

TITLE 10: CIVIL SERVICE COMMISSION

CHAPTER 10-30 JUDICIAL BRANCH; PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS

Part 001	General Provisions	§ 10-30-219	Procedure When Eligibles Are Required
§ 10-30-001	Purpose	§ 10-30-220	Removal of Names from Eligible Lists
§ 10-30-005	Policy	§ 10-30-221	Selective Certification
§ 10-30-010	Coverage	§ 10-30-222	Use of Eligible Lists
§ 10-30-015	Scope	§ 10-30-223	Duration of Eligible Lists
§ 10-30-020	Eligibility for Employment	§ 10-30-224	Order of Use of Eligible Lists
Part 100	Organization for Personnel Management	§ 10-30-225	Reemployment Priority List
§ 10-30-101	Personnel Management	Subpart B	Positions and Appointments
§ 10-30-105	Civil Service Commission	§ 10-30-226	Types of Positions
§ 10-30-110	Personnel Office	§ 10-30-227	Permanent Position
§ 10-30-115	Personnel Officer	§ 10-30-228	Types of Appointments
Part 200	Staffing	§ 10-30-229	Pre-employment Physical Examinations
§ 10-30-201	Introduction	§ 10-30-230	Administration of Physical and Medical Examinations
Subpart A	Examinations	§ 10-30-231	Prohibited Action
§ 10-30-202	Introduction	§ 10-30-232	Reinstatement
§ 10-30-203	Competitive Examinations	Subpart C	Merit Promotion Program
§ 10-30-204	Non-competitive Examinations	§ 10-30-233	Policy
§ 10-30-205	Examination Announcements	§ 10-30-234	Definitions
§ 10-30-206	Publicity	§ 10-30-235	Scope and Coverage
§ 10-30-207	Content of Examinations	§ 10-30-236	Areas of Consideration
§ 10-30-208	Continuous Examinations	§ 10-30-237	Methods of Locating Candidates
§ 10-30-209	Admissions to Examinations	§ 10-30-238	Transfer
§ 10-30-210	Disqualification of Applicants	§ 10-30-239	Qualification Standards
§ 10-30-211	Notification of Acceptance for Assembled Examination	§ 10-30-240	Conditions of Employment
§ 10-30-212	Conduct of Assembled Examinations	§ 10-30-241	Evaluation Methods
§ 10-30-213	Cancellation of Examinations	§ 10-30-242	Certification
§ 10-30-214	Rating of Examinations	§ 10-30-243	Selection Procedure
§ 10-30-215	Review of Examination Results	§ 10-30-244	Information to Employees
§ 10-30-216	Changes in Rating	§ 10-30-245	Employee Questions and Complaints
§ 10-30-217	Establishment of Eligible Lists	§ 10-30-246	Review of Promotion Program
§ 10-30-218	Certification from Eligible Lists	Subpart D	Suspensions, Separations, and Demotions
		§ 10-30-247	General
		§ 10-30-248	Separations Not Involving Personal Cause

TITLE 10: CIVIL SERVICE COMMISSION

§ 10-30-249 Constructive Resignation
§ 10-30-250 Furloughs, Suspensions,
Separations for Personal Cause, and
Demotions for Disciplinary Reasons
Table 200-1 Adverse Actions
Subpart E Reduction-in-force (RIF)
§ 10-30-251 General
§ 10-30-252 Policy
§ 10-30-253 Coverage
§ 10-30-254 Reduction-in-force Planning
§ 10-30-255 Competitive Processes
§ 10-30-256 Limitations on Competition
§ 10-30-257 Tenure Groups
§ 10-30-258 Furlough and Separation
§ 10-30-259 Vacant Positions
§ 10-30-260 Assignment Rights
(Bumping)
§ 10-30-261 Transfer of Function
§ 10-30-262 Reduction-in-force
Procedures
Subpart F Employee Appeals
§ 10-30-263 General
§ 10-30-264 Rights of the Parties
§ 10-30-265 Employee Appeal
§ 10-30-266 Preparation for Hearing
§ 10-30-267 Appeal File
§ 10-30-268 Procedural Defects
§ 10-30-269 Status of Employee During
Appeal
§ 10-30-270 Performance Rating Appeal
Subpart G Grievance Procedure
§ 10-30-271 General
§ 10-30-272 Employee Coverage
§ 10-30-273 Grievance Coverage
§ 10-30-274 Matters Not Covered
§ 10-30-275 Freedom from Restraint
§ 10-30-276 Employee's Right to
Representation
§ 10-30-277 Role of the Civil Service
Commission
§ 10-30-278 Employee's Right to Seek
Advice
§ 10-30-279 Informal Grievance
Procedure
§ 10-30-280 Formal Grievance Procedure

Part 300 Position Classification and Compensation

Subpart A Position Classification
§ 10-30-301 General
§ 10-30-302 Definitions
§ 10-30-304 Principles and Policy
§ 10-30-306 Responsibilities
§ 10-30-308 Position Planning
Subpart B Compensation
§ 10-30-310 General
§ 10-30-312 Compensation Plan
§ 10-30-314 Periodic Review of
Compensation Plan
§ 10-30-316 Establishing Salary upon
Appointment
§ 10-30-318 Promotions
§ 10-30-320 Temporary Promotions
§ 10-30-322 "Acting" Assignment
§ 10-30-324 Demotion
§ 10-30-326 Transfer
§ 10-30-328 Effect on Service
Anniversary Date
§ 10-30-330 Reallocation Reclassification
of Position to Higher Pay
§ 10-30-332 Effective Date of Position
Changes
§ 10-30-334 Within-grade Increases
§ 10-30-336 Workshops
§ 10-30-338 Overtime Compensation,
Compensatory Time and Control
§ 10-30-340 Standard Work Week
§ 10-30-342 Use of Non-standard Work
Week
§ 10-30-344 Holidays
§ 10-30-346 Merit Increase
§ 10-30-348 Premium Pay
§ 10-30-350 Approval of Proposals to
Provide Premium Pay or Differentials
§ 10-30-352 Bar to Dual Compensation or
Dual Employment
§ 10-30-354 Severance Pay
§ 10-30-356 Timekeepers

Part 400 Employment Responsibilities and Standards

Subpart A Communications

TITLE 10: CIVIL SERVICE COMMISSION

§ 10-30-401	General	§ 10-30-456	Prohibitions
§ 10-30-402	Role of the Personnel Office	§ 10-30-458	Public Office
Subpart B	Employee Conduct and Performance	§ 10-30-460	Penalty
§ 10-30-404	General	Subpart E	Equal Government Employment Policy
§ 10-30-406	Policy on Emotional and Mental Health	§ 10-30-462	Equal Government Employment Opportunity Policy
§ 10-30-408	Policy on Alcoholism and Problem Drinking	§ 10-30-464	Nepotism
§ 10-30-410	Action by Supervisors and Managers	§ 10-30-466	Political Affiliation
§ 10-30-412	Action by Personnel Officer	§ 10-30-468	Coercion
§ 10-30-414	Action Related to Alcoholism or Drug Abuse	Part 500	Employee Recognition and Incentives
§ 10-30-416	Actions Related to Other Causes	Subpart A	Incentives and Awards
Subpart C	Responsibilities of Employees and Management	§ 10-30-501	Introduction and Purpose
§ 10-30-418	Code of Ethics for Government Personnel Service	§ 10-30-505	Policy
§ 10-30-420	Policy on Employee Conduct	§ 10-30-510	Program Responsibility
§ 10-30-422	Subordination to Authority	§ 10-30-515	Contributions and Award Categories
§ 10-30-424	Management Responsibility	§ 10-30-520	Letters of Commendation
§ 10-30-426	Employee Responsibility	Subpart B	Recognition and Awards
§ 10-30-428	Interpretation and Advisory Service	§ 10-30-525	Superior Performance Award
§ 10-30-430	Disciplinary and Other Remedial Action	§ 10-30-530	Special Act or Service Award
§ 10-30-432	Ethical and Other Conduct and Responsibilities of Employees	§ 10-30-535	Honorary Awards
§ 10-30-434	Outside Work and Interests	§ 10-30-540	Length of Service Awards
§ 10-30-436	Financial Interests	§ 10-30-545	Awards to Persons Outside Commonwealth of the Northern Mariana Islands
§ 10-30-438	Government Property	§ 10-30-550	Presentation of Awards
§ 10-30-440	Misuse of Government Vehicles	Subpart C	Beneficial Suggestions Program
§ 10-30-442	Information	§ 10-30-555	Suggestion Award
§ 10-30-444	Gambling, Betting and Lotteries	§ 10-30-560	Suggestions Procedures
§ 10-30-446	Use of Intoxicants	§ 10-30-565	Documentation
§ 10-30-448	Specific Types of Conduct	§ 10-30-570	Records and Reports
§ 10-30-450	Community and Professional Activities	Part 600	Employee Benefits and Services
Subpart D	Political Activity	§ 10-30-601	Policy
§ 10-30-452	Political Activities	Subpart A	Leaves of Absence
§ 10-30-454	Rights of Employees	§ 10-30-605	Purpose
		§ 10-30-610	Creditable Service for Leave Purposes
		§ 10-30-615	Kinds
		§ 10-30-620	Basis for Accrual

TITLE 10: CIVIL SERVICE COMMISSION

§ 10-30-625	Leaves with Pay	§ 10-30-820	External Training
§ 10-30-630	Disposition of Leave upon Separation	§ 10-30-825	Training Costs Defined
§ 10-30-635	Leaves Without Pay	§ 10-30-830	Support for Training
§ 10-30-640	Unauthorized Leave	§ 10-30-835	Coordination with United States Federal Programs
§ 10-30-645	Administration of the System	§ 10-30-840	Evaluation of Training
§ 10-30-650	Responsibilities		
Subpart B	Benefits	Part 900	Personnel Management
§ 10-30-655	General	Evaluation	
§ 10-30-660	Responsibilities	§ 10-30-901	Purpose
§ 10-30-665	Nature of Coverage	§ 10-30-905	Objectives
§ 10-30-670	Insurance Program	§ 10-30-910	Responsibilities
Definitions		§ 10-30-915	Evaluation Methods and Procedures
§ 10-30-675	Procedures	§ 10-30-920	Reports
§ 10-30-680	Retirement Program	§ 10-30-925	Action
Part 700	Performance Evaluation		
§ 10-30-701	General	Part 1000	Records and Reports
§ 10-30-705	Employee Performance Evaluation	Subpart A	Records
§ 10-30-710	Policy	§ 10-30-1001	Purpose
§ 10-30-715	Responsibilities	§ 10-30-1005	Policy
§ 10-30-720	Relationship to Other Personnel Management Activities	§ 10-30-1010	Records Required
§ 10-30-725	Rating Probationary Employees	§ 10-30-1015	Disposition of Records
§ 10-30-730	Appeals	§ 10-30-1020	Access to Official Personnel Folder
		§ 10-30-1025	Information Available to the Public
		§ 10-30-1030	Information May Be Provided
Part 800	Training and Employee Development	Subpart B	Reports
§ 10-30-801	Policy	§ 10-30-1035	Purpose
§ 10-30-805	Responsibilities	§ 10-30-1040	Role of the Personnel Officer
§ 10-30-810	Definitions	§ 10-30-1045	Role of the Timekeeper
§ 10-30-815	Coverage		

Chapter Authority: NMI Con. Article III § 16.

