MARCH 15, 1975

TRUST TERRITORY OF THE PACIFIC ISLANDS HEADQUARTERS, SAIPAN, MARIANA ISLANDS

Volume 1 Number 9

Page 296-343



IN THE SPOTLIGHT

PROPOSED REGULATIONS Title 21 Aeronautics Chapter 1 Landing Fees and Parking Charges at Trust Territory Airports......i

Title 2 Territorial Government Chapter 3 Distribution and Collection of Outer Island Mail......iii

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register

The Territorial Register is dedicated to Mr. James Stanton, former Assistant Attorney General, who conceived the idea of a Territorial Register.

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CONTENTS BY AGENCY

The Territorial Register is editorially organized according to the Territorial or other agency issuing the documents published or having an immediate administrative or enforcement concern over them. Listing in these contents or publishing in the sections that follow in this manner is for public information and has no legal significance.

PROPOSED REGULATIONS

EXISTING REGULATIONS

Title 21	Title 61
Aeronautics	Public Employment
Chapter 1	Chapter 1
Landing Fees and Parking Charges at	Public Service System Regulations
Trust Territory Airportsi	(Regulation No. 1-74)
These remembers All ports	(Regulation No. 6-74)296
Title 2 Territorial Government Chapter 3 Distribution and Collection of Outer Island Mailiii	Title 63 Public Health Safety and Welfare Chapter 18 Trust Territory Health Services Board of Licensure340

RULES AND REGULATIONS

Rules and Regulations of Majuro (Laura) Municipality	
Alcoholic Beverage Control Board	35



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PROPOSED REGULATIONS

TITLE 21

AERONAUTICS

CHAPTER 1

LANDING FEES AND PARKING CHARGES AT TRUST TERRITORY AIRPORTS

PART 1. GENERAL PROVISIONS

1.1 Authority. These regulations are promulgated and issued by the Director of the Department of Transportation and Communications pursuant to the authority granted him by Public Law 6-37.

1.2 Purpose. The purpose of these regulations is to establish schedules of landing fees and parking charges for the use of facilities and services at Trust Territory airports.

1.3 Definitions. As used herein, unless the context otherwise requires, the term:

a. "Aircraft" means any contrivance used for flight in the air.

b. "Air Taxi" means scheduled air carrier not exceeding 12,500 lbs. landing weight.

c. "Commercial aircraft" means any aircraft used for transportation of persons and cargo for valuable consideration.

d. "Day" includes any fraction of a day over 3 hours.

e. "Department" means the Department of the Transportation and Communications.

f. "Director" means the Director of the Department of Transportation and Communications.

g. "District" means any district which does not have a District Airport Authority created pursuant to law.

h. "Flying Club" means an association of persons who, for a consideration of paying membership fees or dues, shall have the privilege of flying aircraft for recreational or training purposes.

i. "Maximum landing weight" means the maximum landing weight approved and authorized for the particular aircraft by the Federal Aviation Agency (FAA) or by authority for the place in which the aircraft is certified or registered.

j. "Operator" means the owner of an aircraft or a person authorized by the owner to operate it.

TERRITORIAL REGISTER, VOL. 1 NO. 9 - MARCH 15, 1975

k. "Person" includes any individual, firm, partnership, corporation, company, association, joint stock company, trust or government entity.

1. "Trust Territory airport" means any airport in the district owned and operated by the Trust Territory Government.

m. "Scheduled air carrier" means an operator authorized to operate commercial aircraft on scheduled basis at Trust Territory airports,

PART 2. LANDING FEES

2.1 Schedules. Except as provided for in Sechedules 2 and 3 below, the following landing fees shall be assessed for each aircraft landing at each of the Trust Territory airports:

SCHEDULE I

Type of aircraft	Charge per landing	Based on Maximum landing weight of
B-747	\$408.00	680,000 lbs.
DC10	231.60	386,000 lbs.
DC8–63, 63F	210.00	350,000 lbs,
-62, 62F	201.00	335,000 lbs.
-61, 61F	195.00	325,000 lbs.
B-707 120B	154.20	257,000 lbs.
B-720 B	133.20	222,000 lbs.
B-707B100	91.14	151,900 lbs.
B-727-100	85.50	142,500 lbs.
DC7 C,F	85.86	143,100 lbs.
DC6	55.20	92,000 lbs.
B-737-200	64.20	107,000 lbs.
DC9-10 Model 15	54.90	91,500 lbs.
DC4	43.80	73,000 lbs.
F-28	32.40	54,000 lbs.
Gulfstream	32.40	54,000 lbs.
DC3	16.14	26,900 lbs.

i

All Other Aircraft

For all other aircraft not specifically categorized in Schedule 1:

(a) Aircraft weighing 12,500 lbs. or more, a charge of \$0.60 per 1,000 lbs. of the maximum landing weight, computed to the nearest 1000 lbs. shall be assessed for each aircraft landing at each of the Trust Territory airports.

(b) Aircraft weighing less than 12,500 lbs., a charge of \$0.65 per 1,000 lbs. of the maximum landing weight, computed to the nearest 1000 lbs. shall be assessed for each aircraft landing at each of the Trust Territory airports.

SCHEDULE 2

Scheduled Air Carrier

Aircraft landing per	Per 1,000 lbs. of
month per airport	maximum landing weight

From 2–12	\$0.45
From 13–32	\$0.35
Over 33 landings	\$0.30

SCHEDULE 3

Air Taxi

Number of landings	Charges per 1,000 lbs.
per airport per week	of maximum landing weight

From 2–12	\$0.65
From 13-32	\$0.50
Over 33 landings	\$0.45

PART 3. PARKING CHARGES

3.1 Facilities and services. Parking charges for the use of facilities and services at Trust Territory airports shall be as follows:

a. Commercial aircraft with maximum landing weight of 6,000 lbs. or less:

Per day	\$ 1.00
Per Week	\$ 5.00
Per Month	\$15.00

b. Non-commercial aircraft with maximum landing weight of 6,000 lbs. or less:

Per Day	No Charge
Per Week	\$ 5.00
Per Month	\$15.00

c. Commercial and non-commercial aircraft with maximum landing weight of over 6,000 lbs.:

Per Day	\$0.15 pe	r 1,000 lbs.	(minimum \$1)
Per Week	\$0.70 pe	1,000 lbs.	(minimum \$5)
Per Month	\$2.50 pe	1,000 lbs.	

PART 4. EXEMPTIONS

4.1 The schedule of landing fees and parking charges at Trust Territory airports shall not apply to the following:

a. Aircraft conducting medical evacuation or any relief mission.

b. Aircraft engaged in search and rescue missions.

c. Aircraft forced to return to the airport after take off due to weather, mechanical trouble or other operating causes.

d. Aircraft operated by the Trust Territory Government.

e. United States military aircraft.

f. Aircraft operated by the United States Government agencies.

g. Diplomatic aircraft.

h. Aircraft ordered to return to the airport by government authorities.

i. Aircraft of 3,500 lbs. maximum landing weight or less when not engaged in commercial operations shall be exempted from landing fees only.

j. Unpowered gliders.

k. Aircraft used for flight training.

4.2 Only parking charges shall be paid by the following:

a. Aircraft owned and operated by flying clubs.

PART 5. PAYMENTS

5.1 District Airport Managers. The District Airport Managers shall be responsible for the collection of all landing fees and parking charges at Trust Territory airports. All landing fees and parking charges shall be payable to the Treasurer of the Trust Territory and collected by the Airport Manager prior to the departure of the aircraft. The Airport Manager shall deposit all monies collected with the District Finance Officer for credit to the Airport Revenue Fund.

. ii .

5.2 Credit Arrangements. Separate credit arrangement may be made with the Director of Transportation and Communications in lieu of direct payments as provided in Section 5.1 above.

PART 6. <u>REPORTS</u>

6.1 Submittal. Airport Manager shall submit to the Director a monthly report on landing fees and parking charges collected on a form approved by the Director.

PART 7. ENFORCEMENT OF PAYMENT

7.1 Utilization of Micronesian Police. The Airport Manager

may, in the event of the failure or refusal by the aircraft operator to pay the imposed landing fees or parking charges, request the District Administrator to utilize the District detachment of the Micronesia Police to detain the the aircraft until payment is obtained.

PART 8. OVERTIME PAYMENT FOR GOVERNMENT OFFICERS

8.1 When and in the event that an air carrier requires the services of an officer from Immigration, Agriculture Quarantine, Revenue or Health after regular and usual working hours, the air carrier shall be responsible for the payment of the overtime costs for such service.

PROPOSED REGULATIONS

TITLE 2 TERRITORIAL GOVERNMENT

CHAPTER 3

DISTRIBUTION AND COLLECTION OF OUTER ISLAND MAIL

PART 1. GENERAL PROVISIONS

1.1 Authority. These regulations are issued by the High Commissioner in accordance with Public Law No. 6-25, dated April 9, 1975.

1.2 Effective Date. These regulations shall become effective on final publication in the Territorial Register. 1.3 Purpose. The purpose of these regulations is to safeguard the transmittal of outer-island mail and to insure speedy and dependable distribution and collection of mail in the outer-islands.

PART 2. COLLECTION AND DISTRIBUTION OF OUTER-ISLAND MAIL

2.1 Central collection point. The District Administrator, by an administrative order, shall designate a central point for collection and distribution of all outer-island mail in the district center. This order shall be posted is suitable public places for the information of the general public.

2.2 Person designated for transporting the mail. The Field Trip Officer on each field trip vessel is designated as the person responsible for transporting the mail, with appropriate care for its safe delivery, to its final destination. In the absence of the Field Trip Officer, the master of the vessel shall be responsible for the safety of the mail.

2.3 Designation of outer-island official responsible for mail distribution and collection. The District Administrator shall designate a person on each outer-island to be responsible for the collection and distribution of the mail.

TITLE 61 PUBLIC EMPLOYMENT CHAPTER 1 PUBLIC SERVICE SYSTEM REGULATIONS

(Release 1-74)

TABLE OF CONTENTS

		Part
PURPOSE AND SCOPE		1
Purpose		1.1
Application		1.3
Employment Contract Appointees		1.4
Limitations	••••••	.1.5
ORGANIZATION AND ADMINISTR	RATION	2
	•••••••••••••••••••••••••••••••••••••••	2.1
The Tour Templeon Researed Dec.	d	

Limited-Term Appointments Provisional Appointments Employment Contract App Emergency Appointments Probationary Appointments	pintments	•••		•••	· · · ·		 • •		 		•••	•••	:	•••	•	•	 :	•••	5.1	.9 10
OUTSIDE EMPLOYMENT Off-Duty Activities Activities Within the Pub Violation Penalties	AND OT	HER	A (: TI V	nTI	ES 	 •	•••	 	 		•••					 	•		.6 5.1 5.2

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

iii

PV-1401-0000																
EXAMINATIONS																3.1
Accountability of Position																
Examination Announcement Content of Examination	Announcem	ents														3.4
Period of Announcement Continuous Examinations																
Promotional Examinations																
Open-Competitive Examinat Non-Competitive Examinat																
Content of Examinations																
Security of Examinations	••••••												• • •	• •		. 3.11
Admission to Examination Disqualification of Applica																
Notification of Acceptance	te for Exam	ninatior	n												••	. 3.14
Conduct of Examinations Cancellation of Examinati																. 3.15
Rating of Examinations					• • •						:					. 3.17
Reviews of Examination Changes in Rating																
Certification from Eligible	Lists															. 3.20
Physical Examinations Medical Examinations	• • • • • • • •	• • • • •	• • • •	•••	: • •	•••	• • •	•••	• • •		• •	•••	•••	•••	••	. 3.21
Administration of Physica	and Medi	ical Ex	amine	tion											::	. 3.23
ELIGIBLE LISTS																
Establishment of Eligible	Lists											• • •				4.1
Duration of Eligible Lists																
Order of Use of Eligible Reemployment Lists											ι.	• • •		· • •	• • •	4.4
Promotional Lists												•••				4.5
Open Competitive List . Procedure When Eligivles																
Removal of Names from	Eligible Li	sts														4.8
Departmental Promotional	Requests	••••	••••	• • •	•••	•••	•••	•••	•••	•••	•••	•••	•••	•••	• •	4.9
CERTIFICATION AND AP																
Certification of Eligibles Selective Certification	••••	••••		•••	••	•••	• • •	•••	•••	•••	••••	•••	•••	•••	••	5.1
Types of Positions and J																
Permanent Positions Limited-Term Positions .																
Other Positions																
Permanent Appointments									• • •	•••		•••				5.7
A Suggestion Award	 ard	••••	• • • •	•••	• •	•••	•••	••	• • •	•••	•••	•••	•••	••	•••	
A Special Act or Service	Award .							· • •			• •					11.6
Documentation Incentive Awards Commit																
Award Scale																11.9
Honorary Awards		••••		•••	• • •	•••	•••	••	•••	••••	•••	•••	•••	••	•.••	, 11.10
DVERSE ACTION															•••	12
Action Covered Authority to Take Advers	se Action	••••	• • • •	• • •	• • •	•••	•••	•••	•••	•••	•••	•••	•••	•••	•••	
Employee Coverage	:															12.3
Merit of Adverse Action Procedures for Taking Ad																
Content of Proposed Adv	erse Action	n Lette	ar													12.6
Preparation and Review of Delivery of Notice of Pre-	oposed Adv	Action	Lett	er .			:::				::	•••	2	::	•••	12.7
Duty Status													,			12.9
Request fo; Continuancy Consideration Before Mar	of the Dat	e Set	for the	he E	mpk	oyee'	8	Pre	senta	tion	of	His	Po	litio	n	. 12.10
Receipt and Preservation	of Employ	yee's E	viden	ce .											• •	. 12.12
Notice of Decision																
Appeals	• • • • • • •	••••	•••	•••	• • •	•••		•••	•••	•••	•••		•	•••	•••	. 12.14
APPEALS TO THE PERS	ONNEL BO	DARD			•••	•••	•••	• • •	••••		••	• • •	• •	• •	• •	13
Purpose											• •				• •	13.2
Denial of a Hearing													Ξ.			13.3
Employee Appeal Official Time to Prepare	an Appea	1	· · ·	· · ·				· · ·		•••		· · ·	•••		•••	13.4
Freedom from Reprisal	or Interfere	nce .												• •	• •	13.6
Employee Representation Government Representation	on	• • • •	•••	:::	:::			•••	:::			· · ·		::	::	13.7
Appeal File														·		13.9
Preparation for Hearing Procedural Defects	• • • • • • •	• • • •	•••	•••	· · ·	••••	•••	•••	•••		•••	•••	•••	•••	::	. 13.10
Status of Employee Dur	ing the Ap	peal P	eriod	•••									•••	•••		. 13.12
GRIEVANCES											4.	. 4				14
Employee Coverage																14.1
Grievance Coverage Matters Not Covered																
Right to Seek Advice .																14.4
Informal Grievance Proce Formal Grievance Proced	sdure hure		•••	•••	•••	• • • •	•••	•••	•••	• • •	••	•••	•••	••	· ·	14.5
POLITICAL ACTIVITIES	• • • • • • •	• • • •	•••		•••	• • •		•••	• • •	• • •	•••		• •	••	• •	15
Rights of Employees Prohibitions																15.2
Penalty																
POSITION CLASSIFICATI	ON															16
General														••	••	16.1
Definitions			•••	•••	•••	• • •	•••	•••	•••	• • •	•••			::		16.2
Definitions																16.3 16.4
Definitions									· · ·			 				16.3

HOUSING	7
Palian	71
Elizibility for Housing	7.2
Responsibilities	7.3
Criteria for Assignment	7.4
Review of Housing Assignment	7.5
Maintenance and Repairs of Government Housing	7.6
Leased Housing Fund Account	7.7
Housing Allowance	/.8
Temporary Lodging Allowance	7 10
Check-In and Check-Out Procedures	7 11
Certification of Housing Availability	
Continuation of proceeding Avenue and a second se	
TRAINING AND EMPLOYEE DEVELOPMENT	8
Policy	8.1
Definitions	8.2
Responsibilities	8.3
Coverage	8.4
External Training	8.5
Payment of Costs	8,6
Support for Training	. : .8.7
Coordination With United States Federal Programs	
Evaluation of Training	8.9
TERMINATION OTHER THAN FOR CAUSE	9
Resignation	9.1
Termination for Medical Reasons	9.2
Reduction-in-Force	9.3
Exit Interview	
PERFORMANCE EVALUATION	
Purpose	1.01
Coverage	10.2
Due Dates	. 10.4
Categories of Ratings	10.5
Impact of Ratings	10.6
Review	10.7
INCENTIVE AWARDS	
Purpose of Program	11.1
Contributions and Award Categories	11.3
Responsibilities of Management Officials and Supervisors	
Effective Date	
COMPENSATION	17
General	17.1
Compensation Plan	17.2
Definitions	17.3
Initial Appointments	
Detail	176
"Acting" Assignment	177
Temporary Promotion	17.8
Demotion	
Transfer	. 17.10
Effect on Service Anniversary Date	. 17.11
COMPENSATION ADJUSTMENT FOLLOWING PERSONNEL ACTIONS	
Reallocation of Position	
Effective Date of Reallocation	
Reassignment of a Class to a Different Pay Level	
Other Compensation Provisions:	. 18.4
Within-Grade Increase	18.4a
Merit Increases	18.4b
Overtime Compensation and Control	. 18.4c
Holiday Pay	. 18.4d
Hazardous Work	. 18.4e
Harship Post Differential	. 18.4f
Night Work	. 18.4g
Standby Differential	. 18.4h
Transfer Allowance - Fer Diem	18.5
Housing Allowance	19.30(1)
Temporary Lodging Allowance	. 18.7
LEAVES OF ABSENCE	19
Purpose	19.1
Kinds	19.2
Leaves With Pay:	19.3
Maximum Accumulation	10.25
Non-Trust Territory Citizen Employees	19.34
Sick Leave	19.3d
Leave Advance	19.3e
Training and Education Leave	19.3f
Compassionate Leave	19.3g
Excused Absence (Administrative Leave)	19.3h
Military Leave Leaves Without Pay:	. 19.3i
Maternity Leave	10.4
Training and Education Leave	10.41
Annual (Vacation) or Sick Leave	10.4-
Unsuthorized Leave	10.6
Responsibilities	. 19.6

TERRITORIAL REGISTER, VOL. 1 NO. 9 - MARCH 45, 1975

iv

TITLE 61

PUBLIC EMPLOYMENT

CHAPTER 1

PUBLIC SERVICE SYSTEM REGULATIONS (Regulation No. 1-74) (Regulation No. 6-74)

PART 1 PURPOSE AND SCOPE

1.1 <u>Purpose</u>. These regulations implement the provisions of Trust Territory Code, title 61, and subsequent amendments thereto, which establishes a Public Service System in the Executive Branch of the Government of the Trust Territory of the Pacific Islands. The Public Service System shall be a career service, based on merit principles, and free from coercion, discrimination, reprisal, or political influence. It shall be designed to attract, select, and retain the best individuals available, with incentives for competent and loyal employees, and a means to eliminate unnecessary and inefficient employees. The Public Service shall, at all times, provide efficient and impartial service to the public, the employees, and to management.

1.2 <u>Coverage</u>. These regulations apply to all employees and positions in the Executive Branch of the Trust Territory Government, and all personnel services performed for the Executive Branch, with the following exceptions:

a. Employees and positions covered by United States Civil Service appointment.

b. Household and domestic employees at the official residence of the High Commissioner.

c. Members of any board, public corporation, commission, or other agency appointed by the High Commissioner or required by law to be confirmed by the Congress of Micronesia.

d. Election clerks, inspectors, or other election employees.

e. Positions filled by inmates, patients, and students of Trust Territory institutions.

f. Non-permanent services rendered by contractors such as engineering and construction firms, consultants of various kinds, and others.

g. Temporary services not exceeding ninety (90) days; provided that if such services are in connection with national disasters, they may be extended for an additional one hundred and eighty (180) days.

h. Persons appointed by the High Commissioner to fill the positions of Executive Officer, Special Consultants and Assistants, Attorney General and his Deputy, Program and Budget officer and his Deputy, Department Directors and their Deputies, and District Administrators and their Deputies. i. Persons appointed by the President of the United States or the Secretary of the U.S. Department of the Interior.

j. Persons specifically exempted by any other Trust Territory law.

k. The Director of Personnel shall determine the applicability of this Part to specific positions not expressly covered by Trust Territory Code, Title 61.

1.3 <u>Application</u>. All matters concerning the classification and compensation of positions and the employment, conduct, assignment, training, performance, and separation of employees in the Public Service System shall be governed by applicable regulations and shall be applied equitably to all.

1.4 Employment Contract Appointees. Persons holding Employment Contract appointments, as provided for in Sub-Part 5.10 of these regulations, are not subject to the following provisions: Sub-Parts 3.3 - 3.21, Part 4, Sub-Parts 5.1 - 5.9 and 5.11 - 5.12, Sub-Part 9.3, and Sub-Parts 19.3a and 19.3b. (6-74)

1.5 <u>Limitations</u>. Preference in employment and training will be given to Trust Territory citizens. United States citizens shall be employed only when qualified Trust Territory citizens are not available. The Director of Personnel may approve the employment of third-country nationals when neither qualified Trust Territory citizens nor United States citizens are available and when such employment is clearly in the interest of the Trust Territory Government.

PART 2 ORGANIZATION AND ADMINISTRATION

2.1 <u>The Director of Personnel</u>. The provisions of TTC, Title 61, and these regulations shall govern the administration of the Public Service System. Subject to these regulations and laws, the Director of Personnel shall:

a. Direct and supervise all of the administrative and technical activities of the Department of personnel.

b. Administer the system of personnel administration for the Executive Branch of the Trust Territory Government.

c. Act for the High Commissioner in the exercise of his appointing authority, to include the determination of qualifications required for all positions, whether employees or potential employees meet minimum qualifications required, and the appropriate compensation for all positions in the Executive Branch of the Government.

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

d. Advise the High Commissioner and his staff on all matters concerning personnel management and administration, employee training, and staff housing.

e. Formulate and recommend to the Trust Territory Personnel Board, policies and regulations to carry out the provisions of TTC, Title 61.

f. Cooperate fully with and attend, or arrange for a qualified representative to attend all meetings of the Personnel Board and advise the Personnel Board on technical matters as required.

g. Encourage and exercise leadership in the development of effective personnel administration within the Departments and Districts of the Government and make available the facilities of the Personnel Department to this end.

h. Foster and develop, in cooperation with management officials, programs to promote the Public Service System and to improve employee efficiency.

i. Develop and maintain an adequate position classification and pay plan.

j. Administer recruitment and examination programs and determine when employees meet specific qualification requirements.

k. Provide advice and assistance to management on matters concerned with the administration of employee discipline, as well as in the processing of grievance and appeal actions.

1. Develop training programs for improvement of employee skills.

m. Administer a staff housing program at the Headquarters level.

n. Establish and maintain records of personnel employed in the Public Service System.

o. Perform any other activities deemed necessary to assure promotion of a merit system.

2.2 <u>The Trust Territory Personnel Board</u>. Appointed by the High Commissioner and confirmed by the Congress of Micronesia, the Personnel Board shall represent the public interest in matters concerning the Public Service System. Subject to the provisions of TTC, Title 61, and these regulations, the Personnel Board shall:

a. Participate in the formulation of personnel policies and regulations.

b. Develop and establish a system for the handling of grievances.

c. Act as an appellate body to hear and decide appeals of employees from disciplinary actions such as demotions, suspensions for more than three working days, and dismissals from the Public Service System.

d. Give general surveillance over personnel administration in the Trust Territory Government. In this connection, the Personnel Board has investigative authority.

e. Promote public interest in the Trust Territory Public Service System.

f. Perform any other lawful acts deemed necessary in order to fulfill their responsibilities.

PART 3 EXAMINATIONS

Based on the needs of the Government, the Director of Personnel shall administer recruitment programs designed to attract fully-qualified applicants for the Public Service System. Competitive selection procedures shall be used to the maximum extent practicable.

