

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN MARIANA ISLANDS

VOLUME 16 NUMBER 03



MARCH 15, 1994

COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER
VOLUME 16 NUMBER 03
MARCH 15, 1994

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NOTICE OF EMERGENCY REGULATIONS

CNMI FIANCE NONIMMIGRANT PERMIT

Consistent with the Commonwealth's policy of encouraging aliens to marry in the Commonwealth, the following amendment to the CNMI Immigration and Naturalization Rules and Regulations is hereby adopted as emergency regulations.

Section 706 of the Immigration and Naturalization Rules and Regulations is amended by adding paragraph O.

O. CNMI FIANCE NONIMMIGRANT PERMIT - allows an alien to enter and remain in the CNMI for forty-five (45) days for the purpose of marrying a CNMI resident/fiance in the Commonwealth. This permit may be renewed for an additional thirty (30) days upon a showing that the permit holder and his or her CNMI resident/fiance have made arrangements for the marriage to take place. If the parties do not marry within the time period applied for, the alien permit holder shall be required to depart the Commonwealth.

This permit shall be issued by the Chief of Immigration with the concurrence of the Attorney General or his or her designee only after procedures set forth under section 707 of the Immigration Rules and Regulations has been complied with and the CNMI resident/fiance has signed an affidavit stating that he or she will be responsible for the alien's financial obligations while in the Commonwealth, including the cost of a one-way airfare to the alien's country of origin, in the event that a marriage ceremony does not take place within the time period applied for.

3/7/94
Date

3/7/94
Date

3/7/94
Date

3/7/94
Date

3/7/94
Date

CERTIFIED BY:
Richard Weil
RICHARD WEIL
Acting Attorney General

George F. Camacho
GEORGE F. CAMACHO
Acting Chief of Immigration

CONCURRED BY:
Froilan C. Tenorio
FROILAN C. TENORIO
Governor

FILED BY: *[Signature]*
REGISTRAR OF CORPORATIONS

RECEIVED BY: *[Signature]*
GOVERNOR'S OFFICE

**CERTIFICATION
OF
EMERGENCY REGULATIONS**

CNMI FIANCE NONIMMIGRANT PERMIT

I, Richard Weil, the Acting Attorney General of the Commonwealth who is publishing the emergency promulgation of an amendment to Section 706 of the Immigration and Naturalization Rules and Regulations, by signature below hereby certify that the amendment to Section 706 is a true, correct, and complete copy of the emergency regulation formally adopted by the Office of the Attorney General for the Office of Immigration and Naturalization.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 7th day of March, 1994 at Saipan, Commonwealth of the Northern Mariana Islands.

A handwritten signature in cursive script, reading "Richard Weil", written over a horizontal line.

RICHARD WEIL
Acting Attorney General

**COMMONWEALTH ZONING BOARD PLAN REVIEW COMMITTEE (PRC)
1994 MEETING SCHEDULE**

DATE	TIME/PLACE	SUBMIT COMPLETE APPLICATION BY
March 17, 1994	9:00 - DEQ Conf. Rm.	March 10, 1994
March 23, 1994 (Wednesday)	9:00 - DEQ Conf. Rm.	March 16, 1994
April 14, 1994	9:00 - DEQ Conf. Rm.	April 7, 1994
April 28, 1994	9:00 - DEQ Conf. Rm.	April 21, 1994
May 12, 1994	9:00 - DEQ Conf. Rm.	May 5, 1994
May 26, 1994	9:00 - DEQ Conf. Rm.	May 19, 1994
June 9, 1994	9:00 - DEQ Conf. Rm.	June 2, 1994
June 23, 1994	9:00 - DEQ Conf. Rm.	June 16, 1994
July 14, 1994	9:00 - DEQ Conf. Rm.	July 7, 1994
July 28, 1994	9:00 - DEQ Conf. Rm.	July 21, 1994
August 11, 1994	9:00 - DEQ Conf. Rm.	August 4, 1994
August 25, 1994	9:00 - DEQ Conf. Rm.	August 18, 1994
September 8, 1994	9:00 - DEQ Conf. Rm.	September 1, 1994
September 22, 1994	9:00 - DEQ Conf. Rm.	September 15, 1994
October 13, 1994	9:00 - DEQ Conf. Rm.	October 6, 1994
October 27, 1994	9:00 - DEQ Conf. Rm.	October 20, 1994
November 10, 1994	9:00 - DEQ Conf. Rm.	November 3, 1994
November 23, 1994 (Wednesday)	9:00 - DEQ Conf. Rm.	November 16, 1994
December 7, 1994 (Wednesday)	9:00 - DEQ Conf. Rm.	November 30, 1994
December 22, 1994	9:00 - DEQ Conf. Rm.	December 15, 1994

NOTE: ANY RESCHEDULING ON THE ABOVE SCHEDULED MEETINGS WILL BE ADVERTISED IN THE MARIANAS VARIETY.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE PERSONNEL OFFICER

P.O. BOX 5150 CHRB
SAIPAN, COMMONWEALTH MARIANAS 96950
TEL. NOS: (670) 234-6925/7327/6958/8036
FAX NO: (670) 234-1013

PUBLIC NOTICE

PROPOSED AMENDMENTS TO EXCEPTED SERVICE PERSONNEL REGULATIONS
AND PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS

The Civil Service Commission, pursuant to 1 CMC §8117, proposes to amend and revise the Excepted Service Personnel Regulations and the Personnel Service System Rules and Regulations.

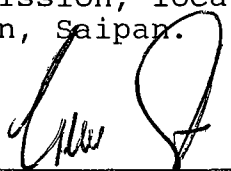
The proposed amendments to the Excepted Service Personnel Regulations would provide for Compassionate, Maternity and Paternity Leaves, and provide procedures for implementing the Sick Leave Bank authorized by Public Law 8-25.

The proposed amendments to the Personnel Service System Rules and Regulations would provide for major changes in calculation of overtime and differentials. These changes are intended to provide greater management control and to comply with the Fair Labor Standards Act. Also proposed are amendments to simplify performance evaluation procedures.

Comments, suggestions, and concerns about the proposed amendments are encouraged and welcomed. All comments must be submitted in writing to the Civil Service Commission, located on the ground floor of the J.M. Building in Garapan, Saipan (P.O. Box 5150 CHRB, Saipan, MP 96950), within thirty days of publication in the Commonwealth Register.


Copies of the proposed amendments are available and may be obtained from the Civil Service Commission, located on the ground floor of the J.M. Building in Garapan, Saipan.

