



Commonwealth of the Northern Mariana Islands
Office of the Governor

Saipan, Mariana Islands 96950

Cable Address:
Gov. NMJ Saipan

October 6, 1978

The Hon. Lorenzo I. Guerrero
President, The Senate
Northern Marianas Commonwealth Legislature

&

The Hon. Oscar C. Rasa
Speaker, The House of Representatives
Northern Marianas Commonwealth Legislature
Saipan, Mariana Islands 96950

Dear Mr. President & Mr. Speaker:

Pursuant to Public Law No. 1-9, Section 3 of the Civil Service Commission Act, I am officially notifying you of my one and only appointee for membership on the Civil Service Commission of Mr. Herman Q. Guerrero.

Attached for your perusal is Mr. Guerrero's resume. I would like to note that Mr. Guerrero has had a wide range of experience with the Saipan Municipal Government, the District Government of the Marianas, Congress of Micronesia, the Marianas District Legislature, Marianas Political Status Commission and the Marianas Constitutional Convention.

I believe that the qualification wisdom and integrity that Mr. Guerrero possesses will without any doubt can be very instrumental in establishing an equal opportunity to all the employees of the Executive Branch.

Sincerely,

Carlos S. Camacho
Governor

Enclosure: Resume

cc:
Mr. Herman Q. Guerrero
Lt. Governor
Acting Personnel Officer
Legislative Affairs Officer

FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 1978

AN ACT

To establish a Civil Service Commission; its duties; powers, and instrumentalities; and for other purposes.

Offered by Senator(s) Benjamin T. Manglona, Julian S. Calvo,
Lorenzo I. Guerrero, Joseph S. Inos (By Request)

Date: February 9, 1978


Senate Action: April 13, 1978
 Referred to: Judiciary, Government & Law Committee
 Standing Committee Report No. 1-50
 First Reading: April 13, 1978
 Second Reading: April 14, 1978

House Action: May 23, 1978
 Referred to: Judiciary & Governmental Operations Committee
 Standing Committee Report No. 1-60
 First Reading: May 30, 1978
 Second Reading: May 31, 1978

Conference Committee Action

Conference Committee Report No. 1-4

Adopted: June 14, 1978


 Joaquín S. Torres
 Senate Clerk

4:16 P.M

June 27, 78



The Senate

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE


P.O. Box 129
Saipan, Mariana Islands 96950

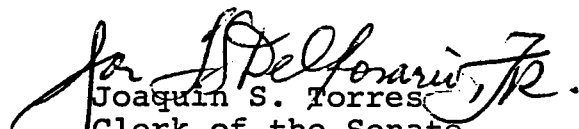
Phone: 6534/6539

CERTIFICATION

S.B. NO. 1-21, S.D.2,
H.D.2, C.D.1

We hereby certify that the foregoing bill passed the Senate and the House of Representatives by a majority vote of the members, a quorum being present, First Northern Marianas Commonwealth Legislature, First Regular Session, 1978.


Lorenzo I. Guerrero
President of the Senate


Joaquin S. Torres
Clerk of the Senate

AN ACT

To establish a Civil Service Commission; its duties; powers, and instrumentalities; and for other purposes.

BE IT ENACTED BY THE FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Title. This Act shall be known and may be cited as the
2 Northern Marianas Civil Service Act of 1978.

3 Section 2. Statement of Policy. It is hereby declared to be the
4 purpose of this Act to establish a system of personnel administration
5 based on merit principles and generally-accepted methods governing the
6 classification of positions and the employment, conduct, movement, and
7 separation of public officials and employees.

8 It is also declared to be the purpose of this Act to build a career
9 service which will attract, select and retain the best-qualified civil
10 servants on merit who shall hold their offices or positions free from
11 coercion, discrimination, reprisal or political influences, with
12 incentives in the form of genuine opportunities for promotions in the
13 public service, to provide competent and loyal personnel to render
14 impartial service to the public at all times, and to render such service,
15 according to the dictates of ethics and morality. In order to achieve
16 these purposes, it is declared to be the policy of the Commonwealth that
17 the personnel system hereby established be applied and administered in
18 accordance with the following merit principles:

19 (a) Equal opportunity for all regardless of age, race, sex,
20 religion, political affiliation or place of origin;

21 (b) Impartial selection of the ablest person for government
22 service by means of competitive tests which are fair, objective, and

1 practical;

2 (c) Just opportunity for competent employees to be promoted
3 within the Service;

4 (d) Reasonable job security for the competent employee;

5 (e) Systematic classification of all positions through
6 adequate job evaluation;

7 (f) Fair and reasonable grievance procedures for all employees
8 pertinent to condition of employment; and

9 (g) Proper employer-employee relations to achieve a well
10 trained, productive and happy work force.

