

TITLE 100: NORTHERN MARIANAS HOUSING CORPORATION

CHAPTER 100-50 NMHC PERSONNEL MANUAL

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Chapter Authority: 2 CMC § 4433(t); Executive Order 94-3 § 407.

Chapter History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Commission Comment: 2 CMC § 4411 creates the Mariana Islands Housing Authority (MIHA) as a public corporation within the Commonwealth government, charged with meeting the need for decent, safe and sanitary housing for persons of low and moderate income in the Commonwealth. See 2 CMC §§ 4411-4457. 2 CMC § 4433 sets forth the powers of MIHA, including the general power to do any and all things necessary or convenient to effectuate the purposes of the act and to carry out any of the powers granted by the act. See 2 CMC § 4433(t).

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 407:

Section 407. Marianas Housing Authority.

(a) The Marianas Housing Authority is abolished and its functions transferred to a Division of Housing within the Commonwealth Development Authority, which shall have at its head a Director of Housing.

(b) Any bond or other indebtedness of the Mariana Island Housing Authority shall be assumed by the Commonwealth government, but only upon such terms and security as shall have been agreed to previously by the Authority. The full faith and credit of the Commonwealth shall to secure such bond or other indebtedness, except as may have been pledged prior to such assumption or as otherwise provided by law.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

The Northern Marianas Housing Corporation is a subsidiary corporation of the Commonwealth Development Authority and the successor to MIHA under Executive Order 94-3. See 2 CMC § 4482(d).

The MIHA first promulgated Personnel Rules and Regulations in 1986. See 8 Com. Reg. 4828 (Dec. 16, 1986); 8 Com. Reg. 4735 (Nov. 17, 1986). NMHC's 1997 Personnel Manual, codified in this chapter, completely revised and republished the personnel rules and regulations for the corporation.

Part 001 - General Provisions

§ 100-50-001 Personnel Committee

The Personnel Committee is composed of such members of the Board as are appointed thereto by the Chairman of the Board. The Chairman of the Board appoints the Chairman of the Committee. The Personnel Committee meets at the direction of its Chairman or upon the request of any of its members and has such powers and authority as are set forth in the Personnel Manual, codified in this chapter.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Part 100 - Employment

§ 100-50-101 Coverage

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(a) This manual applies to all employees and positions in the Northern Marianas Housing Corporation (NMHC), except for the following employees and unless otherwise noted as set forth below:

(1) Corporate Director;

(2) Consultants of the corporation, consultants of the corporation shall be announced by the Corporate Director, but the selection shall be made by the Board of Directors, taking into account all relevant and material factors, including the recommendation of the Corporate Director. Retention with the corporation of such consultants shall be governed by contracts executed by the consultant and the corporation.

(3) The position of the Corporate Director shall be announced and selected by the Board of Directors.

(b) Removal of the Executive Director.

The Corporate Director serves at the pleasure of the NMHC Board of Directors and maybe removed by the Board with or without cause. The Corporate Director and those exempted under this section of this chapter may be removed or dismissed by affirmative vote of a majority of the total authorized Board membership in a regular or a special meeting. If the Corporate Director is to be removed for cause, they must be provided with a full accounting of the reasons for such dismissal, and provided the opportunity to be heard in response at the same meeting before a final vote is taken on dismissal.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-105 Selection Process

(a) Authority of Corporate Director

The Corporate Director, or their designee, has the authority to select and appoint all employees of NMHC, except those positions specifically excluded under NMHC's enabling statute, those positions requiring a written contract, and those excluded under this chapter.

(b) Procedure for Selection

(1) Whenever a new position is created by the Board, or whenever a vacancy occurs in an existing position, the Corporate Director, or their designee, shall interview and select an individual in accordance with the Personnel Service System Rules and Regulations (PSSRR) [NMIAC, title 10, chapter 20.2].

(2) For the retention of consultants as approved by the Board, the Corporate Director, or designee, shall, if necessary, announce the position in accordance with the applicable procurement regulations, and shall submit to the Board no later than one week after the initial procurement process has been completed, all submissions, plus a summary of the interviews with his/her recommendation of the consultant best suited for the position. The Board shall make or reject the appointment no later than the second regular meeting after submission to the Board.

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Modified, 1 CMC § 3806(d), (e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-110 Types of Appointments

Appointments in NMHC are placed in one of the following classes:

(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 period of not less than six and not more than twelve months from the beginning of the probationary appointment and shall demonstrate the capacity for 26 consecutive weeks of satisfactory performance before being eligible to be convened to a permanent appointment. Separations during a probationary appointment 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 a probationary period is entitled to the full benefits of the regulations 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. 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. The Corporate Director shall justify, in writing, to the Director of Personnel Management, requests for new limited-term appointments following expiration of one year appointments. Limited-term appointments may be converted to permanent appointments at the end of one year, if the position has been found to be permanent, provided that the employee has demonstrated the capacity for 52 consecutive weeks of satisfactory performance.

(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 Director of Personnel Management may authorize extension of a provisional appointment beyond ninety days for a maximum of one hundred and 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) **Emergency Appointment.**

(1) An emergency appointment may be authorized by the Director of Personnel Management for any one of the following purposes:

(i) When a serious emergency exists; or

(ii) To prevent stoppage of essential public services.

(2) An emergency appointment shall be limited to thirty calendar days but may be extended by the Director of Personnel Management, if the Corporate Director so requests in writing, when

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the cause is determined to be good and sufficient, and the extension does not exceed twenty additional working days.

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

(f) Temporary Appointment. A temporary appointment is utilized when it is anticipated that an employee will temporarily occupy a position for a period in excess of three months. An employee can be temporarily promoted only if the employee meets the qualification standards of the new position. See PSSRR Part IV.B6 [NMIAC § 10-20.2-320].