Date: 3/11/94



GENE A. SANTOS
Chairman, Civil Service Commission

Filed by:
Date: 3/14/94



SOLEDAD B. SASAMOTO
Registrar of Corporations

Received at Governor's Office:

Date: 3/14/94 

ARONGORONGOL TOWLAP
FFÉÉRÚL LLIIWEL MELLÓL ÓWTOL ALLÉGHÚL EXCEPTED SERVICE
PERSONNEL ME ALLÉGHÚL PERSONNEL SERVICE SYSTEM

Civil Service Commission, sáangi ailéewal me bwángil 1 CMC §8117, nge ekke mángiyy bwe ebwe liwili sefáliyy Alléghúl Excepted Service Personnel me Alléghúl Personnel Service System

Mángemángil lliiwel kka llól ówtol Alléghúl Ecepteted Service Personnel nge e pwal ayoora milikka Compassionate Maternity me PaternityLeaves, me e pwal ayoora mwóghutughut reel igha ebwe yoorotá mille Sick Leave Bank iye e téé sáangi bwángil Alléghúl Towlap ye 8-25.

Mángemángil lliiwel kka llól ówtol Alléghúl Personnel Service System nge ebwe ayoora lliiwel kka e lap reel kadkulaal overtime me differentials. Lliiwel kkaal nge re féerú bwe ebwe aghatchú lemelem me rebwe tabweey ailéewal mille Fair Labor Standards Act. Lliiwel kkaal nge e pwal améschérághiiy mwóghutughutul performance evaluation.

Mángemáng me tiip reel fféerú lliiwel kkaal nge re bwal ghi tipáli. Aramas ye e tipáli me mwuschál nge emmwel schagh bwe ebwe ischiitiw meta mángemángil me tipal nge aa afanga ngáli Civil Service Commission, iye elo J.M. Building me Arabwal, Seipél (P.O. Box 5150 CHRB, Saipan, MP 96950), llól eliigh (30) rál sáangi igha e toowow arongorong yeel mellól Commonwealth Register.

Aramas ye e tipáli nge emmwel schagh ebwe ló bweibwogh kkopiyaal lliiwel kkaal mellól Bwulasiyool Civil Service Commission iye elo J.M. Building me Arabwal, Seipél

Rál: 3/11/94



GENE A SANTOS
Chairman, Civil Service Commission

File-liiyal:

Rál: 3/14/94



SOLEDAD B. SASAMOTO
Registrar of Corporations

Re bwughi mellól Bwulasiyool Gubenko:

Rál: 3/14/94



NUTISIAN PUPBLIKU

I MANMAPROPOPONI SIHA NA AMENDASION GI REGULASION EXCEPTED SERVICE PERSONNEL YAN I AREKLAMENTO YAN REGULASION I SISTEMAN SETBISION PETSONAT SIHA

I Komision Setbision Sibit osino' i Civil Service Commission, sigun gi 1 CMC 88117, ha propoponi para u amenda yan ribisa i Excepted Service Personnel siha na regulasion yan i areklamento yan regulasion Personnel Service System siha.

I manmapropoponi siha na amendasion gi regulasion Excepted Service Personnel para u pribeniyi unos kuantu na klasen libetta tat komu, i Compassionate, Maternity yan Paternity Leaves siha, yan para u pribeni giha para i ma'implementa-fa i Sick Leave Bank ni inaturisa nu i Lai Pupbliku Numiru 8-25.

I manmapropoponi na amendasion gi areklamento yan regulasion Personnel System Service para u na guaha mayot na tinulaika gi makatkulan overtime yan differentials siha. Este siha na tinulaika manma'intensiona para u mapribeni mas maolek na minaneha ni para u kumple i Fair Labor Standards Act. Lokkue', i amendasion siha para u na mas libianu i areklamenton i performance evaluation.

Komentu, rekomendasion yan interes put i manmapropoponi siha na amendasion manmasosohyu ginen i pupbliku. Todu komentu siha debi di u fanmatuge' papa ya u manahanao guatu gi Civil Service Commission, ni gaige gi primet bibenda gi halom J.M. Building giya Garapan, Saipan (P.O. Box 5110 CHRB, Saipan, MP 96950), gi halom trenta (30) dias despues di mapupblika huyonh este na nutisia gi Rehistran Commonwealth.

Kopia siha put i manmapropoponi na amendasion siha manmachule' gi Ofisinan Civil Service Commission, , gi primet bibenda gi J.M. Building giya Garapan Saipan.

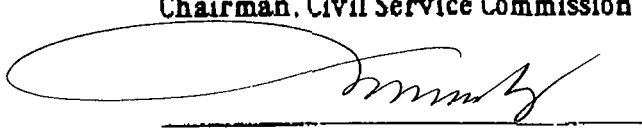
Fecha: 5/11/94



GENE A. SANTOS
Chairman, Civil Service Commission

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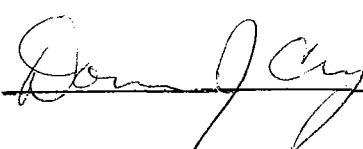
Fecha: 3/14/94



SOLEDAD B. SASAMOTO
Registrar of Corporations

Marisibi gi Ofisinan Gobietno:

Fecha: 3/14/94



DON JAY

EXCEPTED SERVICE PERSONNEL REGULATIONS
(EFFECTIVE _____, 1993)

INTRODUCTION

- 1.1 GENERAL. These parts and sub-parts provide the regulations to appoint, reassign or transfer, promote or demote, or otherwise change status of, and to remove from the government service employees who are excepted from the Commonwealth Personnel Service System pursuant to 1 CMC §8131 and Amendment 41 of the Constitution of the Northern Mariana Islands. These parts also provide the full range of personnel administration for the service of personnel employed under the excepted service, and provide for administration of the sick leave bank for all government employees.

To the extent necessary, the obligations, rights and entitlements of employees are specifically defined in several subparts hereof.

1.2 ORGANIZATION.

- A. These regulations are organized in several parts and sub-parts, each describing and defining policies and practices appropriate to the nature of the excepted service to which individuals may be appointed.

- B. The parts are comprised of:

Part I - Appointments to the Excepted Service

Part II - Other Excepted Service Appointments

Part III - Sick Leave Bank

- C. Contents of the parts are devoted mainly to those aspects of personnel policies in the government service which differ from elements in the competitive service. To the extent necessary and in those instances where the regulations apply equally to both services, the specific part or sub-part of the regulations for the competitive service are referenced rather than rewritten herein.

- D. Part III provides for administration of the Sick Leave Bank created by Public Law 8-25. Its provisions are applicable to all CNMI government employees.

I.8 EMPLOYEE BENEFITS.

