica, Coculus ferrandianus, Hura dreitans, Piscidia erythrina, Derris spp. Tephrosia purpurea, and Wikstremia.
2. The term "Electric Shocking Device" means a device that either maims, stuns or kills fish or wildlife by generating an electric current (either AC or DC).
3. The term "Explosives" means the use of dynamite, hand grenade, gelignite or other substance capable of violent expansion of gases and the liberation of relatively large amounts of thermal energy.

Section 3. Use of Nets for Fishing

a. Mesh Size

The use of nets for fishing with a stretched mesh dimension of less than one and one-half (1½) inches in linear measure is prohibited; Provided, however, that the traditional methods of catching fish by the use of such nets as talaya, chenchulu and lagua shall be exempted from this provision.

b. License Required

A license shall be required for fishing with the use of a net.

c. Definitions

Fishing nets covered by these regulations include but are not limited to the following:

1. Cast net (Talaya)
2. Drag net/Beach seine (Chenchulu and lagua)

3. Trap net (Chenchulun managam)
4. Surround net (Chenchulun umesugon)
5. Gill net (Tekken)
6. Bait nets
7. Aquarium fish scoop and surround nets.

d. Use Restrictions

1. Nets shall not be placed in any area(s) customarily traversed by boats and/or ships. Nor shall nets be placed, set or used in areas customarily used by the public for swimming; except, that this provision shall not apply during the hours of darkness, or when fishing for seasonal runs of mackeral (atulai), juvenile goatfish (tiao) and juvenile rabbitfish (manahak).
2. Nets placed in or set near waters customarily traversed by boat and/or ships shall be marked by bright colored floats of at least 12 inches diameter, or floats with red or other bright colored flags.
3. Nets placed in the water shall be tended on a regular basis or at least once every 6 hours.
4. Placed nets found in violation of these provisions shall be confiscated by conservation officers.
5. All fish or marine plants taken by dragnet or beach seine and not intended for consumption shall be returned to the water or removed from the beach and disposed of at the public dump so as not to create a public nuisance.

e. Moratorium

The enforcement on the mesh size of nets is suspended until one year after the effective date of these regulations. This will give affected net owners an opportunity to recover their costs. All other provisions of this section shall be enforced.

f. Commerce in Nets

It shall be unlawful to sell import or possess with the intent to sell nets whose stretched mesh dimension is less than one and one-half (1½) inches in linear measure; Provided, that this provision shall not apply to the sale of talaya, chenchulu and lagua. Nets violating these provisions shall be removed from sales areas and disposed of outside the Commonwealth or in some other manner.

Section 4 Collection of Hard Corals

a. Prohibitions

The collection and/or removal from the water of the Commonwealth of any and all species of Hermatypic reef building hard corals is prohibited with the following exceptions. A license may be issued by the Chief for the collection of dead coral for the purpose of manufacturing "Afuk" (Calcium Carbonate).

1. All coral landed by the licensee may be inspected to insure that any coral taken was dead at the time of collection.

Section 5. Harvest of Trochus niloticus (Aliling tulompo)

a. Harvesting

1. No trochus may be taken except during open season declared by the Director.
2. No trochus shall be taken whose shell is less than three (3) inches in diameter at the base.

b. Sanctuaries

Two closed areas are hereby established. These areas are designated to insure continuous high levels of productivity of Trochus. These closed areas are:

1. An area encompassing the barrier reef from the Garapan channel marker (light-house) south for one (1) mile. The inshore boundary extends fifty (50) yards inshore of the inshore edge of the reef.

The offshore boundary is the forty (40) feet depth countour.

2. The entire reef at Tank Beach, Kagman (Chacha), extending from the northern rocky headland to the southern rocky headland and bounded inshore by the mean high tide line and offshore by the forty (40) feet depth contour.