(g) “Acting” Appointment. An “acting” appointment is the official written designation 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. The thirty day renewal of an “acting” assignment may be repeated until the supervisor returns to the position.

Modified, 1 CMC § 3806(d), (e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-115 Discipline

(a) Grounds for Discipline

(1) Employees (other than probationary employees) may be demoted, suspended, or terminated for cause, which shall include but not be limited to the following;

- (i) Non-performance of duties;
- (ii) Incompetence (inexcusable failure to discharge duties in a prompt and efficient manner);
- (iii) Insubordination;
- (iv) Breach of trust;
- (v) Excessive tardiness or absenteeism.

(2) An employee shall receive written notification of conduct warranting discipline, except where the employee’s conduct is a danger to himself/herself, the public, or other employees, or the corporation’s property, or in the case of insubordination or breach of trust, and shall be given a reasonable amount of time to correct his/her conduct before receiving any of the sanctions specified in this section.

(b) Types of Discipline

- (1) Admonishment;
- (2) Reprimand;
- (3) Furlough;
- (4) Suspension not to exceed three working days; and
- (5) Suspension for more than three working days.
- (6) Demotion. An employee may be demoted in rank and/or pay by the Corporate Director.
- (7) Termination.

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Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

In subsection (b)(7), the Commission inserted the final period.

§ 100-50-120 Adverse Action Procedure

Any adverse action taken against an employee shall be governed by the applicable section of the PSSRR [NMIAC, title 10, subchapter 20.2].

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-125 Resignation

(a) When an employee decides to resign from NMHC, he/she must prepare a letter of resignation, containing the effective date and reason for leaving. This letter should be submitted to the Corporate Director not less than two weeks before he/she intends to leave NMHC.

(b) The Corporate Director or designee is responsible for informing the employee his/her obligations to NMHC and for securing the return of all NMHC property, including keys and identification cards.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

Part 200 - Remuneration

§ 100-50-201 Time and Attendance Record

All NMHC employees shall complete a time and attendance record. The Corporate Director or his designee shall review and approve time and attendance records. Pay periods shall be identical with those of the government of the Northern Mariana Islands. Except as designated by the Corporate Director, the attendance record shall be based on time-clock records. Executive, administrative and professional employees as designated by the Corporate Director, shall not use the time clock.

Modified, 1 CMC § 3806(f).

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History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-205 Payment of Salary

All NMHC employees shall be paid within two weeks after the end of every pay period.

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-210 Salary Raise

An employee is eligible for a salary raise at any time after his/her probationary period of employment ends, and after the expiration of not less than six months from the date of his/her previous salary raise; provided, however, that no salary raises shall be granted except for sustained above-averaged* performance. The Corporate Director will decide all raises and will consider the employee's annual evaluation in doing so.

* So in original.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-215 Performance Bonuses

An employee may be considered for a lump-sum cash award for superior performance. A superior performance award is granted for performance exceeding job requirements and involving a contribution so superior or meritorious as to warrant special recognition. Bonuses must be pursuant to a program approved by the Board of Directors.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-220 Overtime

(a) The NMHC workweek for full-time permanent employees is normally eight hours per day, five days per week. Employees may, however, be asked by the Corporate Director or, in an emergency, their supervisor, to work overtime. Other arrangements may be made for a different workweek and work day.

(b) All employees eligible for overtime compensation shall be compensated at the rate of one and one-half hours' pay for an hour actually worked in excess of forty hours per week.

(c) Compensation shall be computed at 1.5 times base salary. Overtime compensation will be computed in the manner determined by the Northern Marianas Housing Corporation Personnel

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Committee. Employees are advised that computing overtime and determining an employee's base salary can sometimes be very difficult. This is in part due to occasional changes made to the Fair Labor Standards Act (FLSA) as well as the result of new court cases interpreting the FLSA. If an employee has a question on this matter, they are urged to contact the Corporate Director.

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

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

§ 100-50-225 Premium Pay

(a) Hazardous Pay

(1) All employees 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. All requests for hazardous pay must be justified by the requesting official(s).

(2) Exposure to the particular unusual and extreme hazard must constitute a reasonable proportion of the employee's time on the job so that it is clearly recognizable that the position is hazardous. Hazard may occur for a brief period of time, but collectively measured over a period of time, e.g., one day, may provide a valid basis for recognition of the hazard. Conversely, clear and sustained exposure to an unusual and extreme hazard is more readily recognizable and measurable.

(b) Night Work

A fifteen percent night work differential shall be added to the employee's base salary rate if the employee's regular work schedule is between 4:30 p.m. and 7:30 a.m. Payment will be made only for actual hours scheduled and worked between 4:30 p.m. and 7:30 a.m. If an employee whose regular hours of duty included scheduled hours during the period of 4:30 p.m. and 7:30 a.m. is absent and does not actually perform work, the employee will not receive night differential for the hours involved even if the employee is on an approved leave.

(c) Typhoon Emergency

Employees who are required by NMHC to work in a location and during a period of time in which a typhoon or tropical storm emergency has been declared by the Governor, and during which other government employees are released as a result of such condition, shall for the employee's regularly scheduled work hours, receive pay for administrative leave and shall also receive pay for the actual hours worked. For all other hours such employees are required to work during said period, compensation shall be at the rate of two and one-half times the base salary rate. Employees being paid this rate are not eligible to receive any other premium pay or overtime.

Modified, 1 CMC § 3806(e).

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History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-230 Travel

(a) Travel authorization forms shall be approved by the Corporate Director. It is expected that the travel authorization form relating to any given trip will be approved prior to the incurring of expenses.