- M. COMPASSIONATE LEAVE. Full-time excepted service employees may be granted compassionate leave of no more than five (5) consecutive work days in cases of death in the immediate family of the employee. For the purpose of this sub-part, the term "immediate family" shall include an employee's mother, father, brother, sister, spouse, immediate offspring (natural and culturally or legally adopted), still born child, grandfather, grandmother, grandchild, mother-in-law, or father-in-law. Compassionate leave must be taken within eighteen (18) days after the death of the immediate family member. The appointing authority is responsible for granting compassionate leave requests.
- N. MATERNITY LEAVE. Maternity leave shall be granted to a female excepted services employee who is absent from work because of confinement for childbirth. The appointing authority shall have the responsibility for approving maternity leave requests. Such maternity leave shall not exceed fifteen (15) work days, shall be in addition to any accumulated sick leave, and shall be any fifteen (15) work days encompassing the date of childbirth. Any additional leave taken for such childbirth purposes shall be charged against accumulated sick leave.
- O. PATERNITY LEAVE. Paternity leave shall be granted to a male excepted services employee who is absent from work because of his wife's confinement for childbirth. Such paternity leave shall not exceed two (2) work days encompassing the date of childbirth. The appointing authority shall have the responsibility for approving paternity leave requests.
- P. Tardiness. Tardiness shall be charged to leave without pay (LWOP) at the end of the pay period. The timekeeper shall determine the total number of minutes the employee has been late at the end of the pay period, and charge LWOP to the nearest hour.
- N. Differential. Excepted Service employees who are certified as timekeepers shall be entitled to a differential of ten percent (10%) of base salary while timekeeping is an additional duty.

EXCEPTED SERVICE PERSONNEL REGULATIONS

PART III
GOVERNMENT EMPLOYEES SICK LEAVE BANK

III.1 PURPOSE. The regulations in this part provide for creation and administration of the Northern Mariana Islands Government Employees Sick Leave Bank created by Public Law No. 8-25.

III.2 ELIGIBILITY. All persons, except for elected officials, employed by the Commonwealth government, its agencies or instrumentalities may apply for sick leave hours from the sick leave bank. No employee may request for sick leave beyond the term of his or her term of appointment. Employees must qualify for sick leave, and such leave is appropriate only for illness, injury or quarantine of the employee.

III.3 CONTRIBUTIONS. Any person may contribute excess sick leave hours to the sick leave bank on forms prescribed by the Personnel Officer.

A. Employees separating from or terminating employment with the Commonwealth government may donate all of their sick leave hours to the sick leave bank. If they return to service with the Commonwealth government within three (3) years, they may request that donated leave, up to a maximum of eighty (80) hours, be restored to their sick leave balance.

B. Persons presently employed by the Commonwealth government may donate sick leave to the sick leave bank at any time, provided that after such donation their sick leave balance is at least eighty (80) hours.

C. Employees may donate sick leave to the sick leave bank for the specific use of a designated person. If the person designated does not ask for use of such sick leave within two pay periods, the leave will be combined with all other donated sick leave for the use of any eligible person.

III.4 REQUESTS FOR USE OF SICK LEAVE BANK. Any eligible employee may apply for up to eighty (80) sick leave hours from the sick leave bank, on forms prescribed by the Personnel Officer, provided that:

A. The request is supported by a certified medical statement from the attending physician, including an estimate of the time the employee must be absent. Appointing authorities may ask that the attending physician state that the medical condition does not

constitute a permanent disability which would prevent the employee from performing the essential duties of his or her job. The presence of any such permanent disability may be grounds for disability retirement of the employee; and

B. Requests must be received at the Personnel Office at least five (5) working days before the proposed effective date, with all supporting documents; and

C. The employee has exhausted all sick leave and all annual leave; and

D. The employee has exhausted his or her allowable advance sick leave, or has been granted the maximum allowable advance sick leave and is in the process of exhausting such leave; and

E. Sufficient sick leave hours have been donated to the sick leave bank to accommodate the employee's request.

F. Employees may apply for an additional eighty (80) hours from the sick leave bank, but such requests must be justified in the same manner as original requests.

III.5 Requests for sick leave from the sick leave bank shall be considered in the order they are received, and the employee with the earliest request shall prevail if the sick leave hours donated are not sufficient to accommodate all requests.

III.6 Leave from the sick leave bank borrowed and taken:

A. Constitutes a legal contract between the employee and the government; and

B. Must be repaid, even if the employee separates from government service. Recovery of sick leave that is unpaid may be through the government's assumption of the employee's accrued unused leave, payroll deductions, matched reduction of service time and/or recourse to the courts.

III.6 The Personnel Officer or his designee shall maintain a centralized record of all sick leave donated to the sick leave bank.

PROPOSED AMENDMENTS TO
PERSONNEL SERVICE SYSTEM RULES & REGULATIONS

III.B3 TYPES OF APPOINTMENTS

Appointments in the Personnel Service System are placed in the classes defined in the following:

- A. Probationary Appointment. An appointment in which the appointee is selected from an eligible list resulting from an open examination to fill a permanent position. The appointee shall serve a period of not less than six (6) and not more than twelve (12) months from the beginning of the probationary appointment and shall demonstrate the capacity for 26 consecutive weeks of satisfactory performance before being eligible to be converted to a permanent appointment. Separations during a probationary appointment are not processed under adverse action procedures or reduction-in-force (RIF).

III.F1 GENERAL

This sub-part establishes the Personnel Service Appeals System. Any employee of the Personnel Service may appeal, personally and/or in writing, a decision to take adverse action resulting from reduction-in-force procedures, or an "unsatisfactory" or "satisfactory" performance rating.

III.F8 PERFORMANCE RATING APPEAL

- A. In the event an employee disagrees with a performance appraisal//and//evaluation// Rating Report, such employee may appeal an "unsatisfactory" performance rating to the Commonwealth of the Northern Mariana Islands Civil Service Commission. The appeal to the Civil Service Commission must be in writing, stating the reasons for the appeal and must be filed to the / the/employee/must/so/indicate/on/the/Performance Rating/Form/(CSC-P-07B)/and/must/submit/a/written statement/giving/the/reasons/for/the/appeal/to/the Personnel Officer within thirty (30) calendar days after the date of the employee's signature on the Performance Rating Form Report. If a statement of disagreement is not received, the Performance Rating Form shall be processed as received.
- B. An employee has a right to representation of his choice as provided in part III.F2.D.

IV.B5 PROMOTIONS

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 two (2) step increases in the old pay level. The rate of compensation ~~cannot~~ must not exceed the rate of the maximum step in the higher pay level. The effective date of the promotion shall be the new service anniversary date for the promoted employee. An employee shall not be promoted into a supervisory position until and unless such employee has satisfactorily completed the "Performance Standards and Appraisal Workshop" conducted by the Personnel Office and has completed training in workshops sanctioned by the Personnel Office in the areas of Basic and/or Advanced Supervisory Management. Retroactive promotions shall not be made except when directed by a decision of the Civil Service Commission pursuant to an employees appeal.