C. License

Commercial harvesting, buying or selling of Trochus shall hereby be subject to licensing and reporting requirements as outlined below:

1. Harvestin:
 - A. A permit for the harvesting of Trochus for commercial sale and/or buying of Trochus shell or meat from fishermen must be obtained prior to the opening of any season.
 - B. Attached to the seasonal permit will be a catch report which shall be returned to the Chief no later than one (1) month after the close of any open season(s).

Section 6. Takin^e of Lobster

a. Definitions

"Lobster" means only the spiny lobster species Panulirus penicillatus and Panulirus versicolor.

b. Prohibitions

It shall be prohibited and deemed unlawful to take any lobster:

1. Which measures less than three (3) inches (or 76.2mm) in length measured in a straight line along the carapace (or head) from the ridge between the two (2) largest spines above the eyes, back to the rear edge of the carapace; or
2. Which is carrying eggs.

Section 7.

Fish Weirs

- a. It shall be unlawful for any person to place or maintain a fish weir, including any part or component of a fish weir or any fencing leading to a fish trapping device, in the waters of the Commonwealth without a license from the Director. The Director shall:
 1. Designate areas where fish weirs will be allowed; Provided, that there are not more than three (3) areas for Saipan and one (1) area each for Rota and Tinian; and, Provided, further, that not more than two (2) fish weirs shall be placed in each area.
 2. Impose such conditions on the face of the license as are necessary so as not to: unjustly restrict the fishing of others; impact adversely on the survival needs of fishes; or, violate other provisions of these regulations.
 3. Award fish weir licenses to the highest bidder based on a minimum bid of Fifty Dollars (\$50.00). The license shall expire at the end of the calendar year regardless of when issued.
- b. The fish weir licensee shall remove the weir within thirty (30) days after the expiration of the license (unless the license is renewed). The Director may require a security deposit of Two Hundred Fifty Dollars (\$250.00) to be deposited with the Division of Fish and Wildlife at the time the license is granted which sum shall be applied in removing the weir should the licensee violate the first part of this subsection.
- c. It shall be unlawful for a licensee to leave his/her weir unattended for a period of fifteen (15) or more days.
- d. It shall be unlawful for any person or persons to violate the conditions of any license issued under this section.

- e. It shall be unlawful for any person to place a weir in an area customarily traversed by boats and/or ships.
- f. A fish weir license issued shall not be transferred, sold, lent or given to another person.

Section 8. Dredging or Dragging for Precious Corals

It shall be unlawful to dredge or drag for any species of precious coral in the waters of the Commonwealth without first obtaining a license from the Chief. A fee of Five Hundred Dollars (\$500.00) shall be paid for each license. The license shall expire at the end of the calendar year regardless of when issued.

Section 9. Limited Entry

The Division may establish a system for limiting access into the fishery in order to achieve optimum yield. Such system shall take into account, but not be limited to, the following factors:

- (a) Fish stock and fishing pressure;
- (b) Economics of the fisheries;
- (c) Cultural aspects relative to the fisheries; and,
- (d) Any other relevant considerations.

MISCELLANEOUS PROVISIONS

Section 1. Introduced Species

- a. It shall be unlawful to release any fish or game species not native or naturalized to the Commonwealth.
- b. The Division shall document all instances of illegal or accidental introduction; further, the Division shall take all efforts necessary to extirpate the introduced species.
- c. The Division shall be exempt from the provisions of this Part in the conduct of its programs.

PART 6

ADJUDICATIONS

Section 1. Authority

The Chief shall have the authority to hold hearings, issue orders and undertake other administrative actions necessary to enforce the regulations issued under P.L. 2-51 and the terms of any license or permit issued pursuant to regulations issued under the Act.

Section 2. Hearings

The Chief may hold hearings to enforce the regulations issued under the Act. Any hearing held shall comply with Section 9 of Title 17 of the Trust Territory Code (17 TTC). The Chief's action is subject to review as provided in Section 12 of 17 TTC and Section 10.(j) of the Act. Penalties and remedies levied shall be as provided in Section 10 of the Act.