(b) An employee traveling on official NMHC business shall receive travel and per diem compensation at the rates and guidelines established by the CNMI government.

(c) An employee may receive reimbursement for extraordinary expenses actually incurred in the performance of his/her duties upon the submission of receipts or other proof of extraordinary expenses to the Corporate Director and the specific approval of the Corporate Director to reimburse the employee for his/her extraordinary expenses.

(d) Travel expenses shall never be billed directly to NMHC but should be paid by the employee and reimbursement sought. Necessary receipts must be attached before reimbursement will be made. An approved travel authorization form is required for every trip away from the island where the employee's office is located, if the trip lasts longer than two quarters of a day.

(e) Travel advances may be made for extended trips in accordance with guidelines established by the CNMI government. A travel advance is secured by completing a travel authorization form and forwarding it to the Corporate Director. Travel advances must be accounted for by a travel reimbursement claim after the trip or the advance will be deducted from the employee's wages. No more than one hundred percent of the per diem estimated to be due on the travel authorization may be advanced.

(f) Items on travel reimbursement claims, missing receipt affidavits, and travel authorization forms which violate the regulations stated above or the instructions which appear on the forms themselves will be suspended and a notice of explanation will be forwarded to the employee concerned. In order to be allowed, such items must be included in a subsequent travel expense statement in accordance with established CNMI government guidelines. Reclaimed items must be fully itemized and must be supported by the original notice of explanation or a copy thereof.

(g) The travel reimbursement claim should be completed by a traveler who has qualified for reimbursement of travel expenses. All necessary receipts must be attached before reimbursement will be made. In the event no receipt is available for an expenditure for which reimbursement is sought, reimbursement is conditioned upon substantiation of the expense in a manner satisfactory to the Corporate Director. An approved travel authorization form must be attached for every trip reported.

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(h) Erasures and alterations in totals on any travel reimbursement claim or travel authorization form must be initialed by the traveling employee. Erasures or alterations in totals on vendor's receipts must be initialed by the vendor or his/her representative.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Commission Comment: In August, 2011, NMHC proposed to amend this section to change travel and per diem compensation from the rate and guidelines established by the CNMI government to the federal government. A notice of permanent adoption was never published. See 33 Com. Reg. 31849 (Aug. 23, 2011).

§ 100-50-235 Outside Gainful Employment

A full-time employee who wishes to engage in outside gainful employment must have the express prior written approval of the Corporate Director. In considering a request to engage in outside employment, the Corporate Director must be sensitive to the employee's financial needs and whenever warranted, may:

(a) Recommend the employee for a salary increase or promotion to preclude the need for outside work; or

(b) Permit outside employment if he/she deems it not likely to conflict with the employee's performance of his/her duties to NMHC.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-240 Severance Pay

(a) An employee who is involuntarily terminated from NMHC, without cause, shall be entitled to severance pay at the time of his/her termination. A general reduction-in-force is an involuntary termination without cause. An employee's termination will not be considered involuntary if he/she was hired on a temporary basis, if he/she has not completed his/her six month probationary period, or if the employee is eligible to immediately receive retirement. Nor shall termination be considered involuntary if the employee is offered and declines to accept another position with NMHC which is equivalent in function, seniority, tenure, and compensation.

(b) The amount of severance pay to which an eligible employee is entitled shall be calculated pursuant to NMIAC § 10-20.2-356.

Modified, 1 CMC § 3806(c), (e).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Part 300 - Personnel Policies

§ 100-50-301 Open Door Procedures

Each member of management welcomes discussion with employees regarding work-related concerns which adversely affect the employee's performance. If any employee has a conflict they feel they cannot resolve with a supervisor, they can make arrangements to meet with the department manager, the human resources manager, the department executive or the general manager. NMHC believes that this policy will create a more open environment for all employees.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-305 Grievance Procedure

The following procedure shall be followed in reviewing and settling an employee's grievance. An employee may at all times be assisted by a representative of the employee's choice, at the employee's sole expense.

(a) The employees shall first try to resolve the grievance with the immediate supervisor, fellow employee or organization officials concerned. 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 become aware of the act or occurrence.

(b) If the employee is not satisfied with the understanding reached through such discussion, the employee shall take up the matter with the immediate supervisor. If the immediate supervisor was the person with whom the employee had the first discussion, the employee should follow subsection (c) below.

(c) If the grievance is not settled within five days, or if employee is dissatisfied with the understanding reached through consultation with the immediate supervisor, the employee shall deliver his/her appeal in writing to the Corporate Director within the next ten calendar days. The Corporate Director will consult with the employee and others concerned, and will try to resolve the grievance. Such consultation may be mail or in person.

(d) All grievances shall be governed by NMIAC, title 10, subchapter 20.2, part 200, subpart G.

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

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-310 Annual Evaluations

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- (a) Each NMHC employee shall be evaluated annually by his/her division or department manager. Evaluations shall be written on forms provided by the Corporate Director, who will require the evaluator to assess the employee's performance of the duties listed on the employee's position description, as well as comment on the employee's dependability, resourcefulness, and cooperativeness. Evaluation forms will also ask for the evaluator's recommendation regarding any increase in the employee's salary.
- (b) Completed evaluations shall be returned to the Corporate Director, and a copy given to the employee. After review of the completed evaluation, the Corporate Director will forward it to the Personnel Officer for processing of and documents required; i.e., salary increase, demotion, etc. The evaluator shall discuss the evaluation with the employee so that constructive criticism may be exchanged between the evaluator and the employee.
- (c) The employee will be invited to evaluate himself or herself, and that self-evaluation will be included in the composite evaluation for all purposes.
- (d) Employees other than the Corporate Director will be evaluated by their immediate supervisors. The Corporate Director shall be evaluated by the Board of Directors.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-315 Non-related Activities

An employee shall devote his/her entire working time to carrying out the functions, purposes, and policies of NMHC in accordance with procedures established by NMHC. All employees shall refrain from any activities not related to their employment with NMHC while on duty.