IV.B16 OVERTIME COMPENSATION, COMPENSATORY TIME AND CONTROL

A/ Any employee who is directed to work and does work in excess of exceeds forty (40) hours actually worked in a week shall be paid overtime at the rate of one and one-half (1 1/2) times basic the regular rate of pay, except as provided below. or in the absence of any funds for overtime compensation, compensatory time off shall be granted at time and one-half (1 1/2) compensatory time off shall be granted within four (4) pay periods from the date in which it was earned, and any compensatory time not used within a four (4) pay period interval shall be converted to overtime pay the following pay period. All classified employees shall be eligible for overtime pay except as provided in CMC 88211 et seq. as amended. However, e

A. Exceptions. Bonafide Executive, Administrative and Professional employees are exempt from payment for overtime. The criteria used in justifying such exemptions must be documented in the employees' job descriptions. Employees being paid typhoon emergency differential are not eligible to receive overtime pay for the same work hour(s).

(1) Executive Employees. The term Executive shall include employees:

(a) Who customarily and regularly supervise at least two employees; and

(b) Who make recommendations for hiring, firing, advancement or promotion that are given particular weight; and

(c) Whose primary duty is management of a department, division, section or other customarily recognized subdivision of the government.

(2) Administrative Employees. The term Administrative shall include employees whose work is office or non-manual work directly related to management policies or general operations.

(3) Professional Employees. The term Professional shall include employees whose primary duty is work requiring knowledge of an advanced type in a field of science or learning customarily acquired by prolonged courses of study. Physicians and Attorneys are examples.

B. Hours actually worked. Overtime compensation will only be paid for hours actually worked in excess of forty (40) hours a week. Paid leave shall not be included in the computation of hours actually worked, except for administrative leave allowed pursuant to Part VII.A4(G)(1) or VII.A4(G)(4). Time during which an employee is required to remain at a prescribed workplace shall be included in the hours actually worked, even if no work is performed.

C. Payments included in Regular Rate of Pay. The regular rate of pay shall include the following compensation for employment:

(1) Basic pay for the first forty (40) hours actually worked in the workweek, including work on a holiday; and

(2) Any hazardous work differential earned during the regularly scheduled workweek; and

(3) Any night work differential earned during the regularly scheduled workweek; and

(4) Any employee who is being paid a standby premium earned for remaining on call for duty at any time during a regularly scheduled standby period in excess of a forty (40) hour week shall not be eligible for overtime pay or compensatory time off for any work performed while on scheduled standby; and

(2) Such overtime work is directed to a specific objective or goal or accomplishment and it cannot be accomplished during the regular workday or 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.

(5) Payment for housing or transportation to and from work provided to the employee, or the fair value of those benefits if they are provided directly

by the government, pro-rated to determine the amount for that workweek. The fair value shall be the amount specified by the Director of Finance for tax purposes.

D. Calculation of Regular Rate of Pay. The regular rate is an hourly rate. The weekly payments included pursuant to IV.B16(C) shall be added together, then divided by forty (40), to determine the regular rate.

E. Compensatory Time. If funds are not available for overtime compensation, compensatory time off may be granted at the rate of one and one-half hours for each hour actually worked of overtime, provided that:

1. The employee signs a statement agreeing to compensatory time in place of overtime; and
2. The maximum authorized accumulation of compensatory time is eighty (80) hours. When an employee has accumulated eighty (80) hours of compensatory time off, all overtime must be paid in cash; and
3. An employee's request to use compensatory time off must be granted within a reasonable time unless the responsible official determines the time off would be unduly disruptive to operation of the activity; and
4. Accrued balances of compensatory time off at the termination of employment must be paid at the average basic pay of the employee over the last three years of employment or the final basic pay, whichever is higher.
5. Transition Provision. All compensatory time off carried "off the books" through an in-house agreement or arrangement shall be converted to official compensatory time off as of the effective date of this amendment. The approving official shall be personally liable for any compensatory time off granted through a non-official in-house agreement or arrangement after the effective date of this amendment. An employee who has a balance of more than eighty (80) hours of compensatory time because of this transition provision must be paid immediately for the balance exceeding eighty (80) hours. If funds are not available for such immediate payment, the balance will be converted to annual leave.

FF. Reduction and Control of Overtime. Intelligent and responsible control of overtime is a continuing

management function and certain steps are to be taken by all appointing authorities and supervisors to reduce overtime. Overtime work should be directed to a specific objective or goal, and should not be work that can be completed during the regular workday, nor postponed to the following day or days. Management should ~~Included/are:~~

- (1) Ensure that every effort is made to improve management of the worker-hours available during the 40-hour work week; eliminate unessential or low priority work; make certain that reasonable discipline is maintained with respect to hours of work, leave, punctuality, industry and individual productivity.
- (2) Examine the purpose of overtime to determine whether the work to be accomplished requires immediate completion. No overtime should be approved to complete any work that could be delayed without undue hardship.
- (3) Where recurring overtime appears necessary, compare the relative cost of additional personnel versus the current cost of overtime. Where additional personnel would result in less cost to the government, reassign employees in less essential positions, wherever possible.
- (4) Pool clerical personnel and loan employees from one activity to another as the needs require. No situation should be allowed to exist wherein employees are not fully occupied in necessary work the full eight hours a day.
- (5) Use available recognition devices, merit increase, performance awards and priority consideration for promotion to reward employees who make extra efforts on behalf of their organizations. This will encourage other employees to raise their sights.
- (6) Ensure that ~~Timekeeping~~ duties ~~shall be~~ are accomplished during regular working hours. Overtime shall not be authorized for timekeeping.
- (7) Minimize use of compensatory time off. Excessive use of compensatory time will take employees away from the workplace in the future and create a need for more overtime.

GC. Approval of Overtime. Overtime must be approved, in advance, by the appropriate management official on forms prescribed by the Personnel Officer. Such officials are Directors or their equivalent, or Chiefs

or their equivalent when this authority is delegated.

(1) An employee who is suffered or permitted to work overtime without authorization shall be paid, because the time represents an obligation of the government.

(2) The responsible management official has an obligation to discourage overtime which is not approved, and must take disciplinary action, when appropriate, against an employee who works overtime without authorization. The Personnel Officer may request documentation of the steps taken by management to control unauthorized overtime.

(3) As a general policy, an employee who has taken annual or sick leave or who plans to take annual or sick leave within the same work week will not be scheduled to work overtime/and will be advised that overtime/ voluntarily/ performed/ is/ not compensable.

HD. Supervisors working overtime. As a general policy, management officials should refrain from directing supervisory personnel to work overtime.

IE. Supervision of Overtime Work. In the event three or more employees are directed to work overtime, a supervisor must be present to ensure proper utilization of the overtime period.

IV.B17 STANDARD WORK WEEK

The standard work week commences on Monday at 7:30 a.m. and ends on the following Friday at 4:30 p.m. of each week.

IV.B18 USE OF NON-STANDARD WORK WEEK

Non-standard work weeks may be used to provide continuity of service or to fulfill other needs of the public interest. Schedules for non-standard work weeks shall be devised, in advance, by the appointing authority, not to exceed forty (40) hours per week. When it becomes necessary to change an employee from a standard work week to a non-standard work week, the employee shall be given notice ten (10) working days in advance of the effective date of the change. If an employee is not given the required notice of change in schedule of work, the employee shall be compensated at the overtime rate for those days worked within the first ten (10) working days which do not fall within the standard work week.

