

**TITLE 1: GOVERNMENT**  
**DIVISION 8: PUBLIC EMPLOYMENT**

**§ 8243. Definitions.**

(a) “Employee” includes full-time and part-time personnel, and employees of federal programs who receive their paychecks from the Commonwealth Government. “Employee” does not include a fund custodian pursuant to [1 CMC § 8352](#), an investment agent pursuant to [1 CMC § 8353](#), a member of the Commonwealth Casino Commission under [4 CMC § 2313](#), or an independent services contractor, a consultant, or a professional services contractor.

(b) “Wages” and “salaries” means the same as it is defined in [4 CMC § 1103\(z\)](#).

**Source:** [PL 4-32](#), § 2; amended by [PL 4-62](#), § 1; (a) amended by [PL 13-24](#), § 602(a); subsection (a) amended by [PL 18-56](#) § 5 (July 11, 2014).

**Commission Comment:** Executive Order 94-3, the “Second Reorganization Plan of 1994” (effective Aug. 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, § 307(b):

**Section 307. Department of Finance.**

...

(b) **Procurement.**

(1) To the extent that any provision of law may be interpreted to authorize the Civil Service Commission or the Personnel Officer to exercise any function relating to the procurement of services from outside contractors, that function is transferred to the Secretary of Finance. The function of deciding whether it is in the public interest for the government to obtain professional services by employing more people to work for the government (either in the classified Civil Service or the Excepted Service as determined by the Personnel Officer) or by procuring such services from the private sector is allocated to the Office of the Governor, the Marianas Public Land Trust, and the various boards and commissions.

(2) In order to implement any transfer or allocation made by paragraph (1) of this subsection, existing law is affected, for clarification purposes only, to interpret [1 CMC § 8131\(a\)\(2\)](#) henceforth to apply to government employees and not to outside contractors.

(3) In order to further implement any transfer or allocation made by paragraph (1) of this subsection, existing law is affected by changing the definition of “employee” in [1 CMC § 8243](#) to exclude, rather than include, independent service contractors, consultants, and professional services contractors.

[PL 13-24](#) was enacted on September 10, 2002. PL 13-24 was an appropriations bill wherein § 602(a) was a rider. While appropriation bills are temporary law in nature, § 602(a) explicitly stated that the

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according amendment to [1 CMC § 8243](#)(a) “shall remain in effect until subsequently amended or repealed,” therefore, all implications aside, the Commission codified § 602(a), and similarly also § 602(b)