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Commission Comment: The Commission inserted a comma after the word "purposes" pursuant to 1 CMC § 3806(g).

§ 100-50-320 Solicitation and Distribution

(a) To maintain and promote efficient operations, attractive appearance, employee discipline, and security, rules have been established which govern solicitation, distribution of written material, and entry into our buildings and work areas. You are expected to comply strictly with these rules. Failure to obey these rules may result in disciplinary action. If you need more information about this rule, please ask your supervisor.

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(b) Solicitation for any reason or cause, and distribution of literature are prohibited at all times in areas open to the public. You may not solicit, sell anything, or promote support for any cause or organization, or distribute any literature during your work time or during the working times of other employees to whom such activity is directed. You may not distribute any material in working areas. Non-employees are never to be permitted to distribute literature or solicit our employees or guests at any time on our property. This applies to ANY solicitation, including lotteries, magazine clubs, sale of goods, etc. Any violation of this policy should be reported to your supervisor.

(c) This list is not all-inclusive. Employees are not permitted to post, remove or alter anything on the bulletin boards or elsewhere on company premises without the authorization of the Corporate Director. Please contact the Corporate Director if there is an item you would like to have posted.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-325 Drug Free Work Place

(a) The NMHC operates a “drug-free” work place. As a matter of law and general business practice, we not only have the right, we have the obligation under CNMI and federal law to maintain strict work rules prohibiting drug use by our employees.

(b) Our “drug free work place” policy was established because any amount of drugs in your body can put you under the influence to a degree, even if the impairment is not readily apparent to ordinary people. Drug abuse is often difficult to detect and can lead to serious property damage; serious injury, even death; and deterioration of your health and work performance.

(c) Compliance with this policy is not just an essential job qualification, it is a condition of your continued employment with us.

(d) Our mandatory “drug-free work place” policy is set forth as follows:

(1) We absolutely prohibit — as a condition of employment — possession, distribution, manufacture, sale or use of any controlled substance, drug or other mind-altering chemical or organism, narcotic or related paraphernalia everywhere on our property and in every work place.

(2) Reporting for work when you are in any way affected by the use of any drug, alcohol or narcotic, except those lawfully prescribed by a physician, is cause for immediate dismissal.

(e) Here are your responsibilities under this policy:

(1) You must report any violation of our drug-free work place policy that comes to your attention. Failure to report violations will subject you to disciplinary action.

(2) You must tell us if you are convicted of any drug-related crime. If you are convicted of a drug offense that does not result in your imprisonment, you may not continue to work for us

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unless you agree to participate in a government-approved drug abuse assistance or rehabilitation program. (Note: Since we are engaged in contracting with the federal government, you should know that the Drug Free Work Place Act permits termination of your employment if you are convicted of a drug related crime.)

(f) Any inconvenience this policy may cause is regrettable, but the alternatives to operating “drug-free” are unacceptable.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-330 Work Safety

(a) Safety for our guests and employees cannot be overemphasized. NMHC safety programs are in effect to inform and protect employees and guests from unsafe acts or conditions. Safety rules and regulations will be reviewed and you will receive safety tips from your supervisor. Be conscientious while you work and report any unsafe practice or condition to your department head.

(b) First aid kits are positioned in key areas throughout the NMHC, in the event a need for first aid arises. Locate the nearest first aid kit to your work station and ask your supervisor about safety procedures in effect for your department.

(c) Smoking is prohibited in guest areas and all areas in the NMHC except those designated in work areas, employee lounge and office. Please observe this policy to protect guests and employees from fire.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-335 Company Vehicles

(a) The NMHC provides company vehicles for use by employees who need vehicles to fulfill duties outside of the NMHC. Company vehicles are for official use only. Use of company vehicles for personal business is strictly prohibited and may result in dismissal.

(b) All drivers must be a minimum of twenty-five years old and possess a valid Commonwealth of the Northern Mariana Islands (CNMI) driver’s license.

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(c) Employees using company vehicles must abide by all traffic laws in effect in the CNMI. The NMHC will not be responsible for traffic citations issued to employees.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c). The Commission corrected the phrase “drivers license” to “driver’s license” pursuant to 1 CMC § 3806(g).

§ 100-50-340 Equal Opportunity Employer

(a) NMHC is committed to providing equal employment for all persons regardless of race, religion, color, sex, sexual orientation, national origin, age, or disability. This commitment encompasses all aspect of our employment and personnel policies including hires, termination, promotions, transfers, rates of pay, educational assistance, and company-sponsored training and recreational programs.

(b) To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the company will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

(c) If you believe you have been subjected to any unlawful discrimination, provide a written complaint to your supervisor or the human resources manager. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses, NMHC will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management employees or your co-workers. NMHC will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

In subsection (c), the Commission deleted the repeated phrase “to any unlawful discrimination.” The Commission inserted a comma after the word “thorough” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 100-50-345 Changes in Personal Information

For benefits administration and emergency purposes, it is vital that we maintain accurate, current personnel records. It is your responsibility to notify your supervisor or the Human Resources Department of any changes regarding your marital status, name change, address, telephone number, who to notify in case of emergency, CNMI residency status and number of dependents.