3.1 <u>Authorized Positions</u>. No person shall be appointed to any position not exempt from the Public Service System until and unless that position has been properly established, classified, and authorized for recruitment.

3.2 Accountability of Positions. A list of all authorized positions shall be maintained by the Director of Personnel showing the classification and current status of each such position. Changes in the authorized quota of positions for each Department or District shall not be made without the approval of the High Commissioner or his designated representative.

3.3 <u>Examination Announcements</u>. As vacancies occur or are anticipated, examinations for recruitment shall be announced and posted in Headquarters and District Personnel Offices and shall be given the widest publicity justified for the vacancy.

a. Radio, newspapers, and other forms of media shall be used whenever practicable.

b. Department Heads and District Administrators shall make every effort to bring announcements to the attention of all personnel under their jurisdiction by providing copies to the various units of their offices and islands.

c. The Director of Personnel shall determine the coverage of examination announcements based on the availability of skills within the area in which a vacancy is located.

d. With the exception of promotional examinations, all examinations shall be open to the public. Admission to all examinations shall be conditioned by appropriate standards of health, physical condition, age, education, training, experience, and character as are deemed necessary by the Director of Personnel.

3.4 <u>Content of Examination Announcements</u>. Announcements shall contain, at least, the following information:

a. Class title of position.

b. Salary and pay level.

c. Brief description of duties and responsibilities.

d. Geographical and organizational location of the position.

e. Qualifications required for admission.

f. Opening and closing dates, and place to file applications.

g. Any other information considered by the Director of Personnel to be valuable to the attraction of candidates for the position.

3.5 <u>Period of Announcement</u>. Examination announcements on a competitive basis shall be open for at least fifteen (15) calendar days. However, the Director of Personnel may extend the period for receipt of applications, at his discretion, providing such extensions are announced in the same manner as the original announcement.

3.6 <u>Continuous Examinations</u>. When difficulty is experienced in attracting sufficient numbers of qualified applicants for vacancies in the Public Service System, the Director of Personnel may announce a continuous examination. Notice of closing of a continuous examination shall be posted at least fifteen (15) calendar days prior to the final closing date for such examination.

3.7 <u>Promotional Examinations</u>, Promotional examinations are restricted to permanent employees in the Public Service System. Announcements to fill vacancies by promotion shall be distributed in the same manner as other examination announcements. However, the Director of Personnel may restrict eligibility for participation in an examination to a particular Department or District if the position to be filled is of a nature peculiar to that Department or District.

3.8 Open-Competitive Examinations. Examinations shall be open-competitive whenever the Director of Personnel determines that they are in the best interests of the Public Service System. Announcement of open-competitive examinations shall be posted, and applications may be filed for a period of at least fifteen (15) calendar days prior to holding the examination.

3.9 <u>Non-Competitive Examinations</u>. Non-competitive examinations shall be administered for positions requiring special qualifications and training which do not admit of competition, or when there are less qualified applicants than vacancies.

3.10 <u>Content of Examinations</u>. Examinations shall be practical and reasonable and shall provide for ascertaining the qualifications of applicants and their relative capacity and fitness for the proper performance of duties in the class of position for which they are applying. Any accepted method of examining may be used, including verification and evaluation of education, training, aptitude and character of applicants, and any other accepted examining device deemed appropriate by the Director of Personnel.

3.11 Security of Examinations. Examinations shall be administered and maintained under conditions affording maximum security at all times. All precautions shall be taken to safeguard the confidential nature of examination questions and related documents. Information concerning the nature and content of tests shall not be divulged to any person prior to the examination. Unauthorized disclosure of examination material shall be cause for disqualification from employment in the Public Service System or for dismissal from the Public Service System. The identity of examination candidates shall be kept confidential, through appropriate means, during the entire examination process until the completion of the scoring process. The substitution in an examination of a different person for an accepted applicant is considered, for both parties, unauthorized disclosure of examination material. Cheating by a candidate and assisting another candidate to cheat shall be considered unauthorized disclosure of examination material.

3.12 <u>Admission to Examinations.</u> Applications for examination shall be made on forms prescribed by the Director of Personnel. Proper completion of applications and submission of supplemental information shall be accomplished in accordance with the examination announcement and established procedures. Applications shall be signed and such signature shall certify to the truth of all statements contained therein. A false answer or statement shall be grounds for denying admission to the examination, removal from the Public Service if employed prior to the discovery of a false answer or statement. The Director of Personnel shall designate persons in the Districts and at Headquarters as authorized to accept applications. Applications for specific positions shall be accepted only during the period specified on the examination announcement. Applications submitted by mail shall be postmarked no later than the announced closing date. Late applications will not be accepted unless approved by the Director of Personnel because of unusual circumstances. Such determinations shall be made a matter of record and similar circumstances in other examinations shall be treated equally.

3.13 <u>Disqualification of Applicants</u>. The Director of Personnel may refuse to examine an applicant for any of the following reasons:

a. Failure to meet the minimum qualification requirements for admission to the examination.

b. Unsatisfactory physical or mental health conditions.

c. Habitual or excessive use of drugs, narcotics, or intoxicating beverages.

d. False statements, or attempting to practice deception or fraud in his application.

e. Failure to file for examination within the dates specified by the examination announcement.

f. Criminal, infamous, dishonest, immoral, or notoriously

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

disgraceful conduct detrimental to the performance of duties of the position for which he has applied.

Applicants who do not meet the minimum qualifications or who are disqualified for any of the reasons noted above shall be notified as soon as practicable. If an applicant is disqualified following placement on an eligible list, his name shall be removed from the eligible list, and if appointed from that eligible list, he shall be terminated.

3.14 Notification of Acceptance for Examination. Each applicant who has been accepted shall be given sufficient advance notice of the date, time, and place of examination; inclusion of the requisite information on the examination announcement meets this notification requirement. No applicant shall be entitled to take an examination at a date, time, or place other than that stated in the notification, unless specifically authorized by the Director of Personnel. The Director of Personnel shall not be responsible if a notice is lost in the mails or sent to an applicant's former address through failure of an applicant to report a change of address. Where mail service is not adequate to meet these notification appointments, oral notification in person by telephone or by radio may be given if the foregoing time and content provisions are met, and if such oral notification is properly documented.

3.15 <u>Conduct of Examinations</u>. The Director of Personnel shall appoint a representative to administer the examinations at the time and place designated in the notification of acceptance for examination or the examination announcement.

3.16 Cancellation of Examinations. Examinations may be cancelled at any time by the Director of Personnel if there is no longer need for eligibles covered by the examination or if the examination no longer meets the expressed requirements of the Government.

3.17 <u>Rating of Examinations</u>. Appropriate scientific and statistical techniques and procedures shall be used in scoring and rating examinations, and determining the relative ranking of candidates on competitive examinations. The final rating required to pass an examination shall be set by the Director of Personnel who may also set minimum ratings for each part of the examination. The final earned ratings of each candidate shall be determined by combining the earned ratings of each part of the examination in accordance with the weights established for each such part.

3.18 <u>Reviews of Examination Results</u>. Any applicant may request a review of his rating within ten (10) calendar days following the notification of examination results. Such request for review shall be addressed to the Director of Personnel who shall comply with the request and make whatever changes, if any, the facts warrant.

3.19 <u>Changes in Rating.</u> Changes in rating may be made as a result of correction of errors in the scoring or rating process, or as a result of a request for review wherein the facts warrant a change. Correction of errors shall be applied equally to all

participants. An amended notice of rating shall be reported to all applicants affected by such change in rating. If a correction results in non-passing for an employee already appointed from that eligible list, that employee shall be terminated from the position to which appointed.

3.20 <u>Certification from Eligible Lists.</u> Appointments and promotions in the Public Service System shall be made from certified eligible lists resulting from examinations, except as otherwise provided by these regulations.

3.21 <u>Physical Examinations.</u> Physical examinations may be required of applicants and employees of the Public Service System where physical condition requirements are necessary for the proper performance of assigned duties. Such examinations shall provide a means for recommendations to be made by the medical examiner as to whether the individual concerned is physically qualified for the position for which recruitment is being conducted. The Director of Personnel shall notify persons when such examinations are required.

3.22 <u>Medical Examinations</u>. Medical Examinations are required by all employees prior to entry on duty. Such examinations shall provide a means for determining that the individual concerned is free from any present or potential medical conditions adverse to performance of his duties, other employees, and membership in the Public Service System.

3.23 <u>Administration of Physical and Medical Examinations</u>, Physical and medical examinations shall be administered by medical personnel authorized by the Trust Territory Government to conduct such examinations for employment purposes, and shall be recorded on forms prescribed by the Director of Personnel. Trust Territory citizen applicants or employees of the Public Service System are provided such examinations, free of charge, at the medical facilities of the Trust Territory Health Services Department. Expatriate contract employees of the Trust Territory Government are reimbursed for costs of such examinations required at time of recruitment.

PART 4 ELIGIBLE LISTS

4.1 Establishment of Eligible Lists. Employees in the Public Service shall be selected from employment lists, hereafter refer to as eligible lists, established and maintained by the Director of Personnel. Except for reemployment lists, candidates shall be placed on eligible lists in the order of qualifying grades on the examination. The list shall be designated as an "eligible list" for that class of position and shall be considered "established" upon approval of the Director of Personnel.

4.2 <u>Duration of Eligible Lists</u>. The life of an eligible list, other than the reemployment list, shall be for a period of one (1) year, unless extended by the Director of Personnel. An eligible list may be extended up to one (1) year beyond its original expiration date. No person shall be retained on an eligible list beyond the period of extension of the original list. When an eligible list is reduced to an insufficient number of eligibles, a new list may be established through appropriate examination. Remaining eligibles shall be combined with those on the new list for the remainder of the term of the original list. An open examination eligible list and a promotional examination eligible list shall not be combined. A competitive examination eligible list and a non-competitive examination eligible list shall be combined only as a non-competitive eligible list. If an eligible candidate successfully participates in a subsequent competitive examination and the resulting eligible list is combined with that of a previous competitive examination eligible list bearing his name, that eligible candidate shall elect to have his name retained on a combined list, either at the position and for the remainder of the term of the original list or of the subsequent list, but not at both positions.

4.3 <u>Order of Use of Eligible Lists</u>. The following order shall be followed in the use of eligible lists:

a. Reemployment List.

b. Promotional List.

c. Open-Competitive List.

4.4 <u>Reemployment List</u>. Any person who has held a permanent position in the Public Service from which he has resigned in good standing or who has been demoted or terminated through reduction-in-force, shall be permitted to have his name placed on a reemployment list, providing he so requests in writing to the Director of Personnel. The name of such person shall be placed on the reemployment list for the same or related class of position as he last held under a permanent appointment.

Names shall be arranged on the reemployment list in the chronological order of their separation. Names shall be removed from the reemployment list at the expiration of three (3) years from the date of separation, or sooner if the individual is reemployed in a position at the same or higher pay level as that he formerly held in the Public Service System.

4.5 <u>Promotional List</u>. Only persons in the Public Service who have completed their probationary period and have passed the requisite promotional examination may be placed on a promotional list. The Director of Personnel may confine a promotional list to persons of one Department or District if their work is of a nature peculiar to that Department or District. A promotional list shall be certified by the Director of Personnel only after it has been determined that a qualified candidate is not available through the reemployment list.

4.6 Open Competitive List. The Director of Personnel shall prepare an eligible list after each open-competitive examination. Such list shall place all persons thereon, with passing grades, in the order of their final ratings. In the event two or more applicants have identical ratings, their names shall be placed, according to their scores, on the most heavily weighted portion of the examination. If all portions are identical, the receipt time of their applications will determine priority. An open-competitive list shall be certified by the Director of Personnel only after it has been determined that a qualified candidate is not available through promotional examinations, or through the reemployment list. 4.7 Procedure When Eligibles are Required. Whenever eligibles are required, the Director of Personnel shall:

a. Prepare the Examination Announcement.

b. Administer the Examination.

c. Establish an eligible list, as determined by the examination.

4.8 <u>Removal of Names from Eligible Lists.</u> The Director of Personnel may remove the name of any person who has been disqualified under Sub-Part 3.13 of these regulations. The name of any person may also be removed if:

a. The person is appointed from that list to a permanent position in the Public Service.

b. The eligible candidate fails to respond within fifteen (15) calendar days from the date of dispatch of an inquiry as to availability for employment; provided that his name may be restored for reasons deemed sufficient by the Director of Personnel.

c. In the case of promotional lists, termination of service in the Public Service System occurs.

d. The eligible voluntarily withdraws.

e. There is evidence of physical or mental unfitness to perform the duties of the position, as indicated by appropriate medical examination.

f. The eligible fails to report for duty within the time prescribed by the selecting official.

g. The eligible is found to be no longer qualified to perform the duties required of the class of position.

4.9 Departmental Promotional Requests. A management official, wishing to fill, by promotion, a vacant permanent position in his department, may request the Director of Personnel to provide the name of the employee who shall be promoted. The Director of Personnel shall identify and ascertain:

a. All employees of that department with permanent appointments at lower pay-level positions in the same or related position class series as the vacant position.

b. Which of those employees meet the minimum qualification standards of the vacant position.

c. Their length of service in the Public Service.

d. If he is a Trust Territory citizen.

The Director of Personnel shall then certify to the requesting management official the name of the qualified Trust Territory citizen with the longest public service; if there is no qualified Trust Territory citizen, then the name of the qualified non-Trust Territory citizen with the longest public service shall

be certified. If the management official so wishes, in the original instance, he may request the Director of Personnel to announce a promotional examination limited to that department. The Director of Personnel shall make his determination in accordance with Sub-Part 3.7.

PART 5 CERTIFICATION AND APPOINTMENT

5.1 <u>Certification of Eligibles</u>. For the purpose of filling vacancies in the Public Service, Department Heads and District Administrators shall request a list of eligibles from the Director of Personnel, unless they elect to fill a position by transfer or demotion. Requests for eligibles shall be made on forms prescribed by the Director of Personnel, and shall clearly identify the position to be filled, including its position number. The Director of Personnel shall respond to such request by certifying from the appropriate eligible list the five (5) highest available eligibles, or such lesser number as are available.

No person shall report to work nor receive a salary unless he has been previously certified on an appropriate eligible list by the Director of Personnel, or his authorized representative, and selected by a Department Head or District Administrator.

5.2 <u>Selective Certification</u>. Where the Director of Personnel determines that a position has a special requirement which is not a general qualification requirement for that class of position, he may certify from the appropriate class eligible list those eligibles who meet that specific requirement.

5.3 <u>Types of Positions and Appointments</u>. All positions in the Public Service shall be identified in the records of the Personnel Department as either permanent or limited-term, or such other status as is authorized by law.

5.4 <u>Permanent Positions</u>. A position which is established based on the continuing needs of the Government, and which is authorized to last longer than one (1) year, shall be identified as a permanent position.

5.5 <u>Limited-Term Positions</u>. A position that is authorized to last up to one (1) year shall be identified as a limited-term position.

5.6 <u>Other Positions</u>. Positions which are exempt from Trust Territory Code, Title 61, and therefore not in the Public Service, shall be clearly identified according to the appropriate Sub-Part of the law, for record purposes.

5.7 <u>Permanent Appointments</u>. An employee who has been appointed to a permanent position and who has satisfactorily completed his initial one (1) year probationary period shall hold a permanent appointment in the Public Service and is entitled to the full benefits of these regulations. Permanent appointment may be part-time employment which has less than full-time employment with a regularly scheduled tour of duty.

5.8 Limited-Term Appointments. A person who is appointed to a limited-term position shall hold a limited-term

appointment and shall not be entitled to all the benefits provided a permanent employee except Workmen's Compensation, Social Security, and annual leave if appointment is for more than ninety (90) days, sick leave, holiday pay, and overtime. Limited-term appointments shall fall under one of the following groups:

a. Full-time Appointment. A full-time appointment has a regularly scheduled tour of duty.

b. Part-time Appointment. Less than full-time employment with a regularly scheduled tour of duty.

c. Intermittent. Employment on an "as needed" basis as determined by the needs of the Government.

All persons receiving limited-term appointments shall be required to meet the minimum qualification requirements of the class of position to which appointment is sought.

5.9 <u>Provisional Appointments</u>. When there is no appropriate eligible list, a management official such as a Department Head or District Administrator may request the filling of a position by provisional appointment. Such appointment shall be limited to a period of ninety (90) days, pending the establishment of an eligible list. However, the Director of Personnel may extend a provisional appointment for an additional ninety (90) days if an examination fails to make available a qualified eligible.

All persons receiving provisional appointments shall be required to meet the minimum qualification requirements of the class of position to which appointments are sought.

5.10 Employment Contract Appointments. Employees hired because of the unavailability of qualified Trust Territory citizens shall be employed under contract, as permitted under Section 10(18) of Trust Territory Code, Title 61, and Sections 10(2)(b) and 10(3) of Trust Territory Code, Title 61.

5.11 <u>Emergency Appointments.</u> The Director of Personnel may authorize an emergency appointment as follows:

a. When a serious emergency exists.

b. To prevent the stoppage of essential public business.

c. When it is not practicable to ascertain whether there is an eligible list.

d. The period of authorization shall not exceed ten (10) working days.

Such an emergency appointment may be extended by the Director of Personnel if the Department or District concerned so requests in writing, when the cause is determined to be good and sufficient, and the extension does not exceed twenty (20) additional working days.

All persons receiving emergency appointments shall be required to meet the minimum qualification requirements of the class of position to which appointments are sought.

5.12 Probationary Appointments. An appointee, not a permanent employee of the Public Service, appointed to a permanent position from an eligible list resulting from an open examination, shall hold a probationary period of one (1) year from the beginning of his initial employment in the Public Service before his probationary appointment may be converted to a permanent appointment.

PART 6 OUTSIDE EMPLOYMENT AND OTHER ACTIVITIES

6.1 Off-Duty Activities. No employee in the Public Service shall engage in outside employment or other outside activities not compatible with the responsibilities of his office or position, or as prohibited by law. Employees shall not accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value which would result in:

a. Use of public office for private gain.

b. Affording preferential treatment to anyone.

c. Loss of efficiency or economy to the Government.

d. Loss of independence or impartiality.

e. Making a Government decision outside official channels.

f. Any adverse effect on the public's confidence in the integrity of the Government.

6.2 <u>Activities Within the Public Service</u>. No person shall receive compensation or anything of monetary value, other than that to which he is entitled from the Government, for the performance of duties during his employment with the Public Service and within the scope of his official responsibilities.

6.3 <u>Violation Penalties</u>. Whenever it is established that the provisions of this Part have been violated, the employee will be subject to adverse action in accordance with Part 12.

PART 7 HOUSING

7.1 <u>Policy</u>. Government-owned or leased furnished quarters, to include free utilities, will be provided to those employees who are recruited from outside the Trust Territory or to citizens of the Trust Territory who are transferred from their home districts or recruited for duty assignments which are in geographic locations beyond normal commuting distance from their homes.

7.2 Eligibility for Housing. Only bona fide employees of the Executive and Judicial Branches of the Trust Territory Government who are prime contractors, and employees of such other agencies as the United States Weather Bureau and others as authorized by the High Commissioner or the Director of Personnel, are authorized to be assigned to Government quarters. Only District Administrators in the home districts,

not otherwise eligible, will be provided Government quarters. Organizations outside the Government such as banks, businesses, or quasi United States Federal agencies are not authorized Government housing.

7.3 <u>Responsibilities</u>. The Director of Personnel and his designated Housing Officer are responsible for determining housing assignments for all eligible employees in the Headquarters and Marianas District whose duty assignments are on Saipan. In each of the other districts and in other islands of the Marianas District, the District Administrators or their designated representatives are responsible for making housing assignments in accordance with criteria outlined in this regulation.

7.4 <u>Criteria for Assignment</u>. Housing will be assigned in consideration of type of housing units available, size of family, nature of position status and location of duty assignment, and other criteria as determined by the Director of Personnel for Saipan, and by District Administrators in their districts. Each district may establish detailed criteria for its own district not inconsistent with the above.

7.5 <u>Review of Housing Assignment.</u> An employee who is dissatisfied with his housing assignment may have recourse to Part 14, "Grievances."

7.6 <u>Maintenance and Repairs of Government Housing</u>. The District Directors of Public Works are responsible for supporting designated Housing Officers in providing adequate maintenance and repairs to Government-owned and leased quarters. For Government-owned quarters, the District Directors of Public Works will be responsible for all repairs and maintenance. For leased quarters, routine and significant repairs required to bring quarters up to acceptable standards and be maintained at that level will be provided by the owner; or, alternatively, the owner may request the work to be done by the Government at his expense. Housing Officers will determine the extent of repairs needed to bring the quarters up to acceptable standards. Failure by the owner to provide such repairs will be grounds for cancelling the lease.

7.7 <u>Leased Housing Fund Account.</u> The Director of Personnel shall administer the Leased Housing Fund Account as provided in the budget for the housing function. This Fund is provided to pay for leases of privately-owned housing for Government staff housing, since the Government does not plan to build further staff housing units. In districts and areas outside Saipan, District Administrators will determine the need for leasing private housing, and certify that the housing meets adequate standards. The Director of Personnel will determine the general appropriateness of the lease payment proposed and will authorize funds, from balances available, to District Administrators. Payment may be included for furnishings and appliances; however, such items are encouraged to be provided by the owner. The Director of Personnel may authorize specific amounts from the Housing Leasehold Account to provide for the purchase of appliances and/or furniture in leasehold housing units. Such equipment will remain the property of the Government.

7.8 <u>Housing Allowance</u>. When an employee is appointed or reassigned to a position at a duty station outside his normal commuting distance where housing is not available, he may be granted a Housing Allowance in lieu of Government housing. In such cases, the employee will not be entitled to a Temporary Lodging Allowance. (See also Part 18, Compensation - "Housing Allowance.")

7.9 <u>Temporary Lodging Allowance</u>. When an employee, who is otherwise entitled to a Government housing assignment, is transferred to a new duty station, and housing is not immediately available, he shall be paid a Temporary Lodging Allowance pending occupation of his quarters, as the Director of Personnel shall deem necessary and appropriate. (See also Part 18, Compensation - "Transfer Allowance.")

7.10 Employee Responsibilities. Employees assigned to Government-furnished or leased quarters will assure that the quarters are maintained in a manner which does not result in damage beyond normal wear and tear to such quarters. Heads of households are responsible for assuring that all members of the household live so as to not disturb neighbors, as well as not to create nuisances or untidy conditions to quarters and grounds.

a. Because of the shortage of housing, the housing desires of all employees cannot be satisfied. Normally, employees will not be allowed to change quarters. However, the Director of Personnel or District Administrators may authorize changes in quarters assignments when determined that appropriate justification has been provided.

b. Requests of occupants to modify quarters' structures at their own expense will be cleared with the appropriate Housing Office and District Director of Public Works prior to initiating the work.

c. When an employee is planning to go on extended leave and plans to have another party occupy his quarters while he is gone, he is responsible for notifying the Housing Officer and obtaining approval prior to his departure.

7.11 <u>Check-In and Check-Out Procedures</u>. Upon official assignment of quarters to an employee, the employee will be charged a deposit fee to cover the costs of any damage to quarters or contents over and above normal wear and tear, or excessive cleanup. Employees in single status will deposit \$35.00 and those in family status \$50.00. Checks or cash will be directed to the Trust Territory Treasurer. Deposit charges are refundable upon satisfactory inspection of quarters when they are vacated.

a. Prior to arrival of the employee, the Housing Officer shall, through periodic inspections, assure that vacant quarters are maintained, ready for occupancy. Upon quarters assignment, the Housing Officer and the employee to whom the quarters are assigned will conduct a joint inspection and concurrently document the status of the quarters, along with maintenance and repairs required. The Housing Officer will then notify the District Director of Public Works, in writing (or on a form), of the maintenance and repairs required. b. When an employee is about to vacate his assigned quarters, the Housing Officer and the employee will inspect the quarters, after household goods have been packed. Employees are responsible for leaving the quarters and appliances and furnishings in an acceptable state of order and cleanliness. Deposit fees will be forfeited in part or in toto, based on the results of the Housing Officer's inspection and his judgment. Where extensive damage has been done to quarters by the occupants, the employee may be charged an additional amount of money, as determined by the Housing Officer and a representative of the District Public Works, for the purpose of restoring the quarters to an acceptable state of repair.

c. The Housing Officer shall perform routine scheduled inspections of all Government quarters where owned or leased, and shall maintain records of such inspections. He shall make every effort to: (1) see that premises are kept in good condition, and (2) that District Public Works makes needed repairs in a timely fashion.

