



**E-FILED**  
**CNMI SUPREME COURT**  
E-filed: Mar 19 2020 04:09PM  
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Filing ID: 64842035  
Case No.: ADM-2020  
NoraV Borja



# **NORTHERN MARIANA ISLANDS JUDICIAL BRANCH INTERIM TELEWORK POLICY**

## **EXHIBIT A**

Adopted March 19, 2020



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IN THE  
**SUPREME COURT**  
OF THE  
**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

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**IN RE COURT OPERATIONS AND TELEWORKING**

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SUPREME COURT NO. 2020-ADM-0004-MSC

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**ORDER ADOPTING INTERIM TELEWORK POLICY**

¶ 1 President Donald J. Trump’s recent proclamation and Governor Ralph DLG. Torres’s amended executive order concerning the novel coronavirus pandemic (COVID-19) prompted a number of agency directives to protect the health and safety of employees and the general public. To ensure continuity of operations in providing the community with access to justice, the Judiciary finds it necessary to issue its own health and safety directives in response to the COVID-19 pandemic.

¶ 2 This matter comes before the Court on our own motion to adopt policies governing an alternative work program involving telework. The Judiciary’s directives are encompassed in the interim *Northern Marianas Islands Judicial Branch Telework Policy*, attached as Exhibit A. The Telework Policy provides flexibility to fulfill the Judiciary’s operational needs through teleworking and telecommuting during a disaster or pandemic recovery. The Policy defines teleworking as working at an alternate work site or at a Judiciary approved site, through a written agreement and as approved by the Chief Justice or the Presiding Judge. The opportunity to telework enables Judiciary employees to continue necessary court operations while ensuring a safe and healthy environment for employees and the general public.

¶ 3 IT IS HEREBY ORDERED that the Policy is adopted effective March 19, 2020. The Court FURTHER ORDERS:

- (A) Effective Thursday, March 19, 2020 until otherwise ordered by the Court all eligible employees may telework or telecommute pursuant to the Policy.
- (B) The Director of Courts and division managers shall update the continuity of operations plan by maximizing resources to safely and efficiently deliver court services.

ENTERED this 19th day of March, 2020.

/s/  
\_\_\_\_\_  
ALEXANDRO C. CASTRO  
Chief Justice

/s/  
\_\_\_\_\_  
JOHN A. MANGLONA  
Associate Justice

/s/  
\_\_\_\_\_  
PERRY B. INOS  
Associate Justice

**1. Authority.**

This policy is adopted pursuant to 1 CMC § 3401(a) which states, “Administrative responsibility for the Commonwealth judiciary is vested in the Supreme Court of the Commonwealth, under the direction of the Chief Justice of the Supreme Court.”

**2. Purpose.**

The Northern Mariana Islands Judiciary (“Judiciary”) supports telework to fulfill specific operational needs. Telework may be considered to improve operational performance or to address emergencies or natural disasters involving life, health, and the environment. The overarching purpose of this policy is to facilitate access to justice, to promote economic efficiency and time savings, or as a reasonable accommodation.

**3. Definition.**

- (a) “Alternate Worksite” is the worksite remote from the Judiciary’s primary workplace which is approved for telework by the Chief Justice or the Presiding Judge.
- (b) “Chief Justice” means Chief Justice of the Judiciary Supreme Court or his or her designee.
- (c) “Presiding Judge” means Presiding Judge of the Judiciary Superior Court or his or her designee.
- (d) “Telecommuter” means an employee approved for telework by the Chief Justice or the Presiding Judge.
- (e) “Telework” or “Teleworking” is a work alternative program allowing employee to perform regular work schedule at an alternate worksite.
- (f) “Employees” means Judiciary employees of the Supreme Court, the Superior Court, the Commonwealth Law Revision Commission, and justices and judges (collectively referred to as “employees” or individually as “employee”).

**4. Coverage.**

This policy applies to Judiciary employees.

**5. Eligibility.**

The Chief Justice or the Presiding Judge, as applicable, has the authority to approve or deny telework. Telework is not an entitlement. The Chief Justice or the Presiding Judge has the sole discretion to approve or deny telework request. Factors for telework eligibility are relevant but not absolute; they are as follows:

- (a) Employee must be self-motivated.
- (b) The job responsibilities must have minimal requirements for face-to-face daily interaction or supervision.

- (c) Must have demonstrated conscientious observance of work hours and productivity requirements.
- (d) The nature of job responsibilities requires minimal face-to-face interaction with customers, co-workers, or the public.
- (e) Employees covered under the American with Disabilities Act or the Rehabilitation Act are eligible for Telework in accordance with the respective acts.

**6. Approval Process for Telework Request.**

- (a) An employee seeking telework must request for approval from the Chief Justice or the Presiding Judge. The Chief Justice's or the Presiding Judge's approval or denial will be based all relevant factors in section 5 of this policy, analyzing risk factors associated with telework for the job responsibilities and the Judiciary.
- (b) The employee must submit a completed: (1) Telework Agreement; (2) Telework Home Checklist; and (3) Telework Equipment List.