Chapter History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: For a complete history of the Civil Service Commission in the Commonwealth, see the general Commission Comment to chapter 10 of this title.

The regulations set forth in this chapter were promulgated in 1984 by the Civil Service Commission (CSC) to “implement the provisions of article III, section 16 of the Constitution of the Northern Mariana Islands which extend the authority of the Civil Service Commission to administrative staff of the judicial branch.” § 10-30-001; see also CNMI Constitution, art. III § 16, (ratified 1977, effective 1978).

Second Const. Conv. Amend 41 (effective Nov. 3, 1985) repealed article III § 16. Amendment 41 created the present art. XX. Article XX charges the CSC with the establishment and administration of personnel policies for the

TITLE 10: CIVIL SERVICE COMMISSION

Commonwealth government. CSC's authority extends to "positions other than those filled by election or by appointment of the governor in the departments and agencies of the executive branch and in the administrative staffs of the legislative and judicial branches." N.M.I. Const. art. XX.

Attorney General Legal Opinion 04-05 (March 3, 2004), 26 Com. Reg. 22196 (Mar. 23, 2004), addressed the legal authority of the Civil Service Commission to promulgate regulations applicable to government employment positions exempted by law from the civil service system. AG Opinion 04-05 concluded:

"The ESPR proposed and adopted by the CSC ... are valid only as applied to personnel service employees whose positions are exempt from Personnel Service System classifications. The ESPR as applied to those exempted from the Personnel Service System by the N.M.I. Constitution and CNMI law have no force and effect because the CSC had no statutory or constitutional authority to proposed or adopt them."

AG Opinion 04-05, pg. 10; 25 Com. Reg. at 22205 (Mar. 23, 2004).

Accordingly, the regulations codified in this chapter are no longer effective and are left here for informational purposes only.

Part 001 - General Provisions

§ 10-30-001 Purpose

The regulations in this chapter implement the provisions of article III, section 16 of the Constitution of the Northern Mariana Islands which extends the authority of the Civil Service Commission to the administrative staff of the judicial branch.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-005 Policy

(a) It is hereby declared to be the policy of the regulations in this chapter 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 judicial branch employees.

(b) It is also declared to be the purpose of the regulations in this chapter 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.

(1) Equal opportunity for all regardless of age, race, sex, religion, handicap, political affiliation or place of origin;

(2) Impartial selection of the ablest person for government service by means of competitive tests which are fair, objective, and practical;

TITLE 10: CIVIL SERVICE COMMISSION

- (3) Just opportunity for competent employees to be promoted within the service;
- (4) Reasonable job security for the competent employee;
- (5) Systematic classification of all positions through adequate job evaluations;
- (6) Fair and reasonable grievance procedures for all employees pertinent to condition of employment; and
- (7) Proper employer-employee relations to achieve a well trained, productive and happy work force.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 10-30-010 Coverage

- (a) The regulations in this chapter apply to all employees and positions in the judicial branch of the Commonwealth of the Northern Mariana Islands, and all personnel services performed for the judicial branch 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 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 days for positions engaged in relief, repair, or rehabilitation as a result of such disaster;
 - (4) Persons appointed by the Chief Judge to fill administrative positions such as Clerk of Court, personal assistants, law clerks, and personal secretaries;
 - (5) Positions specifically exempt by any other law of the Commonwealth;
 - (6) Any position involving intermittent performance which does not require more than forty hours in any one month;
 - (7) Positions of a part-time nature requiring the services of four hours or less per day but not exceeding one year in duration; and
 - (8) Positions of a temporary nature which involve special projects having specific completion dates which shall not exceed one year.
- (b) The Personnel Officer shall determine the applicability of this section to specific positions not expressly covered by law.

Modified, 1 CMC § 3806(d), (e), (f), (g).

TITLE 10: CIVIL SERVICE COMMISSION

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In subsection (a)(4), the Commission changed the final period to a semicolon to ensure consistent punctuation.

§ 10-30-015 Scope

The regulations in this chapter cover all aspects of personnel management and administration in the judicial branch, 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 and in subsequent parts of the regulations. Procedures developed by the Personnel Officer for the implementation of these regulations appear as manuals hereto.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-020 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Part 100 - Organization for Personnel Management

§ 10-30-101 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, giving due consideration to the changing needs of the several programs of the Commonwealth now in progress and to be initiated in the future.

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

TITLE 10: CIVIL SERVICE COMMISSION

Commission Comment: The Commission corrected the spelling of “management.”

§ 10-30-105 Civil Service Commission

The Civil Service Commission represents the public interest in assuring compliance with the basic policy concerning personnel administration and in insuring that the integrity of the system is preserved. To this end, the Commission has the following powers and duties:

- (a) To prepare a comprehensive personnel management plan and proposed personnel policies of the Commonwealth, and submit copies thereof to the Chief Judge;
- (b) To oversee the operation of the personnel office;
- (c) To hear and decide appeals of employees for disciplinary actions, for suspensions of more than three working days, demotions and dismissals from the civil service. The Commission may utilize the services of qualified hearing officers if the services are deemed essential by the Commission. Hearings are to be public except when the appealing employee requests a closed hearing;
- (d) To administer oaths to witnesses in any matter pending before the Commission; and
- (e) To perform any other lawful acts required by law or deemed by it to be necessary to carry out its duties.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-110 Personnel Office

There is in the Civil Service Commission a personnel office, headed by a Personnel Officer. The personnel office implements the personnel plans and policies of the Commission and conducts day-by-day Commonwealth personnel management functions, including classification and recruitment, appointments, promotions and discipline, public personnel labor relations, and related functions.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-115 Personnel Officer

The Personnel Officer directs and supervises all the administrative and technical activities of the personnel office. Subject to the Commonwealth Civil Service Act, 1 CMC §§ 8101, et seq., and the regulations in this chapter, the Personnel Officer shall:

TITLE 10: CIVIL SERVICE COMMISSION

- (a) Serve as the principal adviser to the Chief Judge and his staff on all matters concerning personnel administration;
- (b) Administer the system of personnel administration for the judicial branch of the Commonwealth government;
- (c) Formulate and recommend to the Civil Service Commission policies and regulations to carry out the provisions of the Commonwealth Civil Service Act;
- (d) Establish and maintain a roster of all persons in the judicial branch, setting forth as to each the class of position held; the salary or pay; any change in class, title, pay or status;
- (e) Encourage and exercise leadership in the development of effective personnel administration within the judicial branch and make available the facilities of his office to this end;
- (f) Foster and develop, in cooperation with management officials and others, programs to promote the public service and to improve employee efficiency;
- (g) Develop and maintain adequate position classification plans and compensation plans;
- (h) Develop adequate and reasonable selection instruments and procedures for recruiting employees for the public service, and determine when employees meet specific qualification requirements for positions;
- (i) 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;
- (j) Develop training programs for the improvement of employee skills and the public service, and for the development of a systematic career ladder for employees of the judicial branch;
- (k) Administer a program for staff housing for the Commonwealth government;
- (l) Administer and interpret the regulations in this chapter;
- (m) Perform other duties assigned by the Civil Service Commission; and
- (n) Perform any other lawful acts deemed by the Personnel Officer to be necessary to carry out the purposes and programs of the personnel office.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Part 200 - Staffing

TITLE 10: CIVIL SERVICE COMMISSION

§ 10-30-201 Introduction

(a) This part covers all the elements appropriate to acquiring, maintaining, reassigning, promoting, and releasing employees of the personnel service system in the judicial branch. Merit principles, open competition, and, in specific application, employee seniority, shall be underlying consideration in performance of the staffing function.

(b) The several subparts 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 the regulation in this part are published as procedural manuals hereto.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

This section was originally an introduction to part III, codified as part 200.

Subpart A - Examinations

§ 10-30-202 Introduction

This subpart prescribes the examining system to be used in the personnel service system of the judicial branch. It describes the several types of examinations, the assembly of eligible lists, and the referral of eligibles from those lists to selecting officials.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: This section was originally an introduction to part III, subpart A, codified as part 200, subpart A.

§ 10-30-203 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.

TITLE 10: CIVIL SERVICE COMMISSION

(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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-204 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-205 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 calendar days. This period may be extended by the Personnel Officer if the response has been inadequate to the

TITLE 10: CIVIL SERVICE COMMISSION

need, provided that the extension shall be announced in the same manner as the original announcement.

Modified, 1 CMC § 3806(e), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (f), the Commission corrected the spelling of “Personnel.”

§ 10-30-206 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. Management officials shall make every effort to bring announcements to the attention of all personnel under their jurisdiction.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-207 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 applicant, and any other accepted examination method deemed appropriate by the Personnel Officer.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-208 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 calendar days prior to the final closing date for such examination.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-209 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

TITLE 10: CIVIL SERVICE COMMISSION

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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-210 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-211 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 mail 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.

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The Commission corrected the spelling of "mail."

§ 10-30-212 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-213 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-214 Rating of Examinations

- (a) Examinations shall be rated by a qualified 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-215 Review of Examination Results

Any applicant may request a review of his rating within ten 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-216 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-217 Establishment of Eligible Lists

TITLE 10: CIVIL SERVICE COMMISSION

(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 register 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 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 equal, 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-218 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 names, only the top five names shall be certified. The appointing authorities shall be entitled to the certification of not less than five eligibles for each vacancy, however, when less than five 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.