IV.B19 HOLIDAYS

All government employees shall receive leave with pay

on each legal holiday. Employees shall be paid holiday pay or be given compensatory time off for work performed on Commonwealth legal holidays in accordance with the regulations set forth herein.

AB. Payment for work on holidays: An employee required to work on a legal holiday shall be compensated at two (2) times the base salary rate or the adjusted base salary rate for the hours actually worked, and shall also be paid for the holiday leave with pay. or in the absence of any funds for holiday compensation, compensatory time off shall be granted. Compensatory time off shall be granted at the rate of two (2) times the base salary, or the adjusted base salary, of the hours worked. Compensatory time off shall be granted within four (4) pay periods from the date in which it was earned and any compensatory time not used within a four pay period interval shall be converted to holiday pay, except as provided for in 802A.1, et seq., as amended. Holiday pay for hours of work performed on a legal holiday will not be paid any employee who is paid a standby differential for those same hours.

BC. Holiday Pay in a Non-Standard Work Week. When holidays fall on a regular non-work day for employees whose basic work week is other than the standard work week, the work day immediately preceding or succeeding the holiday shall be designated (as determined by the department head) as the holiday in lieu of such holiday which occurs on the employee's scheduled non-work day:

- (1) Such employees who have designated holidays in lieu of the official holiday shall, if possible, be excused from duty on the designated holiday.
- (2) Such employees who are required to work on their designated holidays shall receive two (2) times the basic salary rate for work performed on that day, and shall also receive holiday leave with pay.

IV.B20 MERIT INCREASE

An employee may be awarded a merit increase (not exceeding with a minimum of four (4) exceptional ratings may additionally be granted a merit increase not to exceed one (1) step increase in the base salary) by achieving an overall performance average score equivalent to Outstanding/Exceptional upon completion of fifty-two (52) consecutive calendar weeks of sustained superior work performance. Such additional merit increase shall not alter the waiting period required for qualifying for the next within-grade step increase. No employee shall be compensated above the maximum step prescribed for the employee's pay level except where the

employee was receiving such compensation pursuant to law.

A request for merit increase is initiated and signed by the supervisor, attached to an approval recommendation from the appointing authority, and then forwarded to the Personnel Officer for review and final approval.

The effective date of all merit increases shall be the beginning of the pay period immediately following the final approval of the Personnel Officer. Exceptions to this rule may be made by the Personnel Officer only for such reasons as might expedite public business and not result in an inequitable situation.

IV.B21 PREMIUM PAY

See Part IV.B22 for approval of proposals to provide premium pay or differentials.

A. Hazardous Work. All employees meeting the qualification criteria below, whose occupation involves unusual and extreme hazards to their health and safety, shall be paid a differential of twenty-five percent (25%) of their base salary rate for any hour actually worked while exposed to the hazard. Eligibility will be for a specified period up to 90 days, and any renewal must be reviewed in the same manner and for the same maximum period as an original request for the differential. To qualify for payment of a hazardous work differential, the following conditions of work must be met:

- (1) The conditions of unusual and extreme hazard to the employee's health and safety must be clearly evident and fully defined;
- (2) 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;
- (3) 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.
- (4) Upon receipt of a request to renew a hazardous

differential, the Personnel Officer shall:

- (a) Review the pay level assigned to the class which covers the position involved and the hours actually worked by employees with that classification while exposed to the hazard involved, and determine whether the pay level should be adjusted for the entire class; and
- (b) Review the justification provided by management to determine whether the employee is still eligible for the hazardous work differential.

B. Night Work. Additional compensation in the form of a night work differential of fifteen percent (15%) of base salary rate ~~or adjusted base salary rate~~ is paid for all hours worked between 4:30 p.m. and 7:30 a.m., when such hours are included within a regularly scheduled tour 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 4:30 p.m. and 7:30 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 included scheduled hours during the period of 4:30 p.m. to 7:30 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 4:30 p.m. to 7:30 a.m. which is not a part of the employee's regularly scheduled hours of night work duty; or
 - (c) An employee who is paid ~~a // standby differential~~ for remaining on call to duty ~~at any time during the regularly scheduled standby period~~ in excess of the normal forty

(40) hour work week shall not be eligible for payment of night differential for any work performed while on scheduled/standby call.

C. Standby // // Qualification/Criteria // // To qualify for entitlement to receive a standby differential of twenty percent (20%) of base salary rate or the adjusted base salary rate when provided by law, all of the following conditions of work or employment must be met:

(1) The nature of the position or occupation is such that employees are required to remain on call in a standby duty status at their designated work stations or locations;

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

(3) Employees being paid standby differential are not eligible to receive night work differential or overtime pay for any work performed while serving a scheduled/standby/over time compensation will be paid // however // for all hours worked in addition to the normal forty (40) hour work week and any hours beyond regularly scheduled standby hours;

On-call. Employees who are required to remain on-call to duty outside of their regular working hours shall be fit to report for duty while on call and shall be paid a premium of one dollar and fifty cents (\$1.50) per hour they are scheduled to be on-call, provided that:

(1) Employees shall be compensated for hours actually worked instead of receiving an on-call premium for all hours in which they are required to be at a prescribed work place; and

(2) Hours of on-call duty must be for a regularly scheduled period of time in excess of the regular forty (40) hour work week. On-call schedules must be submitted to the timekeeper before the beginning of the work week involved; and

(3) There is a bonafide reason for the employee to be on call; and

(4) Eligibility to be placed on-call is for a period of one (1) year, and may be renewed for

additional one (1) year periods.

D. Typhoon Emergency. Employees who are required by the government to work in a location and during a period of time in which a typhoon or tropical storm emergency has been declared by the Governor, and in which other government employees are released from work as a result of such condition, shall be compensated as follows:

(1) For the employee's regularly scheduled work hours during which other government employees are released from work as a result of the emergency, the employee shall receive pay for administrative leave, and shall also receive pay for the actual hours worked; and

(2) For ~~the~~ all other hours such employees are required to work while such declaration of emergency shall remain in force, compensation shall be at the rate of two and one-half (2-1/2) times the base salary rate or adjusted base salary rate. This sub-part shall not limit the right of the employee to any other differential to which the employee may otherwise be entitled by law or applicable regulation; however, Employees being paid typhoon emergency differential are not eligible to receive any other premium pay or overtime pay for the same time period.

E. Outside Commonwealth Service. An employee of the Personnel Service residing in the Commonwealth and assigned a permanent change of duty station to work at locations outside the geographic boundaries or administrative control limits of the Commonwealth shall receive, in addition to base salary, fifty percent (50%) of the base salary. Employees receiving housing benefits shall not be eligible for this differential.