7.12 <u>Certification of Housing Availability</u>. Prior to the recruitment or transfer of any employee, a statement of housing availability will be obtained from the appropriate District Administrator or his representative, or the Housing Officer in the Office of the Director of Personnel for Saipan. No recruitment or transfer action will be finalized without this assurance of housing availability.

PART 8 TRAINING AND EMPLOYEE DEVELOPMENT

8.1 <u>Policy</u>. Insofar as appropriate, training increases workers' effectiveness in jobs; improves morale; decreases labor turnover; prepares new employees to do jobs for which they are not trained; provides an effective means of screening and placement; and prepares employees for filling responsible jobs, and upward mobility; and insofar as it is a major commitment of this administration to train and develop a viable Public Service work force within the Trust Territory, it is, therefore, in keeping with Trust Territory policy and the intent of Title 61 that the following policy be reiterated:

The Director of the Department of Personnel shall be responsible for defining policy requirements of developing the Public Service System's work force; to determine long range goals to be met within all job categories in existence with the Public Service System; to set standards to be met by employees within the Public Service System for all types of promotions and career development; to evaluate all training programs and recommend alternatives to aid in the overall direction of Trust Territory-wide manpower development programs in the Public Service to accomplish their objectives; to insure that proper coordination is maintained with the Departments of Education, and Resources and Development, so that manpower development in the Public Service is in concert with development in the private sector and to insure that education services available within the Trust Territory are fully utilized.

8.2 <u>Definitions</u>. For the purpose of this Part, three categories of training may be distinguished: job skill training, promotional training, and employee development.

a. Job Skill Training. The type of training in which the primary purpose may be: (1) to improve an employee's performance in the position in which he is currently employed; (2) to prepare an employee to move laterally in the same or related classes of positions.

b. Promotional Training. The type of training which an employee undergoes in order that he may be able to perform with average efficiency the minimum tasks required in the position to which he is being trained.

c. Employee Development. This type of training is offered to an employee so that he can broaden his background or broaden his perspectives in his own or related occupational areas.

8.3 Responsibilities

a. It is the responsibility of each District Administrator and Department Head to implement all training programs, at all levels, in their organizations to insure that training objectives are met. In keeping with this function, each district and department must submit plans to implement their training objectives within their functions, to the Director of Personnel, to include what they have determined to be their immediate priorities within the overall Trust Territory objectives and the needs of their areas. Each District Administrator and Department Head is responsible for budgeting adequate funds for training of employees. The Department Heads and District Administrators are responsible for maintaining training units within the framework of training approved by the Director of Personnel and to report the nature, content, and results of such training activities as in-service training to the Division of Training; to facilitate overall coordination of manpower development throughout the districts and Headquarters; and to establish committees of senior staff personnel to be responsible for implementing procedures for the planned, systematic training of employees in the district or department; and to insure that active and effective in-service training programs are carried out with the cooperation of all district and departmental activities.

b. The Director of Personnel is responsible for the overall guidance and supervision of training programs developed for districts' and departments' implementation, to insure career mobility and development within the Public Service System. This function shall include the authority to certify the pertinency of training programs; to certify the minimum training requirements for mobility in the work force; and to insure the balanced development of all training programs.

c. The Training Division is responsible for advising and providing staff assistance to all supervisors and management officials in the conduct of their employee development responsibility, including the following:

(1) Identifying training needs; and development of training programs for approval of the Director of Personnel.

(2) Locating and determining costs of training resources within and outside the Trust Territory and to evaluate such training.

(3) Maintaining current employee training records of all departments.

(4) Formulating standards for selection of trainees and instructors.

(5) Coordinating plans and programs for necessary training of employees, such as in-service training programs to provide managerial, supervisory, secretarial, clerical skills, and trades skill, and others.

(6) Coordinating all training with the Department Directors, District Administrators, and the Manpower Advisory Council, to avoid duplication of effort and to insure a balanced development of manpower.

(7) Improving the quality of training through evaluation of course content, securing evaluations of supervisors and employees, and by testing.

d. First-Line Supervisors. In carrying out the training objectives of their program areas, first-line supervisors are to perform supportive functions such as, but not limited to, the following: planning for employee release time when such is needed for formal classroom instruction; informing trainees of the content of their training program, their objectives and benefits, and their responsibility to absorb and use the instructions provided for them; motivating the employees to engage in self-improvement activities leading to improved performance and possible promotions and for providing their immediate supervisors with information regarding all aspects of training programs in which their subordinates are participating.

8.4 <u>Coverage</u>. In keeping with the intent of Trust Territory Code, <u>Title 61</u>, major training emphasis will be geared to developing a systematic and balanced program to meet the needs in professional, managerial, technical, vocational education, and training.

a. Orientation. When an employee enters a new position, a period of ninety (90) days will be given the supervisor in which to conduct an orientation for the new employee in the policies, procedures, rules and regulations which are specific to him and to the performance of his job. At the end of the initial ninety (90)-day period, a report on completion of such training will be submitted to the Personnel Office, bearing both the signatures of the employee and the supervisor. The report should contain the sequence, content, and duration of training sessions undertaken during the initial ninety (90)-day period. This ninety (90)-day period may be extended, provided that a supervisor submits the reasons for extension, in writing, for the approval of the District Administrator or Department Head for inclusion in the employee's Official Personnel Folder.

b. Supervisory, Executive, and Managerial Training

(1) Inasmuch as the work of the Government is the best and most important training resource for potential managers,

opportunity should be given to qualified Trust Territory citizens to participate in:

(a) Formulating objectives, policies, and operating procedures with respect to the programs of their organizations.

(b) Problem definition and analysis, analysis of organizational structure, workload, and operating procedure.

(c) Planning, programming and budgeting.

(d) Representing their organizations on inter-departmental committees, work groups, survey teams, and legislature hearings.

(2) The Director of Personnel will supervise the development of all supervisory, executive, and managerial training programs; and develops a list of required courses for entry in such classes and required courses to be taken prior to or immediately after entry into the supervisory classes.

(3) A person entering a supervisory position must take such required courses not earlier than six (6) months prior to such a promotion and no later than six (6) months after entry into such position.

c. Vocational and Trades Training

(1) Insofar as possible, trades training of employees will take place at institutions within the Trust Territory. When courses are needed for certification, or otherwise not available at the institutions within the Trust Territory, the Director of Personnel shall approve outside training, after determining that the course is job-related and that such a skill is critical to the normal execution of Government functions.

(2) Insofar as a majority of trades positions in the Trust Territory are within the public sector, the institutions within the Trust Territory engaging in trades training shall make every effort in offering courses that would meet the needs of public sector employees in trades positions.

(3) Wherever possible, the Director of Personnel shall arrange with the Department of Education in the development of needed remedial education for adults in the trades positions.

(4) The Director of Personnel will supervise the development of courses in the vocational and trades areas pertinent to Government employees, to insure that the content will meet the needs of trades employees, and will develop a list of required courses, when necessary for vocational and trade groups.

d. Clerical and Secretarial Training

(1) The Management Services Office shall recommend clerical and secretarial procedures to be standardized for the clerical and secretarial functions within the Trust Territory.

(2) The Director of Personnel shall supervise the development

of courses in the clerical and secretarial areas; maintain a list of required courses for entry and for promotions within these classes, when necessary, and shall require employees to take the required courses for these classes when such courses are developed.

(3) The Chief of Training shall develop training courses to insure that the standard Trust Territory Government correspondence and administrative procedures are taught to all employees performing clerical and secretarial duties.

e. Other Training. The Director of Personnel shall establish requirements for other areas of training when such requirements become necessary.

8.5 External Training. Training courses given by agencies outside the Trust Territory will be utilized to the extent the budget will permit. All districts and Headquarters departments wishing to engage in special training, formal short-term training, and other academic programs for their employees outside the Trust Territory must submit to the Director of Personnel the names of employees to be given such courses and the content and length of such training, for evaluation prior to sending an employee abroad for training. All such information will be made on Trust Territory Form 656.

8.6 Payment of Costs

a. Employees released to attend authorized job-related training and developmental programs will receive any combination of basic salary, travel expenses when required, and per diem or stipend as applicable to the training involved. Training provided as part of a planned upgrading program, such as a management intership, is job-related within the meaning of this paragraph.

b. It shall be the policy of the Trust Territory Government to pay all costs for training defined as job-skill training under Sub-Part 8.2; to pay one-half of all co ts of training defined as promotional training; and one-fourth of all costs of training defined as employee development.

c. Employees attending education or training programs designed to generally improve their potential for advancement, but not specifically related to their present duties or duties they are specifically being trained to assume, may be released on training and education leave and may enter into cost-sharing agreements with their departments, at the discretion of their supervisors, with the approval of the Director of Personnel.

d. For academic training other than those classified above, the employee may seek scholarship assistance from the Education Department and the Government shall have no responsibility for any costs incurred when such training is initiated by the employee. All requirements for job eligibility shall apply to the employee when he severs himself from his present position to pursue such training.

305

Salary and related benefits provided employees released for training under all the paragraphs above shall be limited to a period of one (1) year, unless an extension is recommended by the Director of Personnel, with the approval of the High Commissioner.

8.7 <u>Support</u> for Training. District Administrators and Headquarters Department Heads are encouraged to give positive support to training efforts, since improved skills and more effective supervision, at all levels, will support better mission accomplishment. Top managers are also encouraged to provide for adequate training facilities in all districts since such facilities are, generally, not adequate at the present time. Proper facilities can greatly enhance more effective training.

8.8 <u>Coordination with United States Federal Programs.</u> The Training Division will coordinate training efforts with personnel engaged in monitoring United States Federal Grants training efforts. Training needs met through these efforts will be included in annual reports of training accomplishments. Such coordination will be concerned with avoiding duplication of effort and attempting to direct training efforts towards training which is most needed.

8.9 Evaluation of Training. The Training Division will develop and maintain a system which will provide information and analysis of the effectiveness of training provided. Such analysis will be used to alter training courses where needed and in training needs surveys. All personnel who attend and return from training courses outside the Territory will be required to submit a written report including a summary of the course, along with a judgment of the added value gained from the course. Copies of such reports will be addressed to the District Administrator or Department Head and Chief, Training Division.

PART 9 TERMINATIONS OTHER THAN FOR CAUSE

9.1 <u>Resignation</u>. Resignations shall be in writing and shall be submitted at least fourteen (14) calendar days in advance.of the effective date. The Director of Personnel may designate management and highly skilled technical classes for which this period may be extended to thirty (30) calendar days.

a. Where less than the required advanced notice is given, placement on the reemployment list is forfeited unless the Department Head or District Administrator certifies at the time of resignation that failure to provide required notice did not seriously hamper the work of the Department or District, or unless the delay was due to circumstances beyond the control of the employee.

b. The Department Head or District Administrator shall submit a copy of the written resignation, together with the necessary terminating documents, to the Director of Personnel or his authorized representative.

9.2 <u>Termination for Medical Reasons</u>. When an employee contracts an infectious or contagious disease which endangers the health of others, or becomes mentally incapacitated, or is otherwise permanently physically disabled for the satisfactory

performance of duties of the position to which assigned, the Director of Personnel may terminate his employment, provided:

a. No suitable reassignment can be made within the Department or District to which he is assigned; and

b. Medical examination procedures, as outlined in Sub-Part 3.22, have been complied with.

9.3 <u>Reduction-in-Force.</u> Department Heads and District Administrators may terminate the services of an employee because of the abolishment of his position, for lack of work or funds, or for other reasons outside the employee's control which reflect no discredit on the services of such employee. When there is an impending reduction-in-force, the Department Head or District Administrator concerned shall inform the Director of Personnel of this fact at least sixty (60) days in advance of the proposed action.

a. When the determination to abolish a position is made, the Department Head or District Administrator shall exhaust all possibilities in placing the employee in another equivalent position.

b. When it is evident that there are no positions for which the employee meets the qualification requirements, the Department Head or District Administrator shall request that reduction-in-force procedures be effected by the Director of Personnel.

c. Order of Terminations. The order of termination in reduction-in-force shall be determined in accordance with the following

(1) Permanent employees and probationary employees shall not be terminated when positions in the same class are continued with the services of temporary employees.

(2) Reduction-in-force shall be within each competitive area as provided in Sub-Part 9.3(d) for Pay Level 17 and below.

(3) Reduction-in-force shall be Territory-wide at Pay Level 18 and above.

(4) Seniority based on total creditable service shall be the primary basis for establishing the order of layoffs; however, performance ratings shall also be considered in the reduction-in-force formula when employees of equal seniority are affected. Exceptional performance ratings will be equated to two years of service.

(5) Persons reached by reduction-in-force may not be reassigned to positions other than those for which they are fully qualified.

(6) A permanent employee who is to be terminated from a position in one class may ask for a review of the status of employees serving in the same competitive area in the lower classes of the same related field. Upon receipt, the Director of

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

Personnel shall conduct such a review. If he finds an employee serving in a lower class requiring the same or closely related qualifications who is not a permanent employee, the Director of Personnel shall offer the position occupied by such temporary employee to the employee being terminated. If he accepts, the services of the temporary employee in the same or lower class shall be terminated.

d. Scope of Competition

District

(1) Responsibility. Competitive areas for positions in the Trust Territory Public Service System shall be established by the Director of Personnel. Requests from District Administrators for approval of the establishment or change of competitive areas should be submitted at least ninety (90) days in advance of any proposed reduction-in-force.

(2) Competitive Areas. For all positions - Pay Levels 1 through 17:

District		
(a)	Marianas Area 1. Area 1.1 Area 1.2 Area 1.3	Saipan Rota Tinian Northern Marianas (Pagan)
(b)	Marshalls Area 2. Area 2.1	Majuro Ebeye
(c)	Palau Area 3. Area 3.1 Area 3.2 Area 3.3	Koror (To include Nekken Forestry Station) Peleliu Angaur Babelthuap
(d)	Ponape Area 4. Area 4.1	Ponape Is. Kusaie Is.
(e) `	Truk Area 5. Area 5.1 Area 5.2	Namoneas Faichuck Satawan
(f)	Yap Area 6. Area 6.1	Yap Island Ulithi Atoll

(g) All other atolls and islands in the Trust Territory of the Pacific Islands (Micronesia) are each a distinct competitive Area.

(3) Competitive Areas for all positions - Pay Levels 18 through 38:

Area 7. Trust Territory-wide

e. Reduction-in-Force Notice. When the determination to abolish a position is made and all efforts to place the affected employee in another position within his competitive area have failed, the Director of Personnel shall inform the employee, in writing, that he has been reached by reduction-in-force and that his services shall be terminated. The Director's letter shall be dispatched at least thirty (30) days prior to the effective date of termination and it shall inform the employee if he is eligible for placement on the reemployment list. The employee shall sign a copy of the letter to acknowledge receipt and return it to the Department of Personnel.

f. Reemployment List. Permanent employees terminated because of reduction-in-force shall be entitled to be placed on an appropriate reemployment list. Temporary employees shall not be entitled to these reemployment rights. It is the displaced employee's responsibility to request placement on the reemployment list, as outlined in Sub-Part 4.4 of these regulations.

9.4 Exit Interview. A personal interview shall be provided each employee terminating service with the Public Service, prior to the effective date of the termination action. The interview shall be conducted for the purpose of obtaining from the employee the true reason(s) for his termination. Interviews shall be recorded in report form and be made a part of the employee's personnel folder. The interview shall be conducted by the Director of Personnel or his delegate.

PART 10 PERFORMANCE EVALUATION

10.1 <u>Purpose</u>. The performance evaluation system is designed primarily for the purpose of appraising each employee how well he is discharging his duties and responsibilities, and of indicating areas in his performance where he could be more effective in the application of his knowledge, skill, and abilities. It provides a means for letting the employee know where he stands with the organization.

10.2 <u>Coverage</u>. Every employee shall participate, with his supervisor, in periodic evaluations of the employee's achievement of established standards of performance. Every permanent and probationary employee covered by these regulations shall receive an annual written rating of performance.

10.3 <u>Responsibilities</u>. Each head of a department or agency, or District Administrator or district activity head, shall ensure preparation, on forms prescribed by the Director of Personnel, for each employee under his jurisdiction, standards of performance which relate specifically to that employee's assignment. Arrangements shall be made for the employee's immediate supervisor and the employee to work together to develop realistic original standards of performance, in terms of what the employee's job demands are and the level of results to be achieved; and for the employee's immediate supervisor, together with other concerned supervisors if this appears desirable, and the employee, in conference, to objectively and consistently evaluate the employee's performance, in terms of

TERRITORIAL REGISTER, VOL. 1 NO. 9 - MARCH 15, 1975

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the standards established, and to mutually revise his performance standards upon review of his development in the job. Where improvement in the employee's performance is desired, the supervisor must explain to the employee how such improvement is to be achieved.

Annually, based on the preceding twelve months' performance standards reviews and other pertinent factors, an annual written rating of performance shall be submitted by the supervisor, and concurred in by the activity head, on forms prescribed by the Director of Personnel, for each permanent and probationary employee. The Director of Personnel shall, through his authorized representative, administer the performance evaluation system and shall be alert to changes needed for improvement of such system.

10.4 <u>Due Dates</u>. Original standards of performance shall be developed as a major factor in an employee's orientation to a new job. Performance standards review and revision conferences shall be held, as the work relationship requires, but with a minimum frequency of at least quarterly.

Permanent employees shall be given written performance ratings annually, on their service anniversary dates. Annual written performance ratings shall be submitted to the Director of Personnel, or the District Administrator, no later than the end of the pay period preceding the service anniversary date. Employees serving probationary periods shall be given a written performance rating at the end of each three-month increment of their probationary periods, except that the final rating shall be submitted no later than one (1) month prior to completion of their period of probation for probationary employees and two (2) weeks before completion of their period of probation for permanent employees.

Where ratings are not received within the time limits required by this Part, the employee involved shall be presumed to have been rated "Less than Satisfactory" by his supervisor, with concurrence of his activity head until such time as a rating is received.

10.5 <u>Categories of Ratings</u>. Performance ratings shall be "Satisfactory," "Exceptional," or "Less than Satisfactory." Such ratings shall be based on rating standards established and defined by the Department of Personnel and explained to the employee by his immediate supervisor. Ratings of "Exceptional" or "Less than Satisfactory" shall be accompanied by a written statement giving a full explanation of such rating and shall be concurred in by the activity head. Employees rated "Less than Satisfactory" shall be counselled and warned that lack of improvement may result in an adverse action.

10.6 <u>Impact of Ratings</u>. Annual written performance ratings are the basis for granting or withholding annual step increases. Employees rated "Satisfactory" or "Exceptional" shall be eligible for a step increase within their pay level. Those rated "Less Than Satisfactory" shall not be eligible for a step increase, provided that if the employee concerned brings his performance up to standards, he then shall be eligible for a step increase within his pay level, but such increase shall not be changed accordingly.

Annual written performance ratings serve also as one factor in selection for promotion, in determining retention status in cases of reduction-in-force, in reviewing justification for authorizing a merit increase, and in adverse actions; and may be a consideration when evaluating a Superior Performance Award request.

10.7 <u>Review</u>. Employees who believe their ratings are unjust shall be entitled to a review under the Grievance Procedure.

PART 11 INCENTIVE AWARDS

11.1 <u>Purpose of Program</u>. The Trust Territory Public Service Incentive Awards Program is established for the purpose of improving Government operations and recognizing employees through the medium of incentive awards. The awards under this program are designed:

a. To encourage employees to participate in improving the efficiency and economy of Government operations.

b. To recognize and reward employees for their suggestions, superior accomplishments, or other personal efforts which contribute to efficiency, economy, or other improvements in Government operations.

c. To recognize and reward employees who perform special acts or services in the public interest in connection with, or related to, their employment.

11.2 <u>Stimulating Participation</u>. To obtain maximum value from the program, it is necessary that Department Heads emphasize to supervisors and employees the importance of employee participation in improving Government operations. Motivating employee toward improved job performance and concern for effective Government is a basic responsibility of all managers and supervisors.

11.3 <u>Contributions and Award Categories</u>. An employee's contribution, to be considered for an Incentive Award, must be identified with one of the following categories:

- a. Suggestion Award
- b. Superior Performance Award
- c. Special Act or Service Award

11.4 A Suggestion Award is an award for an idea submitted by an employee and adopted for use by the Government. Awards of this kind are made only when the employee.s suggestion directly contributes to economy or efficiency or directly increases effectiveness in carrying out Government programs or missions. Awards are made in the form of a cash lump sum payment.

11.5 Superior Performance Award is an award granted for performance exceeding job requirements, and involving a

TERRITORIAL REGISTER, VOL. 1 NO. 9 - MARCH 15, 1975

contribution so superior or meritorious as to warrant special recognition. To be eligible for superior performance award, the employee must meet the following three criteria:

a. Performance of one or more important job functions in a manner that substantially exceeds normal requirements so that, when viewed as a whole, the work performance is of a high degree of effectiveness.

b. Performance that exceeds the normal or typical.

c. Performance that does not meet all the requirements of a quality increase but does significantly exceed job requirements in one or more important job functions may be considered for a lump sum award for superior performance.

11.6 <u>A Special Act or Service Award</u> is an award granted for performance which has involved overcoming unusual difficulties, or exemplary or courageous handling, of an emergency situation related to official employment. Awards in this category are made in the form of a lump sum payment.

11.7 <u>Documentation</u>. Employee suggestions must be submitted in writing on a Trust Territory Suggestion Form and requests for performance awards and special acts or service awards must be submitted in writing by supervisors on a Trust Territory Incentive Awards Form to the District Incentive Awards Committee for district employees. Statements of justification should be brief and factual, emphasize results achieved which are beyond normal job requirements and identify measurable benefits to the Government. Final determination of awards under this section will be made by the Headquarters Incentive Awards Committee.

11.8 Incentive Awards Committees. The Director of Personnel will appoint six (6) members to the Headquarters Incentive Awards Committee. The District Administrator will appoint six (6) members to the District Incentive Awards Committee. Employee suggestions, Superior Performance Awards, and Special Act or Service Award nominations will be reviewed and evaluated at monthly meetings of not less than three (3) members of each Committee.

11.9 <u>Award Scale</u>. Cash awards, under this section, will be determined by the Headquarters Incentive Awards Committee. No single award shall exceed \$500.00. The amount of the award shall be based on the significance of the justification for the award.

11.10 Honorary Awards. When appropriate, an Honorary Award may be granted in recognition of an employee's contribution. The Honorary Award may be in addition to a cash award. For example, an Honorary Award is particularly appropriate in recognition of continued distinguished service, a singular achievement, or an act of personal heroism. It may be granted independently of, or as a supplement to a cash award; it is not intended, however, to serve as a substitute for deserved monetary awards. It is designed to select and bestow singular honor as an official recognition of achievement and as an incentive to further accomplishments.

PART 12 ADVERSE ACTION

12.1 <u>Actions Covered.</u> This part applies only to dismissals, demotions for disciplinary reasons, and suspensions for more than three (3) working days.