(c) 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

TITLE 10: CIVIL SERVICE COMMISSION

Commission Comment: The final paragraph was not designated. The Commission designated it subsection (c).

§ 10-30-219 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-220 Removal of Names from Eligible Lists

The Personnel Officer may remove the name of any person who has been disqualified under § 10-30-210. The name of any person may also be removed if:

- (a) The eligible candidate fails to respond within fifteen 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.

Modified, 1 CMC § 3806(c), (e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-221 Selective Certification

TITLE 10: CIVIL SERVICE COMMISSION

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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-222 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-223 Duration of Eligible Lists

The life of an eligible list, other than the reemployment priority list, shall be for a period of one 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 noncompetitive examination eligible list shall be combined only as a noncompetitive 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 list 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-224 Order of Use of Eligible Lists

TITLE 10: CIVIL SERVICE COMMISSION

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

- (a) Reemployment priority list
- (b) Promotional list
- (c) Open competitive list.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (c), the Commission inserted the final period to correct a manifest error.

§ 10-30-225 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 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Subpart B - Positions and Appointments

§ 10-30-226 Types of Positions

All positions in the personnel service of the judicial branch shall be identified in the records of the Personnel Officer as permanent, or such other status as is authorized by law.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-227 Permanent Position

TITLE 10: CIVIL SERVICE COMMISSION

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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-228 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 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 year is entitled to the full benefits of the regulation in this chapter. 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 year. The appointee who serves thirty or more hours per week shall be entitled only to workmen's compensation, Social Security, annual leave (if the period exceeds ninety days), sick leave, overtime, compensatory time, 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 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 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 days for a maximum of one hundred eighty 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) 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 months. An employee can be temporarily promoted only if he meets the qualification standards of the new position. See § 10-30-320.

(f) "Acting" appointment. An "acting" appointment is the designation, in writing, that an employee will act for a period of up to thirty days in place of a supervisor. When the supervisor's

TITLE 10: CIVIL SERVICE COMMISSION

absence exceeds the initial thirty day period, a new designation shall be made for an additional thirty days. This thirty day renewal of the “acting” assignment is repeated until the supervisor returns to his position. Whenever the acting assignment exceeds ninety days, the employee shall be temporarily promoted if he meets the qualifications standards of the position. See § 10-30-322.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-229 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 to the health of other employees, or reflect discredit upon the Personnel Service System.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-230 Administration of Physical and Medical Examinations

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

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-231 Prohibited Action

(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 1 CMC § 8144(b).

(b) Retroactive personnel actions shall not be made unless approved by the Personnel Officer prior to commencement of such action.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-232 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 reappointed to his former position in the personnel service at the same pay level and step that he held upon his separation. If re-

TITLE 10: CIVIL SERVICE COMMISSION

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 reemployed, provided he meets the noncompetitive qualifications for the position to be filled.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Subpart C - Merit Promotion Program

§ 10-30-233 Policy

(a) To the maximum extent possible, the Commonwealth Personnel Service System merit promotion program provides for filling vacancies above the entry level by promotion of highly qualified Commonwealth 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.

(b) The merit promotion program (MPP) is an integral part of the Commonwealth Personnel Service System manager/executive development plan and other programs in the area of staffing, training, and manpower utilization.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 10-30-234 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.

TITLE 10: CIVIL SERVICE COMMISSION

(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.

(g) Position with known promotional 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-235 Scope and Coverage

Competitive promotion procedures apply to:

(a) All competitive positions in the Commonwealth 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 Personnel Service System employee from an eligible list following an open competitive examination; or

(3) The position is filled by detail for more than ninety days duration. (NOTE: All periods of detail of an employee to the position during the preceding twelve 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-236 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:

TITLE 10: CIVIL SERVICE COMMISSION

- (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 area 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-237 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 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-238 Transfer

TITLE 10: CIVIL SERVICE COMMISSION

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 the regulation in this chapter, 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 Personnel Service System employees, when required by the needs of the service and in accordance with applicable personnel regulations.

Modified, 1 CMC § 3806(d).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-239 Qualification Standards

(a) 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.

(b) 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.

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

(d) 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

§ 10-30-240 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 conditions and agree, in writing, to those conditions.

TITLE 10: CIVIL SERVICE COMMISSION

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-241 Evaluation Methods

(a) 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:

(1) 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.

(2) Identify those qualities which demonstrate a candidate's potential for future promotion, when the job being filled leads to further advancement.

(3) 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.

(b) 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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In subsection (b), the Commission corrected the spelling of "recognition."

§ 10-30-242 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.

TITLE 10: CIVIL SERVICE COMMISSION

- (d) Awards. In considering awards received by those 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-243 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 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 official disagrees with the merit promotion certificate, he states his objections in writing and requests the Personnel Officer to review the rankings.
- (c) The selecting official 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 calendar days unless agreed to by the gaining organization. When the move between organizations also involves a move between islands, the Chief Judge must give prior approval of the selection. Personnel actions are usually effective at the beginning of a pay period.

TITLE 10: CIVIL SERVICE COMMISSION

(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 Chief Judge and Personnel Officer determine and schedule the training needed to meet the standard.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-244 Information to Employees

(a) Employees' acceptance and support of the Commonwealth 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-245 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 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 200, subpart 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.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-246 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;

TITLE 10: CIVIL SERVICE COMMISSION

- (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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (c), the Commission corrected the spelling of “conformance.”

Subpart D - Suspensions, Separations and Demotions

§ 10-30-247 General

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

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: This section was originally an introduction to part III, subpart D, codified as part 200, subpart D.

§ 10-30-248 Separations Not Involving Personal Cause

(a)(1) Resignation. Resignations shall be in writing and shall be submitted at least fourteen 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 days.

(2) The Chief Judge 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:

- (i) The employee makes his wishes known, in writing, prior to the effective date; and
- (ii) 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.

TITLE 10: CIVIL SERVICE COMMISSION

(c)(1) 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:

- (i) No suitable reassignment can be made within the department or location to which he is assigned; and
- (ii) Medical examination procedures, as outlined in § 10-30-230 hereof, have been complied with.

(2) 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 Chief Judge 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 Chief Judge.
- (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.

Modified, 1 CMC § 3806(c), (e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs of subsections (a) and (c) were not designated. The Commission designated subsections (a)(1) and (a)(2) and (c)(1) and (c)(2).

§ 10-30-249 Constructive Resignation

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

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-250 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 the Chief Judge or his designee. 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.

TITLE 10: CIVIL SERVICE COMMISSION

- (b) Employee coverage. This part applies to all permanent employees of the judicial branch, Commonwealth of the Northern Mariana Islands government, 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; and
 - (4) Employees hired under special contracts for a specified term not to exceed one year.
- (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. 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 calendar days or less. Furloughs of more than thirty calendar days are reduction-in-force actions and shall be accomplished using reduction-in-force procedures. (See part 200, subpart E.)
- (g)(1) Suspension not to exceed three 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 working days.
- (2) 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 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.

TITLE 10: CIVIL SERVICE COMMISSION

(j) Reduction in rank or pay. Management officials 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 subpart 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, management officials 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 calendar days notice, in writing, specifying the reasons for the separation. The employee shall be afforded the right to discuss his situation with the Chief Judge.

(3) Grievance, adverse action or reduction-in-force procedures do not apply to separation during probation.

(1) Procedure for taking adverse actions. Management officials must observe certain procedural requirements when processing adverse actions covered in this subpart. 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 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 working days, furlough without pay, and reduction in rank or pay are as follow:

(1) The management must give the employee at least thirty days advance, written notice of the proposed action. However, in the event that criminal charges are filed against an employee of the judicial branch, the employee shall be suspended without pay, reassigned, or subject to such other action as the Chief Judge may deem necessary. In the event the charges are dismissed or the employee is found not guilty, the employee shall be reinstated with benefits and pay retroactive to the date of suspension.

(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.

TITLE 10: CIVIL SERVICE COMMISSION

(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 and placed on leave without pay (LWOP) or, with the employee's consent, he may be carried on annual 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)(i) 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.

(ii) In the event of an appeal from the Civil Service Commission, the advisory commission on the judiciary will supply the names of five attorneys at law who could be selected by lot as temporary judges to hear the appeal.

Modified, 1 CMC § 3806(c), (e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs in subsections (g) and (l)(8) were not designated. The Commission designated subsections (g)(1) and (g)(2) and (l)(8)(i) and (l)(8)(ii).

In subsection (a), the Commission corrected the spelling of "adverse." In subsection (l)(8)(ii), the Commission changed "judge" to "judges" to correct a manifest error.

Table 200-1 Adverse Action

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

ADVERSE ACTION PROCEDURAL SYSTEM

MANAGEMENT OFFICIAL'S LETTER OF PROPOSED ADVERSE ACTION

EMPLOYEE'S ANSWER AND/OR PRESENTATION OF EVIDENCE

MANAGEMENT OFFICIAL'S LETTER OF DECISION

EMPLOYEE'S WRITTEN APPEAL TO CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMISSION HEARING (if requested)

CIVIL SERVICE COMMISSION DECISION

ADMINISTRATIVE REMEDIES EXHAUSTED

THE COURTS

TITLE 10: CIVIL SERVICE COMMISSION

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Subpart E - Reduction-in-force (RIF)

§ 10-30-251 General

This subpart establishes the general regulations under which reduction-in-force shall be accomplished. The regulations in this chapter 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 initiated.

Modified, 1 CMC § 3806(d).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: This section was originally an introduction to part III, subpart E, codified as part 200, subpart E.

§ 10-30-252 Policy

It is the policy of the 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-253 Coverage

This part applies to all permanent employees of the judicial branch, Commonwealth of the Northern Mariana Islands government, as provided under article III, section 16 of the Constitution, 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 hired under special contracts for a specified term not to exceed, one year; and
- (e) Temporary or employees under probationary status.

TITLE 10: CIVIL SERVICE COMMISSION

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-254 Reduction-in-force Planning

When it becomes evident that reduction-in-force must be made, the Chief Judge or his designee shall provide the Personnel Officer notice of intention to take RIF action at least sixty 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-255 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)(1) 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.