F. Special Medical. A Medical Officer or Dental Officer who occupies a position with duties predominantly clinical, as opposed to administrative in nature, shall receive, in addition to the base salary, a Special Medical Differential of thirty percent (30%) of the base salary for the pay level and step of the position. If such employee works no more than 1/2 service, they shall be compensated at a rate of not less than \$43,000 per year.

G. Advanced Professional. An employee who has achieved advanced professional preparation through obtaining an L.L.B. or J.D. Degree, a Doctorate in Medicine or Dentistry, or an earned doctorate in any other field

from an accredited United States university or any other university accredited in the United States, and who is employed in a position having a requirement for such degree, shall receive, in addition to the base salary, a premium of fifty percent (50%) of the base salary for the pay level and step of the position.

~~W//C//Civil//Service//employees//who//are//certified//as//linekeepers//shall//be//entitled//to//a//ten//percent//((10%))//differential//while//their//duties//include//linekeeping//~~

IV.B22 APPROVAL OF PROPOSALS TO PROVIDE PREMIUM PAY OR DIFFERENTIALS

Proposals to either begin or discontinue premium pay differentials shall be submitted on a Request for Personnel Action to the Personnel Officer for review and approval. The request must be accompanied by a letter of justification addressing each of the criteria required to support the particular differential. Discontinuance of differentials does not constitute a "reduction in pay" and does not require a formal adverse action under Part III.D.

IV.B23 BAR TO DUAL COMPENSATION OR DUAL EMPLOYMENT

No employee shall receive compensation for two positions or two appointments in the Personnel Service. When an employee is engaged in government work other than in the employee's regular position, such employee shall be (1) placed in LWOP from the regular position, or (2) continue the government salary and reject the salary for the second position, whichever is to the employee's personal advantage.

Exception: When an employee is engaged as a classroom teacher outside the employee's regular work day to teach Adult Basic Education or classes for the Northern Marianas College, such employee shall be paid for work as a teacher at the prevailing rate. Other exceptions may be made upon proper justification with the specific written approval of the Personnel Officer.

IV.B24 SEVERANCE PAY

Employees who are separated from the Personnel Service by reduction-in-force (RIF), not eligible to receive immediate retirement pay, are entitled to severance pay computed as follows:

- A. For each full year of creditable service with the government, the employee is entitled to one-half (1/2) of the employee's biweekly pay rate in effect upon separation by RIF.
- B. For each full three (3) months of service beyond the total full years of service, the employee is entitled to twenty-five percent (25%) of the pay for a biweekly period at the rate in effect upon separation by RIF. Not more than seventy-five percent (75%) of the pay for one biweekly period shall be paid under this part-

year provision.

Severance pay is paid at the regular biweekly sequences until the entitlement is exhausted. If an employee separated by RIF is reemployed by the government in any capacity before the allowable severance pay liability is satisfied, the employee sacrifices the unpaid balance upon return to duty. If the employee's total creditable service is less than one (1) full year, there is no entitlement to severance pay.

IV.B25 TIMEKEEPERS

It is essential that the Civil Service Commission and the government have available accurate data concerning the time and attendance of employees. This information assists forecasting of future personnel needs and analysis of current practices. To provide the needed information, it is necessary that competent timekeepers be appointed and certified.

- A. Appointment and Certification of Timekeeper. Each appointing authority shall appoint timekeepers from among the employees assigned to such office. Each timekeeper shall be assigned designated employees for whom the timekeeper will be responsible. Every employee (classified service and excepted service) shall be required to be assigned a timekeeper. Upon the appointment, each timekeeper will undertake a course of instruction in timekeeping procedures as specified by the Personnel Officer and the Director of Finance. Upon satisfactory completion of such instruction, the Personnel Officer shall certify the timekeeper. The Personnel Officer may certify as acting timekeeper an employee who has not yet completed the required instruction, where circumstances dictate. No person may perform the duties of timekeeper without certification.
- B. Duty of the Timekeeper: Each timekeeper will be responsible for recording and certifying time and attendance records of the assigned employees. Timekeeping duties shall be accomplished during regular working hours. Overtime shall not be authorized for timekeeping. The timekeeper will also record and certify leave time taken by any assigned employee. The method of recording and certifying time, attendance and leave shall be prescribed by the Personnel Officer and the Director of Finance.

Time and attendance records, kept by the Timekeeper, are subject to audit by the Personnel Officer or his designee at least once a year. Non-compliance to this part shall subject the Timekeeper to immediate decertification and appropriate disciplinary action(s).

- C. Protection of the Timekeeper. It is essential that timekeepers be able to fulfill their duties without harassment. No person may attempt to coerce, threaten or otherwise attempt to hinder the timekeeper. Any person violating this provision shall be reported promptly by the timekeeper to the Personnel Officer. Any person violating this provision may be subject to disciplinary and/or criminal sanctions.
- D. Employees' Rights to Challenge Timekeeping Records. Any employee who wishes to challenge the accuracy of any timekeeper's records may institute an employee appeal under the Grievance Procedure, Part III.

VIII.C POLICY

Appointing authorities shall ensure that supervisors in their respective jurisdictions reach and maintain a clear understanding with their subordinates of the standards of work performance which must be met in order to successfully accomplish assigned work. The supervisor and the employee, on a person-to-person basis, must understand and agree on the work objectives set, the manner in which they can be reached, and the way they will be evaluated. A review of the employee's position description is necessary, therefore, to assure such understanding of the duties, performance standards and work objectives established.

Quarterly/ Annually, commencing at the employee's employment date, based upon the preceding twelve (12) months performance rating report and other pertinent factors, an annual ~~the supervisor will make a~~ written rating of the employee's performance shall be submitted by the supervisor, and concurred by the activity head, on CSC-P-07 forms prescribed by the Personnel Officer, //The rating shall be made using the five (5) levels of performance appraisal judgment established by the Performance Standards and Appraisal System.//The quarterly evaluation shall be completed by the supervisor for each permanent, probationary, and limited-term employee. //signed by the employee (with an indication "Disagree" if the employee disagrees with any of the performance appraisal ratings)// and certified by the appointing authority on forms provided by the Personnel Officer. The Personnel Officer, through an authorized representative, shall administer the performance rating report and be alerted to changes needed for necessary improvement of such system.

Non-Commonwealth employees shall not be delegated the authority to supervise employees of the Commonwealth.