12.2 Authority to Take Adverse Action. The authority to effect adverse actions has been granted to management officials by Sections 10(15)(a), 10(15)(b), Title 61, Trust Territory Code. For this purpose, management officials shall include the High Commissioner, the Deputy High Commissioner, all heads of Headquarters Departments and Staff Offices and all District Administrators. These persons may delegate in writing authority to effect adverse actions to Deputy Heads of Headquarters Departments and Staff Offices, Division Heads of Headquarters Departments and Staff Offices, Deputy District Administrators, Heads of District Departments and Staff Offices, Deputy Heads of District Departments and Staff Offices and District Administrator's Representatives. The authority to effect adverse actions may not be further delegated or redelegated. Throughout this part, the term "management official" will refer only to an individual who is specifically granted authority by this part to effect adverse actions.

12.3 <u>Employee Coverage</u>. This part applies to all permanent employees of the Government of the Trust Territory not exempt under Section 9, Title 61, Trust Territory Code.

12.4 <u>Merit of Adverse Action</u>. An adverse action may not be taken against an employee covered by this part except for "such cause as will promote the efficiency of the service."

12.5 <u>Procedures for Taking Adverse Action</u>. The management official must observe certain procedural requirements when processing an adverse action covered by this part. These procedural requirements are as follows (see also Sub-Part 12.6 below):

12.6 Content of Proposed Adverse Action Letter

a. The letter must identify a specific proposed action.

b. The letter must state the reason(s) supporting the proposed action, specifically and in detail, including names, times, and places. The letter should be self-contained, so that a person unacquainted with the facts and circumstances involved can obtain from the letter a clear understanding of the reason(s) for the proposed action which are related to the charges. The letter must also include a detailed statement of any part of the employee's past record which the management official proposes to consider as contributing toward the severity of the proposed action.

c. The letter must inform the employee that he is entitled to review all the material relied on by the management official to support the reason(s) specified in the letter, including material relevant to the employee's past record if that record forms part of the basis for the action proposed. This requirement means that the

management official cannot use any material to support its reason(s) which, because of security or other considerations, cannot be disclosed to the employee or his designated representative. The notice must inform the employee of his right to review the material relied upon and must tell him where he may review it.

d. The letter must clearly indicate that it concerns only a proposed action and not a matter already decided. This usually can be made clear by a statement to the effect that the employee's answer and defense will be considered before a decision is reached. The management official should carefully avoid making any statements in the initial letter which can be construed as indicating that a decision has already been reached.

e. The letter of proposed action must tell the employee that he has a right to answer, both orally or in writing and to submit witnesses and other evidence in support of his position at a specified time and place and before a named management official or designee. The letter of proposed action must further tell him that his evidence will be considered by the management official before the latter makes a decision. The letter must inform him of his right to be represented by an attorney or other advisor or representative.

f. The letter must inform the employee that he will be allowed a reasonable amount of official time, if he is in an active duty status, for reviewing the material relied on to support the reason(s) in the letter, for preparing a written answer, for securing witnesses and other evidence. The letter must inform the employee how much official time he will be allowed for these purposes and must identify the person with whom he should arrange for the use of official time. The time to be allowed will depend on the facts and circumstances of each individual case. If the employee requests additional official time, the request should be honored if it is reasonable.

12.7 <u>Preparation and Review of Adverse Action Letter</u>. The letter of proposed adverse action must be prepared by a person who has been trained in the technical requirements of processing an adverse action and reviewed before issuance for District functions by the District Personnel Officer and the District Attorney or for Headquarters functions by the Director of Personnel and the Attorney General.

12.8 Delivery of Notice of Proposed Adverse Action

a. A letter of proposed adverse action to the employee shall be delivered to him personally when possible. His written acknowledgment of its receipt shall be obtained. If delivery in person is not possible, certified or registered mail, return receipt requested, will be used. To effect delivery the letter or copy thereof, may be made by delivery to any person over the age of twelve (12) years at the residence of the employee, and a certificate of service by the person delivering, showing the date, time, place, and person to whom delivered, will be made. If no person is available at his residence, delivery shall be deemed effective by mailing to the employee's last known address, postage paid and return receipt requested. If the letter is returned for non-delivery, the date of delivery shall be deemed to be the date mailed.

b. In computing the advance notice period, the day on which the letter is delivered is not counted. A Saturday, a Sunday, or a legal holiday may not be designated as a last day of a minimum notice period. Thirty (30) calendar days is the minimum period of advance notice.

12.9 Duty Status. An employee against whom an adverse action is proposed must be retained in an active duty status during the notice period. When, however, circumstances are such that the retention of the employee in an active duty status in his position may result in damage to Government property, or may be detrimental to the interests of the Government, or injurious to the employee, his fellow workers, or the general public, the employee may be temporarily assigned to duties in which these conditions will not exist, or he may be placed on annual leave, with his consent. In an emergency case when, because of the circumstances described above, the employee cannot be kept in an active duty status during the notice period and the employee declines a temporary assignment or will not consent to being placed on annual leave, the management official has the authority to place the employee in a non-duty status with pay for thirty (30) calendar days.

12.10 Request for Continuance of the Date Set for the Employee's Presentation of His Position. If the employee requests a continuance of the date set for the employee's answer or presentation of evidence, the management official or designee should consider the reason(s) given and should, if it is appropriate and possible, set a new date within the ten (10) calendar-day period following service of the letter. Continuances beyond the ten (10) calendar-day period should normally be given only on a showing that the employee is seriously ill or that a necessary witness or other evidence is unavailable because of conditions beyond his control. Confinement in jail is not considered such a condition and the presentation on behalf of the employee who is in jail should proceed as scheduled, with a representative of the employee making the presentation in his behalf.

12.11 <u>Consideration Before Management Official's</u> <u>Decision</u>, Bona fide consideration must be given to any answer or evidence received from or on behalf of the employee. If the employee's answer or evidence raises doubts of the accuracy of the reasons, or the propriety of the action proposed, the management official should attempt to resolve these questions before reaching a decision on his proposed action. It is at this point in

the proceedings that the management official should determine whether the proposed action, under all of the circumstances, will promote the efficiency of the service. When appropriate, the proposed action may be withdrawn, or a less severe action may be substituted, without issuing a new notice of proposed adverse action. The management official may not, however, substitute a more severe action than originally proposed, nor may he rely on charges or reason(s) which were not stated in the initial notice. If either of the above occurs, a defect results requiring the adverse action to be started entirely anew.

12.12 <u>Receipt and Preservation of Employee's Evidence</u>. The management official receiving the employee's oral answer and presentation of evidence must make a brief written summary for the record. He must receive and preserve all documentary evidence presented by the employee.

12.13 Notice of Decision

a. The employee must be given a dated and written notice of the decision of the management official within five (5) calendar days after the answer or presentation by, or on behalf of, the employee. If no answer or presentation is made, then the decision must be made within five (5) days after such was due. The decision shall include the name of the employing department, the name of the employee, and the date on which the letter of proposed adverse action was served. If the decision is to effect the action originally proposed, or some action less severe, the notice must be delivered to the employee no later than ten (10) calendar days before the date the action will be effective. The notice should be delivered to the employee personally, whenever possible. If service of the decision cannot be made in person, then alternative methods of service as set out in 12.8 shall be used. At the time the management official delivers the notice of decision, it is his responsibility to initiate a personnel action (Form TT-P-50 or SF-52) appropriate to the decision.)

b. In cases involving multiple reasons for a proposed action, the notice of decision must clearly identify which of the reason(s) are relied on in taking the adverse action and which have been found not sustained. This shall be accomplished by repeating the reason(s) originally stated, or identifying them by number or in any other appropriate and unmistakable manner, and for each reason, stating whether it has been found sustained or not sustained.

c. If the decision is for dismissal, demotion or suspension for more than three (3) days, the letter of decision must include information on the employee's right to appeal, in writing, to the Trust Territory Personnel Board, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950, within fifteen (15) calendar days from the date of the employee's receipt of the decision. The letter must inform the employee of where a copy of the regulations concerning adverse actions is available for his information. If the decision is for a letter of reprimand or suspension for three (3) days or less, it shall be properly appealable under the grievance procedure and not an appellate procedure.

12.14 <u>Appeals</u>. The appeal to the Trust Territory Personnel Board must be in writing and must give the employee's reason(s) for contesting the adverse action, together with any offer of proof and pertinent documents the employee desires to then submit. The appeal should also include the employee's request for a hearing if he so desires. The appeal may be submitted at any time after the date of the letter of adverse decision, but no later than fifteen (15) calendar days after delivery, personally or by registered mail, of the letter of decision.

PART 13. APPEALS TO THE PERSONNEL BOARD

13.1 <u>Purpose.</u> This part establishes the Trust Territory Public Service Appeal System. Any employee covered by Part 12.3 of these regulations may appeal in writing to the Trust Territory Personnel Board for review of a decision to take adverse action against him consisting of suspension for more than three (3) working days, demotion or dismissal.

13.2 <u>Right to a Hearing.</u> Upon the filing of an appeal by the employee, both the responsible management official and the employee are entitled to a full and fair hearing before the Trust Territory Personnel Board or a Hearing Officer designated by the Board to present evidence, and to be represented by counsel. At the hearing, technical rules of evidence shall not apply and the evidence shall be taken stenographically or by recording machine. The Board shall render its findings of fact and final decision in writing with service on all parties.

Only one hearing is held unless the Personnel Board determines that unusual circumstances require a second hearing.

It should be noted that the hearing provided by this section is separate and distinct from the employee's answer and presentation of evidence in response to a letter of proposed adverse action provided for in Part 12. Any evidence may be presented at the hearing which the Board or Hearing Officer allows, that bears on the issue of whether the adverse action taken was justified.

13.3 Denial of a Hearing

a. The Board may make the determination to deny a hearing on the appeal when a hearing is impracticable by reason of unusual location or other extraordinary circumstances. In this event, the Board must notify

.311

both parties in writing of the reason(s) for denying a hearing.

b. If the Board determines that no hearing is reasonably possible, the management official and the employee will be notified to submit, in writing, any additional evidence they desire to present on the issues so that a decision may be made on the record without a hearing.

13.4 <u>Employee Appeal</u>. The employee may file an appeal with the Trust Territory Personnel Board any time after the date of the management official's letter of decision, but must file his appeal, personally or by registered mail, no later than fifteen (15) calendar days after delivery of the letter of decision. The appeal must be in writing and must give the employee's reason(s) for contesting the adverse action, together with any offer of proof and pertinent documents the employee desires to then submit. It should also include the employee's request for a hearing if he so desires. Employees located in the outer islands must also meet the fifteen (15) calendar-day period for filing an appeal to the Trust Territory Personnel Board. This can be accomplished by submitting the written appeal to anyone of the following officials who will certify to the date of presentation: The District Administrator's Representative, the Magistrate, the Mayor, the District or Community Court Judge, or the Personnel Officer of the outer island. After certification has been made by one of the above officials as to the date, the employee should mail the appeal letter to the Trust Territory Personnel Board.

13.5 Official Time to Prepare an Appeal

a. An employee is entitled to a reasonable amount of official time to prepare his appeal if he is otherwise in an active duty status. If the employee's representative is an employee of the Government, he is also entitled to a reasonable amount of official time to prepare the appeal if he is otherwise in an active duty status. Both employees who appeal and employees who act as representative shall make arrangements with the Director of Personnel or District Personnel Officer for the use of official time. The Director of Personnel or District Personnel Officer shall determine the reasonable amount of official time that is to be granted and will inform the supervisors of the employee and of the employee's representative.

b. The time to be allowed must necessarily depend on the facts and circumstances of each case, e.g., the number and nature of the reasons stated in the letter of decision, the specifics, the volume of the supporting evidence compiled by the management official, the availability of documents, witnesses, and assistance at the employee's place of employment, and similar considerations. If preparation requires more official time than was originally considered reasonable, the employee or his representative may request the Director of Personnel or District Personnel Officer for more time. The request should explain fully why more time is needed. The Director of Personnel or District Personnel Officer will determine if the request is reasonable and should be granted. If granted, he will make the necessary arrangements.

13.6 Freedom from Reprisal or Interference. Unless the employee feels free to use the Trust Territory Personnel Board's Appeal System, the system will not serve the intended purpose of giving him a means for review of his dissatisfactions. An employee and his representative, therefore, must be free to use the system without restraint, interference, coercion, discrimination, or reprisal. An employee, whether acting in an official capacity for the Government or on any other basis, must not interfere with, or attempt to interfere with another employee's excercise of his rights under this section. To be fully effective, the spirit, as well as the letter of the requirement, must be enforced. It is not enough for an official to abstain from overt threats or interference. He must also refrain from making any statement or taking any action that has the appearance of a threat, interference, or intimidation.

13.7 Employee Representation. An employee has the right to present an appeal without representation. He also has the right to be accompanied, represented and advised by a representative of his choice at any stage of the proceeding. An employee may change his representative, but to do so, he must notify the Board of the change, in writing. The employee may select another Government employee as his representative, provided that such employee is willing to represent him. In addition, the representative must be free to do so, e.g., not be disqualified because of conflict of position or unavailable to serve in that capacity because of priority needs of the service or unreasonable cost to the Government as determined by the departmental director or staff officer. The employee is free to select as his representative anyone outside the Government service, but wholly at his own expense.

13.8 <u>Government Representation</u>. The management official's representative at Trust Territory Personnel Board Hearing must be the District Attorney, the Attorney General, or the designee of either.

13.9 <u>Appeal File.</u> When am employee files an appeal from adverse action with the Trust Territory Personnel Board, the Headquarters Department of Personnel or the District Personnel Office must establish and maintain an appeal file containing copies of all available pertinent documents. In addition, these offices must immediately forward originals of all pertinent documents to the Personnel Board. The employee appeal file is independent, separate and distinct from the Official Personnel Folder (OPF). The employee appeal file, both with the Personnel Department and the Trust Territory Personnel Board, must contain all documents pertinent to the appeal, such as:

a. A copy of the delegation of authority of the management official taking the action.

b. A copy of the letter of proposed adverse action.

c. The material relied on by the management official to support the reason(s) listed in the letter of proposed adverse action.

d. The employee's written answer, if any.

e. A transcript or summary of the employee's presentation of oral evidence and copies of documents presented.

f. A copy of the letter of decision.

g. The employee's written notice of appeal.

h. Any pertinent evidence developed after issuance of the letter of proposed adverse action.

i. The lists of witnesses submitted by both parties.

j. The reason(s) for not granting a hearing when one is requested but not granted.

k. The reason(s) for not producing witnesses at the hearing.

1. The transcript of the Personnel Board Hearing when a hearing is held.

m. The recommendation of the Trust Territory Personnel Board's Hearing Officer, if any.

n. A copy of the notice of decision of the Trust Territory Personnel Board.

13.10 Preparation for Hearing

a. When the Personnel Board grants a hearing, and establishes a hearing date, it will notify the Director of Personnel or the District Personnel Officer of the employee concerned by name, title, grade, and organizational unit.

b. The Director of Personnel or District Personnel Officer either simultaneously or at different times must meet with the employee and his representative and the management official and his representative within seven (7) calendar days, if possible, after receiving notice that a hearing has been granted. If it is not possible to hold the meeting or meetings within the seven (7) calendar-day period, the meeting or meetings will be held as soon thereafter as possible. At this time, the Director of Personnel or the District Personnel Officer will inform the Board by cable of the delay and request a new hearing date if necessary. At this meeting, the employee and the management official will be required to furnish the Director of Personnel or the District Personnel Officer and the other party with the following information:

(1) Employee's list of witnesses containing:

(a) Name, location and occupation of each witness.

(b) A summary of each witness' anticipated testimony.

(c) The availability of each witness in the area of the employee's duty station during the next thirty (30) days.

(2) Management official's list of witnesses containing:

(a) Name, location and occupation of each witness.

(b) A summary of each witness' anticipated testimony.

(c) The availability of each witness in the area of the employee's duty station during the next thirty (30) days.

(3) The availability of the employee and his representative and the management official and his representative in the area of the employee's duty station during the next thirty (30) days.

c. The Director of Personnel or the District Personnel Officer must direct the management official to make available to him and the employee the management official's entire adverse action file for review and reproduction, with the following exceptions:

(1) When the file contains medical records concerning a physical or mental condition about which a prudent physician would hesitate to inform the person concerned, that medical evidence will be made available only to a duly licensed physician designated in writing for that purpose by the employee or the employee's representative.

d. The employee may inspect and copy any part of the appeal file upon request, except the medical information referred to in Sub-Part 13.10c.

e. The employee may request that the Government, at its expense, produce at the hearing those witnesses who are employed by the Trust Territory Government and whose testimony the employee alleges, in writing, to be pertinent to the issues and necessary to his defense. The employee may include in his list of witnesses non-governmental individuals, but arrangements for their presence at the hearing are the obligation of the employee and will be at the expense of the employee unless otherwise ordered by the Trust Territory Personnel Board.

13.11 <u>Procedural Defects.</u> If, at any time after the appeal has reached the Trust Territory Personnel Board, the Board finds a regulatory or procedural defect which

would warrant reversal of the action taken by the management officials, the Board will[•] prepare a report of its findings on the issue and order that the action be dismissed without prejudice. Copies of the findings and the order will be served on all parties.

13.12 Status of Employee During the Appeal Period. If an employee appeals a management official's decision given in accordance with Sub-Part 12.13a, that decision shall remain in effect unless and until the Board has entered its findings and decision on the appeal. The Board may enter such findings and decision on appeals decided by it as it finds the circumstances of the case require, and that it deems just and proper.

PART 14 GRIEVANCES

14.1 <u>Employee Coverage</u>. The Trust Territory Public Service Grievance System covers all Public Service System employees.

14.2 <u>Grievance Coverage.</u> The grievance system will cover any matter of concern or dissatisfaction to an eligible employee unless exempted in Sub-Part 14.3 below.

14.3 <u>Matters Not Covered.</u> The grievance system will not cover the following:

a. An adverse action appealable under Part 12.

b. A fitness-for-duty examination.

c. The content of published Government policy.

d. Non-selection for appointment, promotion, or reassignment from a group of properly ranked and certified candidates.

e. Non-adoption of a suggestion or disapproval of a merit increase, performance award, or other kind of honorary discretionary award.

14.4 <u>Right to Seek Advice</u>. Sometimes, an employee has a valid reason for not taking a grievance to his immediate supervisor. The Government's grievance system, therefore, must provide opportunity for an employee to informally communicate with and seek advice from:

a. His District Personnel Office or the Headquarters Personnel Office, or

b. A supervisory or management official of higher rank than the employee's immediate supervisor.

14.5 <u>Informal Grievance Procedure</u>. Before an employee can utilize the formal grievance procedure, he must show evidence of having pursued his grievance informally. He must complete the informal procedure before the Trust Territory Personnel Board will accept from him a grievance concerning the same matter for processing under the formal procedure.

a. An employee may present a grievance to his supervisor concerning a continuing practice or condition at any time. He must present a grievance concerning a particular act or occurrence within fifteen (15) calendar days of the date of that act or occurrence or the date he became aware of the act or occurrence.

b. An employee may present a grievance under the informal procedure, either orally or in writing to his supervisor.

c. Supervisors have an obligation to accept an employee's grievance and to act promptly and fairly on the issue or issues presented in the grievance. Informal settlement of a grievance requires that the supervisor exhibit competence, mature judgment, and a true willingness to reach a satisfactory settlement.

d. If the employee has a valid reason for not presenting his grievance to his immediate supervisor, he must present it to one of the persons designated in 14.4

14.6 Formal Grievance Procedure. If the employee's grievance is not settled to his satisfaction by the immediate supervisor, he should forward his grievance for formal review to the Trust Territory Personnel Board. Entitlement to formal review is based on employee's compliance with the following:

a. The employee must explain his attempts to settle the grievance informally.

b. He must submit his grievance within the prescribed time limits.

c. The grievance must be in writing.

d. The grievance must contain sufficient details to identify and clarify the basis for the grievance, and

e. The employee must specify the personal relief requested by him.

PART 15 POLITICAL ACTIVITIES

The political activities of persons in the Public Service System shall be subject to the restrictions of this section.

15.1 <u>Rights of Employees.</u> All employees in the Public Service shall have the following rights:

a. To vote for the candidates of their choice and to express their opinions on political matters.

b. To be an active member of the political party or organization of their choosing.

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

c. To make voluntary contributions to a political party for its general expenditures.

d. To become a candidate for political office while working in the Public Service System, providing their campaigning does not take place while on Government time.

15.2 <u>Prohibitions.</u> Employees of the Public Service System shall not:

a. Use their office of official influence to interfere with an election or to affect the results of an election.

b. Use their official authority to coerce any person or political party in reference to any politically related activity.

c. Be obligated to contribute to any political fund or render service to any political activity.

d. Solicit or receive political contributions from anyone while on Government time or on Government property.

e. Campaign for any candidates for public office during official working hours.

15.3 <u>Penalty</u>. Any employee found guilty of a prohibited activity shall be subject to disciplinary action by management.

PART 16. POSITION CLASSIFICATION

16.1 <u>General.</u> All positions subject to the provisions of the Trust Territory Public Service System Law shall be classified in accordance with the approved Trust Territory Position Classification Plan.

16.2 Definitions

a. Position Classification means the process by which positions in an organization are identified according to their duties and responsibilities, like positions segregated into groups called classes, and a systematic record made of the classes found and of the particular positions found to be of each class.

b. Class means one position or a group of positions sufficiently similar in respect to their duties, responsibilities, and authority that the same title may be used with clarity to designate each position allocated to the class, the same standard qualifications may be required of all incumbents, the same test of fitness may be used to choose qualified employees, and the same schedule of compensation may be applied with equity under the same or substantially the same employment conditions; and sufficiently dissimilar from any position or any other group of positions to warrant exclusion from those groups of positions.

The class title assigned to a position in accordance with

the Position Classification Plan, shall be the official title and will be used for all personnel, budgetary and financial purposes. In addition, the official title should be used for all position organization charts.

c. Position means a specific employment, whether occupied or vacant, consisting of a group of all the current duties and responsibilities assigned by competent authority and requiring the full or part-time employment of one person.

d. Position Classification Plan means classes of positions arranged in a logical and systematic order to reflect all of the kinds and levels of work utilized in the Public Service.

e. Management Official means a person having power to make appointments or changes in status of an employee in the Public Service, or a delegate of such a person.

f. Allocation means the assignment of a position to its appropriate class on the basis of analysis of the duties and responsibilities of the position.

g. Reallocation means the reassignment of a specific position or group of positions from one class to another on the basis of analysis and identification of new or different tasks.

h. Class Specification means an official position classification plan document describing the general characteristics of the class, including the official class title, a description of the scope of duties and responsibilities of the class, examples of work or typical duties performed, and a statement of the qualifications required to perform the work of the class.

i. Occupational Group means a major subdivision of a position classification plan, generally embracing several series of classes of positions in associated or related work specialties, professions or related activities (e.g., Clerical and Machine Operation; Administrative, Management, and Allied; Agriculture and Allied; etc., make up an occupational group)

j. Series of Classes means classes closely related as to occupational specialty but differing in level of difficulty and responsibility and qualifications required (e.g., the three classes of Architect I, Architect II, and Architect III make up a series)

k. Position Description means a formal, official written statement by management documenting the assignment or rearrangement of the duties and responsibilities of a position.

16.3 Responsibilities

16.4 The Director of Personnel is responsible for:

a. The classification of all positions, per assigned duties

315 🗠

and responsibilities.

b. The grouping of positions into classes on the basis of their similarities in duties, responsibilities, and other significant factors.

c. Assigning a title to each class which shall apply to all positions in the class; and the characteristics of each class and the standards for employment in any position in the class shall be prescribed by the Director of Personnel subsequent to consultation with the Trust Territory Personnel Board and the appropriate management officials concerned.

d. The changing of a position from one class to another where substantial changes have occurred in the duties and responsibilities.

e. The determination of the status of occupants of positions which have been changed from one class to another class.