(2) 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

TITLE 10: CIVIL SERVICE COMMISSION

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).
 - (i) Includes trainees. Includes employment under 61 TTC paragraph 9(d), (f), (h), (1), (m), (n) and (o).
 - (ii) 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 the 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 the United States Armed Forces.
 - (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 government agencies and instrumentalities within the government of the Commonwealth of the Northern Mariana Islands.
- (f) Retention standing. Retention standing is derived by allotting one 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 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.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs in subsection (c) were not designated. The Commission designated subsections (c)(1) and (c)(2).

TITLE 10: CIVIL SERVICE COMMISSION

In subsection (a), the Commission inserted the final period. In subsection (f), the Commission corrected the spelling of “allotting.”

§ 10-30-256 Limitations on Competition

(a) An obligated position is a position from which the incumbent is temporarily absent because of:

- (1) Approved educational leave;
- (2) Temporary promotion; or
- (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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-257 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 probationary appointments

Tenure group III. Employees serving in limited term or provisional appointments.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-258 Furlough and Separation

(a) The Personnel Officer may use furloughs for more thirty days if there is reasonable assurance that the employees furloughed will be returned to duty within the next twelve 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 days or less may be used for clearing the rolls temporarily, not to exceed thirty days when there is positive assurance that employees so furloughed can return to

TITLE 10: CIVIL SERVICE COMMISSION

duty within the 30-day period. Adverse action procedures must be used to place an employee in furlough status for thirty days or less.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-259 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-260 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 subpart, an undue interruption occurs only if the employee placed in a position through assignment requires more than ninety calendar days training to reach the full performance level for the position.

(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).

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-261 Transfer of Function

(a) Function defined. For the purpose of the regulations in this chapter, “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

TITLE 10: CIVIL SERVICE COMMISSION

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 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 the regulations in this chapter. A function transferred for the purpose of liquidation is not a function (for the purpose of the regulation in this chapter) 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 200, subpart D of the regulations in this chapter.

Modified, 1 CMC § 3806(c), (d), (e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (c), the Commission corrected the spelling of “transfer.”

§ 10-30-262 Reduction-in-force Procedures

Procedures which must be used in implementing the RIF regulations in this chapter are published in the procedures manual hereto.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Subpart F - Employee Appeals

§ 10-30-263 General

This subpart 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-264 Rights of the Parties

TITLE 10: CIVIL SERVICE COMMISSION

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

(a)(1) 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.

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

(3) It should be noted that the hearing provided by this subpart 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)(1) 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.

(2) 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 subpart. 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 overt threats 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 representation, 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

TITLE 10: CIVIL SERVICE COMMISSION

management. 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 Civil Service Commission hearings must be the Attorney General or his designee.

(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 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 employee who acts as representative 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.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs in subsections (a) and (c) were not designated. The Commission designated subsections (a)(1) through (a)(3) and (c)(1) and (c)(2).

In subsection (e), the Commission changed "hearing" to "hearings" to correct a manifest error.

§ 10-30-265 Employee Appeal

An employee must file an appeal within fifteen 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 calendar days period for filing an appeal to the Civil Service Commission. If registered mail is utilized, the appeal must be postmarked no later than the fifteenth calendar day.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-266 Preparation for Hearing

TITLE 10: CIVIL SERVICE COMMISSION

- (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 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 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:
 - (i) Name, location, and occupation of each witness;
 - (ii) A summary of each witness' anticipated testimony; and
 - (iii) The availability of each witness in the area of the employee's duty station during the next thirty days.
 - (2) Management official's list of witnesses containing:
 - (i) Name, location, and occupation of each witness;
 - (ii) A summary of each witness' anticipated testimony; and
 - (iii) The availability of each witness in the area of the employee's duty station during the next thirty 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 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-government 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 Civil Service Commission.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-267 Appeal File

When an employee files an appeal from adverse action with the 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

TITLE 10: CIVIL SERVICE COMMISSION

personnel office and the 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;
- (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 Civil Service Commission's hearing officer, if any; and
- (n) A copy of the notice of decision of the Civil Service Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-268 Procedural Defects

If at any time after the appeal has reached the 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

TITLE 10: CIVIL SERVICE COMMISSION

§ 10-30-269 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-270 Performance Rating Appeal

(a) An employee may appeal a "less than satisfactory" or "satisfactory" performance rating to the Civil Service Commission.

(b) An employee has a right to representation of his choice as provided in § 10-30-264.

(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 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 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;

(3) At least one of whom must have an understanding of the work the employee is performing; and

(4) At least one of whom must be an employee of the judicial branch. 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 are 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.

TITLE 10: CIVIL SERVICE COMMISSION

(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 subpart for appeals from adverse action decisions.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (d)(3), the Commission added a semi-colon to correct a manifest error.

Subpart G - Grievance Procedure

§ 10-30-271 General

The Commonwealth 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-272 Employee Coverage

The personnel service grievance system covers all personnel service system employees.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-273 Grievance Coverage

The grievance system will cover all matters of concern or dissatisfaction to an eligible employee unless excepted by § 10-30-274 below.

Modified, 1 CMC § 3806(c).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-274 Matters Not Covered

The grievance system will not cover the following:

- (a) An adverse action appealed under part 200, subpart D;
- (b) A fitness-for-duty examination;

TITLE 10: CIVIL SERVICE COMMISSION

- (c) The content of published government policy;
- (d) Non-selection 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.

Modified, 1 CMC § 3806(c).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-275 Freedom from Restraint

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

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-276 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 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-277 Role of the Civil Service Commission

The 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 § 10-30-279.

Modified, 1 CMC § 3806(c).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-278 Employee's Right to Seek Advice

TITLE 10: CIVIL SERVICE COMMISSION

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 office, and/or
- (b) A supervisory or management official of higher rank than the employee's immediate supervisor.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-279 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 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 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 calendar days, put his grievance in writing and submit it to the Chief Judge as a formal grievance. The written representation must contain the following information:

- (1) The identity 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-280 Formal Grievance Procedure

(a) The Chief Judge or his designee will examine the grievance, discuss it with the grievant or his representative, and render his decision, in writing, within fourteen calendar days after receiving the grievance. The Chief Judge may have present the employee's immediate supervisor, if he deems it appropriate to the resolution of the grievance.

(b) If the Chief Judge is not successful in settling the grievance to the employee's satisfaction within fourteen calendar days after it is presented to him in writing, the employee shall, within fifteen calendar days after receiving written notification of the decision, submit his grievance to the Civil Service Commission.

TITLE 10: CIVIL SERVICE COMMISSION

(c) The Civil Service Commission shall 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 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 for the other side. The 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 Civil Service Commission shall reach a decision and present it formally to the Chief Judge within ten working days of the close of the formal hearing. Decision by the Civil Service Commission shall be made by a two-thirds vote of the entire members, as required by 1 CMC § 8113, 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Part 300 - Position Classification and Compensation

Subpart A - Position Classification

§ 10-30-301 General

All positions subject to the provisions of the Commonwealth of the Northern Mariana Islands Personnel Service System shall be classified in accordance with the approved Commonwealth of the Northern Mariana Islands position classification plan.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

TITLE 10: CIVIL SERVICE COMMISSION

Commission Comment: The Commission corrected the spelling of “Northern.”

§ 10-30-302 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)(1) 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.

(2) 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.

TITLE 10: CIVIL SERVICE COMMISSION

(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 specialty 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs in subsection (b) were not designated. The Commission designated subsections (b)(1) and (b)(2).

§ 10-30-304 Principles and Policy

(a) The basic principles underlying the position classification system are:

- (1) Equal pay for equal work; and
- (2) Variations in pay in proportion to substantial differences in difficulty, responsibility, and qualification requirements of the work.

(b) 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 10-30-306 Responsibilities

(a)(1) Personnel Officer.

(i) Administers a classification program which supports management's objectives, meets legal and regulatory requirements, and promotes participation by operating officials in the classification process.

TITLE 10: CIVIL SERVICE COMMISSION

- (ii) Provides advice and assistance to management on the classification aspects of position structure needed to carry out the government's mission.
 - (iii) Conducts periodic reviews to evaluate the effectiveness of the classification program and directs corrective action where appropriate.
 - (iv) Develops new classification standards, revises existing standards as needed; seeks advice and counsel of operating officials with the approval of the Civil Service Commission.
 - (v) Groups positions into classes on the basis of their similarities in duties, responsibilities, and other significant factors.
 - (vi) 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 of any position in the class subsequent to consultation with the Civil Service Commission and the appropriate management officials.
 - (vii) Changes a position from one class to another where substantial changes have occurred in the duties and responsibilities.
 - (viii) Determines the status of occupants of positions which have been changed from one class to another class.
- (2) 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 position 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.
 - (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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

TITLE 10: CIVIL SERVICE COMMISSION

Commission Comment: The original paragraphs in subsection (a) were not designated. The Commission designated subsections (a)(1) and (2).

§ 10-30-308 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.

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The Commission corrected the spelling of “support.”

Subpart B - Compensation

§ 10-30-310 General

All persons employed by the judicial branch of the government and subject to the provisions of 1 CMC § 8213 shall be compensated in accordance with such law and the provisions of this part.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-312 Compensation Plan

- (a) 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.
- (b) 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:
- (1) Kind and level of work;
 - (2) Degree of difficulty and responsibility;
 - (3) Kind, quality and level of qualification requirements;
 - (4) Relationship to other classes in its occupational group, and of its occupational group to other occupational groups.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 10-30-314 Periodic Review of Compensation Plan

TITLE 10: CIVIL SERVICE COMMISSION

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 Chief Judge and to the legislature for review and approval.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-316 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 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-318 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 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-320 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 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

TITLE 10: CIVIL SERVICE COMMISSION

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 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 years.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-322 “Acting” Assignment

(a) An “acting” assignment is the designation, in writing, that an employee will act for a period of up to thirty days in place of a supervisor. When the supervisor’s absence exceeds the initial thirty day period, a new designation shall be made for an additional thirty days. This thirty day renewal of the acting assignment is repeated until the supervisor returns to his position. Whenever the acting assignment exceeds ninety days, the employee shall be temporarily promoted if he meets the qualifications standards of the position. If the acting assignment exceeds ninety 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 steps in his current pay level, but may not exceed the maximum step.