VIII.D RESPONSIBILITIES

1. The Personnel Officer shall be responsible to:
 - A. Develop, evaluate and improve the Personnel Service ~~Performance Standards and Appraisal System~~ annual employee review system and performance rating report; and
 - B. Provide advice, assistance and supervision in the administration of the system.
2. The appointing authorities shall be responsible to implement, administer and obtain compliance with the purposes of the system, including:
 - A. Provide assistance to supervisors and employees in developing performance ~~standards~~ rating report;

- B. Provide training to supervisors so they can effectively evaluate employee performance; and
 - C. Assure that employees understand the provisions, procedures and objectives of the Performance Standards and Appraisal System performance evaluation plan.
3. Supervisors are responsible to:
- A. Assure that position descriptions accurately reflect the duties and responsibilities assigned;
 - B. Determine jointly with each employee the performance standards to be met and keep each employee advised of strengths, weaknesses and opportunities for improvement;
 - C. Conduct quarterly the annual employee performance reviews; and
 - D. Initiate appropriate personnel actions in cases of continuing Unacceptable/Less than SATISFACTORY unsatisfactory performance.
4. The employee is responsible to:
- A. Request clarification from the supervisor of any performance standards ratings, work objectives or duties which are not clearly understood;
 - B. Advise the supervisor of any fact or circumstance which the employee believes should be considered during the review process;
 - C. Participate in performance appraisal discussions, in the development of performance standards, and make suggestions for improving performance; and
 - D. Certify the performance appraisal ratings.

In the event the employee disagrees with any of the ratings, the employee must so indicate on the Performance Rating Form (CSC-P-07B) and must submit a written statement to the Personnel Officer as required by Part III.F8 of these regulations.

VIII.E RELATIONSHIP TO OTHER PERSONNEL MANAGEMENT ACTIVITIES

By using the employee anniversary date system (as contrasted to a fixed due date), supervisors may better consider and evaluate each employee as an individual and coordinate the performance evaluation with the other appraisal actions which make up the totality of the employee review system.

Supervisors do not have a right to retain an employee in a position in which the employee's overall rating is "~~Unacceptable/Less than Satisfactory~~" "unsatisfactory". To permit such a situation would not be in the best public interest and would not be consistent with good management principles. Supervisors must initiate the necessary personnel action to have such an employee reassigned, demoted or separated from the position at the earliest possible date.

An employee with a current official rating of "Outstanding/Exceptional" has an additional two (2) points of retention credits for reduction-in-force purposes.

VIII.F PERFORMANCE APPRAISAL RATING

A completed Performance Standards and Appraisal Worksheet Rating Report (CSC-P-07A) must be submitted along with the Performance Rating Form (CSC-P-07B) to the Personnel Office on a quarterly annual basis for appropriate action.

VIII.G RATING PROBATIONARY EMPLOYEES

The final rating (for the 4th, 5th, and 6th months of probationary employment) shall be completed for probationary appointees no later than the end of the 6th month of the probation period. For employees serving a new probationary period, the review must be completed at least two (2) weeks before the end of that probation period a month prior to being eligible for conversion to a permanent appointment.



MARIANA ISLANDS HOUSING AUTHORITY

P.O. BOX 514, SAIPAN, MP 96950

FAX : (670) 234-9021
TELS: (670) 234-6866
234-9447
234-7689
234-7670

NOTICE OF PROPOSED AMENDED REGULATIONS

The Board of Directors of the Mariana Islands Housing Authority hereby notifies the general public that it has adopted the proposed Direct Family Home Loan Amended Policy and Procedures promulgating rules and regulations for its administration pursuant to the authority provided under 2 CMC, Division 4433(t), and the Administrative Procedures Act, 1 CMC 9101, et. seq. of the Commonwealth Code.

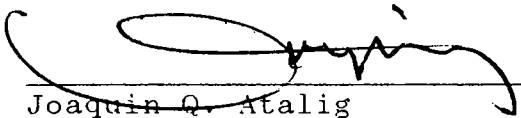
These amended regulations will generally govern the operation of the Direct Family Home Loan Program consistent with the MIHA's enabling legislation, as amended.

Copies of the proposed amended regulations are available at MIHA's Central Office, Garapan, Saipan and its field offices on Tinian and Rota.

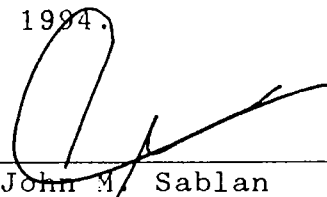
MIHA urges the public to submit written comments and recommendations regarding the proposed amended regulations within 30 days after the first publication in the Commonwealth Register to the following address:

Mariana Islands Housing Authority
P.O. Box 514
Saipan, MP 96950

Dated this 12th day of January, 1994.



Joaquin Q. Atalig
Chairman
Board of Directors



John M. Sablan
Executive Director

Filed by: Soledad B. Sasamoto
REGISTRAR OF CORPORATIONS

3/14/94
Date

Recorded by: Donna J. Cruz
Governor's Office

3/14/94
Date



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NUTISIA PUT I PRINIPONI NA INMENDAN REGULASION SIHA

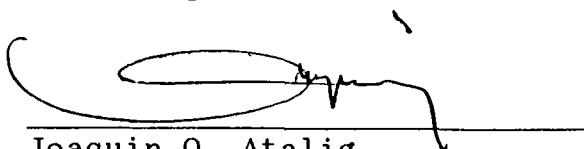
I Board of Directors i Mariana Islands Housing Authority osino i MIHA, ginen este ha nana'i nutisia i publiku hinerat na esta ha adapta i maproponi na inamenda gi areklon Direct Family Home Loan yan i areklamento siha para manlaknos areklo yan regulasion para i ma'atministrasion-na sigon gi atoridat ni mapribeni gi papa' 2 CMC, Division 4433 (t), yan i administrative Procedures Act, osino i 1 CMC 9101, Et Seq. gi Kodikon Commonwealth.

Este siha na inamendan regulasion para u gobetna hineratmente i uperasion i Direct Family Home Loan na programa ni umafakcha' yan i lehislasion ni umestablesi i MIHA ni ma'amenda. Kopia siha put i maproponi na inamendan regulasion siha sina manmachuchule gi sentro na ufisinan MIHA giya Garapan, Saipan yan gi field offices giya Luta yan Tinian.

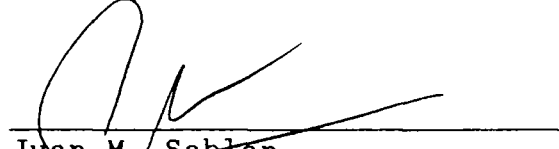
I MIHA ha sosoyo' i pupbluku para u fana'halom tinigi' siha na komento yan rekomendasion siha put i priniponi na inamendan regulasion gi halom trenta (30) dias despues di i primet na prinipblikan esta na nutisia gi halom i rehistran Commonwealth. Todu tinige' siha na komento yan pat rekomendasion debi di u mana'fanhanao guato gi sigente na adres:

Mariana Islands Housing Authority
P. O. Box 514
Saipan, MP 96950

Mafecha gi este i mina 12 dia, gi Ineru, 1994.