11 Section 3. Civil Service Commission.

12 (a) Establishment. There is hereby established a Civil Service
13 Commission which shall consist of seven (7) members to be appointed as
14 follows: one (1) shall be appointed by the Governor; three (3) shall be
15 appointed by the President of the Senate; and three (3) shall be appointed
16 by the Speaker of the House of Representatives. The President of the
17 Senate shall appoint at least one (1) female and at least one (1) person
18 who is a resident of Rota. The Speaker of the House of Representatives
19 shall appoint at least one (1) person who is of Carolinian descent and at
20 least one (1) person who is a resident of Tinian. The Commission shall
21 select a chairman by a majority vote. No member of the Commission may be
22 a candidate for public office or hold an elected position or a position in
23 the Executive Branch which is filled by appointment of the Governor.

24 (b) Term of Appointment. Members shall serve for a term of
25 four (4) years. Of the members first appointed, two (2) shall serve for

1 two (2) years, two (2) shall serve for a term of three (3) years, and
2 three (3) shall serve for a term of four (4) years. Determination of who
3 shall serve what term shall be by the drawing of lots. No member shall
4 serve for more than two (2) consecutive four (4) year terms, or in the
5 case of members appointed for less than four (4) year terms, not more
6 than eight (8) years. Vacancies shall be filled for the unexpired term
7 in the same manner as the original appointments.

8 (c) Meetings; Quorums, Decisions. The Commission shall meet at
9 least every three (3) months; with the date, time and place to be
10 designated by the Chairman. Agenda for the meetings shall be circulated
11 to all members at least one (1) week prior to the meeting, and the minutes
12 of the previous meeting shall accompany the agenda. All decisions of the
13 Commission shall be made by a two-thirds (2/3) vote of the entire members.
14 A member who is unable to appear at a meeting may vote by proxy. Four (4)
15 members shall constitute a quorum. All meetings shall be opened to the
16 public except in cases where an aggrieved party has requested a closed
17 meeting.

18 (d) Compensation. Members of the Commission shall serve
19 without pay but shall be reimbursed for reasonable and necessary expenses
20 incurred in the performance of their duties. If a member of the
21 Commission is currently employed in another post in the Government of the
22 Northern Mariana Islands he shall be granted leave with pay to attend to
23 the business of the Commission.

24 (e) Office; Budget. The Commission shall be given and maintain
25 an office at the government complex. The Chairman shall annually submit

1 (g) Personnel Office.

2 (1) There is established within the Civil Service
3 Commission a Personnel Office headed by a Personnel Officer, who shall be
4 appointed by the Commission with the advice and consent of the Senate, to
5 implement the personnel plans and policies of the Commission and to
6 conduct day-by-day Commonwealth personnel management functions; including
7 classification and recruitment, appointments, promotions and discipline,
8 public personnel labor relations, and related functions.

9 (2) The Personnel Officer shall direct and supervise all
10 the administrative and technical activities of the Office.

11 (3) Any appointee to the position of Personnel Officer
12 shall have at least a minimum of five (5) years of work experience in
13 personnel administration, and shall subscribe to the principles of the
14 merit system.

15 (4) Among other duties which may be assigned to him by
16 the Civil Service Commission, the Personnel Officer shall:

17 (a) Serve as the principal adviser to the Governor
18 and his staff on all matters concerning personnel administration;

19 (b) Administer the system of personnel
20 administration for the Executive Branch, Commonwealth Government;

21 (c) Formulate and recommend to the Commission
22 policies and regulations to carry out the provisions of this Act;

23 (d) Establish and maintain a roster of all persons
24 in the Government in which shall be set forth, as to each, the class of
25 position held; the salary or pay; any change in class, title, pay or

1 a request for allocation of funds for all necessary salaries, office
2 expenses, travel and per diem.