(b) 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs in were not designated. The Commission designated subsections (a) and (b).

§ 10-30-324 Demotion

(a) 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.

TITLE 10: CIVIL SERVICE COMMISSION

(b) 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 10-30-326 Transfer

An employee who is transferred to a different position at the same pay level shall receive no change in compensation. An employee may transfer from the classified service in one branch of government to the classified service in another branch of government with no loss of benefits. A minimum of two weeks' notice must be given the losing supervisor prior to effecting a transfer.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-328 Effect on Service Anniversary Date

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

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-330 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 step increase 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-332 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 inequitable situation.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-334 Within-grade Increases

TITLE 10: CIVIL SERVICE COMMISSION

- (a) Within-grade increases may be granted upon completion of fifty-two 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 hours, is creditable toward the waiting period for a within-grade increase. Unapproved leave (AWOL) and leave without pay (LWOP) of more than eighty 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 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-336 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 step for each 120-hour unit.

- (a) No employee may receive more than one step increase under this subpart 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.

TITLE 10: CIVIL SERVICE COMMISSION

- (b) Upon determination of the Chief Judge that such employee is eligible to receive a salary increase as provided for in this subpart, he 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 subpart 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-338 Overtime Compensation, Compensatory Time and Control

(a) Any employee who is directed to work and does work in excess of forty hours a week shall be paid overtime at the rate of one and one-half 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. Compensatory time-off shall be granted within four 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 4 CMC § 9223.

(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 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 hours is credited with a minimum of two 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.

TITLE 10: CIVIL SERVICE COMMISSION

(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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-340 Standard Work Week

The standard work week 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-342 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 Chief Judge. When it becomes necessary to change an employee from a standard work week to a non-standard work week, he shall be given notice, in writing, ten 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 working days which do not fall within the standard work week.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-344 Holidays

TITLE 10: CIVIL SERVICE COMMISSION

(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 times his base salary rate or his adjusted base salary rate; or in the absence of any funds for holiday compensation, compensatory time-off shall be granted. Compensatory time-off for the first eight hours worked, or any part thereof, shall be granted in an equal number of hours. If the work starts at midnight and/or exceeds more than eight hours, the employee shall be compensated or be given compensatory time-off for any hours over eight at the rate of one and one-half times the base salary or the adjusted base salary, or the hours worked. Compensatory time-off shall be granted within four 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 for the following pay period. All classified employees shall be eligible for holiday pay, except as provided for in 4 CMC § 9223. 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 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 Chief Judge) 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 base salary rate or adjusted base salary rate for work performed on that day.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (b)(1), the Commission deleted the repeated word "or" to correct a manifest error.

§ 10-30-346 Merit Increase

(a) An employee with a minimum of three exceptional ratings may additionally be granted a merit increase not to exceed one step increase in the base rate of pay upon completion of a fifty-two 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 with-in grade

TITLE 10: CIVIL SERVICE COMMISSION

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.

(b) 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 Chief Judge, the Personnel Officer is authorized to approve merit increases within his authority.

(c) 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

§ 10-30-348 Premium Pay

(a)(1) 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 of their base salary rate.

(2) Qualification criteria. To qualify for payment of a hazardous work differential, the following conditions of work must be met:

(i) The conditions of unusual and extreme hazard to the employee's health and safety must be clearly evident and fully defined;

(ii) 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; and

(iii) 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)(1) Hardship post differential. To provide additional compensation, the hardship post differential of twenty percent 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.

(2) 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.

(3) 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

TITLE 10: CIVIL SERVICE COMMISSION

throughout the Commonwealth. Factors collectively considered to constitute unusual hardship include, but are not limited to:

- (i) Geographic isolation. A site sufficiently remote and removed from population centers, isolated from other activities or facilities, inaccessible except by means of special or infrequent transportation and/or communications, a physical location well removed and functioning with little recourse and contact with other locations or activities.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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.
- (4) 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 of base salary rate or adjusted base salary rate is paid for all hours worked 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:

(i) Payment will be made only for actual hours worked which fall between the period of 4:30 p.m. and 7:30 a.m.

(ii) 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 night work differential will not be made for the following situations:

(i) 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;

(ii) 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

(iii) 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 the normal forty hour work week shall not be eligible for payment of night work differential for any work performed while on scheduled standby.

TITLE 10: CIVIL SERVICE COMMISSION

(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 of base salary rate or adjusted salary rate:

(1) Qualification criteria. To qualify for entitlement to receive a standby differential of twenty percent 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:

(i) 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;

(ii) Hours of standby duty must be for a regularly scheduled period of time in excess of a normal forty hour work week. The minimum scheduled standby duty tour shall consist of not less than eight hours per week;

(iii) 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;

(iv) 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 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 times the base salary rate or adjusted base salary rate. When provided for in this subparagraph, 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 of the base salary.

(g) Advanced professional differential. 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 of the base salary for the pay level and step of the position.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

TITLE 10: CIVIL SERVICE COMMISSION

Commission Comment: The original paragraphs in subsections (a) and (b) were not designated. The Commission designated subsections (a)(1) and (a)(2) and (b)(1) through (b)(4).

In subsection (b)(3)(iv), the Commission corrected the spelling of “Transportation.”

§ 10-30-350 Approval of Proposals to Provide Premium Pay or Differentials

All proposals for pay differentials as defined herein shall be submitted by the Chief Judge 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 200, subpart D of the regulations in this chapter.

Modified, 1 CMC § 3806(c), (d), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-352 Bar to Dual Compensation or Dual Employment

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 the Commonwealth of the Northern Mariana Islands, he shall be

- (a) Placed in LWOP from his regular position; or
- (b) Continue his government salary and reject the salary for the second position, whichever is to his personal advantage.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-354 Severance Pay

(a) 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:

(1) For each full year of creditable service with the Commonwealth of the Northern Mariana Islands government, the employee is entitled to one-half of his bi-weekly pay rate in effect upon separation by RIF.

(2) For each full three months of service beyond the total full years of service, the employee is entitled to twenty- five percent of the pay for a bi-weekly period at the rate in effect upon separation by RIF. Not more than seventy- five percent of the pay for one bi-weekly period shall be paid under this part-year provision.

(b) 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

TITLE 10: CIVIL SERVICE COMMISSION

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 full year, he is not entitled to severance pay.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 10-30-356 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. The Chief Judge shall appoint timekeepers as required by the judicial branch. 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 the 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 harassment. 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 200 of the regulations in this chapter.

Modified, 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (c), the Commission corrected the spelling of "harassment."

TITLE 10: CIVIL SERVICE COMMISSION

Part 400 - Employment Responsibilities and Standards

Subpart A - Communications

§ 10-30-401 General

The government is committed to the policy of participative management. This means that employee views and opinions shall be actively sought. Managers and supervisors shall not take any steps, either covertly or overtly, which diminish participation by employees in the management process through communication of ideas, comments and suggestions to their supervisors and superiors. To this end, supervisors and managers shall make positive and continuing efforts to communicate with the employees in the following ways:

(a) Formally, through:

- (1) The annual employee review system and the performance evaluation process as defined in part 700 of the regulations in this chapter;
- (2) Staff meetings or other assemblies called for the purpose of informing subordinates concerning the status of work and programs and discussion of current matters of mutual interest;
- (3) Contributions to official publications of the government prepared for information to employees; and
- (4) Such other devices as may be initiated by managers and supervisors to enhance communications.

(b) Informally, through:

- (1) Frequent contact with employees at their work site to exchange comments concerning progress of work;
- (2) Maintaining an “open door” policy which encourages employees to bring to the attention of supervisors and managers those problems of mutual concern;
- (3) Adopting a helpful and supportive attitude toward the incentive awards program, especially the beneficial suggestion program;
- (4) Passing along, promptly, to higher levels of management, complaints and concerns of employees which cannot be resolved or corrected at the lower levels of supervision;
- (5) Resolving promptly those matters which fall within the authority of the supervisor;
- (6) Encouraging the employee’s good morale and esprit de corps by:
 - (i) Occasional brief group meetings to recognize events and communicate plans of mutual interest to the employees in that office; and
 - (ii) Occasional social gatherings of employees and their families for picnics or holiday celebrations to promote better understanding and cooperation.

Modified, 1 CMC § 3806(c), (d), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In the introductory paragraph, the Commission corrected the spelling of “communication.”

§ 10-30-402 Role of the Personnel Office

TITLE 10: CIVIL SERVICE COMMISSION

The Personnel Officer shall designate one or more of his subordinates to monitor employee relations through advising managers and supervisors in such areas as:

- (a) Advising supervisors and managers concerning effect and import of regulations concerning employees' rights and privileges, management's rights, employee conduct and performance appeals, grievances, and communications;
- (b) Advising and counseling employees concerning benefits to include the Social Security System, group life insurance, the health benefits program, and workmen's compensation;
- (c) Advising all employees on the impact of the law and regulations concerning the personnel management function; and
- (d) Advising all employees concerning conflict of interest as denounced in the personnel regulations.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (b), the Commission changed the final period to a semi-colon to maintain consistency.

Subpart B - Employee Conduct and Performance

§ 10-30-404 General

- (a) This subpart 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:
 - (1) Politics
 - (2) Employee-supervisor conflict
 - (3) Employee-employee conflict
 - (4) Perceived personal crisis
 - (5) Retirement crisis
 - (6) Death in family
 - (7) Family problems
 - (8) Drug dependence
 - (9) Legal concerns
 - (10) Alcoholism
 - (11) Divorce
 - (12) Financial problems.
- (b) 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

TITLE 10: CIVIL SERVICE COMMISSION

immediate supervisor must assume such a key role in helping the troubled employee, this subpart is prepared to help the supervisor:

- (1) Recognize early signs indicative of personal problems;
- (2) Deal in an appropriate manner with the employee whose work is suffering because of personal problems; and
- (3) Make the employee aware of sources of help within the organization.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs in this section were not designated. The Commission designated subsections (a) and (b). The original paragraphs of subsection (a) were not designated. The Commission designated subsections (a)(1) through (a)(12).

In subsection (a)(12), the Commission inserted the final period.

§ 10-30-406 Policy on Emotional and Mental Health

(a) 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.