Section 3. Orders

- a. The Chief shall have the power to issue any necessary order to enforce:
 1. Regulations issued under this Act; and
 2. Term of any license or permit issued pursuant to the Act.
- b. Such order may require that any person violating any regulation or term of any license or permit to:
 1. Cease and desist from such violation immediately or within a specified period of time;
 2. Perform or undertake such mitigating measures as may be necessary to reverse or reduce any significant adverse effect of such violation; or,
 3. Both 1 and 2 of this subsection.
- c. Penalties and remedies levied shall be as provided in Section 10 of the Act.
- d. All orders issued shall comply with 17 TTC and the Act.

Filed this 30th day of
August 19 83.

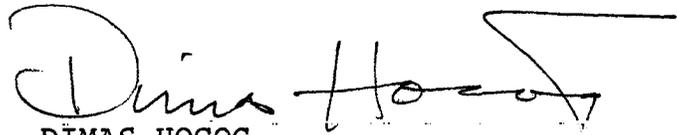
Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

PUBLIC NOTICE OF
ADOPTED REGULATIONS



Pursuant to Public Law 1-43, Section 4(f), the Board of Trustees for the Northern Mariana Islands Retirement Fund hereby adopts rules and regulations governing the administration of the Retirement Fund.

8-25-83
Date

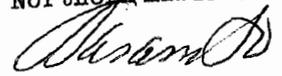


DIMAS HOCOG
Chairman, Northern Mariana
Islands Fund Board of Trustees

Filed this 30th day of

August 19 83.

Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands



NOTICIAN PUBLIKO
POT MA-ADOPTA NA AREKLAMENTO

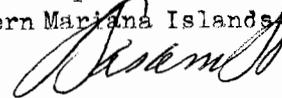
Segun i Lai Publiko 1-43, Secciona 4(f), i Board of Trustees para i Northern Mariana Islands Retirement Fund ma-adopta oden yan areklamento siha ni para uginibietna i administracion i Retirement Fund.

File this 30th day of

August 1983.

Office of Registrar of Corporations
Commonwealth of the Northern Mariana Islands

ARONGRONG NGA'LIR POBLIKO
REL POT ADOPTAL ODDIN BWAL AREKLAMENTO



Yaal awewe lai llo'l Pobluko e'iew fe'igh me iluw (Public Law 1-43), Seksiona
fau 4(f), i'e Board of Trustees rel Programal Northern Mariana Islands
Retirement Fund re adoptali alongal otdin bwal areklamento ka re seleti ngali
administracional Retirement Fund.

NOTICE OF ADOPTION
OF REGULATIONS FOR THE
NORTHERN MARIANA ISLANDS RETIREMENT FUND

The Board of Trustees for the Northern Mariana Islands Retirement Fund hereby adopts these regulations pursuant to 17 Trust Territory Code Section 4.

PART 1 - GENERAL PROVISIONS

1.1 Authority: Under and by virtue of the provisions of Public Law 1-43, Section 4(f), the Board of Trustees for the Northern Mariana Islands Retirement Fund hereby promulgates these rules and regulations.

PART 2 - DEFINITIONS

2.1 Applicability: The following words and terms as used in these rules and regulations, or in interpreting Public Law 1-43, shall have the meanings indicated unless the context clearly indicates otherwise. The definitions herein provided shall supplement those contained in Public Law 1-43.

(a) "Annual". The term "annual" shall mean yearly, and refer to the calendar year.