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History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-350 Working with the Media

NMHC is an interesting and newsworthy establishment and an important part of the community. As a result, reporters periodically come here to write or film stories about the company. It is important that we furnish them with accurate facts. Please refer all reporters or news people to the Corporate Director or an Executive and notify your Department if you have been approached. No comments to the media are authorized without permission from the Corporate Director.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-355 Harassment

(a) NMHC intends to provide a work environment that is pleasant, healthful, comfortable, and free from intimidation, hostility, discrimination or other offenses which might interfere with work performance. Harassment of any sort - verbal physical, visual - will not be tolerated. Examples of harassment include inappropriate touching, vulgar comments, dirty jokes/pinups/posters, threatening calls and messages, and repeated whistling/cat calls/gestures.

(b) As a NMHC employee, you are responsible for keeping our work environment free of harassment. Any employee who becomes aware of an incident, of harassment, whether by witnessing the incident or being told of it, must report it to the human resources manager or any member of management of NMHC with whom you feel comfortable. When NMHC becomes aware that harassment might exist, we are obligated by law to take prompt and appropriate action, whether or not the victim wants the company to do so.

(c) NMHC will immediately undertake effective, thorough, and objective investigation of the harassment allegation. If NMHC determines that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the company to be responsible for harassment will be subject to disciplinary action, up to and including termination. NMHC will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by management, employees or co- workers.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

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In subsection (b), the Commission corrected the spelling of “to the.” The Commission inserted a comma after the word “thorough” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 100-50-360 Punctuality and Attendance

You are expected to be at work and on time each day you are scheduled. You must notify your department manager well in advance (eight hours is recommended) of your scheduled work shift if you will be late or absent. While we know there are valid reasons for being late or absent, excessive tardiness and absenteeism will not be tolerated and disciplinary action may be taken.

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-365 Standards of Conduct

There are certain rules and regulations necessary for the safe and efficient operation of NMHC. The following conduct is prohibited and will not be tolerated by NMHC. The list of prohibited conduct is not all-inclusive but is representative of unacceptable behavior. Any behavior which is not listed does not mean that it is acceptable.

- (a) Unauthorized absenteeism or tardiness to work by employee.
- (b) Neglect, careless performance, non-performance or non-completion of assigned work by the employee, abandonment of job or assigned duty of the employee.
- (c) Illegal possession of firearm or use or possession of illegal drugs or violation of any criminal law of the Commonwealth.
- (d) Misrepresentation of qualifications, skills, or physical or mental health.
- (e) Inability to fulfill job requirements.
- (f) Dishonesty.
- (g) Releasing confidential information.
- (h) Insubordination, including but not limited to failure or refusal to obey the legal orders or instructions of a supervisor, or the use of abusive or threatening language toward a fellow employee, supervisor, or client.
- (i) Stealing, removing or taking company property without consent or being an accomplice in the execution of such action.
- (j) Discrimination.
- (k) Wasting time and/or sleeping while on duty.

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- (l) Harassing or disturbing the peace of any employee or client, to include, but not limited to, threats of any kind to others, fighting with or shouting at other co-workers, on company premises, or inflicting such cruel and abusive treatment to others not amounting to physical cruelty.
- (m) Stealing, misusing, destroying, damaging, defacing, or concealing company property or another employee's personal property.
- (n) Posting or removing posted notices without proper authorization.
- (o) Distributing any written or printed material on company property during working hours without prior authorization.
- (p) Knowingly timing in and/or timing out for another employee; attempting to be paid for time not worked by having another employee time in and/or time out for you.

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (p). The Commission inserted commas after the words "skills" in subsection (d) and "supervisor" in subsection (h) pursuant to 1 CMC § 3806(g).

§ 100-50-370 Other NMHC Policies and Practices

(a) Betel Nut, Tobacco, and Gum
Chewing betel nut, tobacco, or gum is not allowed on the property.

(b) Smoking Areas
Smoking is not permitted during work time or in any area open to customer access or viewing. It is only allowed in designated areas. Ask your department manager for the designated smoking area.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Commission Comment: The Commission inserted a comma after the word "tobacco" in subsection (a) pursuant to 1 CMC § 3806(g). The Commission corrected the phrase "you department manager" to "your department manager" in subsection (b) pursuant to 1 CMC § 3806(g).

Part 400 - Employee Benefits

§ 100-50-401 Eligibility for Benefits

(a) A permanent full-time employee (i.e., hired without a predetermined terminal point of employment) is eligible for all employee benefits enumerated in the manual codified in this chapter.

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(b) All other employees are eligible for no benefits, except as specified in their contract of employment, or specified elsewhere in this manual.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-402 Annual Leave

(a) Employees shall accumulate leave time at the rate set forth in this section.

(b) Employees who have less than three years of creditable service shall earn annual leave at the rate of four hours per pay period; employees with three but less than six years of service shall earn six hours of annual leave per pay period; and employees who have six or more years of service shall earn eight hours of annual leave per pay period.

(c) Newly appointed employees shall undergo a waiting period of ninety calendar days before being credited with annual leave.

(d) If an official holiday falls while an employee is on annual leave, that day will not be deducted from accrued annual leave. If an employee is sick while on annual leave, the employee may charge that time to accrued sick leave.

(e) Annual leave must be approved by an employee's supervisor and the Corporate Director prior to the employee's taking it.

(f) Any annual leave accumulated in excess of three hundred sixty hours as of the end of a calendar year shall be converted to sick leave on the last day of such calendar year.