16.5 <u>The Director of Personnel</u> is responsible for all of the foregoing and the following related actions in which he exercises such responsibility acting for the High Commissioner:

a. Delegate responsibility, to the degree which he deems appropriate, to other qualified personnel in the Personnel Department at Headquarters and district levels to identify positions at certain levels with established classes of positions which have been approved and allocated within the Classification Plan.

b. Periodically inspect actions taken by those persons delegated responsibility to assure the propriety of such actions and to direct corrective action, where appropriate.

c. Provide orientation to supervisors and management officials at all levels in their responsibility and role in the Position Classification Plan processes.

16.6 <u>Management Officials and Supervisors are</u> responsible for all of the following:

a. The planning, organizing, developing and assigning of duties and responsibilities to positions, whether occupied or vacant.

b. When making assignments, giving consideration to the mission of the organization and structuring positions for accomplishment of requirements in the most effective and economical manner possible.

c. Assuring that assigned duties and responsibilities do not duplicate or overlap with those of other positions.

d. Assuring that the current duties and responsibilities assigned to positions are completely and accurately described in position descriptions in full and sufficient detail for position classification and all related purposes. e. Assuring the development, preparation, maintenance, and submission of factual up-to-date functions, statements and organization position charts which clearly depict such information as assigned organizational and/or supervisory responsibility, organizational segment identification, employee names with official class titles and pay levels for the positions to which assigned, the title and pay levels of vacant positions which are funded and approved, and other similar essential details.

f. Assisting their employees, to whatever extent necessary, to accomplish the foregoing and to obtain information from authoritative sources, as necessary, to answer specific questions as may be raised by their employees.

16.7 <u>Effective Date.</u> The effective date for an initial allocation or reallocation of a position shall be the first pay period following approval of such action by the Director of Personnel. Exceptions to this rule may be made by the Director of Personnel only for such reasons as will expedite public business and not result in an inequitable situation.

PART 17. COMPENSATION

17.1 <u>General.</u> All positions subject to the provisions of TTC, Title 61, shall be compensated in accordance with such laws and the provisions of this Part.

17.2 <u>Compensation Plan</u>. The classes in the Position Classification Plan, when assigned to appropriate pay levels of the Base Salary Schedule as established in TTC, Title 61, shall constitute the basic Compensation Plan.

The Director of Personnel shall assign all classes in the Position Classification Plan to appropriate pay levels in the Base Salary Schedule in accordance with the following:

a. Kind and level of work.

b. Degree of difficulty and responsibility.

c. Kind, quality and level of qualification requirements.

d. Relationship to other classes in its occupational group, and of its occupational group to other occupational groups.

e. Long-range recruitment market experience.

17.3 <u>Definitions</u>. In addition to those definitions covered in Section 3, TTC, Title 61, the following definitions shall apply in matters covered by this Part:

a. Salary Range. The group of salary rates which span from minimum to maximum in each pay level of the Base Salary Schedule established by TTC, Title 61.

b. Step. A single increment or rate in a salary range.

c. Service Anniversary Date. The date an employee may lawfully be granted a within-grade increase. Such date may be the anniversary of the date of initial appointment, or such other date as may be established by regulation.

d. Service Year. Satisfactory service rendered by an employee during a prescribed work year of twelve (12) months; provided that unauthorized periods of absence and leaves without pay of the authorized limit of ten (10) days are made up so that a full year of actual service is rendered.

17.4 Initial Appointments. All initial appointments shall be made at the first step of the appropriate pay level; unless a higher rate shall be necessary to recruit and is appropriate to the qualifications of the applicant, in which case, appointment may be allowed at succeeding steps but not beyond the fourth step. Anyone appointed at a step other than the minimum step is also eligible under these regulations for step increases in the same manner as other employees.

17.5 <u>Promotions</u>. An employee who is promoted from a position in one class to an existing position in a higher class shall be compensated at the lowest step in the new pay level which at least equals the amount of a two-(2)-step increase in the old pay level. The effective date of the promotion shall be the new service anniversary date for the promoted employee.

17.6 Detail. A detail is the temporary assignment of an employee to a different position for a specified period, with the employee returning to his regular position and duties at the end of the detail. Technically, a position is not filled by a detail, as the employee continues to be the incumbent of the position from which detailed. Normally, whenever it is anticipated that the need for a detail will exceed ninety (90) days, it is more appropriate to effect a temporary promotion if the employee is qualified at the higher grade. Individuals who do not meet the qualification standards of the position at the higher grade cannot be temporarily promoted and, therefore, must voluntarily agree to any period for which the detail exceeds ninety (90) days. An employee may also be detailed to a set of duties, which must be specifically described in a task list, when the Government's need for necessary or emergency services cannot be obtained by other desirable or practical means.

17.7 "Acting" Assignment. An "Acting" assignment is the designation, in writing, that an employee will act for a period of up to thirty (30) days in place of a supervisor. When the supervisor's absence exceeds the initial thirty (30)-day period, a new designation shall be made for an additional thirty (30) days. This thirty (30)-day renewal of the "acting" assignment is repeated until the supervisor returns to his position. When the acting assignment exceeds ninety (90) days, the employee shall be temporarily promoted if he meets the qualifications standards of the position. If the acting assignment

exceeds ninety (90) days and the employee does not meet the qualifications standards of the position, the employee may be temporarily promoted to an intermediate grade if one exists and he meets the qualifications requirements, or if the employee does not meet the qualifications standards of either the target grade or the intermediate grade, he shall be compensated with two (2) steps in his current pay level, but may not exceed the maximum step. In either case, the return to his former salary (grade and step) at the end of the temporary assignment will be done in the same manner as provided under Sub-Part 17.8.

17.8 Temporary Promotion. A temporary promotion is utilized when it is anticipated that an employee will temporarily occupy a position for a period in excess of three (3) months. An employee can be temporarily promoted only if he meets the qualifications standards of the new position. The employee temporarily promoted, shall be compensated at the step in the new pay level which is at least equal to an increase of two steps at his current pay level. The employee must be informed in advance and agree, in writing, that at the expiration of the temporary promotion, he will be returned to the former salary (grade and step) that he would be receiving had he remained in the former position. No temporary promotion shall exceed a period of one (1) year.

17.9 <u>Demotion</u>. An employee demoted, through no fault of his own, to a position in a lower pay level, shall be compensated at the rate which does not exceed his current pay rate. Where his existing rate exceeds the rate of the maximum step of the lower pay level, the employee shall be compensated at such maximum step. An employee demoted as a disciplinary measure shall have his compensation reduced to the corresponding step of the lower pay level, and may, with the approval of the Director of Personnel, be compensated at a lower step.

An employee demoted for non-disciplinary reasons, during a new probationary period, to the class of position from which he was promoted, shall be compensated at the pay level and step received immediately prior to his promotion, with credit for the period of promotion.

17.10 <u>Transfer</u>. An employee who is transferred to a different position at the same pay level shall receive no change in compensation. A two (2)-week period must be given the losing supervisor or department prior to effecting a transfer.

17.11 Effect on Service Anniversary Date. An employee's service anniversary date will not be affected by a detail, "acting" assignment, temporary promotion, demotion (other than for disciplinary reasons), or transfer action. A service anniversary date will be changed, however, with the approval of the Director of Personnel or his designee, to the effective date of a demotion for disciplinary reasons.

All actions taken to document the provisions of Sub-Parts 17.4, 17.5, 17.6, 17.8, 17.9, and 17.10 should be reported on Micronesian Personnel Action Form (TT-P-50) or Request for Personnel Action Form (SF-52), as appropriate, and maintained as permanent records in the Official Personnel Folder (OFF).

PART 18 COMPENSATION ADJUSTMENT FOLLOWING PERSONNEL ACTIONS

18.1 Reallocation of Position

a. An employee whose position is reallocated to a class assigned a higher pay level shall be compensated at the lowest step in the higher pay level which at least equals the amount of a one (1)-step increase in the lower pay level.

(b) An employee whose position is reallocated to a class assigned a lower pay level shall be compensated at that rate in such lower pay level which does not exceed his existing rate. His service anniversary date shall remain unchanged. Where the employee's existing rate is beyond the maximum step of the lower pay level, he shall be compensated at such maximum step of the lower pay level. He shall receive any benefits due to any future changes in salary rates.

c. Service Anniversary Date Following Reallocation. The service anniversary date of an employee retained in a reallocated position shall not change.

18.2 Effective Date of Reallocation. A reallocation action shall be effective the first of the pay period immediately following approval by the Director of Personnel. An earlier effective date may be established only when a recruitment problem may require such or the reallocation action is initiated by the Department of Personnel.

18.3 <u>Reassignment of a Class to a Different Pay level.</u> Employees occupying positions in a class which is reassigned to a different pay level shall be compensated in the same manner as provided in Sub-Parts 18.1a and 18.1b. There shall be no change in their service anniversary dates.

18.4 Other Compensation Provisions

a. Within-Grade Increase. All eligible employees may be granted within-grade increases upon completion of not less than twleve (12) full months of satisfactory service. No employee may be compensated above the maximum step prescribed for his pay/grade level.

This regulation applies only to regular or permanent employees who have been appointed to a position in the Public Service and who have successfuly completed their initial probation period of twelve (12) months. Only those employees who are employed on standard full-time work schedules, including such occupations as Classroom Teachers who may work only a "school year," are eligible to receive within-grade increases who have successfully completed the twleve (12) months of satisfactory service.

Employees assigned to work part-time will be eligible for a within-grade increase only at such time as the cumulative total of all hours worked equates to three-fourths (3/4) of a standard work year of 2,080 hours and such service has been satisfactory. (NOTE: This is the only exception to the requirement of "not less than twelve (12) full months of satisfactory service.")

Employees who are employed on an intermittent basis are not eligible to receive within-grade increases.

(1) Procedures. An employee granted a within-grade increase following completion of not less than twelve (12) full months of satisfactory service, or the exception above, will be advanced to the next higher step in the salary range for his pay level.

Such within-grade or step increase shall be effective on the first day of the first pay period which begins on or after the date he completed twelve (12) full months of service since the date of his last within-grade. The effective date of a within-grade increase may not be delayed because of administrative error or oversight. In case of oversight, the employee is entitled to a within-grade increase retroactive to the date he became eligible, as defined above. In case of an error involving underpayment of the correct amount of increase, the employee is entitled to retroactive adjustment to the last date on which he became eligible for a within-grade increase. In case of an error involving overpayment of the correct amount of increase, the employee's salary shall be immediately adjusted to the correct amount and recovery effected for all such overpayment in excess of the correct amount retroactive to the date on which the increase was effective, or six (6) months, whichever is the lesser.

The computation of twelve (12) full months of satisfactory service is subject to the following adjustments:

(a) For those positions for which the normal work schedule is limited to a "school year," all approved leave without pay (LWOP) or time spent in a non-pay status, taken only during the period of time after school closes in the summer and prior to reopening in the fall, is creditable towards the waiting period for a within-grade increase.

(b) In addition to the above and for all positions, approved leave in a non-pay status (LWOP) and/or unapproved leave (AWOL) not to exceed eighty (80) hours, is creditable towards the waiting period for a within-grade increase. Unapproved leave (AWOL) and leave without pay (LWOP) of more than eighty (80) hours will extend the waiting period by at least one pay period or

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

by the amount of time such AWOL or LWOP exceeds the eighty (80) hours, whichever is greater.

(c) Time served in a LWOP status for purposes of job-related education or training is credited towards within-grade increases, the same as if the employee had been in a pay status for that period of time while on LWOP. However, any portion of the time while on LWOP that is not directly related to the study program, or associated travel via the most direct route, is not creditable towards the waiting period for a within-grade increase. Finally, to be creditable towards the waiting period, the education program in which the employee is enrolled must be clearly and directly applicable to the employee's present position or one to which he may reasonably aspire, and for which he is released from full-time work status and placed in an approved leave without pay (LWOP) status.

(d) A former employee with a break in service of ninety (90) days begins a new waiting period upon reemployment for a within-grade increase. No credit will be given towards the completion of this new waiting period for any time served under a former waiting period prior to the break in service.

(2) Responsibilities. The Director of Personnel is responsible for the administration and interpretation of this regulation throughout the Trust Territory.

Employees' supervisors are responsible for ensuring that all within-grade salary increases (Form TT-P-53) are processed on a timely basis. Further, supervisors shall certify that the work performance of each employee is of an acceptable (i.e., satisfactory or better) level of competence. This is required since within-grade increases are not automatic. When an employee's level of performance is less than satisfactory, the within-grade increase may be delayed for a period not to exceed ninety (90) working days pending improvement. If a satisfactory level of performance is not attained by the end of this ninety (90)-day period, supervisors shall initiate action to reassign the employee to other work at the same or lower pay level for which qualified or, in extreme cases, to consider termination. It is mandatory that responsible supervisors fully document in detail each case of an employee whose work performance is not satisfactory which will result in delay of the within-grade increase or other action. Information copies of such documentation shall be provided to the employee and transmitted to the appropriate Personnel Office for retention in the Official Personnel File.

The decision to delay an employee's within-grade increase for any period of time up to ninety (90) working days will cause the due date for the employee's next within-grade increase to be recycled to twelve (12) months from the effective date of the delayed action. Each supervisor taking such action shall provide appropriate documentation to the appropriate Personnel Office for record adjustment purposes. Upon receipt of completed Within-Grade Increase (TT-P-53) Forms, the employee's supervisors shall review all information for accuracy and verify any adjustments which may have been made, to preclude the possibility of error. All supervisors have a continuing responsibility to ensure that each employee fully understands all details concerning his within-grade increase.

Headquarters and District Personnel Offices are responsible for ensuring that Within-Grade Salary Increase (TT-P-53) Forms are initiated on a timely basis by a tickler system established for that purpose. Additionally, they will assure that all related documentation generated and received from responsible supervisors is appropriately recorded in the adjustment of records and filed for reference use.

Headquarters and District Payroll organizations, as appropriate, are responsible for recording all pertinent leave information on the Within-Grade Salary Increase (TT-P-53) Form, which will result in adjustment of the effective date of the action.

b. Merit Increases. Employees may be granted merit increases for sustained superior performance over a period of one (1) year or more. No employee may receive more than one merit increase in a twelve (12)-month period. A merit increase does not interrupt the minimum twelve (12)-month waiting period required to qualify for a within-grade increase.

(1) Procedures. To request a merit increase, the supervisor will prepare a memorandum of not more than one typewritten page in length, which must include the following:

(a) Statements descriptive of areas in which the employee has excelled; e.g., initiative, judgment, quality, productivity, job knowledge, communications. For supervisory positions, such additional factors as development of others, leadership, and job planning must be described.

(b) Statements must clearly relate the foregoing with the most important and key duties and responsibilities within the employee's position. For example, productivity in terms of volume could be critical in some positions such as in clerical work but of little importance in teaching positions. Also, it must be recognized that positions often contain a variety of duties with some being less difficult or less responsible than others. For obvious reasons, a recommendation and request for a merit increase cannot be based on these lower aspects of a position.

An employee who has attained the top salary step may not be accorded a merit increase, and other means should be sought to recognize superior performance. The Incentive Awards Program is one means of recognizing superior performance.

319

An employee receiving a merit increase will also receive his next within-grade increase based on satisfactory performance and completion of the prescribed waiting period since his last within-grade increase.

(2) Responsibilities. The employee's supervisor is responsible for initiating and preparing the request for a merit increase. Required documentation consists of the memorandum of justification (cited above) and a Micronesian Personnel Action Form (TT-P-50) or a Request for Personnel Action (SF-52), as appropriate, signed by the employee's supervisor and his department head or district administrator. The effective date of a merit increase shall be the beginning of the pay period following its approval.

All employees' supervisors should remain aware that the primary purpose of a merit increase is to recognize sustained superior performance only. It is not to be used as a means or device to compensate an employee where a supervisor has not been able to obtain a promotion for the employee, or where the supervisor is of the opinion that the pay level of the position is too low, or for any other reasons unrelated to excellence in the performance of duties.

The Headquarters or District Personnel Office, as appropriate, is responsible for review of all requests for merit increases for completeness, accuracy, and compliance with established requirements. Inappropriate or improperly substantiated requests will be returned to the initiating organization, without action, for such corrective measures as may be deemed necessary. Properly documented requests for merit increase will be forwarded for final review and approval to the Director of Personnel or District Administrator for Headquarters and district organizations, respectively.

For approved merit increase requests, the Headquarters or District Personnel Office, as appropriate, will assure retention of all required documentation in official personnel files and effect timely distribution of documentation to the Headquarters or district Payroll organization for required action.

c. Overtime Compensation and Control. Overtime compensation is utilized where overtime work is necessary for all eligible employees, in accordance with the overtime provisions of TTC, Title 61.

Any employee who is directed to work in excess of forty (40) hours a week shall be paid overtime at the rate of one and one-half $(1\frac{1}{2})$ times his basic pay.

(1) Purpose. To establish criteria for overtime compensation payments for all eligible employees directed to work in excess of the forty (40) hours of the regular and scheduled workweek.

(2) Scope. This regulation applies to all employees who are in positions not exempted from the Public Service

System by TTC, Title 61.

(3) Definitions

(a) Overtime. All work performed in excess of the regular forty (40)-hour workweek.

(b) Regular Workweek. Consists within the period of time commencing after 12:00 p.m. on Saturday and ending at 12:00 p.m. on the following Saturday, of any scheduled five (5) consecutive workdays consisting of eight (8) work hours each. (6-74)

For the vast majority of employees, the regular workweek is scheduled to commence on Monday, at 7:30 a.m., and end on the following Friday, at 4:30 p.m., of each week.

(c) Overtime Payments. Additional pay, calculated at one and one-half $(1\frac{1}{2})$ times the employee's basic rate of pay for overtime hours worked.

(d) Basic or Base Pay. The hourly rate of compensation paid to an employee for the performance of assigned work excluding all other types of payments such as Differentials for Night Work, Hazardous Work, Hardship Post, Travel Per Diem, Transfer Allowance, Tax Relief Allowance, Recruitment Premium, and the like.

(4) Responsibilities

(a) The Director of Personnel is responsible for the administration and interpretation of this regulation throughout the entire Trust Territory.

(b) District Personnel Officers are responsible for uniform and equitable administration of this regulation throughout the district and/or sub-districts under their jurisdictions.

(c) Cognizant supervisors are responsible for all required approvals for overtime, control of overtime consistent with sound management practices, and keeping their employees fully informed of all details concerning overtime.

(5) General. Overtime work will be authorized and controlled in accordance with the following:

(a) It is scheduled and approved in advance, except in unanticipated emergencies.

(b) Overtime must be requested by the immediate supervisor and approved by his superior or the department head.

(c) Such overtime work is directed to a specific objective or goal of accomplishment, and it cannot be accomplished during the regular workday nor postponed to the following day or days. An employee who is required to work overtime of less than two (2) hours

is credited with a minimum of two (2) hours overtime work.

(d) All paid absences will be considered as time worked in computing overtime hours.

(e) Time lost due to absence without leave (AWOL) or leave without pay (LWOP) will not be included in the total hours worked when calculating overtime compensation.

(f) Any employee who is being paid Standby Differential for remaining on call to duty at any time during a regularly scheduled standby period in excess of a normal forty (40)-hour workweek, shall not be eligible for overtime payment for any work performed while on scheduled standby. For all hours worked in addition to the normal forty (40)-hour workweek, except regularly scheduled standby hours, overtime compensation will be paid.

d. Holiday Pay. To provide additional compensation to employees who are required to work on a legal holiday.

(1) Controls. The following controls apply to the amount of additional compensation to be paid for work performed on a legal holiday under varying circumstances:

(a) For employees required to work on a legal holiday which falls during their regularly scheduled workweek, Monday through Friday:

For the first eight (8) hours of work, compensation is two (2) times the base salary rate;

and

for all additional hours worked on the same day in excess of the first eight (8) hours of work, compensation is at regular overtime rates which is one and one-half $(1\frac{1}{2})$ times the base salary rate, in accordance with Sub-Part 18.4c(3)(c).

(b) For employees required to work on a legal holiday which falls outside their regularly scheduled workweek (i.e., Wednesday through Sunday and the holiday worked falls on Monday or Tuesday), compensation shall be as follows:

All hours worked on that day, whether eight (8) hours or more, compensation is at regular overtime rate which is one and one-half $(1\frac{1}{2})$ times the base salary rate.

Holiday pay for work performed on a legal holiday will not be paid any employee who is paid a Standby Differential.

When a legal holiday falls within the regularly scheduled workweek of an employee who is on leave without pay

(LWOP) status, such employee will not be compensated with holiday pay, provided that the period of leave without pay begins at least a day before the holiday and extends beyond it. (6-74)

(2) Responsibilities

(a) Headquarters or District Payroll organizations are responsible for ensuring that the employees are properly paid in accordance with the time and attendance reported.

(b) Employees' supervisors are responsible for assuring complete and accurate reporting of employees required to work on a legal holiday and providing clear identification to the responsible Payroll Office whether the work performed on a legal holiday falls during or beyond their regularly scheduled workweek.

e. Hazardous Work. All employees whose occupation involves unusual and extreme hazards to health and safety shall be paid a differential of twenty-five percent (25%) of their base salary rate.

(1) Qualification Criteria. To qualify for payment of a Hazardous Work Differential, the following conditions of work must be met:

(a) The conditions of unusual and extreme hazards to the employee's health and safety must be clearly evident and fully defined.

(b) The hazard, on which a request for payment of such differential might be based, has not previously been recognized in the establishment of the pay level for the class which covers the position(s) and work involved.

(c) Exposure to the particular unusual and extreme hazard must constitute a reasonable amount of time so as to be clearly recognizable. For example, several repeated exposures to such a hazard may occur for a brief period of time, but collectively measured over a period of time (e.g., one day), may possibly provide a valid basis for recognition of the hazard. Conversely, clear and sustained exposure to an unusual and extreme hazard is readily more recognizable and measurable.

(2) Procedures. The Director of Personnel is responsible for the review and approval of all requests for payment of Hazardous Work Differential.

Department Heads must submit a written request, through their District Personnel Office or the Headquarters Personnel Department, with a full and detailed explanation of the circumstances in support of all requests for Hazardous Work Differential. Each request must provide details including a complete definition of the hazard, a list of the name, correct official position title, pay level, step, salary, organization, and the amount of time each employee

will be (or was) exposed to the particular hazard for which payment is sought. For each request approved, concerned departments will prepare a Micronesian Personnel Action Form (TT-P-50) or a Request for Personnel Action Form (SF-52), as applicable, with all required data for each employee involved and cite or attach the authority for payment of the Hazardous Work Differential. The responsible Headquarters or District Personnel Office will review and approve each such TT-P-50 or SF-52 for the propriety of the action and the completeness and accuracy of all pertinent information. The Headquarters Payroll Office will be responsible for effecting the required payment after verifying appropriate authorization.

Occasional special projects which involve unusual and extreme hazards, such as the loading, unloading, and transporting of significant quantities of dangerous explosives, may require the services of a number of employees normally engaged in other work.

f. Hardship Post Differential. To provide additional compensation, the Harship Post Differential of twenty percent (20%) of base salary rate is paid employees assigned to duty stations which involve conditions of unusual hardship.

(1) Qualification Criteria. To qualify for payment of a Hardship Post Differential, employees must be regularly assigned to a location or duty station which has been previously identified and certified by the Director of Personnel as constituting a Hardship situation.

(2) Factors of Unusual Hardship. A post, location, or duty station will be individually assessed to determine whether it involves conditions of unusual hardship as compared with other locations throughout the same and other district(s). Factors collectively considered to constitute unusual hardship include, but are not limited to:

(a) Geographic Isolation. A site sufficiently remote and removed from population centers, isolated from other activities or facilities, inaccessible except by means of special and infrequent transportation and/or communications, a physical location well removed and functioning with little recourse and contact with other locations or activities.

(b) Lack of Amenities. Broadly encompasses all considerations relating to characteristics or conditions of pleasantness, attractiveness, or desirable features of a place; includes consideration for the existence and types of facilities such as shopping, recreation, housing, transportation, communications, relationships and presence of other people.