(b) "Annual Salary". The term "annual salary" means the amount reported on an employee's W-2 Form for a year, or if no W-2 forms are available for an employee, the amount earned by an employee in a calendar year as shown by such other records as the administrator may require.

c. "Commission". As used in Public 1-43, Section 5(a), the term "commission" shall mean the Board of Trustees for the Northern Mariana Islands Retirement Fund.

d. "Director". As used in Public Law 1-43, Section 5(b), 5(c), and 5(d), the term "director" shall mean "Trustee".

e. "Full Retirement Benefits". The phrase "full retirement benefits", as used herein and in Section 11(c) of Public Law 1-43, shall mean all annuities, benefits, and payments to which members are entitled, including survivor annuities.

f. "Public Law 1-43" includes all amendments to that law.

g. "Regular Interest". The words "regular interest" as used in Public Law 1-43 shall mean interest at the rate of 3.5%, compounded annually, and credited for each complete month.

PART 3 - OPTIONAL FUND MEMBERSHIP

3.1 Optional Membership for Certain Government Officials and Employees:

(a) Elected officials, government officials appointed by the Governor with the advice and consent of the Senate, persons employed in other than Civil Service classified positions, persons employed under personnel services contracts by the Commonwealth of the Northern Mariana Islands, or employees of public corporations of the Government of the Northern Mariana Islands, have the option of becoming Fund members, and may become a member only upon submission of a membership application form to the Board of Trustees requesting such membership.

(b) Persons employed after the effective date hereof, and who may at the said persons' option elect membership in the Retirement Fund, must exercise such option within 30 days of employment, and make required contributions retroactive to the date of employment. Such membership option is exercised by filing with the Board of Trustees a completed membership application form.

(c) The election of any person covered by this section to accept or reject membership is irrevocable and shall apply to such person for the entire term of the employment.

PART 4 - CREDIT FOR SERVICE

4.1 Computation for Full-Time Employees: For full-time employees, service shall be measured in years, and complete calendar months each as one-twelfth (1/12) of a year. Annual leave, paid for in a lump sum, shall be included in measuring service. The number of days employed in the first month of employment (assuming it was not a complete month) shall be added to the number of days in the last month of employment (assuming it was not a complete month). If the total equals or exceeds 45, a member shall be credited with two additional months of service, and if less than 45 but 15

or more the member shall be credited with one additional month of service. If less than 15, no time shall be credited.

4.2 Service Credit for Part-Time, Seasonal or Intermittent Employees: If a part-time, seasonal, intermittent or temporary employee elects to become a member, such person will be credited with one-twelfth (1/12) of a year of service for every 160 hours for which he is paid in a calendar year after election, but in no case in excess of 12 months credit for any calendar year. If adequate records for years prior to 1980 are not available, the number of hours worked in previous years will be estimated by the Administrator of the Retirement Fund based on available records or such other evidence as the Administrator finds persuasive.

PART 5 - SURVIVOR ANNUITIES

5.1 Annuities for Survivors of Members Who Died Prior to October 1, 1980: If a member died while in service after April 1, 1976 but prior to October 1, 1980, the surviving spouse and children shall be eligible to receive survivor's benefits commencing on October 1, 1980.

5.2 Option for Unmarried Employees:

(a) As used in Section 17(d) of Public Law 1-43, the term "unmarried" is interpreted to mean not having a living spouse on the date of retirement or death. Should any member or employee be unmarried on the date of retirement, and designate an individual as a beneficiary pursuant to Section 17(d) of Public Law 1-43, and then subsequently marry, the said designation will be deemed null and void.

(b) Any individual designated by a member or employee pursuant to Section 17(d) of Public Law 1-43 shall be entitled to an annuity equal to that of surviving spouse under the conditions provided in PL 1-43 §17(a)(1), but marriage or remarriage will not affect the right of the designated beneficiary to an annuity.

PART 6 - RETIREMENT, BENEFITS

6.1 Application for Retirement: Written applications to the Board for retirement will be required for retirement pursuant to Public Law 1-43. Application forms shall be available at the Office of the Northern Mariana Islands

6.2 Retirement, Time for: All retirement will be deemed to occur on the day following the last day of paid employment, provided, however, that the payment of a lump sum for accumulated unused annual leave and the crediting of service for such leave will cause deferral of retirement.