3 (f) Powers and Duties. The Commission shall represent the
4 public interest in assuring compliance with basic policy concerning
5 personnel administration and in insuring that the integrity of the system
6 is preserved. To this end, the Commission shall have the following powers
7 and duties:

8 (1) Prepare a comprehensive personnel management plan and
9 proposed personnel policies of the Commonwealth, which shall be
10 hereinafter referred to as the "Personnel Service System" and submit
11 copies thereof to the Governor and the Legislature. The plan and policies
12 shall be deemed approved, if not disapproved by the Legislature within
13 thirty (30) days following submission exclusive of the date of submission;

14 (2) Oversee the operation of the Personnel Office;

15 (3) Hear and decide appeals of employees for disciplinary
16 actions, for suspensions of more than three (3) working days, demotions
17 and dismissals from the Service. The Commission may utilize the services
18 of qualified hearing officers where such services are deemed essential by
19 the Commission. Hearings shall be public except when the appealing
20 employee requests a closed hearing;

21 (4) Administer oaths to witnesses in any matter pending
22 before the Commission; and

23 (5) Perform any other lawful acts required by law or
24 deemed by it to be necessary to carry out its duties under this Act.

25

1 status; and any other necessary data;

2 (e) Encourage and exercise leadership in the
3 development of effective personnel administration within the several
4 departments in the government and make available the facilities of his
5 department to this end;

6 (f) Foster and develop, in cooperation with management
7 officials and others, programs to promote the public service and to
8 improve employee efficiency;

9 (g) Develop and maintain an adequate position
10 classification plans and compensation plans in accordance with the
11 provisions of this Chapter;

12 (h) Develop adequate and reasonable selection instruments
13 and procedures for recruiting employees for the public service, and
14 determine when employees meet specific qualification requirements for
15 positions;

16 (i) Develop training programs for the improvement of
17 employee skills and the public service, and for the development of a
18 systematic career ladder for employees of the Government;

19 (j) Administer a program for staff housing for the
20 Commonwealth Government; and

21 (k) Perform any other lawful acts deemed by him to be
22 necessary to carry out the purposes and provisions of this Chapter.

23 Section 4. Exemptions.

24 (a) The System shall apply to all employees of and positions
25 in the Commonwealth Government now existing or hereafter established

1 except the following, unless this Act is specifically made applicable to
2 them.

3 (1) Employees and positions covered by the United States
4 Civil Service System, until and unless exempt by the United States Civil
5 Service Commission or by United States law;

6 (2) Persons or organizations retained by contract where
7 the Personnel Officer has certified that the service to be performed is
8 special or unique and nonpermanent, is essential to the public interest,
9 and that because of the degree of expertise or special knowledge required
10 and the nature of the services to be performed, it would not be practical
11 to obtain personnel to perform such service through normal public
12 service recruitment procedures;

13 (3) Positions of a temporary nature needed in the public
14 interest where certified by the Personnel Officer and when the need for
15 the same does not exceed ninety (90) days; PROVIDED, however, that in the
16 event of a major disaster declared by the President of the United States
17 or a disaster declared by the Governor, the Personnel Officer may extend
18 the 90-day period for a maximum of an additional one hundred eighty (180)
19 days for positions engaged in relief, repair, or rehabilitation as a
20 result of such disaster;

21 (4) Household and domestic employees at the official
22 residence of the Governor;

23 (5) Election inspectors, election clerks, and other
24 election employees;

25 (6) Persons appointed by the Governor to fill the

1 Executive positions;

2 (7) Positions specifically exempt by any other law of the
3 Commonwealth;

4 (8) Personnel presently under contract of employment not
5 included in Paragraph (2) of this subsection during the life of such
6 contract. No contract of employment shall be entered into, renewed, or
7 amended after the effective date of this Act, except subject to the
8 provisions hereof;

9 (9) Any position involving intermittent performance which
10 does not require more than forty (40) hours in any one (1) month;

11 (10) Positions of a part-time nature requiring the services
12 of four (4) hours or less a day but not exceeding one (1) year in
13 duration; and

14 (11) Positions of a temporary nature which involve
15 special projects having specific completion dates which shall not exceed
16 one (1) year.

17 (b) The Personnel Officer shall determine the applicability
18 of this Section to specific positions not expressly covered by this Act.

19 (c) Nothing in this Section shall be deemed to affect the
20 public service status of any incumbent, as it existed on the effective
21 date of this Act.

22 Section 5. Classification. Class titles shall be used to designate
23 positions in all official records, documents, vouchers, and
24 communications; and no person shall be appointed to or be employed in a
25 position in the Civil Service under any title which has not been approved

1 by the Commission.

2 Section 6. Appeals.

3 (a) Any person aggrieved by any action of the Personnel
4 Officer or management or who has been suspended, demoted, or dismissed
5 may appeal to the Civil Service Commission for redress pursuant to its
6 rules and regulations.