(g) An employee whose employment is terminated, or who resigns employment, and who has been employed for more than one year prior to the effective date of such termination or resignation, shall be entitled to payment for any and all unused annual leave, up to a maximum of three hundred sixty hours.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-404 Sick Leave

(a) An employee commences to accrue sick leave at the beginning of the pay period following the employee's employment. Each employee will accrue four hours of sick leave for

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each bi-weekly pay period, for which they are in pay status for the entire ten days. If an employee's accrued sick leave is depleted, any additional days the employee is not at work will be deducted from accrued annual leave. When accrued annual leave has been depleted, the employee will go on leave without pay. If an official holiday occurs while an employee is on sick leave, that day will not be deducted from accrued sick leave.

(b) When an employee is absent due to illness, the employee should give notice of his/her illness to the employee's office by twelve noon or the entire day may be charged against annual leave, at the discretion of the immediate supervisor.

(c) Written verification may be required for absence of less than three days at the discretion of the Corporate Director.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

Public Law 15-69 (effective June 5, 2007), codified at 1 CMC § 8276, authorizes government employees to apply for sick leave to attend to an immediate family member who is sick. Public Law 15-116 (effective November 29, 2007), codified at 1 CMC § 8265, repealed PL 15-69. PL 15-116 authorizes government employees to apply for leave to attend to an immediate family member who is sick. The provisions of PL 15-116 supersede this section to the extent that they conflict.

§ 100-50-406 Maternity Leave

(a) An employee may be granted maternity leave with pay, not to exceed fifteen work days, because of childbirth. Maternity leave shall be in addition to sick leave.

(b) The employee should request maternity leave at least one week prior to the day they expect to leave work.

(c) Accrued annual leave and sick leave may be applied during this period. If maternity leave, annual-leave and sick leave are exhausted, the employee will be considered to be on leave of absence without pay.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-408 Leave under the Family and Medical Leave Act of 1993 (FMLA)

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(a) Pursuant to the FMLA, an employee who has worked for NMHC for at least one year, and for one thousand two hundred fifty hours over the previous twelve months, may take up to twelve weeks of unpaid leave for certain family and medical reasons. At the option of the employee or NMHC, paid leave (i.e. accumulated sick leave and/or vacation leave) may be substituted for unpaid leave.

(b) Typical reasons for taking FMLA leave include the following:

- (1) The care of the employee's child (birth, or placement for adoption or foster care);
- (2) The care of the employee's spouse, son or daughter, or parent who has a serious health condition; or
- (3) A serious health condition that makes the employee unable to perform their job.

(c) Generally, NMHC will ask for, and the employee will be required to provide thirty days advance notice of intent to take leave and a medical certification.

(d) It is the policy of NMHC to fully comply with all applicable laws. If you have any questions about the FMLA, contact the Corporate Director.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-410 Military Leave

The federal Uniformed Services Employment and Reemployment Act (USERRA) generally requires the Commonwealth government to provide extended military leave for its career employees, regardless of whether the service is voluntary or involuntary. The cumulative length of all absences due to military leave and extended military leave shall not exceed five years, unless extended for good reason documented in writing by the appointing authority. The employee must give advance notice to the appointing authority, unless military necessity or circumstances make this impossible or unreasonable. In most cases, the employee is guaranteed reinstatement rights and certain seniority rights upon return from leave. The employee must also comply with requests for documentation and with the requirements of the regulations in this chapter regarding the timing of applications for re-employment. For details, employees and appointing authorities should contact the U.S. Department of Labor.

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-412 Election Day Leave

An employee will be given two hours off work with pay to vote on each official election day. The determination of which two hours of the day shall be taken off will be made by the employee's supervisor, so as to assure adequate staffing of the employee's office at all times.

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Modified, 1 CMC § 3806(e).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-414 Administrative Leave

An absence from duty administratively authorized, without loss of pay and without charge to accrued leave, is administrative leave. The Governor and Corporate Director, have the responsibility for approving administrative leave requests. The following are the four general classes into which administrative leaves fall:

- (a) Administrative leave is absence authorized under emergency conditions beyond the control of management, e.g., typhoons, or for participation in civic activities of interest to the government, or employment connected examinations, or for such reasons as the Governor may determine (such as a shortened work day on Christmas Eve);
- (b) Extended absence required for medical appointments and care following job-related injuries may be authorized as administrative leave;
- (c) Administrative leaves related to disciplinary actions. Corporate Director may place an employee in non-working status with pay for up to three work days pending preparation of a notice of proposed suspension for up to thirty calendar days or removal from NMHC; and
- (d) Administrative leave may be granted to employees serving on government boards and commissions, provided such employee does not receive compensation from the boards and commissions. Advance written notice by the head of a board or commission must be delivered to the department of agency head before an employee can be released from official duties to attend a meeting. If an emergency meeting is necessary, the chairman or Corporate Director may notify the department or agency head by phone, but a written confirmation of the meeting must follow that notification.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-416 Jury Duty

There may be an occasion where you are called to serve as a juror in court proceedings. If you are selected for jury duty, NMHC will give you time off from work to fulfill your civic responsibilities. You are required to notify your supervisor and department head as soon as you receive notice that you may be required to serve as a juror. Official court notice must be presented to approve total leave time.

Modified, 1 CMC § 3806(f).

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History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-418 Death in the Immediate Family

(a) An employee who suffers a death in his or her immediate family will be given a maximum of five days compassionate leave with pay, which must be taken within eighteen days after the death of the immediate family member.

(b) Immediate family shall be defined as including the employee's parent (including step or adoptive), spouse, sibling (including step or half), child (including step or adopted), grandparents, great-grand parents, mother-in-law and father-in-law (including step or adoptive).

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-420 Leave Advance

(a) Where, for good reason, an employee on permanent status requires additional annual or sick leave in addition to the amounts accrued, the Corporate Director, may grant advance leave up to a maximum of one-half of the total earnable leave credits for which the employee is eligible for one year from the date the application is received. Subsequent accrued leave earnings shall serve to replace the amount of advance leave granted and taken. Request for leave advance must be in writing from the employee with recommendation from the appointing authority.