(c) Lack of Availability of Shipping. Broadly includes locations where commerce and transport of goods and materials via sea, air, or ground is sporadic, may or may not be regularly scheduled, goods are subject to loss, damage or excessive delays, transport facilities are of limited capacity and other similar features which enhance the difficulty of obtaining goods and services.

(d) Lack of Transportation. Generally identifies and refers to accepted means of transportation such as lack of suitable roadways for automotive or other vehicular traffic to move about from place to place on the island; includes all forms of common transportation, such as automobiles, motorbikes, boats, and the absence or presence of local facilities to support both their use and maintenance.

(e) Other Conditions. Other conditions or special features characteristic of the location or post of duty assignment which contribute to or result in a situation of unusual hardship to the employees assigned to that duty station.

(3) Procedures. The authorization and approval to pay a Hardship Post Differential is not automatic and, once authorized, is not a guarantee that it will continue indefinitely. An employee on annual or home leave will not be paid the Hardship Post Differential if he is away from the hardship post.

(a) Each district or department having employees assigned to such locations believed to constitute a Hardship Post will prepare a memorandum citing in detail all of the reasons why such locations should be designated as a Hardship Post. A list of all employees who may be affected by such a determination shall be made. Such memorandum shall be pre-coordinated with all departments involved and submitted to the District Administrator or Department Head for review and determination as to justification for referral to the Director of Personnel. If justification for the differential exists, the District Administrator or Department Head will forward each request with all supporting documentation and his recommendations to the Director of Personnel.

(4) Once a post, location, or duty station has been certified as a Hardship Post, annual reexaminations of conditions shall be made for the area to continue as a Hardship Post. Special reviews shall be made when there is evidence of sufficient improvement in conditions of such location(s) to possibly warrant removal from the Hardship Post category.

(5) Upon determination by the Director of Personnel and official designation as a Hardship Post, functional divisions with employees assigned to such locations are responsible for initiating the appropriate Micronesian Personnel Action Form (TT-P-50) or Request for Personnel Action Form (SF-52) for each affected employee. The written official designation of the Hardship Post declaration issued by the Director of Personnel must be cited or attached as the authority for payment of a Hardship Post Differential.

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

(6) The Headquarters or District Personnel Office will review and approve such TT-P-50 or SF-52 for the propriety of the action and the completeness and accuracy of all information. The Headquarters Payroll Office will be responsible for effecting the required payment only after verifying appropriate authorization.

g. Night Work. Additional compensation in the form of a Night Work Differential of fifteen percent (15%) of base salary rate is paid for all hours worked between 7:00 p.m. and 6:00 a.m., when such hours are included within a regular scheduled hours of duty.

(1) Control Criteria. To be eligible to receive payment of a Night Work Differential, the following criteria must be met:

(a) Payment will be made only for actual hours worked which fall between the period of 7:00 p.m. and 6:00 a.m.

(b) The above is restricted to include only those regularly scheduled work hours within the specified time period which constitute all or a part of the employee's regular hours of duty.

(2) Non-payment of Night Work Differential. Payment of a Night Work Differential will not be made for the following situations:

(a) An employee whose regular hours of duty include scheduled hours during the period of 7:00 p.m. to 6:00 a.m., is absent and does not actually perform work for the hours involved.

(b) An employee required to perform work during the hours of 7:00 p.m. and 6:00 a.m. which is not a part of his regularly scheduled hours of night work duty.

(c) An employee who is paid a Standby Differential for remaining on call to duty at any time during a regularly scheduled standby period in excess of a normal forty (40)-hour workweek, or eight (8)-hour workday, shall not be eligible for payment of Night Work Differential for any work performed while on scheduled standby.

(3) Responsibilities. To place employees on scheduled hours of Night Work duty, a Micronesian Personnel Action Form (TT-P-50) or a Request for Personnel Action (SF-52), as appropriate, shall be initiated and approved by the immediate or next higher-level supervisor and approved by the head of the department.

The supervisor is responsible for preparing and submitting complete work schedules covering each employee regularly scheduled to work hours falling between 7:00 p.m. and 6:00 a.m.

The Headquarters or District Personnel Office will review each TT-P-50 or SF-52 for the propriety of placing the position involved on a regularly scheduled night work duty status.

The Director of Personnel or District Administrator, as appropriate, will review and approve all TT-P-50's or SF-52's.

The Headquarters Payroll Office will be responsible for monitoring Time and Attendance Reports submitted by departments, to assure the propriety of payment of Night Work Differential. Functional divisions shall prepare and submit replacement night work duty schedules for employees, as the need arises, and initiate a TT-P-50 or SF-52 to remove employees from night work status when such requirement is no longer justified.

h. Standby Differential. All employees whose conditions of work or employment involve all of the following criteria shall be entitled to receive a Standby Differential of twenty percent (20%) of base salary rate.

(1) Qualification Criteria. To qualify for entitlement to receive a Standby Differential of twenty percent (20%) of base salary rate, all of the following conditions of work or employment must be met:

(a) The nature of the position or occupation is such that employees are required to remain on call in a standby duty status which must be performed at their designated work station or location.

(b) Hours of standby duty must be for a regularly scheduled period of time in excess of a normal forty (40)-hour workweek. The minimum scheduled standby duty tour shall consist of not less than eight (8) hours per week.

(c) Employees assigned to work regularly scheduled hours of standby duty must be regularly and frequently called upon to perform the assigned duties or services while on standby.

(d) Employees being paid Standby Differential are not eligible to receive payment for Night Work Differential, Holiday Pay, or Overtime Pay for any work performed while serving a scheduled standby. Overtime compensation will be paid, however, for all hours worked in addition to the normal forty (40)-hour workweek and any hours beyond regularly scheduled standby hours.

(2) Responsibilities. To place employees on scheduled standby duty, a Micronesian Personnel Action Form (TT-P-50) or a Request for Personnel Action (SF-52), as applicable, shall be initiated and approved by the immediate or next higher-level supervisor and approved by the Department Head or District Administrator. In situations where the establishment of standby duty tours are considered which fail to meet all the qualification

criteria above, supervisors should consider the possible use of occasional overtime to cover situations of sporadic or infrequent need.

Supervisors of employees placed on scheduled tours of standby duty are responsible for preparing and submitting complete standby duty schedules which identify each employee involved and the standby duty hours scheduled. Copies of these schedules shall be forwarded, through appropriate channels, for review by the Director of Personnel.

The Headquarters Personnel Department reviews all TT-P-50's and SF-52's for the propriety of placing the position involved on a standby duty status.

The Headquarters Payroll Office is responsible for monitoring all Time and Attendance Reports submitted by responsible officials to ensure the propriety of payment of standby differential to each eligible employee.

Functional divisions are responsible for preparing and submitting replacement standby duty schedules for employees, as the need arises, and for initiating a Micronesian Personnel Action Form (TT-P-50) or a Request for Personnel Action Form (SF-52) to remove employees from standby duty status when such requirement is no longer justified.

(NOTE: In no case may an employee receive payment for combined differentials for the preceding Standby, Hardship Post, Night Work or Hazardous Duty in excess of thirty percent (30%) of the current basic salary rate.)

18.5 <u>Transfer Allowance -- Per Diem</u>. When employees are recruited or transferred beyond normal commuting distances from their place of permanent residence for work elsewhere in the Trust Territory, they shall be entitled to (1) per diem at established rates at the new location for a period not to exceed ninety (90) calendar days from the date of entrance in the new position; (2) all expenses connected with travel of themselves and their immediate families; and (3) transportation of household effects to the new work location. (This household effects allowance is covered under the procedure called, Transfer Allowance -- Travel and Moving Expenses.)

a. <u>Purpose</u>. Payment of Transfer Allowance per diem occurs above and beyond travel per diem in effect during actual travel status up to the day of arrival at the new duty station. Commencing from the day of arrival at the new duty station, these funds are provided for the purpose of assisting the employee to effect the transfer without undue economic impact on personal funds or savings.

b. <u>Application of Transfer Allowance</u>. The following schedule provides for uniform application and

interpretation of that reference within TTC, Title 61, which reads, ".... per diem not exceeding ninety (90) calendar days," for all eligible employees as prescribed within this regulation:

Schedule of Transfer Allowance-Per Diem

Employe	e Family/Dependent (and)	Number of Calendar Days Per Diem To Be Paid
Category	• •	@Established Rates
I.	Employee Without Deper	idents15 Days
II.	Employee With One Dep	endent30 Days
III.	Employee With Two (2) Three (3) dependents	
IV.	Employee With Four (4) Five (5) dependents	
V.	Employee With Six (6) to More dependents	

c. <u>Controls and Procedures</u>. Payment of the 15, 30, 50, 70 or 90 calendar days per diem, as appropriate, will be calculated from the date of the employee's arrival at the new location of assignment. All per diem will be calculated at established rates for the new location.

If an employee in Category I, II, III, IV or V elects to travel without all of his dependents accompanying him at the time of transfer, he shall be paid in the appropriate Employee Category based on the actual number of dependents who did accompany him. If additional dependents perform subsequent travel and join the employee within one (1) year of the date of arrival at the new location of assignment (and this increases the total number of his dependents so as to justify placement in a higher Employee Category and payment of an additional amount of Transfer Allowance - Per Diem) adjustment and additional payment will be made. To qualify for additional payment based on an increased number of dependents joining the employee at a later date than his reporting date, such additional dependents must have been dependents of the employee at the time of recruitment or transfer. Adjustment for an increased amount of Transfer Allowance occasioned by additional dependents joining the employee after one (1) year from the date of his arrival at his new location of assignment, will be made only in unusual cases where it can be substantiated that such additional dependents could not have joined the employee earlier because of reasons of extreme hardship, health, completion of a school term, or similar reasons which provide clear evidence that earlier travel was prevented.

(1) For purposes of this regulation, "dependents" are restricted to include only the following:

(a) Dependent father of employee or spouse.

(b) Dependent mother of employee or spouse.

(c) All dependent unmarried children under age 21, including stepchildren, as well as legally adopted children.

(d) All dependent unmarried children (no age restriction) who, because of physical or mental incapacity, are incapable of supporting themselves.

Travel Authorizations (Form DI-1020), prepared by the Headquarters Department of Personnel to effect the transfer of Micronesian and expatriate personnel, will indicate in Item 18, "Transfer Allowance Authorized." Upon arrival at the duty station. the employee is required to submit a Travel Voucher (SF-1012) This voucher shall include a claim for Transfer Allowance with a statement as follows:

Employee arrived at duty station on: <u>*</u>with the following dependents: <u>**</u> Verified correct: <u>***</u>

* Date of arrival.

****** List dependents by name and birth date as indicated on the Travel Authorization (TA) who actually arrived at the duty station with the employee.

*** Signature of the District Administrator for district employees or Department Head for Headquarters employees, as applicable, to indicate verification of information on the travel voucher.

The travel voucher is submitted to the Headquarters Department of Personnel for approval. Headquarters Department of Finance computes the voucher for payment. All calculations for the Travel Allowance will be based on the established per diem rate in effect for the new location as of the date the employee arrived at his location of assignment.

When an employee is not accompanied at the time of travel to his work assignment by his dependents, he may later file for an increased amount under the conditions of the preceding second paragraph of this Sub-Part c, Controls and Procedures. Travel vouchers submitted for an increased amount will be identified as a "Supplemental Claim" at the top center of the travel voucher and submitted in accordance with the procedures outlined above. If necessary, requests for amended Travel Authorizations (TA's) should be directed to the Headquarters Department of Personnel.

d. The Full Amount of Transfer Allowance According to the Schedule of Transfer Allowance is Payable:

(1) On the occasion of initial transfer which, in accordance with Transportation Employment Agreement, is for a period of two (2) years. This occurs when an employee is recruited from his permanent place of residence or from another area or location geographically removed and beyond the normal commuting distance from the location of work assignment.

(2) Each time an employee fulfills at least one (1) full year of the two (2)-year Transportation Agreement, following which the employee is again transferred to a new location of assignment beyond the normal commuting distance from the employee's place of permanent residence.

(3) Payment of Transfer Allowance under (1) or (2), above, is made only when the recruitment or transfer action is initiated by the Trust Territory Government.

e. A Reduced Amount of Transfer Allowance is Payable Under the Following Conditions:

An employee subsequently transferred to another new location not his place of permanent residence and beyond the normal commuting distance from it within a period of less than twelve (12) full months following payment of the full amount of Transfer Allowance for a prior transfer as described above under (1) or (2) may be paid a reduced transfer allowance as follows:

(1) Determine the date on which the employee last received the full amount of Transfer Allowance.

(2) Compute the number of complete months only which have elapsed since (a), above, to the present date of a subsequent transfer to determine the fractional portion of Transfer Allowance now payable.

For example: Employee was paid full amount of Transfer Allowance as of date of prior transfer on: January 10, 1973.

Date of subsequent transfer occurring within 12 months: July 20, 1973

Number of complete months elapsed: Six (6)

(3) Determine the appropriate Employee Category based on Family/Dependent Status and using the Schedule of Transfer Allowance, ascertain the full number of calendar days per diem payable for a transfer under (1) or (2), above.

For example: Category III employee w/two (2) to three (3) dependents: 50 days

(4) Amount payable for subsequent transfer: 6/12 of 50 days' per diem at established rates.

(5) Any case which fits the foregoing situation of a

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

subsequent transfer, as defined, will be calculated using the fractional method of computation illustrated above.

f. A Transfer Allowance is not Payable:

When a person who, for personal and voluntary reasons, has left his permanent place of residence, and who subsequently seeks employment at the location where he happens to be, and who then becomes employed at that same location. This situation is considered to be the same as local hire.

g. Exemptions. Trust Territory Code, Title 61, Section 9, Sub-sections (1)(a) through (k), defines most types of employees and positions excluded from coverage under the law. In addition to these exceptions, authority is vested in the Director of Personnel for determining the applicability of this Sub-Part to specific positions not expressly covered by TTC, Title 61. The following positions and types of appointments have been determined not covered by the Transfer Allowance provisions:

(1) Special employment of "rotating doctors" employed for short periods of time ranging from two (2) to four(4) months.

(2) Positions of Construction Project Superintendent for which prime contract expatriate personnel are employed for periods of not less than six (6) months and where such appointments are covered by a Special Employment Agreement and Special Conditions of Employment. The nature of work and potential frequency of transfer are recognized in the basic compensation accorded these positions.

(3) All personnel employed on a "Local Hire" basis, whether covered by an employment agreement or not. Includes: Micronesian citizens; United States (U.S.) citizens; U.S. nationals and non-citizen permanent residents of the U.S.; and citizens of any other country.

(4) All positions and appointments of a temporary nature such as:

(a) Temporary ninety (90)-day appointments, which may be extended for an additional one hundred eighty (180) days -- not to exceed a total of two hundred seventy (270) days -- to positions created for relief, repair and rehabilitation as a result of a disaster.

(b) Provisional ninety (90)-day appointments, which may be extended for an additional ninety (90) days, to positions pending establishment of an eligible list of persons from which selection may be made. In the event a provisional appointee obtains a probationary appointment and is otherwise qualified, such an individual shall be eligible for Transfer Allowance on the date when probationary status is secured. (c) Emergency appointments to positions not to exceed ten (10) working days, which may be extended for an additional period not to exceed twenty (20) working days, for any temporary serious emergency, in order to prevent the stoppage of essential public service.

18.6 <u>Housing Allowance</u>. A Housing Allowance is provided to eligible employees to lease private quarters or housing when Government housing is not available. Such Housing Allowance shall be in the amount of actual housing and utility costs, as supported by documentation, not to exceed the maximum amounts set forth in Sub-Part 18.6b. An employee who is receiving a Housing Allowance is not entitled to payment of a Temporary Lodging Allowance at the same time.

a. Eligibility and Control Criteria. To be eligible to receive a Housing Allowance, employees must qualify under one or a combination of the following specified conditions:

(1) Employees who formerly received a Temporary Lodging Allowance (TLA) pending occupancy of Government housing, which did not occur within the period of time to which payment of TLA is limited and such allowance has expired. For these employees, eligibility for the Housing Allowance will cease as of the day they commence occupancy of Government housing.

(2) All employees who, by choice, seek to lease and occupy private housing or who reject without valid reasons, as determined by the Director of Personnel per the recommendations of the Housing Officer, and decline to accept the Government housing offered for their occupancy, will be placed at the bottom of the priority list before further consideration for occupancy of Government housing will be given.

(3) No employee who occupies a position at a location within normal commuting distance of his permanent place of residence shall be entitled to receive a Housing Allowance.

b. Schedule of Housing Allowance. The following schedule applies to those employees eligible for Housing Allowance:

Employee Category	Family/Dependent Status	Annual Housing Allowance (Maximum)
I Employee	Without dependents	\$1,200
II Employee	with one dependent	1,800
III Employee	with two or three dependents	2,000

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

IV Employee	with four or five	. •	2,200
·	dependents		
V Employee	with six or more		2,400

dependents

An employee in Category II, or III, IV, or V who elects to transfer without all of his dependents accompanying him at the time of transfer shall be paid in the appropriate Employee Category based on the number of actual dependents who will reside with him at his new duty post. If additional dependents perform travel and join the employee within one (1) year of the date of his arrival at his new location of assignment, and this increases the total number of dependents so as to justify placement in a higher Employee Category and payment, an additional payment will be made. To qualify for additional payment, based on an increased number of dependents joining the employee at a later date than his reporting date, or when he became eligible for Housing Allowance, such additional dependents, who must have been dependents of the employee at the time of recruitment or transfer, must join the employee not later than one (1) year after his date of arrival at his new location of assignment. Adjustment for an increased amount of Housing Allowance occasioned by additional dependents joining the employee after one (1) year from the date of his arrival at his new location assignment, will not normally be made except for unusual cases where it can be substantiated that such additional dependents could not have joined the employee earlier because of reasons of extreme hardship, health, completion of a school term, or similar reasons which provide clear evidence that earlier travel was prevented or the employee has legally acquired dependents through marriage and/or adoption. For the purpose of this regulation, "dependents" are defined in accordance with Sub-Part 18.5c(1).

c. Responsibilities. The Director of Personnel is responsible for the interpretation and application of this regulation throughout the Trust Territory.

The employee eligible for Housing Allowance is responsible for making formal application to the appropriate Personnel organizations and provide required copies of lease agreements, utility expense estimates and family/dependent status forms.

The Director of Personnel or the District Administrator or their designees are responsible to receive, advise and process all applications for new or changed Housing Allowance. A Personnel Action (TT-P-50) or Request for Personnel Action (SF-52), as appropriate, shall be initiated for approval by the District Administrator or Director of Personnel, as appropriate. Headquarters or District Finance organizations, as appropriate, are responsible to assure payment of the Housing Allowance within authorized limits with disbursements prorated and paid on a bi-weekly basis.

The Housing Officer is responsible for lease agreements and/or initiating a TT-P-50 or SF-52 to immediately cancel payment of Housing Allowance for an employee who is subsequently placed in Government housing. Such cancellation of Housing Allowance will be effective on the date when the Government housing is made available to the employee.

Upon expiration of lease, it should be renewed or the Housing Allowance is terminated.

18.7 <u>Temporary Lodging Allowance</u>. A Temporary Lodging Allowance (TLA) is provided to employees eligible for Government housing when, upon transfer to a new duty station, such housing is not immediately available. An employee who is receiving a TLA is not entitled to receive a Housing Allowance at the same time.

a. Purpose. A Temporary Lodging Allowance (TLA) is designed to provide reimbursement to an employee, which includes all eligible family members who accompany the employee upon transfer to a new duty station, for the reasonable costs for temporary lodging and meals only.

b. Eligibility Criteria. To be eligible for a TLA, the following condition must be met:

To be eligible to be paid a TLA, the transfer to a new duty station must be to a location which is not the employee's permanent place of residence nor within normal commuting distance of same.

c. Controls. Payment of a Temporary Lodging Allowance (TLA) commences upon the first day of arrival at a new duty station.

Payment of a TLA may not exceed a total of sixty (60) days. Application of a TLA is restricted to cover reasonable costs for temporary lodging and meals only. An employee is required to pay these expenses, as incurred, out of pocket, and the TLA provides reimbursement for such costs. It is mandatory that the employee obtain and provide receipts for all such expenses.

Costs for temporary lodging and meals may not be "billed" to a department for later payment; they must be paid for by the employee at the time they are incurred and vouchered, after the fact, to obtain reimbursement.

The payment of a TLA stops on the date of occupancy of Government housing or at the end of sixty (60) days, whichever is earlier.

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When an employee declines to accept, without valid reasons as determined by the Director of Personnel or District Administrator and the recommendations of the Housing Officer, the specific Government housing offered for occupancy, payment of TLA will cease on that date and be replaced by payment of a Housing Allowance which will remain effective until such time when occupancy of Government housing occurs.

d. Schedule of Temporary Lodging Allowance. The following schedule prescribes the maximum daily amounts of Temporary Lodging Allowance (TLA) which may be paid for the locations and family/dependent status indicated:

(1) All Trust Territory Locations Except Saipan:

<u>Maximum</u> Daily Rate

Employee only\$14.0)0
Each dependent over 11 years of age14.0)0
Each dependent under 11 years of age7.)0

(2) Saipan, Mariana Islands, Only:

Employee only	\$18.00
Each dependent over 11 years of age	18.00
Each dependent under 11 years of age	9.00

(NOTE: The above rates are maximums and not guaranteed minimums; all expenses for temporary lodging and meals for which reimbursement is sought must be supported by bills or receipts.

For purpose of this regulation, "dependents" are defined in accordance with Sub-Part 18.5c(1).

e. Responsibilities. The Director of Personnel is responsible for the interpretation and application of this regulation throughout the Trust Territory.

Supervisors shall be familiar with the provisions of this regulation and advise employees accordingly. Supervisors are responsible for ensuring, before the actual transfer occurs, that an employee is eligible for Government housing and that the availability or date of availability of Government housing has been certified by the Housing Officer.

Employees are responsible for initiating a Temporary Lodging Claim, Form TT-647, supported by a clear accounting in the form of bills or receipts for all temporary lodging and meals costs for which reimbursement is sought. Headquarters Finance Department is responsible for the examination and payment of all Temporary Lodging Allowances.

The District Administrators and Department Heads, for district and Headquarters organizations, respectively, are

responsible for approval of Temporary Lodging Allowance Claims prior to Headquarters Finance Department's review for payment.

All temporary lodging expenses incurred by an employee are chargeable to the Account Number of the department to which assigned.

The Housing Officer is responsible for ensuring the timely and accurate reporting concerning all employees and the date when occupancy of Government housing commences (Housing Occupancy Report).

Headquarters or District Personnel Offices are responsible for verification of all pertinent Temporary Lodging Allowance information against Micronesian Personnel Actions (TT-P-50's) or Request for Personnel Actions (SF-52's), as appropriate, Housing Occupancy Reports, assignment or verification of department Account Numbers, and required approvals prior to transmittal to Headquarters Finance Department for payment.

PART 19 LEAVES OF ABSENCE

19.1 <u>Purpose</u>. Leaves of absence from the public service are for the mutual benefit of the employee and his employer. When leaves of absence are granted, they are considered to be for legitimate reasons not detrimental to the public service.

19.2 <u>Kinds.</u> Broadly characterized, leaves of absence are either with pay or without pay.