7 (b) If the Civil Service Commission, after a hearing, orders an
8 employee who has been demoted, dismissed or suspended reinstated, it may
9 reinstate the employee under such conditions as it deems proper.

10 Section 7. Position Classification Plan. All positions in the
11 Service shall be classified within a position classification plan, and
12 all persons holding such positions shall be compensated as provided by law.

13 Section 8. Adoption and Content of Regulations.

14 (a) Adoption. The Civil Service Commission shall prepare
15 reasonable rules and regulations to carry out the provisions of this Act.
16 Upon adoption by the Commission and approval by the Legislature, such
17 rules and regulations shall have the force and effect of law.

18 (b) Content. The rules and regulations shall:

19 (1) Regulate appointments, promotions, removals, and other
20 personnel matters;

21 (2) Contain uniform provisions covering the method and
22 manner of conducting examinations; on the job training programs; a uniform
23 performance evaluation system, including the manner in which ratings are
24 to be used in promotions; salary increases; suspensions and separations;
25 and position classification;

- 1 (3) Provide procedures for original appointment or
2 temporary appointment, promotion, transfer, the filling of vacancies,
3 leaves of absence, lay-offs, suspension, demotion, separation,
4 reinstatement, and re-employment;
- 5 (4) Provide for the establishment, maintenance,
6 consolidation, cancellation, and extension of eligibility lists and the
7 removal of names therefrom;
- 8 (5) Provide for the establishment of desirable standards
9 of training, experience, and other qualifications of applicants;
- 10 (6) Establish work test periods of not less than six (6)
11 nor more than twelve (12) months before appointees acquire permanent
12 Civil Service status;
- 13 (7) Establish procedures for grievance proceedings;
- 14 (8) Fix the procedure and the time within which appeals
15 must be taken and heard;
- 16 (9) Establish the method of certification of eligibles for
17 appointments or promotions. The appointing authorities shall be entitled
18 to the certification of not less than five (5) eligibles for each vacancy.
19 If more than one (1) vacancy is to be filled, an additional eligible shall
20 be certified for each additional vacancy. Special and different rules and
21 regulations may be established for unskilled labor lists, re-employment
22 lists, reinstatements, procedures for emergency, and provisional or
23 temporary appointments or promotion for a limited period where status in
24 the Civil Service is not obtained and certification is not required; and
25 (10) Prescribe conditions pursuant to which transfer of

1 employees between departments and other political subdivisions may be
2 made.

3 Section 9. Prohibitions.

4 (a) Discriminatory Practices. No person holding any position
5 in the Civil Service shall be favored or discriminated against on account
6 of age, race, sex, religion, political affiliation, or place or origin.

7 (b) Political Activities.

8 (1) No person in the Civil Service shall (a) use his
9 official authority or influence for the purpose of interfering with an
10 election or affecting the result thereof; (b) use his official authority
11 or influence to coerce the political action of any person or party;
12 (c) be obliged to contribute to any political fund or to render any
13 political service, nor shall he be removed or otherwise prejudiced for
14 refusing to do so.

15 (2) The foregoing prohibited activities shall not be
16 deemed to preclude the right of any person in the Civil Service to vote
17 as he chooses and to express his opinions on all political subjects and
18 candidates or to be a member of any political party, organization or
19 club. Any person in the Civil Service may make voluntary contributions
20 to a political organization for its general expenditures. "Contributions"
21 includes a gift, subscription, loan, advance, or deposit of money or
22 anything of value and includes a contract, promise, or agreement, whether
23 or not legally enforceable, to make a contribution.

24 (c) Other Prohibited Activities:

25 (1) No recommendation of any person who applies for

1 examination or appointment to any office or position under the provisions
2 of this Chapter which may be given by an elected official of the
3 Commonwealth, except as to the ability or character of the applicant,
4 shall be considered by any person in the giving of any examination or in
5 the making of any appointment under this Act;

6 (2) It shall be unlawful for any candidate for election
7 to any public office or for any public official or employee, any portion
8 of whose compensation is paid by the Commonwealth Government directly or
9 indirectly, to solicit or assess any contribution or assessment for any
10 political purpose whatsoever from any member in the Civil Service;

11 (3) No person shall, in any room or building occupied
12 in the discharge of official duties by any official or employee, solicit
13 in any manner whatsoever or receive any contribution of money or other
14 things of value from any official or employee for any political purpose
15 whatsoever;