(b) Leave advance granted and taken:

(1) Constitute a legal contract between the employee and the government; and

(2) Must be repaid, even if the employee separates from government service. Recovery of advance leave that is unpaid may be through the government's assumption of the employee's accrued unused leave, payroll deductions, matched reduction of service time and/or recourse to the courts.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-422 Leave of Absence

(a) An employee may request a leave of absence with or without pay. Requests for such leave must specify its purpose and time period and must be authorized by the Corporate Director

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prior to its commencement. Because of the difficulties presented the organization by granting such leave, approval will not be given in ordinary course.

(b) When practical, an employee must give thirty days notice for the leave. Employees must give a reason for the leave, beginning date, and date you expect to return to work. All personal leave must be approved by the Corporate Director.

(c) If you accept employment with another organization during your leave, you will be terminated from your job at NMHC. If you do not return to work on the agreed date, you will be considered to have voluntarily terminated your employment. Benefits will continue for the duration of the leave.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-424 Training and Education Leave

Employees on permanent status 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.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-426 Leave Without Pay in Extension of Annual or Sick Leave

Employees on permanent status may be granted leave without pay (LWOP) for the purpose of extending annual or sick leave. When sick leave is so extended, the attending physician must certify to the necessity of the extension. The Personnel Office is responsible for approving or disapproving requests for leave without pay, upon recommendation by the appointing authority.

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-428 Disposition of Leave Upon Separation

(a) Annual Leave

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(1) An employee separated from NMHC for any reason shall receive a lump-sum payment for all annual leave accrued to the employee's credit and remaining unused at the time of separation. If the employee 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 of employment, the employee must return to the government the gross value of such unused leave and have those hours of leave re-credited to the employee's annual leave account.

(2) For example, if an employee has 260 hours annual leave to his credit upon separation, that represents 45 days of annual leave. If the employee returns to government employment before the passage of 45 work days, the employee is required to make a refund for the unexpired term of leave remaining.

(3) If the employee in the above example separates from government employment December 31, is offered an opportunity to return to duty with the same classification and pay, accepts, and returns to work March 15, 34 work days or 272 hours would have elapsed (one holiday occurred in February) between separation and return to duty.

(4) Repayment may be through lump-sum cash prior to resuming duty status, payroll deduction or assigning to the government all annual leave accrued subsequent to returning to duty until the repayment is completed.

(b) Sick Leave

An employee separated from NMHC for any reason shall have all sick leave accrued to the employee's account held in the leave records for three years. Should the person be re-employed by NMHC at any time during that three year period, the sick leave balance shall be re-credited to the employee's sick leave account and available for use from the first day of re-employment. Provided, however, that an employee separated from NMHC for retirement purposes, and whose unused sick leave has been converted to service time to determine eligibility in the retirement program, shall not be re-credited for such sick leave balance. (See 1 CMC § 8301, as amended.)

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Commission Comment: The original paragraphs of subsection (a) were not designated. The Commission designated subsections (a)(1) through (a)(4).

Public Law 15-57 (effective April 25, 2007), codified at 1 CMC §§ 82601-82605, addresses maximum annual leave accumulation (360 hours) for excepted service employees and lump sum payments for unused annual leave to all government employees. PL 15-57 prohibits reemployment with the CNMI government "until a period equal to the period of annual leave paid in lump sum has elapsed" or the employee elects to pay the equivalent amount "consistent with CNMI regulations." 1 CMC § 82604. PL 15-57 also prohibits the conversion of sick leave to annual leave and any compensation for unused sick leave hours upon separation from employment for all government employees. 1 CMC § 82603. The provisions of PL 15-57 supersede subsection (a)(1) to the extent that they conflict.

§ 100-50-430 Holidays

NMHC shall observe those holidays observed by the government of the Northern Mariana Islands. All NMHC employees shall receive leave with pay on each legal holiday. An employee required to work on a legal holiday shall be compensated at the base salary rate, or the adjusted

base salary rate for the hours actually worked, and shall also be paid for the holiday leave with pay.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-432 Training

Leaves for the purpose of job-related training may be granted to full-time employees for periods not to exceed one year, by the Corporate Director. Any extension of the above shall be subject to the approval of the Corporate Director.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-434 Training Outside the Commonwealth

Training courses given by agencies outside the Commonwealth will be utilized as necessary, and to the extent the budget will permit. If any manager wishes to send his/her employees to attend job-related training and development programs, he/she shall submit a memorandum to the Corporate Director requesting approval for training with the names of the employees, the course, and the content and length of such training. No training outside the CNMI, shall be approved if the same or equivalent training is available locally.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-436 Payment of Training Costs

(a) Employees released to attend authorized job-related training and developmental programs will continue to receive their regular salary, travel expenses when required, and a stipend or per diem if for a short period of time, as applicable to the training involved.

(b) It shall be the policy of the corporation to pay all costs for training defined as “job-skill training.”

(c) Employees attending education or training designed generally to improve their potential for advancement, but not specially related to their present duty or to duties they are being specifically trained to assume, may be released on training at the discretion of the Corporate Director in accordance with the requirements set forth in this part.

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(d) Salary and related benefits provided to employees released for training under all the subsections above shall be limited to a period of one year, unless an extension is recommended by the employee's supervisor with the approval of the Corporate Director.

Modified, 1 CMC § 3806(d), (e), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-438 Training Costs Defined

(a) The term "all costs" when used in this part to define the corporation's intent to support an employee undergoing training means:

- (1) Round-trip transportation to the training site by the least expensive air routings;
- (2) Cost of tuition, books, and fees; and
- (3) 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 Corporate Director may approve an upward adjustment of the stipend.