6.3 Annuities, Time for Payment: All annuity payments will be made in equal installments on the 15th and last day of each month. If the fifteenth (15th) or last day of any month shall fall on a weekend or legal holiday, payment will be made the last working day prior to the weekend or legal holiday.

PART 7 - REEMPLOYMENT AFTER RETIREMENT

7.1 Effect of Reemployment after Retirement: Should any employee or member retire pursuant to Public Law 1-43 and these rules and regulations, and subsequently be reemployed in any position in which membership in the Retirement Fund is either mandatory or optional, the effect of reemployment shall be as follows:

(a) If the person is reemployed in a position in which Fund membership is mandatory, pursuant to Public Law 1-43 or these rules and regulations, the individual shall thereupon be deemed to have withdrawn from retired status.

(1) Upon such reemployment, contribution to the Fund will be required of both the employee and the employer, pursuant to Public Law 1-43.

(2) Upon termination of such employment, the individual will be entitled to resume retirement status, service for the reemployment shall be credited, and the annuity of the individual recomputed.

(b) If the person is reemployed in a position in which Fund membership is optional, pursuant to these rules and regulations and Public Law 1-43, the person must either exercise the option for membership or reject such option, as provided in Public Law 1-43 and these rules and regulations. Upon such reemployment, the individual shall be deemed to have withdrawn from retired status.

(1) If the individual rejects Fund membership, he shall, upon termination of the reemployment, be entitled to such retirement benefits as he enjoyed prior to reemployment, upon application to the Board of Trustees.

(2) If the individual exercises the option for Fund membership, contribution to the Fund will be required of the individual and his employer, pursuant to Public Law 1-43. Upon termination of such reemployment the individual will be entitled to resume retired status, and service for the reemployment shall be credited, and the annuity of the individual recomputed.

PART 8 - GENERAL

8.1 Headings: Headings or titles of sections contained herein are for convenience and shall not be used in construction or application of any section contained herein.

8.2 Severability: If a part or section of these rules and regulations are invalid, all valid portions that are severable shall remain in effect. If a part or section hereof is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from its invalid applications.

PUBLIC NOTICE OF ADOPTED REGULATIONS

FOR THE
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

The Director of the Department of Public Health and Environmental Services, pursuant to Public Law No. 3-23, Section 7 and Public Law No. 1-8, Chapter 12, Section 3(e), hereby adopts rules and regulations amending the marine and fresh water quality standards by defining "person" in Section (q) of Part 4 and by prohibiting discharging which lowers water quality in Part 12.

The following amendments to the rules and regulations are hereby adopted.

8/31/83
DATE


DR. JOSE T. VILLAGOMEZ
Director
Department of Public Health and
Environmental Services

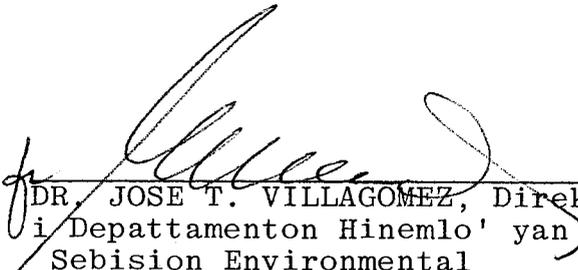
PARA I

DEPATTAMENTON HINEMLO' PUBLIKO YAN SETBISION ENVIRONMENTAL

I Direktot i Depattamenton Hinemlo' Publiko yan Setbision Environmental, sigun i Lai Publiko 3-23, Section 7 yan Lai Publiko 1-8, Kapitulo 12, Section 3 (e), ha adopta i regulasion ni amenda i hanom tasi yan hanom fresku kualidat areklamento siha ni ha dififina "petsona" gi Section (q) gi Patte 4 yan ma prohibi hanom ni humuhuyong ni ha na' tatakpapa' i kualidat hanom gi Patte 12.

