

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2506. Department of Public Safety: Conduct of Members; Eligibility for Employment.

(a) *Procedure When Employee Charged With a Crime.* If criminal charges are filed against an employee of the Department of Public Safety, including one appointed by the Governor, the employee shall be suspended from the Department of Public Safety without pay, reassigned, or subject to such other action as the Director of Public Safety may deem necessary. If 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.

(b) *Procedure When Employee Convicted of a Crime.* If the employee is convicted by the trier of fact or by a plea of guilty or nolo contendere of any crime, the following measures shall be taken:

(1) If the crime is a crime punishable by greater than one year of imprisonment, the employee shall be dismissed and may not be reemployed by the Department of Public Safety for a minimum of five years;

(2) If the crime is a crime punishable by no greater than one year of imprisonment and is committed by the employee in the course of employment, the employee shall be suspended without pay for 45 days. If two such convictions occur within two years, the employee shall be dismissed and may not be reemployed by the Department of Public Safety for a minimum of two years;

(3) If the crime is a crime punishable by no greater than one year of imprisonment and is not committed by the employee in the course of employment, upon the second such conviction within a period of two years, the employee shall be dismissed and may not be reemployed by the Department of Public Safety for a minimum of one year. This section shall also apply if only one of the two convictions is for a crime committed by the employee in the course of employment.

(c) *Eligibility for Employment.* A person may not be employed within the Department of Public Safety if:

(1) The applicant has been convicted of a crime punishable by greater than one year imprisonment within the past five years; or

(2) The applicant has been convicted of two crimes, each of which is punishable by no greater than one year imprisonment, within the past two years.

Source: PL 3-89, § 2.

Commission Comment: PL 3-89, which took effect December 23, 1983, repealed PL 1-8, tit. 1, ch. 10, § 6, and enacted the language above. The purpose of the revision was “to give the director of public safety greater disciplinary authority against employees of the Department of Public Safety.” PL 3-89, § 1.

With respect to the reference to the “Director of Public Safety” and to the agency itself, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001; see also the comment to 1 CMC § 2501.