(b) 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, inter-personnel conflicts (employee-supervisor, employee- employee) and crisis 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.

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In subsection (b), the Commission added the word "be" to correct a manifest error.

§ 10-30-408 Policy on Alcoholism and Problem Drinking

(a) 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.

TITLE 10: CIVIL SERVICE COMMISSION

(b) 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 10-30-410 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 10-20-412 Action by Personnel Officer

(a) 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 calls, 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.

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

TITLE 10: CIVIL SERVICE COMMISSION

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In subsection (a), the Commission changed the word “call” to “calls” to correct a manifest error.

Executive Order 94-3 (effective August 23, 1994), reprinted in the commission comment to 1 CMC § 2001, reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. Executive Order 94-3 § 105 changed the name of the Department of Public Health and Environmental Services to the Department of Public Health.

§ 10-30-414 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 Chief Judge, with advice and assistance from the Personnel Officer, should advise the employee that his removal will be sought. The Personnel Officer and the Chief Judge, jointly, shall prepare a letter of proposed adverse action against the employee according to instructions in part 200, 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.”

Modified, 1 CMC § 3806(c).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-416 Actions Related to Other Causes

(a) 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.

(b) 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.

TITLE 10: CIVIL SERVICE COMMISSION

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

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

In subsection (a), the Commission corrected the spelling of “Environmental.”

Executive Order 94-3 (effective August 23, 1994), reprinted in the commission comment to 1 CMC § 2001, reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. Executive Order 94-3 § 105 changed the name of the Department of Public Health and Environmental Services to the Department of Public Health.

Subpart C - Responsibilities of Employees and Management

§ 10-30-418 Code of Ethics for Government Personnel Service

(a) All persons in the government service should:

- (1) Put loyalty to the highest moral principles and country above loyalty to persons, party, or government organization.
- (2) 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.
- (3) 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.
- (4) Seek to find and employ more efficient and economic ways of getting tasks accomplished.
- (5) 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.
- (6) 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.
- (7) Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.
- (8) Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
- (9) Expose corruption wherever discovered.
- (10)(i) Uphold these principles, ever conscious that public office is a public trust. In addition, grantees 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 apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his immediate family, his or her

TITLE 10: CIVIL SERVICE COMMISSION

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.

(ii) 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 subagreements.

(iii) 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.

(b) 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 organization.

(c) 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.

(d) 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

TITLE 10: CIVIL SERVICE COMMISSION

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d). The original paragraphs of subsection (a)(10) were not designated. The Commission designated subsections (a)(10)(i) through (iii).

§ 10-30-420 Policy on Employee Conduct

(a) 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.

(b) Employees of the government 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 10-30-422 Subordination to Authority

An employee is required to carry out the announced policies and programs of the 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-424 Management Responsibility

Management 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 subpart. Copies of the regulations in this subpart shall be given to each employee within ninety days from the effective date of the regulations and to new employees upon entrance to duty. Management shall remind its employees of the regulations in this subpart

TITLE 10: CIVIL SERVICE COMMISSION

periodically, at least once annually, through a publication or memorandum issued to all employees.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-426 Employee Responsibility

It is the responsibility of employees to familiarize themselves, and to comply with the regulations in this subpart. 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-428 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.

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (a), the Commission corrected the spelling of "as."

§ 10-30-430 Disciplinary and Other Remedial Action

(a)(1) 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.

(2) After consideration of the statements of employment and financial interests submitted by the employee and the explanation of such employee as required in the 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:

TITLE 10: CIVIL SERVICE COMMISSION

- (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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs in subsection (a) were not designated. The Commission designated subsections (a)(1) and (a)(2).

In subsection (a)(2), the Commission changed the word “these” to “the” to correct a manifest error. In subsection (c), the Commission corrected the spelling of “accordance.”

§ 10-30-432 Ethical and Other Conduct and Responsibilities of Employees

(a)(1) 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:

- (i) Has, or is seeking to obtain, contractual or other business or financial relations with this government;
- (ii) Conducts operations or activities that are regulated by this government; or
- (iii) Has interests that may be substantially affected by the performance or non-performance of his official duty.

(2) Except as specifically authorized by law, employees are not authorized to accept on behalf of the 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)(1) The prohibitions of the above paragraph 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 circumstances make it clear that it is those relationships, rather than the business of the persons concerned, which are the motivating factors.

(2) 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, notepads, calendars and other items of nominal intrinsic value. An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

- (1) Using public office for private gain;
- (2) Giving preferential treatment to any person;

TITLE 10: CIVIL SERVICE COMMISSION

- (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.

(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 value 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs in subsections (a) and (b) were not designated. The Commission designated subsections (a)(1) and (a)(2) and (b)(1) and (b)(2).

§ 10-30-434 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 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

TITLE 10: CIVIL SERVICE COMMISSION

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 activities 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 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.

(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.

TITLE 10: CIVIL SERVICE COMMISSION

(2) Participation in the affairs of, or acceptance of an award for, meritorious public contribution or achievement given by a profitable, religious, professional, social, fraternal, non-profit educational and recreational, public service or civic organization.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (c), the Commission corrected the spelling of “incompatibility.” In subsection (c)(2), the Commission corrected the spelling of “responsibilities.”

§ 10-30-436 Financial Interests

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts with his governmental 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 regulations in this part.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-438 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-440 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-442 Information

It is the policy of the 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

TITLE 10: CIVIL SERVICE COMMISSION

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 proceedings concerning matters related to the business of the government without the permission of the Chief Judge or his designee.

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The Commission corrected the spelling of “the.”

§ 10-30-444 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-446 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-448 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 government that employees shall not, without proper clearance, negotiate for future non-Personnel Service System employment with persons or organizations having business with the government 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:

TITLE 10: CIVIL SERVICE COMMISSION

- (1) Authorized and installed business activities such as an 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-450 Community and Professional Activities

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 judicial branch of government. Affiliation with such groups may be mutually beneficial to the employee and to the government; however, such participation must not affect adversely an employee's performance of his regularly assigned duties.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Subpart D - Political Activity

§ 10-30-452 Political Activities

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

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-454 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-456 Prohibitions

Employees of the Personnel Service System shall not:

TITLE 10: CIVIL SERVICE COMMISSION

- (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 judicial branch without the official sanction of the Chief Judge. (It should be clearly understood, however, that nothing in this policy is to be considered as restricting or interfering with the obligation of the employees to respond freely and candidly to any inquiries made of them in regard to appropriations or related matters.)

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-458 Public Office

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

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-460 Penalty

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

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Subpart E - Equal Government Employment Policy

§ 10-30-462 Equal Government Employment Opportunity Policy

It is the policy of the 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 1 CMC § 8102:

“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 of governing the

TITLE 10: CIVIL SERVICE COMMISSION

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.”

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-464 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, flood, 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-466 Political Affiliation

TITLE 10: CIVIL SERVICE COMMISSION

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 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-468 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Part 500 - Employee Recognition and Incentives

Subpart A - Incentives and Awards

§ 10-30-501 Introduction and Purpose

To set forth policies and procedures for the Personnel Service incentives and awards program under applicable regulations.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-505 Policy

It is the policy of the 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-510 Program Responsibility

TITLE 10: CIVIL SERVICE COMMISSION

- (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, which is comprised of the judges.
- (b) The Chief Judge is responsible for directing awards activities, including suggestions processing, to the incentive awards committee. He is delegated responsibility for recommending superior service awards, awards of service, letters of appreciation, and honor awards to the incentive awards committee.
- (c) The Chief Judge 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-515 Contributions and Award Categories

An employee's contribution, to be considered for an incentive award, must be identified with one of the following four categories:

- (a) Suggestion award;
- (b) Superior performance award;
- (c) Special act or service award; and
- (d) Sustained superior performance for two years or more.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-520 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.

TITLE 10: CIVIL SERVICE COMMISSION

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The Commission corrected the spelling of “contribution” each time that it appears.

Subpart B - Recognition and Awards

§ 10-30-525 Superior Performance Award

A superior performance award is granted for performance exceeding job requirements, and involving a contribution so superior or meritorious 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; and
- (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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (a), the Commission corrected the spelling of “requirements.”

§ 10-30-530 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-535 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

TITLE 10: CIVIL SERVICE COMMISSION

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 qualifications for each type are listed below:

(a) The distinguished service award (gold medal) is the Personnel Service System's 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 value 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 government in the development of 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 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 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 government programs; or
- (4) Any other aspect of superior performance related to assigned duties and deemed to be deserving of special recognition.

TITLE 10: CIVIL SERVICE COMMISSION

(e) The government 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 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 Chief Judge 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 Chief Judge 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 Chief Judge prepares the letter and submits it to the Personnel Officer, who arranges for incentive awards committee approval and signing of the letter. The letter of appreciation is returned to the Chief Judge for presentation.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In the introductory paragraph, the Commission corrected the spelling of "and," "recognition" and "appreciation." In subsection (d)(2), the Commission corrected the spelling of "has."

§ 10-30-540 Length of Service Awards

Government employees receive emblems commemorating ten, twenty and thirty years of government service. The Personnel Office issues these emblems annually.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-545 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 the government;
- (b) Effective cooperation among various sectors of private enterprise; and
- (c) Esthetic and environmental aspects of citizenship.

Modified, 1 CMC § 3806(f).

TITLE 10: CIVIL SERVICE COMMISSION

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-550 Presentation of Awards

The distinguished service awards and valor awards are presented at a special annual convocation by the Chief Judge. 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' coworkers 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 years and special achievement awards of two hundred dollars and over are presented in the judicial branch staff meetings.
- (b) Length of service pins for twenty or more years are presented to the employee by the Chief Judge.
- (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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Subpart C - Beneficial Suggestions Program

§ 10-30-555 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-560 Suggestions Procedures

- (a) A suggestion is prepared 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

TITLE 10: CIVIL SERVICE COMMISSION

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.

(b) 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 awards (see § 10-30-530). 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 the Chief Judge. Suggestions which appear to have benefits applicable to other branches of government are referred to them by the incentive awards committee handling the suggestion.

Modified, 1 CMC § 3806(c), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In subsection (a), the Commission corrected the spelling of “acknowledgment.”