I sigiente siha na amendasion para i regulasion esta man ma adopta.

8/31/83
Date


DR. JOSE T. VILLAGOMEZ, Direktot
i Depattamenton Hinemlo' yan
Sebision Environmental

SECTION 1. Person Defined.

There shall be added to Part 4 of the Regulations Establishing Marine and Fresh Water Quality Standards adopted on March 31, 1983 in Volume 5, Number 3, page 1940 of the Commonwealth Register a subsection (q) which shall read:

(q) "Person" means any individual, corporation, association, partnership, or governmental entity.

SECTION 2. Unlawful Discharge.

There shall be added to the Regulations referred to in Section 1 at page 1949 a Part 12 which shall read:

PART 12 UNLAWFUL DISCHARGE

It shall be unlawful for any discharger to emit any wastewater, substance, or material into the waters within the jurisdiction of Public Law No. 3-23 which causes any portion of such waters to fail to meet the water quality criteria applicable as specified in Parts 6 and 7 of these Regulations. A violation of this Part will subject the discharger to the sanctions provided in Section 9 of Public Law No. 3-23 including, but not limited to, imprisonment for up to one year, a fine of \$10,000, or both.

PUBLIC NOTICE OF ADOPTION OF AMENDED REGULATIONS

FOR THE
IMMIGRATION AND NATURALIZATION
OFFICE OF THE OFFICE OF THE ATTORNEY GENERAL

The Chief of the Immigration and Naturalization Office has adopted amendments to the Immigration Regulations for Title 53, Trust Territory Code, in accordance with Section 10.4 of Part 10 thereof (3 Comm. Reg. 1006 ff; February 23, 1981) and Title 17 of the Trust Territory Code.

The newly adopted rule - proposed by notice in the Commonwealth Register of January 31, 1983 - amends Section 11.8(a)3 of the regulations by eliminating the requirement that holders of entry permits issued in conjunction with Worker Identification Certificates (Work Permits) under the Protection of Resident Workers Act (Title 49, TTC) who have remained in the Commonwealth for a cumulative period of four (4) years, depart the jurisdiction for ninety (90) days before being eligible to apply for renewal of entry permits.

Copies of the newly amended regulations are available for public inspection at the Immigration and Naturalization Office, Government Center, or the Office of the Attorney General, 5th Floor Nauru Building, Susupe, Saipan in accordance with the provisions of Section 2 of Title 17 of the Trust Territory Code.

DATED: AUGUST 31, 1983


FRANCISCO C. CASTRO
Chief of Immigration and
Naturalization Office

NOTICIAN PUBLIKO POT I MA ADOPTA NA AMENDASION
I REGULATION

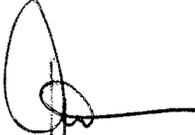
OFFICIAN I IMMIGRATION YAN NATURALIZATION

I Oficinan i Immigration and Naturalization ha adopta amendasion nu i tinitika i regulasion siha ni man mafatinas gi papa i Titulun 53 gi Codigun i Trust Territory.

I nuebo na ma adopta na regulasion ha amenda i presenti na Seksiona 11.8(3) ya ha na suha ayo na fotmalidad i para i taotao hiyung umadingo i Commonwealth nubenta (90) dias antes de usina talo ayo na petsona man aplika licensian machocho gi Commonwealth. Este na amendasion aplicable para ayu ha siha na taotao hiyung i esta makumple kuarto (4) anos de managa yan man machocho gi Commonwealth.

Copian este i nuebo na ma adopta na amendasion guaha gi Oficinan i Immigration yan Naturalization gi Civic Center yan i Oficinan i Attorney General, 5th Floor Nauru Building giya Susupe sigun gi patte gi Seksiona 2 gi Title 17 gi Trust Territory Code.

FECHA: AGUSTO 31, 1983



FRANCISCO C. CASTRO
Chief of Immigration and
Naturalization Office