16 (4) No public official or employee shall discharge,
17 promote, or demote; or, in any manner, change the status or compensation
18 of any other official or employee or promise or threaten to do so for
19 giving or withholding or neglecting to make any contribution of money or
20 other things of value for any political purpose whatsoever;

21 (5) No public official or employee shall directly or
22 indirectly hand over to any other official or employee any money or other
23 things of value on account of or to be applied to the promotion of any
24 political object whatsoever;

25 (6) No public official or employee shall discharge,

1 promote, demote; or, in any manner, change the status or compensation of
2 any other official or employee; or promise or threaten to do so because of
3 the political or religious actions or beliefs of such other official or
4 employee or for the failure of such other official or employee to take
5 any political action for any political purpose whatsoever or to advocate
6 or fail to advocate the candidacy of any person seeking an elective office;

7 (7) No person shall make any false statement, certificate,
8 mark, rating, or report with regard to any test, certification, or
9 appointment made under any provision of this Act nor commit or attempt to
10 commit any fraud preventing the impartial execution of any provision of
11 this Act and of the rules and regulations adopted hereunder; and

12 (8) No person shall, directly, or indirectly, give, pay,
13 offer, solicit, or accept any money, service, or other thing of value to
14 obtain any appointment, proposed appointment, promotion or proposed
15 promotion to, or obtain any advantage in, a position in the Civil Service.

16 (d) Certification of Payrolls.

17 (1) No disbursing or certifying officer shall make or
18 approve or take any part in making or approving any payment for personal
19 service to any person holding a position in the Civil Service or
20 otherwise employed under the provisions of this Act unless payroll
21 certification has been made by the Personnel Officer or his authorized
22 agent that the person named therein has been appointed and employed in
23 accordance with the provisions of this Act and the rules and regulations
24 adopted thereunder. The Personnel Officer may, for proper cause, withhold
25 payroll certification for any position or positions in the Civil Service

1 or for any other positions where the Personnel Officer's certification is
2 required under the provisions of this Act.

3 (2) If the Personnel Officer wrongfully withholds payroll
4 certification for a position in the government service held by any
5 employee, the employee may maintain a proceeding in the courts to compel
6 the Personnel Officer to certify such payroll.

7 (e) Wrongful Payments.

8 (1) Any citizen may maintain a suit to restrain a
9 disbursing officer from making any payments of any salary or compensation
10 to any person whose appointment or employment has not been made in
11 accordance with this Act and the rules and regulations in force
12 thereunder. Any sum paid contrary to the provisions of this Act and the
13 rules and regulations established thereunder may be recovered in an action
14 maintained by any citizen from any officer who made, approved, or
15 authorized such payment; or who signed or countersigned a voucher,
16 payroll, check or warrant for such payment or from the sureties on the
17 official bond of any such officer. The citizen bringing the action shall
18 be entitled to the costs of the suit including a reasonable attorney's
19 fee from any money recovered in such action. The balance of any sums
20 recovered shall be paid into the Commonwealth treasury.

21 (2) Any person who is appointed or is employed in
22 contravention of any provision of this Act or of the rules and
23 regulations thereunder and who performs services for which he is not
24 paid may maintain an action against the officer or officers who purported
25 so to appoint or employ him to recover the agreed pay for such services or

1 or the reasonable value thereof, if no pay is agreed upon. No officer
2 shall be reimbursed at any time by the government for any sum paid to such
3 person on account of such services.

4 Section 10. Preference. It is declared to be the policy of the
5 Commonwealth to encourage the professional, technical and skilled-trade
6 education and training of resident citizens in filling positions in the
7 government service whether by appointment, recruitment, or promotion.

8 Section 11. Severability. If any provision of this Act or any rule,
9 regulation, or order promulgated hereunder, or the application of any such
10 provision, rule, regulation or order to any person or circumstances shall
11 be held invalid, by a court of competent jurisdiction the remainder of
12 this Act or any rules, regulations or orders promulgated pursuant thereto
13 or the application of such provisions, regulations, rules or orders to
14 persons or circumstances other than those to which it is held invalid,
15 shall not be affected thereby.

16 Section 12. Effective Date. This Act shall take effect upon its
17 approval by the Governor, or upon its becoming law without such approval.

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disapproved
8/4/78
over-ruled
8/11/78

_____, 1978

Carlos S. Camacho
Governor
Commonwealth of the Northern Marianas