§ 10-30-565 Documentation

Employee suggestions must be submitted in writing. Recommendation for a performance award, special act or service award related to the suggestion, must be submitted in writing by supervisors. Awards for cash and certain honor awards should be forwarded to the Personnel Officer for consideration by the incentive awards committee.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-570 Records and Reports

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 six-month intervals--to all employees concerning awards granted throughout the Commonwealth.

Modified, 1 CMC § 3806(f).

TITLE 10: CIVIL SERVICE COMMISSION

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Part 600 - Employee Benefits and Services

§ 10-30-601 Policy

(a) It is the policy of the government to provide benefits and services to its employees in keeping with the general practices of government and private enterprises and as limited or prescribed by law. This part delineates those benefits and services which include:

- (1) Leaves of absence; and
- (2) Benefits, such as Social Security coverage, group life insurance, accident and health insurance, workmen's compensation coverage, etc.

(b) Procedures for application of the regulations in this chapter are included in the procedural manual.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

Subpart A - Leaves of Absence

§ 10-30-605 Purpose

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

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-610 Creditable Service for Leave Purposes

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

(1) Includes trainees. Includes employment under 61 TTC, paragraph 9(d), (f), (h), (1), (m), (n) and (o).

(2)(i) 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.

(ii) 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.

TITLE 10: CIVIL SERVICE COMMISSION

- (b) 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.
- (c) Personnel under municipal governments.
- (d) All employment within TTPI including: Peace Corps, Micronesian Claims Commission, National Weather Service, and U.S. Coast Guard.
- (e) U.S. military and civilian service in the Trust Territory. Active military service in the U.S. Armed Forces in the TTPI.
- (f) Employees of judiciary and legislative branches (Congress of Micronesia, municipal council and district legislatures). Judiciary, including district court judges who may have been or are presently on WAE appointments.
- (g) Service in the Commonwealth of the Northern Mariana Islands government since April 1, 1976.
- (h) Trust Territory government employment under the Seaman's Act.
- (i) Employees of government agencies and instrumentalities within the Commonwealth of the Northern Mariana Islands.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs in subsection (a)(2) were not designated. The Commission designated subsections (a)(2)(i) and (ii).

§ 10-30-615 Kinds

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

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-620 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 days; otherwise there shall be no accrual for such period. Government employees serving on government boards and commissions who elect to take leave without pay (LWOP) during such performance shall accrue leave for that service time.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

TITLE 10: CIVIL SERVICE COMMISSION

§ 10-30-625 Leaves with Pay

(a)(1) 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 years of creditable service shall earn annual leave at the rate of four hours per pay period; except that newly appointed employees shall undergo a waiting period of ninety calendar days before being credited with annual leave. Employees with three but less than six years of creditable service shall earn annual leave at the rate of six hours per pay period. Employees who have six or more years of creditable service shall earn annual leave at the rate of eight hours per pay period.

(2) 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.

(3) Annual leave requests of more than three working days must be made in advance on a leave request form.

(4) All annual leave requests must be approved by the employee's immediate supervisor. 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 employees shall be three hundred sixty hours. Accrued annual leave in excess of 360 hours remaining at the end of the leave year shall be converted to sick leave.

(c)(1) Sick leave. Employees occupying permanent positions shall accrue sick leave at the rate of one-half day 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.

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

(3) 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.

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

(5) If the required certification 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).

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

(i) Falsification of an illness report shall be considered sufficient cause for disciplinary action, including dismissal from the government service for repeated offenses.

(ii) 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.

(iii) Sick leave with pay may be granted in advance of earning sick leave as provided under § 10-30-625(d). If an employee is separated from the service without having earned all of the sick

TITLE 10: CIVIL SERVICE COMMISSION

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.

(7) Sick leave accrued for service in the 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 years, he shall be divested of accumulated sick leave.

(d) Leave advance. Where, for good reason, an employee on permanent status requires additional annual or sick leave, the Personnel Officer may grant advance leave up to a maximum of one-half 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. An employee shall not use advance sick leave granted until any and all unused annual leave in the employee's leave account has been exhausted.

(e)(1) Training and education leave. Leaves for the purpose of job-related training and education may be granted employees on permanent status for a period not to exceed one year, by the Personnel Officer.

(2) 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. Employees on permanent status may be granted compassionate leave with pay of no more than five working days in cases of death in the immediate family of the employee. For the purpose of this subpart, 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 Chief Judge 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 Chief Judge or his designee 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 Chief Judge 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. Management may place an employee in non-working status with pay for up to three working days pending preparation of a notice of proposed suspension for up to thirty 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 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

TITLE 10: CIVIL SERVICE COMMISSION

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 the Chief Judge of the required testimony as soon as possible after being subpoenaed.

(i) **Military leave.** Military leaves of absence with pay, not to exceed fifteen working days in any calendar year, regardless of the number of training periods in the year, may be granted by the Personnel Officer to employees on permanent status, 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 on permanent status 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 days, shall be in addition to any accumulated sick leave, and shall be paid leave. Such maternity leave shall be any ten days encompassing the date of childbirth, and any additional leave taken for childbirth purposes shall be charged against accumulated sick leave.

(k) **Paternity leave.** Paternity leave shall be granted to a male employee on permanent status who is absent from work because of his wife's confinement for childbirth. Such paternity leave shall not exceed two days encompassing the date of childbirth. The appointing authority shall have the responsibility for approving paternity leave requests.

Modified, 1 CMC § 3806(c), (e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs in subsections (a), (c) and (e) were not designated. The Commission designated subsections (a)(1) through (a)(4), (c)(1) through (c)(7) and (e)(1) and (e)(2).

In subsections (c)(1), (f) and (h), the Commission corrected the spelling of "occupying," "mother" and "Mariana," respectively. In subsection (b), the Commission added the word "employees" to correct a manifest error.

§ 10-30-630 Disposition of Leave upon Separation

(a) **Annual leave.** An employee separated from the Personnel Service for any reason shall receive a lump-sum payment of 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 years. Should the person be reemployed in the Personnel Service at any time during that three year period, the sick leave

TITLE 10: CIVIL SERVICE COMMISSION

balance shall be re-credited to his sick leave account and available for use from the first day of his reemployment.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-635 Leaves Without Pay

(a) An employee may be granted leave without pay not to exceed ninety days if the approving officer considers it justified. Leave without pay may be extended up to ninety 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.

(b) Training and education leave. Permanent government employees who are ineligible for further training or education leaves with pay as provided for under § 10-30-625(e), 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 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, upon recommendation by the appointing authority.

(c) Leave without pay in extension of annual or sick leave. With the concurrence of the Chief Judge, 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.

Modified, 1 CMC § 3806(c), (e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (c), the Commission corrected the spelling of “however.”

§ 10-30-640 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.

Modified, 1 CMC § 3806(f).

TITLE 10: CIVIL SERVICE COMMISSION

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-645 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 consecutive weeks (twenty-six 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 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)(1) 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 unused leave and have those hours of leave credited to his annual leave account.

(2) For example, if an employee has three hundred sixty hours annual leave to his credit upon separation, that represents forty-five days of leave. If he returns to government employment before the passage of forty-five working days, he is required to make a refund for the unexpired term of leave.

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

Modified, 1 CMC § 3806(e), (f).

TITLE 10: CIVIL SERVICE COMMISSION

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs in subsection (d) were not designated. The Commission designated subsections (d)(1) through (d)(3).

§ 10-30-650 Responsibilities

(a) 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.

(b) 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.

(c) The Personnel Officer shall be available for advice and assistance and 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

Subpart B - Benefits

§ 10-30-655 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-660 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.

TITLE 10: CIVIL SERVICE COMMISSION

(c) Managers and supervisors are responsible to know the provisions of the several plans of 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 or illness.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-665 Nature of Coverage

Government employees are entitled to the following benefits with specific exceptions as noted below:

(a) Workmen's compensation for work-related injury or illness. The 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 group life insurance coverage is available to all Personnel Service employees employed for at least one year and who work at least thirty 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.

Modified, 1 CMC § 3806(e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-670 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-675 Procedures

Procedures covering the administration of the insurance programs and plans are contained in the procedural manual to the regulations in this chapter.

Modified, 1 CMC § 3806(d).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-680 Retirement Program

Old age and survivor 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 staff must be conversant with the provisions and entitlements under the

TITLE 10: CIVIL SERVICE COMMISSION

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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The Commission corrected the spelling of “disability.”

Part 700 - Performance Evaluation

§ 10-30-701 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-705 Employee Performance Evaluation

Employee performance evaluation is essential for:

(a) Improving employee effectiveness 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.

(b) Providing management with a basis for relating employee performance to other pertinent personnel management activities.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were designated subsections (a) and (c). The Commission re-designated them subsections (a) and (b).

§ 10-30-710 Policy

(a) The Chief Judge shall ensure that supervisors 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 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 the work objectives.

TITLE 10: CIVIL SERVICE COMMISSION

(b) Annually, by the employee's anniversary date, based upon the preceding twelve 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 Chief Judge, 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.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 10-30-715 Responsibilities

(a) The Performance 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 in the administration of the system.

(b) The Chief Judge shall be responsible 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 performance standards;
- (3) Conducting the annual employee reviews; and
- (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; and
- (3) Participating in appraisal discussions of his performance and making suggestions for improving it.

TITLE 10: CIVIL SERVICE COMMISSION

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-720 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 the earliest possible date.

(c) Part 200, subpart E of the regulations in this chapter provides that an employee with a current official performance rating of "exceptional" has an additional two points of retention credits for reduction-in-force purposes.

Modified, 1 CMC § 3806(c), (d), (e), (f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-725 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 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 probationary period. For employees serving a new probationary period, the review must be accomplished at least two weeks before the completion of the period of probation.

Modified, 1 CMC § 3806(e).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-730 Appeals

Employees who believe their ratings are unjust shall be entitled to appeal as provided for in § 10-30-270.

Modified, 1 CMC § 3806(c), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The Commission corrected the spelling of "unjust."

Part 800 - Training and Employee Development

TITLE 10: CIVIL SERVICE COMMISSION

§ 10-30-801 Policy

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. It is a major commitment of the government to train and develop a viable Personnel Service System workforce within the Commonwealth.

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The Commission corrected the spelling of "government."