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

Modified, 1 CMC § 3806(e), (f), (g).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

In the opening paragraph, the Commission changed "employees" to "employee" to correct a manifest error. The Commission inserted a comma after the word "books" in subsection (a)(2) pursuant to 1 CMC § 3806(g).

§ 100-50-440 Medical and Life Insurance

Pursuant to the determination of the Board of Directors, an employee is entitled to participate in the group life and hospital insurance programs which are available to employees of the government of the Northern Mariana Islands on the same terms and conditions as are available to employees of the government for as long as such participation is permitted by the government or its insurer.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-442 Workers' Compensation Insurance

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(a) Workers' compensation insurance is provided for all employees upon date of hire. This insurance is paid by NMHC and provides medical coverage for employees injured in work-related activities.

(b) For a work-related illness or injury, worker's compensation insurance provides coverage for the following needs.

- (1) Medical service and supplies.
- (2) Partial payment of wages during periods of partial or total disability.
- (3) Payment for the support of employees undergoing a different job-skill training.
- (4) Death benefits, funeral expenses and payment to surviving dependents.

(c) If you have an accident that is work related, you must report it to your supervisor or department manager immediately. You will be sent for treatment if necessary. To protect benefits which may be paid under workers' compensation insurance, be sure an incident report is completed. Your failure to notify a supervisor or department manager of an on-the-job injury may cause you to delay your workers' compensation benefits. NMHC may require that the injured employee seek medical attention from a physician chosen by NMHC.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

Part 500 - Miscellaneous Provisions

§ 100-50-501 Rules governing Conflict of Interest and Nepotism

(a) No person shall hold a job which a member of his/her immediate family exercises supervisory authority.

(b) For purposes of this part, the phrase "immediate family" shall include those persons described in § 100-50-414 of the manual codified in this chapter.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

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

§ 100-50-505 Internal Operating Procedures

Internal office routine shall be governed by the Corporate Director. From time to time, written memoranda will be issued by the Corporate Director. Policies and procedures so issued shall be followed.

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Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Commission Comment: The Commission changed “issue” to “issued” to correct a manifest error.

§ 100-50-510 Promulgation of Personnel Policies and Procedures

All existing personnel and each new employee shall be advised of the existence of the Personnel Manual codified in this chapter and all memoranda governing internal operating procedures. This manual and all memoranda shall be kept in a place in each office where all employees will have access to them.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Commission Comment: The Commission corrected the word “memorandum” to “memoranda” pursuant to 1 CMC § 3806(g).

§ 100-50-515 Applicability

(a) In General

All provisions of the Personnel Manual codified in this chapter shall apply to all persons who have the status of employees of NMHC, except the Corporate Director and those exempted from this manual by § 100-50-101. The Board and any independent contractors retained by the Board are not employees of NMHC and the provisions hereof shall apply to such persons, and to the Corporate Director and to those included in the exception, only as specifically made applicable herein.

(b) Applicability of Particular Sections

(1) Section 100-50-230, travel reimbursement, applies to the Board, to the Corporate Director and those employees exempted from this manual by § 100-50-101, unless otherwise provided by his/her contract.

(2) Section 100-50-240, severance pay, applies to the Corporate Director and all employees of the corporation, including those exempted from this manual by § 100-50-101.

(3) Section 100-50-310, non-related activities, applies to all employees of the corporation, including those exempted from this manual by § 100-50-101.

(4) Section 100-50-401, employee benefits, applies to the Corporate Director and all employees of the corporation, including those exempted under § 100-50-101. Approval of leave requests for the Corporate Director shall be made by the Chairman of the Board.

(c) Personnel Service System Rules & Regulations

Pursuant to E.O. 94-3, NMHC was placed within the Executive Branch of the CNMI government. As such, the rules and regulations adopted by the Civil Service Commission shall control NMHC’s personal policies. All employees are advised to become familiar with the Civil

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Service Commission's Personnel Service System Rules and Regulations (PSSRR) [NMIAC, title 10, chapter 20.2]. If a conflict exists and/or develops between the PSSRRs and this manual, or if this manual is silent on an issue, the PSSRRs shall control.

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

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

Commission Comment: The original paragraphs of subsection (b) were not designated. The Commission designated subsections (b)(1) through (b)(4).

In subsection (b)(2), the original cross-reference to § 3.07, Severance Pay," was incorrect. See 19 Com. Reg. 15695 (Sept. 15, 1997). The Commission corrected the citation so that it references § 3.09, the severance pay provision, codified at § 100-50-240.

In subsection (c), the Commission changed "PSSRR's" to "PSSRRs" to correct a manifest error.

§ 100-50-520 Receipt & Acknowledgment of NMHC Handbook

Please read the following statement and sign below to indicate your receipt and acknowledgment of the NMHC Employee Handbook.

I certify that I have received the NMHC Employee Handbook dated _____ and that it is my responsibility to become familiar with its contents.

I understand and agree that the policies and benefits described in this handbook are not intended to create any contractual obligations.

I further understand that NMHC reserves the right to change its policies, rules, regulations and benefits as it sees fit, and that any such changes will take precedence over the statements contained in this employee handbook.

I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the NMHC Employee Handbook dated _____.

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).

§ 100-50-525 Amendments and Modifications

The provisions contained may be modified or amended by a majority of vote of the Personnel Committee. Any such amendment or modification shall become effective upon ratification by the Board of Directors.

History: Amdts Adopted 19 Com. Reg. 15783 (Nov. 15, 1997); Amdts Proposed 19 Com. Reg. 15668 (Sept. 15, 1997).