**7. Telework Under Emergency or Natural Disaster.**

During emergency or under unforeseen circumstances in which there are workspace issues, pandemic illness, natural disasters, or other situations which prohibit the employee from performing the required job performance at the Judiciary facilities, the Chief Justice or the Presiding Judge may mandate employees to telework, notwithstanding the eligibility factors in section 5. When an employee is mandated to telework, the Judiciary may, at the sole discretion of the Chief Justice or the Presiding Judge, bear the appropriate and reasonable costs for setting up, maintaining, and enabling the telework.

An employee required to telework must submit all forms required by section 6(b) of this policy. Under this section, telework agreement must be signed by the employee without unreasonable delay.

**8. Telecommuter Standards.**

To ensure an effective, efficient, and productive telework program, the Judiciary establishes the following standards:

(a) Work Standards

The Telecommuter at all times during telework must perform the same standards and professionalism expected of Judiciary employees.

(b) Work Responsibility

The Telecommuter is required to perform all job responsibilities while teleworking. The Telecommuter will meet or communicate with his or her supervisor to receive assignments, review work progress, and complete work as directed. The Telecommuter must promptly notify his or her

supervisor when unable to perform work duties at the alternate worksite.

- (c) Accessibility  
The Telecommuter must be accessible via telephone, network or email during work hours.
- (d) Compliance with Judiciary Policies and Laws  
The Telecommuter must comply with all applicable Judiciary policies, orders, and procedures and all federal and local laws.
- (e) Work Schedule  
The Telecommuter must generally maintain a consistent schedule of work hours and days to ensure regular contact with Judiciary staff during regular work hours. A determination of flexibility in work hours and days where feasible are permitted on a case-by-case basis depending on the job responsibilities.
- (f) Time Sheet  
The Telecommuter must utilize the timesheet provided by the Judiciary to account for the hours worked at alternate worksite.

#### **9. Telecommuter's Responsibilities.**

- (a) Telecommuter to Bear Cost  
By default, the Telecommuter will provide and pay for costs which are necessary to safely perform the job/work duties at the alternate work site, including but not limited to electricity, water, internet, and/or phone services. The Judiciary may, at the sole discretion of the Chief Justice or the Presiding Judge, bear the appropriate and reasonable costs for setting up, maintaining, and enabling the telework.
- (b) Equipment and Designated Workspace  
The Telecommuter's need for specialized material or equipment at the alternate worksite must be minimal. The Judiciary will not provide the alternate worksite with furniture.
- (c) Telecommuter to Pay for Judiciary Items  
The Telecommuter is responsible to pay for lost, damaged, destroyed, or stolen Judiciary equipment or items used at the alternate worksite.
- (d) Designation of Work Site  
The Telecommuter must designate an alternate worksite that is quiet, free of distractions, and kept in a clean, professional and safe condition with adequate lighting and ventilation. An initial or ongoing alternate worksite hazard assessment may be made, when deemed necessary.
- (e) Confidentiality
  - (i) The Telecommuter must keep all work-related confidential information in a safe location that is not accessible to unauthorized persons. An unauthorized

person is anyone other than persons approved by the Judiciary.

- (ii) The Telecommuter must maintain a confidential environment during video conferences or phone calls to ensure that no unauthorized person is within viewing or hearing distance of the video conference or phone call.
- (iii) The Telecommuter must secure all equipment and devices, including but not limited to, laptop and smartphones to ensure no unauthorized person has access to such devices.

#### **10. Telework Agreement.**

No eligible employee may begin teleworking until he or she signs the Telework Agreement provided by the Judiciary stating conditions governing telework. The Supervisor shall attach an updated position description and will designate, where appropriate, which duties or projects will be performed at the Judiciary's work location and which duties will be performed at the alternate worksite.

#### **11. Termination of Teleworking**

The Chief Justice or the Presiding Judge may terminate the telework agreement at any time and without cause, by providing a written notice to the Telecommuter. When telework is voluntary, the Telecommuter may also terminate the telework agreement but only upon receiving written permission from the Chief Justice or the Presiding Judge. The Telecommuter must submit his or her request for termination in writing.

#### **12. Indemnity Waiver.**

The Judiciary does not assume responsibility for any private property used, lost or damaged or any injury or death as a result of the telework.

#### **13. Duty to Report and Good Faith Requirement.**

Employees shall report suspected or known cases of professional telework misconduct to his or her immediate supervisor. Anyone reporting suspected or known professional misconduct shall act in good faith and have reasonable grounds for believing the information disclosed is truthful and accurate.

#### **14. Final**

Any and all decisions in regard to the request, mandate, approval, or denial of telework by the Chief Justice and the Presiding Judge shall be final and shall not be subject to grievance procedures as set forth in the Judiciary Personnel Rules.

**15. Relationship to Commonwealth and Federal Law**

Any inconsistencies between the provisions of this policy and federal or local law, the federal and/or local law will govern.