19.3 Leaves With Pay

a. Annual. Annual leave, or vacation, shall be granted for the purpose of rest and relaxation. Trust Territory citizen employees who have less than three (3) years of creditable service shall earn annual leave at the rate of four (4) hours per pay period; except that newly appointed employees shall undergo a waiting period of ninety (90) calendar days before being credited with annual leave. Employees with more than three (3) but less than fifteen (15) years of creditable service shall earn annual leave at the rate of six (6) hours per pay period. Employees who have fifteen (15) or more years of creditable service shall earn annual leave at the rate of eight (8) hours per pay period. Annual leave requests of more than three (3) working days must be made in advance on a leave request form. All annual leave requests must be approved by the employee's division head upon recommendation of such employee's immediate supervisor. In smaller organizations where divisions may not exist, the head of such organizations shall approve annual leave.

b. Maximum Accumulation. The maximum accumulation of annual leave for Trust Territory citizen employees shall be three hundred and sixty (360) hours, beginning January 1,1974. Thereafter, any excess over such maximum shall be forfeited unless taken before the end

of the calendar year in which such excess was accumulated, except that for leave year 1974 only, all annual leave accumulated in excess of three hundred sixty (360) hours will be credited to the employee's leave account. (6-74)

c. Non-Trust Territory Citizen Employees. Employees who are not citizens of the Trust Territory and who are employed under Employment Agreement Contracts per Sub-Part 5.10 of these Regulations shall earn annual leave at the rate of eight (8) hours per pay period for employees on two-year Employment Agreements and six (6) hours per pay period for employees on one-year Employment Agreements. Approval of all annual leave requests will be made in the same manner as provided in Sub-Part 19.3a.

d. Sick Leave. All employees of the Trust Territory shall earn sick leave at the rate of four (4) hours per pay period. There shall be no limit to the amount of sick leave which may be accumulated. Illnesses of more than three (3) days' duration shall require a certificate from qualified medical personnel certifying to the fact of such illness and the treatment being administered. The supervisor may require a certificate for shorter periods when use of such leave is chronic and excessive. The employee's immediate supervisor is responsible for approving such leave requests.

Former employees of the public service who are rehired within three (3) years after their termination shall be credited with the unused sick leave accumulated during their previous employment.

e. Leave Advance. Where, for good reason, an employee requires additional annual or sick leave, the Director of Personnel may grant advance leave up to a maximum of one-half ($\frac{1}{2}$) of the total earnable leave credits for one (1) year from the date the application is made. Subsequent earnings shall serve to replace the amount of advance leave granted and taken.

f. Training and Education Leave. Leaves for the purpose of job-related training and education may be granted permanent Trust Territory citizen employees for a period not to exceed one (1) year by the Director of Personnel. The High Commissioner may extend this period. Additional such leaves may not be granted the same employee until and unless he performs in his position for at least one (1) year following expiration of the first leave.

The period of leave shall not affect the employee's service anniversary date.

g. Compassionate Leave. Permanent Trust Territory citizen and non-citizen employees may be granted compassionate leave with pay of no more than five (5) working days in cases of death, or imminent death, in the immediate family of the employee. For the purpose of this Sub-Part, the term 'immediate family' shall be defined as an employee's mother, father, spouse, immediate offspring (natural or legally adopted), brother or sister, and grandfather or grandmother. The District Administrator or Department Director is responsible for approving compassionate leave requests.

h. Excused Absence (Administrative Leave). An absence from duty administratively authorized, without loss of pay and without charge to leave, is an excused absence. Such absences are authorized under emergency conditions beyond the control of management (e.g., typhoons), for participation in civic activities in the interest of the Government, or employment-connected examinations. The District Administrator or Headquarters Department Director is responsible for approving excused absence requests.

i. Military Leave. Military leaves of absence with pay, not to exceed fifteen (15) calendar days in any calendar year, regardless of the number of training periods in the year, may be granted by the Director of Personnel to full-time employees on permanent appointments, who are members of the United States National Guard and Reserve components of the United States Armed Forces, when directed under orders issued by competent military authority.

19.4 Leaves Without Pay

a. Maternity Leave. Female employees who are permanent employees may be granted leaves of absence without pay for reasons of maternity for a period of not more than six (6) months. Upon completion of such leaves, such employees are entitled to return to their positions with full rights and privileges, except that the period of maternity leave shall serve to change the employee's service anniversary date by the length of time between the effective date of the leave and the date the employee returned to duty. The employee's immediate supervisor is responsible for approving maternity leave requests.

b. Training and Education Leave. Permanent Trust Territory citizen employees who are ineligible for further training or education leaves with pay, as provided for under Sub-Part 19.3f, or 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 (1) year. Such employees shall have the right to return to their positions at the conclusion of their education or training, and their service anniversary dates shall be adjusted by the amount of leave without pay taken. The Director of Personnel is responsible for approving requests for Training and Education Leave.

c. Annual (Vacation) or Sick Leave. With the concurrence of his department head, a permanent employee may be granted leave without pay for the purpose of extending his vacation; provided, however, that such extension shall not exceed a period of ten

(10) working days. Similar extensions may be granted for sick leave purposes; provided, however, that the attending physician certifies to the necessity for the extension and the extension does not exceed ten (10) working days.

19.5 Unauthorized Leave. Unauthorized leave (Absence Without Leave (AWOL)) is absence from duty without appropriate authorization. Employees who are absent from duty without prior approval, except in bona fide emergencies, shall be charged AWOL. Employees on AWOL are subject to disciplinary action and loss of pay.

19.6 Responsibilities. The employee shall be responsible for initiating his request for leave using such forms, documentation, and explanatory material as may be required. He shall initiate such request sufficiently in advance, wherever possible, so as to enable management to make the necessary staff adjustments for coverage of the employee's assignments during his absence.

Management shall be responsible for reviewing all requests in the light of program needs, replacement services, and legal and policy requirements. In consideration of the foregoing and any other pertinent considerations, management may approve, disapprove, or arrange modifications of leave requests.

The Department of Personnel, Headquarters, shall be available for advice and assistance and for final decisions in cases requiring interpretation of legal requirements and policy. The District Personnel Offices shall hold themselves available for advice and assistance to all district agencies in matters concerning leaves.

TRUST TERRITORY OF THE PACIFIC ISLANDS MARIANA ISLANDS DISTRICT

REGULATION NO. 1 OF THE SAIPAN UTILITIES AGENCY

TITLE 1 - General

Section 1.1 Definitions. For the purposes of these regulations, the following terms shall have the following meanings:

a. "Regulation" or "Regulations" shall include any or all the regulations of the Saipan Utilities Agency.

b. "Agency" shall mean the Saipan Utilities Agency of the Mariana Islands District.

c. "Government Agency" or "Government Agencies" shall include any or all public bodies of the Trust Territory Government of the Pacific Islands, other than the Saipan Utilities Agency, with operations within the island of Saipan.

Section 2.1 Application

a. Each prospective customer is required to sign a standard application form for the utility service desired, assuming responsibility for the payment of future charges for utility services at designated locations, before the service is installed or connected.

b. The customer signing the application form shall be held liable for the payments of all charges for the utility services at the designated locations, including long distance telephone call charges originating from the telephone service number.

Section 2.2 Charges -- Effective Dates

Charges will begin when the utility services are established and will continue until due notification from the customers or until discontinued by the Agency for failure of the customer to comply with this Regulation.

Customers who do not wish to have their telephones used for long distance telephone calls must give notice in writing to the Agency.

Section 2.3 Denials Based on Outstanding Bills

When an application for utility service is made by a customer who was responsible for and failed to pay any utility bills previously rendered by the Agency, regardless of location or time incurred, the Agency may refuse to install or connect the desired service for such applicant until the outstanding bills are paid and credit established in accordance with Titles 4 and 5 of this Regulation.

TITLE 3 Contracts

Section 3.1 When Contracts are Required

a. Applications for service, when signed and in effect, will be considered as contracts between the customers and the Agency.

b. Contracts or agreements, other than the application for services, will not be required as a condition precedent to service except:

(1) Where required by provisions contained in a filed rate schedule, in which case the term of the contract will be that specified in the schedule; or

(2) Where the building of unusual line extensions or the construction of special facilities will be necessary. requiring substantial additional facilities exclusive of the installation of metering equipment and service connections and the replacement of transformers, in which case a contract for a period of two and a half (2½) years may be required at the option of the Agency; except that when temporary service is to be

TITLE 2 Application for Services

supplied under the provisions of these Regulations, the term of the contract will cover the period of contemplated operations but not longer than two and a half $(2\frac{1}{2})$ years.

Section 3.2 Contracts with Government Agencies

Contracts for street lighting or other services to government agencies at filed tariffs will not be required by the Agency except as provided in Section 3.1, above, but will be executed by the Agency upon request by such customers.

Section 3.3 Minimum Charges Under Contracts

Minimum charges as provided in the schedules are effective under contracts beginning with the effective date of the contract or the date the Agency is ready to supply service, whichever date is the later, and continuing to the termination date of the term of the contract.

TITLE 4 Deposits, Guarantee

Section 4.1 General

a. New applicants for service or existing customers may be required to make a guarantee deposit to cover charges for utilities services whenever, in the discretion of the Agency, this is deemed prudent or necessary to safeguard its interests.

Section 4.2 Amounts

a. The amount of the guarantee deposit which may be required of any customer shall be an amount established by the Agency approximately equal to a month's charges for the service or services involved, except that such amounts shall not be less than the minimum amounts stated in other appropriate tariffs or rate schedules for the services involved.

Section 4.3 Return of Deposits

a. Where said guarantee deposit is required, upon discontinuance of services the Agency will refund the customer's deposit or the balance in excess of the unpaid bills for the services.

b. Where a customer has not been delinquent in the payment of any bills for service as prescribed in this Regulation for a period of at least twelve (12) consecutive months, the Agency, in its discretion, may refund said deposit.

TITLE 5 Establishment and Re-establishment of Credit

Section 5.1 Establishment of Credit

Each applicant, before receiving service, will be required

to satisfactorily establish credit which will be deemed established:

a. If the applicant has demonstrated, to the satisfaction of the Agency, that he is the owner, with a substantial equity of value, in the premises to be served, or although not the owner of the premises to be served, owns a substantial equity therein; or

b. If applicant makes a sufficient cash deposit to secure payment of bills for the service required; or

c. If applicant furnishes a guarantor satisfactory to the Agency to secure payment of bills for the service requested; or

d. If applicant can otherwise establish his credit to the satisfaction of the Agency.

Section 5.2 <u>Re-establishment of Credit -- All Classes of</u> Service

a. An applicant who previously has been a customer of the Agency and during the last twelve months of that prior service has suffered discontinuance of utility service because of non-payment of bills, may be required to re-establish credit by depositing the amount prescribed for that purpose pursuant to Title 4 of this Regulation in addition to the payment of any unpaid utility bills for electric, water or telephone services or any other lawful charges by the Agency.

b. A customer who is delinquent in the payment of bills when due, and who further fails to pay such bills within ten days after presentation of "Discontinuance of Service Notice" may, in the discretion of the Agency, have his service discontinued. In addition to payment of all past due bills, he may be required to re-establish nis credit by depositing the amount prescribed by the Agency according to this Regulation, prior to the resumption of service.

(1) This provision will apply whether or not service has been discontinued for such non-payment.

c. A customer using other than domestic service may not at any time in the future be required to re-establish his credit in the event the conditions of service or basis on which credit was originally established have materially changed.

TITLE 6 Rendering and Payment of Bills

Section 6.1 Rendering of Bills

a. Billing Period

(1) Bills will be rendered each month according to meter reading schedules, unless otherwise provided for by the Agency. Meters will be read on the same day of each cycle period, whenever it is practicable.

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

331_.

b. Metered Service

(1) Bills for metered service will be based on meter registration. Meters will be read as required for the preparation of regular bills, closing bills and special bills.

(2) An additional charge of \$2.00 may be made for the rendition of each special bill at the customer's request, to defray the costs of such special service, and may be included in each special bill.

c. Unmetered Service

(1) Bills for services rendered without meters will be based upon the average estimated consumption.

Section 6.2 Reading of Separate Meters not Combined

For the purpose of making charges, each meter upon the customer's premises will be considered separately and reading of two or more meters will not be combined except as follows:

a. Where combinations of meter readings are specifically provided for in tariff or rate schedules.

b. Where the Agency's operating convenience or necessity may require the use of more than one meter.

Section 6.3 Presentation and Payment of Bills

a. All bills shall become due and payable upon presentation to the customer. In addition to other means of presentation, the deposit in the United States Mail of a bill duly addressed to said customer at his business establishment, usual place of abode, or last known address of said customer in accordance with the records of the Agency, shall be deemed sufficient presentation to said customer for the purpose of this Regulation.

b. Failure of the customer to receive a bill does not prevent the account from becoming payable when due.

c. Payment shall be made at the office of the Agency, or at the Agency's option, to duly authorized collectors of the Agency.

Section 6.4 Individual Liability for Joint Service

Two or more persons who join in one application or contract for service shall be jointly and severally liable thereunder and shall be billed by means of a single periodic bill.

TITLE 7 Discontinuance and Restoration of Service

Section 7.1 Past Due Bills

a. Bills will be considered past due if not paid within

one month (approximately 30 days) after date of presentation.

b. Any unpaid charges of the previous month will be shown as an arrearage on the bill for the subsequent month.

c. When any utility bill shows an unpaid balance of the previous month, or an arrearage, then the entire bill shall be considered past due.

Section 7.2 Non-payment of Bills

a. Where a customer has made a guarantee deposit pursuant to this Regulation, the Agency shall apply said guarantee deposit in payment of any past due bill until the total amount of such deposit has been fully utilized.

b. This provision will apply whether or not service has been discontinued under the provisions of this Regulation.

c. A customer's new service may be discontinued for non-payment of any utility bill for service previously rendered him at another location served by the Agency, provided such bill is not paid within ten (10) days after presentation of "Discontinuance of Service Notice" for non-payment of such bill, but service will not be discontinued for non-payment of such bill within less than thirty (30) days after establishment of service at the new location.

d. If a customer is receiving service at more than one location, service at any or all locations may be discontinued if bills for any service at any one or more locations are not paid within the times specified in Sections 7.1 and 7.2 of this Regulation.

Section 7.3 Unsafe Apparatus

The Agency shall have the right to refuse or discontinue service to a customer if the wiring or equipment, or any part thereof, essential to the desired service, or the use of said wiring or equipment shall be found to be unsafe or in violation of laws or regulations until it shall have been put in a safe condition or the violation remedied.

Section 7.4 Service Detrimental to Other Customers

The Agency will not establish service to utilizing equipment, the operation of which will be detrimental to the service of its other customers, and will discontinue service to any customer who shall continue to operate such equipment after having been directed by the Agency to cease such operation.

Section 7.5 Fraud

The Agency shall have the right to refuse service or

TERRITORIAL REGISTER, VOL. 1 NO. 9 - MARCH 15, 1975

discontinue service where, in the opinion of the Agency, the acts of the customer or the conditions upon his premises are such as to indicate the intention to defraud the Agency.

Section 7.6 Failure to Pay Installation Charges or to Establish or Re-establish Credit

At the request of an applicant, and for the applicant's convenience, should the Agency establish service before installation charges are paid or before credit has been satisfactorily established or should the Agency continue service to a customer before credit has been established in accordance with this Regulation and thereafter said customer fails to make such payments as are required by the Agency pursuant to written notice of not less than ten (10) days or to establish or re-establish his credit to the satisfaction of the Agency, then the Agency, in its discretion, may discontinue service.

Section 7.7 Non-compliance

Unless otherwise specifically provided, where a customer fails to comply with any of the provisions of this Regulation, he shall be given written notice requesting said compliance. If, within ten (10) days following the presentation of said "Notice of Non-compliance," the customer fails to remedy this situation, the Agency shall then have the right to discontinue service. This notice may be waived in the event of the discovery of a dangerous condition rendering the immediate discontinuance of services to the premises imperative.

Section 7.8 Customer's Request for Service Discontinuance

a. When a customer desires to terminate his responsibility for service, he shall give the Agency not less than two days' notice of his intention and state the date on which he wishes the termination to become effective. A customer may be held responsible for all service furnished at the premises until two days after receipt of such notice by the Agency or until the date of termination specified in the notice, whichever date is later.

b. Prior to the demolition of any building receiving service from the Agency, the Agency must be given ample notice by the customer or his duly authorized agent to discontinue said service and remove the property and equipment belonging to the Agency. In the event the Agency is not so notified or sufficient time is not allowed to the Agency to discontinue service and remove the property and equipment belonging to the Agency, then the customer shall be responsible for any and all damages sustained by the Agency as a direct result of the demolition.

Section 7.9 Wasteful Use or Abuse of Service

Where it is determined that the customer is negligent

or wasteful in the use of water or other utility service supplied by the Agency, or where the use of the services are otherwise abused to the detriment of the Agency or of its customers, notice shall be served upon the offender, and the Agency may discontinue service if said conditions are not corrected within ten (10) days after presentation of said notice.

Section 7.10 Restoration of Service

a. Service may not be restored after disconnection until the following conditions have been complied with:

(1) Payment of all electric, telephone and water accounts in full.

(2) New quarantee deposit has been made if, in the discretion of the Agency, it is so required.

(3) Payment of reconnection charge of \$5.00 each for each utility service disconnected (electric, telephone and water).

(4) Signing of a new contract or application if, in the discretion of the Agency, it is so required.

(5) Correction of any faults, defects and/or abuses as may be required by the Agency.

TITLE 8 Ingress and Egress from Customer's Premises

Section 8.1 Any officer or employee of the Agency shall have the right of ingress to and egress from the customer's premises at all reasonable hours for any purpose reasonably connected with the furnishings of utility service to said premises and the exercise of any and all rights secured to it by law or this Regulation.

Section 8.2 If any such officer or employee is refused admittance to any premises, or being admitted shall be hindered or prevented from working, the Agency may cause the service to be turned off from said premises after giving 24 hours notice to the owner or occupant of said premises of its intention to do so. This notice may be waived in the event of a discovery of a dangerous condition, thus, rendering the immediate discontinuance of services to the premises imperative.

TITLE 9 Temporary Service

Section 9.1 Establishment of Temporary Service

a. If no undue hardship to its existing customers will result therefrom, the Agency may, in its discretion, furnish temporary service under the following conditions:

(1) The applicant will be required to pay to the Agency in advance, estimated net cost of installing and removing the facilities necessary for furnishing the desired service ("up and down costs").

333

(2) Where the duration of service is to be less than one month, the applicant may also be required to deposit a sum of money equal to the estimated bill for the service. If this deposit exceeds the actual bill when known, the excess will be returned to the applicant; if it is less than the actual bill, a bill for the deficit will be presented for collection.

(3) Where the duration of service is to exceed one month, the applicant will be required to establish his credit in the manner prescribed for permanent service.

Section 9.2 Change of Permanent Status

If a customer used the service originally installed for him, or its equivalent, for a period of twelve (12) consecutive months from the date service is first commenced under this rule, and the customer has demonstrated to the entire satisfaction of the Agency that the business has become permanent in nature, the payment made by the customer pursuant to Section 9.1 hereof, shall be adjusted on the basis of the Agency's provisions covering extensions for regular services. A customer may be permitted to enter into a regular service contract prior to the termination of the initial twelve (12) month period, as of the date that, in the opinion and best judgment of the Agency, the status of the business has become permanent.

Section 9.3 Speculative Projects

Services for activities of a speculative nature, in the discretion of the Agency, may be rendered under the same provisions as stated in Sections 9.1 and 9.2 of this Regulation.

Section 9.4 Other Charges

Nothing in this Regulation shall be construed as limiting or in any way affecting the right of the Agecny to collect from the subscriber any other or additional sums of money which may become due and payable to the Agency from the subscriber by reason of the service furnished or to be furnished hereunder.

TITLE 10 Meter Tests and Adjustment of Bill for Meter Error

Section 10.1 Tests

a. Prior to Installation

(1) Every meter will be tested at or prior to the time of installation and if inaccuracies in excess of 1% (more than 1% fast or 1% slow) are revealed, said meters will not be placed in service.

b. On customer request

(1) A customer may, on notice of not less than one

week, request the Agency to test the meter used to measure his service requirements.

(2) No charge will be made for such a test unless a customer demands a test within six (6) months after the installation or more than one test in each six (6) month period. In the event the customer requests a test within six (6) months after installation or more frequently than once in six (6) months, he will be required to deposit the sum of \$2.00 on account of the expenses involved. This deposit will be refunded to the customer if the inaccuracies of the meter tested are in excess of 2% (more than 2% fast or 2% slow).

(3) A customer shall have the right to require the Agency to conduct the test in his presence or in the presence of an expert or other representative designated by him, but only during regular business hours.

(4) A report showing the results of the test performed on request will be furnished to the customer within a reasonable time after completion of the test.

Section 10.2 Adjustments of Bills for Meter Error

a. Fast Meters. When, upon testing, any meter is found to be registering more than 2% fast, the Agency will refund to the customer the amount of overcharge based on corrected meter readings for the preceding three months, except under conditions provided in Section 10.3

b. Slow Meters. When upon testing, a meter for domestic service is found to be registering more than 25% slow, or any meter for other class of service is found to be registering more than 2% slow, the Agency may bill the customer for the amount of the undercharge based on corrected meter readings for the preceding three (3) months, except under conditions provided in Section 10.3.

c. Nonregistering Meters

(1) When, upon testing, any meter is found to be nonregistering, the Agency may bill the customer for units consumed but not registered for a period of three (3) months, except under conditions provided in Section 10.3.

(2) Bills for this purpose will be based on the customer's prior use, if reliable, or upon subsequent usage taken in connection with subsequent use correctly metered, the Agency's experience with other customers of the same class and the general

d. Concealed Meters

(1) Consumers will receive estimated bills when the meters cannot be read by the meter reader for reasons

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

beyond his control.

(2) Estimated bills will be based upon the average consumption of previous months.

(3) Bills rendered on an estimated basis will be adjusted or corrected by means of subsequently rendered bills as soon as the facts are known.

Section 10.4 General

When it is found that the error in a meter is due to causes, the date of which can be reliably established, the overcharge or the undercharge will be computed back to but not beyond that date; provided, however, that in no case will a bill for undercharge on domestic service schedules, due to adjustments of bills for meter error under 10.2, above, be rendered for a period exceeding three (3) months.

TITLE 11 Rate Schedules for Electric Energy, Water, and Telephone Service

Section 11.1 Electric Energy Rate

The following electric energy rate is applicable to all electric energy provided by the Saipan Utilities Agency to Governmental, Commercial and Residential Consumers:

(1) Rate per Kilowatt-Hour cons	sumed	\$0.03
(2) Minimum Charge per month		\$1.00

Section 11.2 Water Rate

The following water rate is applicable to all water provided by the Saipan Utilities Agency to Governmental, Commercial and Residential Consumers:

(1) Rate per 1,000 U. S. Gallon consumed \$0.25 (2) Minimum Charge per month\$1.00

Section 11.3 Telephone Subscription Rates

The following telephone subscription rates are applicable to all telephone services provided by the Saipan Utilities Agency to Governmental, Commercial and Residential subscribers:

(1) Rate per month for each	Private Telephone\$3.50
(2) Rate per month for each	Party-Line Telephone\$2.50
(3) Rate per month for each	Extension Phone without dial \$0.50
(4) Rate per month for each	Extension Phone with dial\$1.50
	2-way key extension\$0.50
(6) Rate per month for each	3-way key extension \$0.75
(7) Rate per month for each	Extension Bell or Buzzer \$0.50
(8) Minimum rate per month	including Extensions\$1.25

Section 11.4 Charges for Utility Installations

a. In the event the installation costs of the aforementioned utilities are estimated to exceed the annual revenues for four (4) years, computed in accordance with the above rate schedules, utility service shall not be installed unless the applicant agrees to pay all additional costs.

b. All such installations shall be and remain the property of the Saipan Utilities Agency.

Section 11.5 Effective Date of Regulation No. 1

This Regulation shall become effective on March 1, 1966, after which date all prior regulations and directives in regard to the subject matter of Regulation No. 1 shall become inapplicable.

1.27-66 Goro Yamemaka

Manager, Saipan Utility Agency

Approved by:

Coleman

Peter T. Coleman **District Administrator**

Jock an 17.1960 M.W. Goding

High Commissioner

RULES AND REGULATIONS OF MAJURO (LAURA) MUNICIPALITY

ALCOHOLIC BEVERAGE CONTROL BOARD

Article I General

Section 1. Authority. These rules and regulations are promulgated pursuant to the authority of District Law 18-36 and Majuro (Laura) Municipal Ordinance No. 71-4.