§ 10-30-805 Responsibilities

- (a) The Personnel Officer shall work with the Chief Judge to:
- (1) Develop and define policy requirements for developing the workforce in the Personnel Service of the judicial branch;
 - (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 Chief Judge 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 workforce.
- (b) The Chief Judge, supported by the designated officer or the Personnel Officer, shall:
- (1) Implement all training programs at all levels within the judicial branch to assure that training objectives are met;
 - (2) Submit to the Civil Service Commission annual training objectives and implementation plans for the judicial branch by October 31st of each year. Such objectives and plans are to reflect immediate priorities within overall judicial branch objectives and needs;
 - (3) Budget funds to support the training programs needed for employees and conducted under the auspices of the judicial branch;
 - (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; and
 - (7) Assure that effective in-service training programs are carried forward with the judicial branch.

TITLE 10: CIVIL SERVICE COMMISSION

- (c) 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 the Chief Judge regarding all aspects of the training programs in which their subordinates are participating.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsections (b)(2) and (b)(4), the Commission corrected the spelling of "judicial" and "framework," respectively. In subsection (c)(3), the Commission corrected the spelling of "employees" and "which."

§ 10-30-810 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 a 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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The Commission changed subsection (a)(3) to (a)(2) to correct a manifest error.

In subsection (a)(1), the Commission changed the word "current" to "currently" to correct a manifest error.

§ 10-30-815 Coverage

Major training emphasis will be geared to developing a systematic and balanced program to meet the needs in the professional, managerial, technical, educational and training areas.

TITLE 10: CIVIL SERVICE COMMISSION

(a)(1) The government in the implementation of its training policy, intends that the Personnel Office plan, fund, schedule, conduct and evaluate all training in these areas:

- (i) Supervisory, executive and managerial; and
- (ii) Basic communications

(2) In addition, the government intends that the Chief Judge plan, fund, schedule, conduct, evaluate and report to the Personnel Office all training of a specialized nature particularly related to the judicial branch.

(b)(1) Orientation. When an employee enters a new position, a period of ninety 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 Officer, through the Chief Judge, bearing both the signature of the employee and the supervisor.

(2) 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 Chief Judge, for inclusion in the employee's official personnel folder.

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

- (i) The employee's identification with his work situations;
- (ii) Formulation of favorable attitudes and goals of the employee with those of the judicial branch; and
- (iii) Judicial branch policies and objectives, organizational structure, and functions.

(4) Detailed instructions concerning the orientation process are contained in a procedural manual to the regulations in this chapter.

(c) Supervisory, executive, and managerial training:

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

- (i) Formulating objectives, policies and operating procedures with respect to the programs of the judicial branch;
- (ii) Defining and analyzing problems, evaluating workload, and developing operating procedures;
- (iii) Planning, programming and budgeting; and
- (iv) Representing their inter-judicial branch 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.

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

TITLE 10: CIVIL SERVICE COMMISSION

(d) Other training. The Personnel Officer in coordination with the Chief Judge shall establish requirements for other areas of training when such requirements become necessary.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsections (a), (a)(1), (b), (b)(3) and (c)(1), the paragraphs were not designated. The Commission designated subsections (a)(1) and (a)(2), (a)(1)(i) and (a)(1)(ii), (b)(1) through (b)(4), (b)(3)(i) through (b)(3)(iii) and (c)(1)(i) through (c)(1)(iv).

In subsection (c), the third paragraph was not designated. The Commission designated it subsection (c)(3).

In subsections (b)(1) and (b)(3), the Commission corrected the spelling of “procedures” and “judicial,” respectively.

§ 10-30-820 External Training

(a) Training courses given by agencies outside the Commonwealth will be utilized as necessary and to the extent the budget will permit. If the Chief Judge wishes to engage in special training, formal short-term training, and other academic programs for his employees outside the Commonwealth, he shall submit to the Personnel Officer the names of the employees to be given such courses and the content and length of such training, for evaluation prior to sending an employee abroad for training.

(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 upgrading program, such as management internship, is job-related, within the meaning of this part.

(2) It shall be the policy of the judicial branch and the Personnel Officer to pay all costs for training defined as “job-skill training” in § 10-30-810(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 the Chief Judge 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 the Commonwealth covenant grant funds for employees to go outside the Commonwealth 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 year, unless an extension is recommended by the Chief Judge and Personnel Officer, with the approval of the Civil Service Commission.

TITLE 10: CIVIL SERVICE COMMISSION

Modified, 1 CMC § 3806(c), (e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsection (a), the Commission corrected the spelling of “Training.”

§ 10-30-825 Training Costs Defined

The term “all costs,” when used to define the judicial branch’s intent to support an employee undergoing training, means, for the purpose of this part:

- (a) Round trip transportation to the training site by the least expensive air routing;
- (b) Training leave without pay;
- (c) Cost of tuition, books and fees; and
- (d) 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

§ 10-30-830 Support for Training

Supervisory officials are encouraged to support positively the training efforts, since improved skills and more effective supervision at all levels will improve mission accomplishment.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-835 Coordination with United States Federal Programs

The Personnel Officer or his designee 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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The Commission corrected the spelling of “through.”

TITLE 10: CIVIL SERVICE COMMISSION

§ 10-30-840 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 analysis 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 Chief Judge and the Personnel Officer.

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The Commission corrected the spelling of “Personnel.”

Part 900 - Personnel Management Evaluation

§ 10-30-901 Purpose

(a) 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:

- (1) Provide management with an efficient and effective work force, using the structure and regulations of the Personnel Service System for the judicial branch to do so;
- (2) Assist employees in their individual development and advancement by providing developmental opportunities through training and career guidance; and
- (3) Assist management at every level to administer the work force by providing advice and counsel as to management rights and obligations under law and regulations which were promulgated thereunder.

(b) 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

TITLE 10: CIVIL SERVICE COMMISSION

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.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In subsection (a), the Commission corrected the spelling of “management” and “purpose.”

§ 10-30-905 Objectives

The objectives of the 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 by law and the regulations in this chapter.

Modified, 1 CMC § 3806(d).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-910 Responsibilities

- (a) The Chief Judge is responsible for keeping the Personnel Office apprised of significant problems and achievements in carrying out the personnel management responsibilities, and for proposing constructive changes in personnel policies and practices.
- (b) The Personnel Officer is responsible for:
 - (1) Developing and administering with the Civil Service Commission the 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.

TITLE 10: CIVIL SERVICE COMMISSION

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-915 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, onsite, of personnel management in the judicial branch not less often than each two 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 other similar tools to elicit opinions from employees and supervisors on the personnel program.

(3) Periodic review of personnel actions taken throughout the judicial branch 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 the judicial branch each fiscal year. The schedule shall be provided to the Civil Service Commission and the Chief Judge 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.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-920 Reports

(a) Reports of personnel management evaluations conducted by the Personnel Officer to the Civil Service Commission and the Chief Judge shall be made not less than once each two years by February 1, as of December 31. The reports shall be based on:

(1) The comprehensive audit reports of evaluations accomplished by the Personnel Office; and

(2) Reports of program accomplishments under the personnel management plan.

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

Modified, 1 CMC § 3806(e), (f).

TITLE 10: CIVIL SERVICE COMMISSION

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b). The original paragraphs of subsection (a) were not designated. The Commission designated subsections (a)(1) and (a)(2).

§ 10-30-925 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Part 1000 - Records and Reports

Subpart A - Records

§ 10-30-1001 Purpose

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

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-1005 Policy

- (a) The Personnel Office shall establish a system of records for all personnel presently or previously employed by the judicial branch. The records shall be filed separately 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 record which parallels that maintained in the Personnel Office.

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-1010 Records Required

TITLE 10: CIVIL SERVICE COMMISSION

(a)(1) 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:

- (i) Formal application for employment.
- (ii) Copy of the certificate of eligibles from which selected or other documents which indicate the appointing authority.
- (iii) Form on which prior creditable service is listed and service computation data is derived.
- (iv) Letter of original selection signed by an authorized selecting official.
- (v) Copy of each personnel action affecting the employee.
- (vi) Copy of promotion certificate from which employee was selected, if appropriate.
- (vii) Copy of promotion selection letter signed by an authorized selecting official.
- (viii) 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.
- (ix) 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.

(2) Examples of temporary material include:

- (i) Performance evaluation reports.
- (ii) Annual employee review documentation sheets.
- (iii) Copy of the descriptions of positions occupied by the employee.
- (iv) Letter of reprimand -- retain for two years only.
- (v) 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. Exceptional or less than satisfactory performance ratings shall be noted on the employee record card showing the rating and the date thereof.

(c)(1) Medical examination reports. 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 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:

- (i) The date of access;
 - (ii) The person allowed such access; and
 - (iii) The reason therefor.
- (2) 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

TITLE 10: CIVIL SERVICE COMMISSION

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.

Modified, 1 CMC § 3806(e), (f), (g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsections (a) and (c), the original paragraphs were not designated. The Commission designated subsections (a)(1) and (a)(2) and (c)(1) and (c)(2).

In subsections (a)(1), (a)(2) and (c)(1), the original paragraphs were not designated. The Commission designated subsections (a)(1)(i) through (a)(1)(ix), (a)(2)(i) through (a)(2)(v) and (c)(1)(i) through (c)(1)(iii).

In subsections (a)(1)(iii), (a)(1)(v), (a)(1)(vii) and (b), the Commission corrected the spelling of “which,” “action,” “promotion” and “personnel,” respectively.

§ 10-30-1015 Disposition of Records

(a) 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.

(b) 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.

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In subsection (a), the Commission corrected the spelling of “storage.”

§ 10-30-1020 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-1025 Information Available to the Public

TITLE 10: CIVIL SERVICE COMMISSION

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 by law or the information is sought for the purpose of commercial or other solicitation.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-1030 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Subpart B - Reports

§ 10-30-1035 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) 1 CMC § 8124(d) 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.”

Modified, 1 CMC § 3806(g).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

Commission Comment: In subsections (a) and (b), the Commission corrected the spelling of “management” and “each,” respectively.

§ 10-30-1040 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.

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).

§ 10-30-1045 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.

TITLE 10: CIVIL SERVICE COMMISSION

Modified, 1 CMC § 3806(f).

History: Adopted 6 Com. Reg. 3172 (Oct. 15, 1984); Proposed 6 Com. Reg. 2993 (Aug. 15, 1984).