Section 2. Name. This Board may be cited as "Majuro (Laura) Municipality Alcoholic Beverage Control Board" or "Majuro (Laura) A.B.C. Board"

Section 3. Definitions. As used herein:

a. <u>Person</u>. "Person" shall mean and shall include an individual, partnership, corporation, association, and any other form of business enterprise or combination thereof.

b. <u>Board.</u> "Board" shall mean the Majuro (Laura) Municipality Alcoholic Beverage Control Board.

c. <u>Beer Tavern.</u> "Beer Tavern" shall mean and include any place or building to which the public is admitted, or to which membership or the right entitling one to enter may be purchased, and in which beer is sold for consumption on the premises.

d. <u>Bar.</u> "Bar" shall mean any place or building to which the public is admitted, or to which membership or the right entitling one to enter may be purchased, and in which alcoholic beverages other than, or in addition to, beer are sold for consumption on the premises.

e. <u>Package Store</u>. "Package Store" shall mean and include any place or building to which the public is admitted, or to which membership or the right entitling one to enter may be purchased, in which beer, or other alcoholic beverages, or both, are sold in unopened containers for consumption not on the premises.

f. <u>Licensee</u>. "Licensee" shall mean any person who has been issued and is the current holder of a valid Alcoholic Beverage Control Board license.

g. <u>License</u>. "License" shall mean a license issued by the Board.

Article II Requirements

Section 1. License Requirements. No person shall sell, offer for sale or possess for purpose of sale, whether at retail or wholesale, any alcoholic beverage unless he is the then designated licensee and holder of a duly issued and currently valid license issued by the Board or by the District Administrator in the case of a wholesale business.

Section 2. <u>License Fees</u>. The following annual alcoholic beverage license fees are hereby established:

a) Bar	\$50.00 per year
b) Beer Tavern	\$50.00 per year
c) Package Store	
1. Retail	\$35.00 per year
2. Wholesale	\$50.00 per year
d) Transfer Fee	Same as for the original issue.

Section 3. <u>Issuance of Licenses</u>. An applicant for original issuance of a license, or renewal or transfer of a license, shall prepare and submit to the Board a completed application therefor on a form as required by the Board, accompanied by the license fee fixed for the type of license or licenses for which applied.

The Board may deny or grant such application, or issue any license subject to such conditions as it deems appropriate, which conditions shall be endorsed upon the face of the license and any renewal thereof and shall be binding upon all persons to whom the license is transferred. Violation of a condition placed upon a license pursuant to this section shall be grounds for suspension or revocation of such license.

An application for a wholesale liquor license shall be submitted to the Board for initial review, however, shall be forwarded, not more than thirty (30) days after receipt, to the District Administrator, accompanied by the recommendation of the Board, for his review and consideration. In the event the District Administrator disapproves the granting of such wholesale license, such determinationshall be final and specify such conditions, if any, upon which such license shall be granted and issue such license in the name of the district. All wholesale liquor license fees shall be deposited forthwith into the District Treasury.

From the fee tendered with the application, there shall be retained the sum of \$2.50 as a non-refundable processing fee in the event the application is denied. The balance of said fee shall be refunded to the applicant in the event the application is denied.

Section 4. <u>Term of License</u>. A license shall be valid for a period of one (1) year from date of issue unless sooner suspended or revoked.

Section 5. <u>Transfer of License</u>. No license shall be transferred without the prior written approval of the Board and payment of a license transfer fee and any attempted transfer shall be null and void and of no legal effect.

Section 6. <u>Multiple Businesses</u>. A separate license shall be required for each location wherein or whereon a business activity required to be licensed shall be located and in the event a beer tavern, bar and package store, whether retail or wholesale, or any combination thereof, are located on the same site, a separate license shall be required for each activity; provided, however, the purchase of a bar license shall also entitle the licensee to sell beer and no separate beer tavern license shall be required in such case.

Section 7. <u>Persons Licensed on Effective Date</u>. A person who is the designated licensee and holder of a currently valid license to engage in the business of the sale, or production of alcoholic beverages by the municipality on the effective date of Municipal Ordinance No. 71 shall be exempt from the payment of the license fees fixed herein for the remainder of

the period for which such current license was issued and fees paid; provided, however, each such person shall, not later than 60 days after the date of adoption of these rules and regulations by the Board, apply for and obtain a new license from the Board which license shall contain an expiration date coincident with the expiration date of the existing license.

Section 8. <u>Limitation on Number of Licenses</u>. The number of premises for which a beer tavern or bar license may be issued shall be limited to one for each 2,000, or fraction thereof, inhabitants in the Majuro (Laura) Municipality. The number of premises for which a package store license may be issued shall be limited to one for each 600, or portion thereof, inhabitants in the Majuro (Laura) Municipality.

Article III Operating Regulations

Section 1. <u>Regulations</u>. Each licensee shall comply with each of the following regulations regarding the operation of business:

a. Every beer tavern and bar shall employ and have on duty on the premises at all times during selling hours a special policeman who shall maintain peace and quiet; provided further, that such special policeman shall wear an approved uniform if directed by the District Administrator. The full names and other particulars regarding each such special policeman shall be supplied upon request of the Board. Such special policeman shall be the employee of the licensee only and not that of the Municipality, District Sheriff or Government and the licensee shall be solely responsible for his conduct in addition to such special policeman individually.

b. Each beer tavern and bar, and the employees or operators thereof, shall be subject to a sanitary and medical inspection upon application for a license, and at periodic intervals, at the discretion of the Board, and in any event at least once a year.

c. No licensee shall sell, offer for sale, dispense or otherwise serve any alcoholic beverage, or be open to the public for purposes of sale of alcoholic beverages at any time other than during the following hours:

1) Type of Business	Days	Hours
a) Beer Tavern	Monday—Saturday	8:00 a.m. to 12:00 p.m.
	Sunday	CLOSED
b) Bar	Monday—Saturday	8:00 a.m. to 12:00 p.m.
	Sunday	CLOSED
c) Retail		
Package Store	Monday-Saturday	8:00 a.m. to 12:00 p.m.
	Sunday	CLOSED
d) Wholesale Package Store	Monday—Saturday Sunday	8:00 a.m. to 12:00 p.m. CLOSED

d. Each beer tavern, bar or package store shall be geographically located in such location or position as is satisfactory to the Board and consistent with all zoning ordinances, master plan or other regulations relating to land use.

e. No person under the age of twenty-one (21) shall be allowed into or employed within any beer tavern or bar.

f. Any beer tavern or bar may provide music and permit dancing; provided, however, the Board may prohibit or restrict the days or hours during which such music and/or dancing may be allowed in the event the Board determines such may constitute a public nuisance or be detrimental to the peace and quiet of others.

g. No package store owner, whether retail or wholesale, operator or employee shall permit the consumption of any alcoholic beverages upon the premises where sold and shall take all steps necessary to actively prevent such.

h. Each licensee shall assure that every licensed premise and the surrounding site or area upon which such is located shall at all times be maintained in a clean, tidy, sanitary condition and all empty or discarded bottles, cans, boxes and other trash, debris or refuse of whatever nature shall be immediately removed and deposited in a public garbage or disposal site designated as such by the Municipal, District, or Trust Territory Government.

i. Each licensee shall assure compliance with all applicable Trust Territory, District or Municipal laws, regulations or ordinances including, but not limited to, sanitation, health and fire safety or protection laws or regulations.

j. Each licensee shall post and display its Alcoholic Beverage Control License in a prominent location at all times and produce such for inspection upon demand of any law enforcement officer or other authorized person and shall, in addition thereto, produce for inspection any other health permits or business or other licenses, permits or records upon demand of such person or the Board.

k. Each licensee shall post and display a sign which shall state, in letters not less than 2" high, in English and Marshallese, "No Person Under 21 Years of Age Allowed."

1. Every beer tavern or bar shall be adequately equipped with fire fighting equipment and readily accessible exits, as determined by the Fire Inspector, and the Board, or any Fire Inspector, shall have the right to inspect the premises and require that the necessary equipment or exits be installed if lacking. In the event any licensee shall refuse or fail to install the equipment specified or

provide for exits or other specified fire protection measures, the chairman of the Board shall immediately order the licensed premises closed to the public and the Board shall immediately conduct a meeting to consider and determine whether the license should be suspended or revoked.

Article IV Suspension or Revocation of Licenses and Hearings

Section 1. Violations. Violation of any provision of District Law 18-36 or Municipal Ordinance No. 71-4 or other ordinance relating to the conduct of the licensee's business, or of any one of these rules or regulations by a licensee, his agent or employee, shall be deemed contrary to the public health, safety, welfare and morals and shall constitute sufficient grounds for the suspension or revocation of a license.

Section 2. Hearings.

a. The Board shall have the power and duty to investigate all complaints against a licensee to determine whether licensee has violated any law, ordinance, rule or regulations regarding the conduct of the business and in this regard the Board shall have the power to conduct hearings, and to subpoena witnesses and records. If, after hearing, the Board finds and determines by substantial evidence the licensee, its agent or employee, has violated any provision of District Law 18-36, Municipal Ordinance 71-4, any rule, regulation or order of the Board, or any other law or ordinance in the conduct of its business, the Board may suspend or revoke the licensee's license subject to such conditions as the Board deems appropriate or impose conditions upon which the licensee shall be allowed to retain his license.

b. At such time as the Board determines to conduct any such disciplinary measure, the Board shall issue and serve an order to show cause upon the respondent licensee directing the licensee to appear at a place and upon a date and time certain, and to show cause why the proposed action or order specified in the order to show cause should not be entered against the licensee. The order to show cause shall also specify with reasonable certainty the grounds upon which such action is proposed to be taken by the Board; provided, however, that in the event the Board determines the public interest so requires it may, in such order, suspend the license immediately and order the premises closed to the public forthwith, subject to making such order final after hearing.

c. A licensee shall be entitled to be represented by counsel and appear and be heard before the Board and to present witnesses on his own behalf at such hearing.

d. Notwithstanding any other provision herein, the Board may conduct such informal investigation regarding any complaint, either on its own motion or at the request of any interested person, and may request a written or oral reply from the licensee to any questions or charges regarding the operation of the business of the licensee.

Article V Alcoholic Beverage Control Board

Section 1. <u>Membership</u>. The Board shall consist of three (3) members appointed by the District Administrator.

Section 2. Meetings. The first members of the Board appointed by the District Administrator shall hold an organizational meeting not later than 60 days after appointment by the District Administrator and thereafter shall hold regular meetings of the Board on the second Tuesday of January, April, June and September of each year at such time and at such place as shall be fixed by resolution of the Board at its organizational meeting as the regular time and place for meetings. At its first meeting the Board shall elect a chairman who shall thereafter preside at all meetings, and a vice chairman to preside in the absence of the chairman, and a secretary-treasurer. The chairman, or the vice chairman in his absence, may call a special meeting at any time. Notice of such meeting shall state the time and place of such special meeting and a copy of such notice of special meeting shall be given to all other members of the Board.

Section 3. <u>Quorum</u>. A majority of the Board members (inclusive of any vacancies) shall constitute a quorum for the transaction of business at any meeting thereof; but fewer than a quorum may adjourn from time to time until a quorum is in attendance. Notice of an adjourned meeting shall be given to the Board members.

Section 4. <u>Board Action</u>. The Board may act only by Board action which shall require a majority vote of the members then present constituting a quorum.

Section 5. <u>Secretary-Treasurer</u>. The Board shall elect one of its members as secretary-treasurer at its first meeting and such person shall keep true and accurate minutes of all meetings of the Board and shall prepare and maintain all other necessary or convenient records for the proper conduct of Board business.

Article VI <u>Effective Date of Amendment of Rules and</u> Regulations

Section 1. <u>Effective Date</u>. These rules and regulations, and all amendments thereto, shall be effective upon approval of the District Administrator and filing a true copy thereof with the Clerk of Courts.

Section 2. <u>Posting</u>. These rules and regulations shall be posted and made public in like manner as ordinances are made public in this Municipality.

Section 3. <u>Amendment</u>. These rules and regulations may be amended from time to time by a two-thirds (2/3) vote of all members of the Board, inclusive of vacancies. Passed and adopted this 13th day of February 1973 by a vote of three members of a total Board membership of three members.

Members of Board:

Abija

Enice Eniu

anie Billy Sawej

Approved this 13th day of February, 1973.

Oscar de Brum District Administrator

TITLE 63 PUBLIC HEALTH SAFETY AND WELFARE CHAPTER 18 TRUST TERRITORY HEALTH SERVICES BOARD OF LICENSURE

Release No. 3-72

Promulgation of regulations concerning the establishment of the Trust Territory Health Services Board of Licensure: Title 7- Health Services Regulations: Chapter 18, Parts 221 to 230.

WHEREAS, Section 152 of Title 63 of the Trust Territory Code gives authority to the Director of Health Services to establish standards for licensing persons to practice medicine, surgery, dentistry, nursing and other related services, which rules and regulations when approved by the High Commissioner, shall have the force and effect of law; and

WHEREAS, in accordance with Section 152 of Title 63 of the Trust Territory Code, Director of Health Services has prepared and prescribed certain rules and regulations dealing with the establishment of a Trust Territory Health Services Board of Licensure and has submitted these regulations to me for my approval;

NOW, THEREFORE, pursuant to the authority vested in me as High Commissioner, and in accordance with the provisions of Section 152 of Title 63 of the Trust Territory Code, it is hereby ordered that:

Article 1. <u>Addition of Chapter 18, Parts 221 to</u> <u>230, to Title 7</u>. There is hereby added as an amendment to Title 7 of the Code of Public Regulations a new Chapter numbered 18, consisting of Parts 221 to 230, entitled "Establishment of a Trust Territory Health Services Board of Licensure". This new Chapter shall read as follows:

"Chapter 18 -- Establishment of the Trust Territory Health Services Board of Licensure.

Part 221. Genral Provisions.

221.1 <u>Authority</u>. Rules and Regulations in this Chapter have been prepared by the Director of Health Services and promulgated by the High Commissioner of the Trust Territory of the Pacific Islands in accordance with Section 152 of Title 63 of the Trust Territory Code.

221.2 <u>Purpose</u>. The purpose of this Chapter is to establish a Trust Territory Health Services Board of Licensure whose function is to advise and assist the Director of Health Services in carrying out his duties as established under Section 152 of Title 63 of the Trust Territory Code, especially in regard to establishing standards, review of qualifications, and examine applications for licensing of persons who wish to practice medicine, surgery, dentistry, nursing, midwifery, and other related paramedical services in the Trust Territory. The Board will also serve to examine, study, and review revocation or suspension of licenses of those persons whose licenses are sought to be revoked or suspended under the provisions of Section 154 of Title 63 of the Trust Territory Code. Part 222. Board of Licensure.

222.1 Appointment, Qualifications.

The High Commissioner shall appoint a Board of Licensure whose duty shall be to examine all applicants for license to practice medicine, surgery, dentistry, nursing, midwifery, and other related paramedical services, and to report the results of such examinations to the Director of Health Services. The Board of Licensure shall consist of seven persons, among whom shall be three physicians recommended by the Micronesia Medical Association, two practicing nurses recommended by the Micronesia Nursing Association, one dentist recommended by the Micronesia Dental Association, and a Senior Sanitarian recommended by the Micronesia Sanitarian Association, all of whom shall be licensed to practice in their respective fields in the Trust Territory. The appointments shall be for four years; replacements for unexpired terms shall be made by the High Commissioner. Other outside experts or specialits in any area in the medical field may be invited to sit with the Board as special expert examiners, if necessary, but are not allowed to vote. They shall act only as advisors to reach decisions

222.2 <u>Officers.</u> The officers of the Board of Licensure shall consist of a Chairman, Vice chairman, and a secretary. The Board shall elect their own officers.

222.3 Office. The office of this Board shall be located within the office of the Director of Health Services, where its files and records shall be kept.

222.4 <u>Compensation</u>. Members of the Board and outside specialists shall serve without compensation, but shall be allowed regular expenses for travel and other costs incurred in the performance of Board duties.

222.5 <u>Meetings.</u> There shall be one annual meeting of the Board to conduct examinations and review of all applicants for licensure. Special meetings of the Board members may be called by the Director of Health Services.

222.6 Place of Meeting. The Director of Health Services may designate any place within the Trust Territory of the Pacific Islands as the place of meeting for any special meeting called by the Director.

222.7 <u>Notice of Meeting</u>. Written notice stating the place, day, and hour of the meeting of the Board, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than fifteen (15) days before the date of the meeting, either personal or by mail.

TERRITORIAL REGISTER, VOL. 1 NO. 9 – MARCH 15, 1975

222.8 <u>Quorum.</u> A majority of the members of the Board present at a duly called meeting constitutes a quorum, and their action shall constitute the action of the Board.

222.9 Voting Rights. Each member shall have one vote.

Part 223. Issuance of Licenses.

223.1 Examinations. Advance notice in writing shall be submitted to each applicant notifying him of the place. date, and time of the examinations. This notice shall be delivered not less than ninety (90) days before the date of the examinations. Either written or oral examinations, or both, will be given as the Board deems best under the circumstances. The clinical work of the applicant will be also reviewed and considered. Exemptions may be made in some categories where the Board feels it is satisfied with the background qualifications and experience of the applicant, and in such instances written or oral examinations may be waived. The chairman of the Board will certify for the Board members the result of each individual examination to the Director of Health Services before a license is issued. A permanent record of each license issued shall be maintained by the Department of Health Services as provided under Section 153 of Title 63 of the Trust Territory Code.

223.2 Failures. Each applicant has three chances to take the examination. Anyone wishing to take an examination after the third must appeal to the Board.

223.3 <u>Appeals</u>. If an applicant is not satisfied with the decision of the Board of Licensure, he can appeal to the Director of Health Services for a full review of his case, or to re-sit for another examination at a time designated by the Director of Health Services.

223.4 <u>Qualifications for Examinations</u>. The following information is required before any form of license can be issued:

(a) Name;
(b) Date of Birth;
(c) Home Address;
(d) Present Address;
(e) Education;
(f) High School;
(ii) High School;
(iii) College or University;
(iii) Medical School;
(iv) Other; (list where and when);
(f) Internship (where, date completed);
(g) Speciality;

(h) Current License, if any.

223.5 <u>Regular Licenses</u>. Applications for license to practice medicine, surgery, dentistry, nursing, midwifery, or other related paramedical services in the Trust Territory for who wish to practice their art for a year or more must submit an application for regular license to the Director of Health Services.

223.6 Limited or Temporary License. Applications for license to practice medicine, surgery, dentistry, nursing, midwifery, or other related paramedical services in the Trust Territory for those who wish to practice their art for a period of less than a year must submit an application for a limited or temporary license to the Director of Health Services, or as may be recommended by the Trust Territory Health Services Board of Licensure.

223.7 Fees. All applicants must pay a fee of \$5.00 for physicians and dentists, and \$2.50 for nurses, midwives and other related paramedical services, to the Director of Health Services upon receiving their license. A fee of \$1.00 only is required for temporary license in any field of medicine. All fees received shall be deposited in the General Fund of the Congress of Micronesia and shall be available for its appropriation. Licenses must be renewed every four years as approved by the Trust Territory Health Services Board of Licensure with the same fee applicable.

Part 224. Effective Date.

These Regulations shall become effective on August 31, 1972, after filing with the District Clerk of Courts.

Article 2 <u>Approval and Filing with Clerk of Courts</u>: The rules and regulations prepared and prescribed by the Director of Health Services as set forth above are hereby appeared, ordered to be filed with the Clerk of Courts in each administrative district of the Trust Territory before August 31, 1972 and published in the Trust Territory Code of Public Regulations.

CERTIFICATION

The rules and regulations set forth in this Release have been prepared and prescribed by me as Director of Health Services, signed this 24th day of July, 1972.

William M. Peck, M.D., M.P.H. Director of Health Services The rules and regulations set forth in this Release have been reviewed by me this 28th day of July, 1972, as Attorney General are in proper legal form.

> Richard I. Miyamoto Attorney General

The rule and regulations set forth in this Release are approved this 31st day of July, 1972

Edward E. Johnston High Commissioner

RULES AND REGULATIONS

STANDARDS AND REQUIREMENTS FOR USE OF HOMESTEAD LOTS GARAPAN VILLAGE WITHIN SUGAR KING ESTATES SUBDIVISION, SAIPAN ISLAND, MARIANA ISLANDS DISTRICT

In view of the fact that certain public lands within Garapan Village, Saipan, Mariana Islands District have been designated by Public Law 3C-64 as Village Homestead lots, the following regulations and requirements are hereby promulgated:

(a) The maximum area of land available for each village homestead lot be such lot areas as shown on Division of Lands and Surveys - Cadastral Plat Nos. 015D00, 016D00, 017D00.

(b) A person who now owns a village lot suitable for a home in the Trust Territory of the Pacific Islands be not permitted to homestead another lot; provided also that a person shall be permitted to homestead a village lot which, when added to the amount of land owned by such person in the Trust Territory, would exceed five and one-half (5.5) hectares.

(c) The following standards and requirements for use occupancy and development of homestead lots are that:

- 1. All construction thereon for housing of people shall provide sanitation facilities approved by the District Administrator and the building and grounds shall be maintained in a state of cleanliness and sanitation satisfactory to the District Administrator.
- No building or structure shall be erected or 2. maintained upon a homestead, closer than 12 feet from any side or back boundary and 25 feet from the front boundary with the exception of open carports and roof overhangs. Where natural obstructions or contours prevent reasonable building areas to be established within these setbacks they may be diminished, provided that no more than 50% of the total homestead area is occupied by buildings and/or structures.
- 3. No buildings, improvements, or trees erected or planted by the homesteader or otherwise, shall be intentionally demolished, destroyed, cut down, or removed during the term of the homestead without the written consent of the District Administrator. If no written response is received after fifteen (15) calendar days immediately subsequent to a properly delivered written

request, said request may be considered to be approved.

- All survey monuments and markers must be kept 4 accessible and undisturbed.
- Any and all taxes or assessments levied upon the 5. homestead land during the term of the homestead shall be paid, when due, by the homesteader to the same extent as if the title provided for had already been transferred to him.
- The homesteader shall comply with the 6. conditions of occupancy as set forth in Section 207 of Title 67 of the Code of the Trust Territory which requires that the homesteader shall:
 - (a) enter upon and commence the use and improvement of the land within one hundred twenty days (120) to include starting the construction of a dwelling after the receipt of the permit. Upon noncompliance with the foregoing, the permit shall expire and be null and void and the homesteader shall be construed to have waived all rights in and to said land;
 - (b) within six (6) months of entry, place markers at all corners of the land and at all times maintain all boundaries clear of any weeds, trash, and underbrush;
 - (c) within one year after receipt of permit to enter, occupy the homestead as his principal place of residence, such occupancy to continue for the balance of the homestead term, and;
 - (d) during the period of occupancy, comply with all rules, regulations, and requirements concerning the use, occupation, and development of the land;

7. Use of the homestead is limited to residential and all activities normally considered compatible to residential use. Commercial use is prohibited.

TERRITORIAL REGISTER, VOL. 1 NO. 9 - MARCH 15, 1975

8. A ten dollar (\$10.00) fee be collected from each applicant and paid into the District Revenue Account. The purpose of this charge is to insure good faith on

the part of the applicant and to partially defray the cost of the homestead program.

Recommended this 8th day of September 1975

/s/ Daniel T. Muna

Chairman, Mariana Islands District Land Advisory Board Mariana Islands District

Approved this 21st day of October 1975

Approved 3rd day of December 1975

/s/ Francisco C. Ada District Administrator Mariana Islands District

/s/ Edward E. Johnston High Commissioner

Trust Territory of the Pacific Islands

TERRITORIAL REGISTER, VOL. 1 NO. 9 - MARCH 15, 1975