Joaquin Q. Atalig
Chairman
Board of Directors



Juan M. Sablan
Executive Director



Filed by: Soledad B. Sasamoto
REGISTRAR OF CORPORATIONS

3/14/94
DATE



Recorded by: Donna J. Cruz
GOVERNOR'S OFFICE

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ARONGORONG REEL FFEERUL LLIWEL MELLOL OWTOL ALLEGH

School Board of Directors mellol Mariana Islands Housing Authority re mwuschal arongaar towlap igha aa adaptaali ffeer ye Direct Family Home Loan Amended Policy me mwoghutughutul iye e ffeer alleghul lemelem sangi aileewal me bwangil 2 CMC Division 4433(t) me Administrative Procedures Act, 1 CMC et seq. mellol Commonwealth Code.


Lliiwel kkaal nge ebwe lemeli mwoghutul Direct Family Home Loan Program iye ebwe ghol fengal me alleghul MIHA igha e lliiwel.

KKopiyaal lliiwelil owtol allegh kkaal nge emmwel aramas ebwelo bweibwogh mellol bwulasiyool MIHA iye arabwal, Seipel me ikka elo Tchuluyol me Luuta.

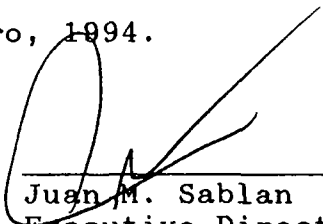
MIHA e tingor ngeliir towlap bwe rebwe ischiitiw meta tipeer me manngemangiir reel lliiwelil allegh kkaal lloel eliigh (30) ral igha e toowow mellol Commonwealth Register nge raa, afanga nagli address ye faal:

Mariana Islands Housing Authority
P. O. Box 514
Saipan, MP 96950

E Ffeer lloel raalil ye 12th Inero, 1994.



Joaquin Q. Atalig
Chairman
Board of Directors



Juan M. Sablan
Executive Director



Filed by: Soledad B. Sasamoto
REGISTRAR OF CORPORATIONS

3/14/94

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MARIANA ISLANDS HOUSING AUTHORITY

DIRECT FAMILY HOME LOAN AMENDED POLICY AND PROCEDURE

I. PURPOSE AND AUTHORITY

The purpose of the Direct Family Home Loan financing program is to encourage and create better living standards for the people of the CNMI, a healthier environment for family life, and an attractive community by providing modest, safe and sanitary dwellings. This policy will also enhance the economic activity of the Mariana Islands through increased building construction, which will increase demands for jobs, building materials, home furnishing, and related products.

It is the policy of the Mariana Islands Housing Authority (MIHA) to assist qualified applicants to acquire and occupy a home or to improve their existing homes. Pursuant to Public Law 5-67, as amended, codified at 2 CMC Division 4, MIHA will undertake to provide the financial or management operation, and/or other needs so as to provide housing for persons with low to moderate incomes.

II. SCOPE

This amended policy and procedures shall apply to all direct loans to families and shall supersede all previously issued policies, which are inconsistent with this policy.

III. USE OF FUNDS

All available funds, whether borrowed, grant, or covenant funds, or proceeds from sales of MIHA's assets may be used for the purchase or construction of single family residential dwelling; home improvement or rehabilitations; or refinancing of existing housing loan; or financing of loan closing costs for borrower(s) who lack adequate cash funds for such costs. The use of such funds shall be subject to the following restrictions:

A. Ownership

The house to be constructed, improved or purchased shall be owned or purchased by the applicant in fee simple or leased with a minimum term of forty (40) years. The word "applicant" means a family or a single person.

B. Principal Residence

The house to be constructed or improved must be occupied and used by the applicant as their principal place of residence.

C. Occupancy

The house to be purchased must be occupied and used by the applicant as their principal place of residence immediately after the date the loan is closed, which shall be the same date as the day of purchase.

D. Financed Loan Closing Costs

Loan closing costs which may be financed are loan origination fee, engineering fee, title review, title insurance, appraisal fee, credit report fee and all related costs associated with the loan.

E. Refinancing

Applicants may refinance an existing housing loan for a term, not to exceed the existing loan's maturity date, provided that the applicant possesses the financial ability to repay the loan, when refinanced, and agrees to pay for loan refinance documentation and/or the administrative cost shall be one percent (1%) of the outstanding amount, but not less than \$300.00, whichever is higher.

IV. ELIGIBILITY AND QUALIFICATION

Any applicant may be considered eligible for a loan under this program who, is determined by MIHA to be capable of repaying the loan based on income versus expenses, has satisfactory credit experience, sufficient collateral for the loan and is within the income limits of \$40,000.00, \$60,000.00 and \$100,000.00 or more per annum, as approved by the Board of Directors for Very Low Income, Low Income and Moderate Income, respectively.

V. TERMS AND CONDITIONS OF LOANS

A. Maximum Loan Amount for Home Construction, Purchase or Improvement

The maximum loan shall not exceed One Hundred Forty-two Thousand Five Hundred Dollars (\$142,500.00) for construction or purchase of a house. This amount may be changed subject to the approval of the Board of Directors.

B. Loan-to-value Ratio

The amount of the loan shall not exceed ninety percent (90%) of the appraised value of the property (house and land) offered for collateral or the purchase price, whichever is lower. In construction loans, the purchase price of the property means the value of the land plus the estimated cost of construction.

C. Repayment Period

The maximum repayment period of any home improvement loan shall be fifteen (15) years. The repayment period for a construction or home purchase loan shall be not more than fifteen (15), thirty (30) or forty (40) years, depending on the repayment capability of the applicant(s) as determined by MIHA. If the property is under lease, the repayment period shall be such a period that the loan is repaid ten (10) years prior the the expiration date of the lease.

D. Home Improvement/Rehabilitation Loan Limits

No home improvement or rehabilitation loan may be less than Two Thousand Dollars (\$2,000.00) or more than Thirty Thousand Dollars (\$30,000.00).

E. Sufficient Income Applicant

No loan may be issued to any applicant where, after careful analysis of the applicant's financial status, it is determined by MIHA, in its sole discretion, that the applicant will encounter difficulties in repayment of the loan or would cause other financial hardship to the applicant. Appropriate guidelines and criteria should be established, by MIHA, to guide this determination.

F. Construction/Improvement Requirements

All home construction and improvements shall meet the minimum property standards and building requirements of MIHA, including all applicable statutes and regulations, especially all zoning laws, and building, electrical and fire safety codes as may be established from time to time.

G. Unit Size

Homes to be constructed or purchased shall be modest but adequate in size in relation to the size of the applicant's family, and shall be reasonable in cost in relation to the needs and financial capability of the particular applicant as determined by MIHA.

H. Security

All home construction, purchase, or improvement loans shall be secured by a first mortgage on the property to be improved, purchased or constructed upon. Additionally, the loan may be secured by other properties or by a guarantor if deemed necessary by MIHA. MIHA may secure home improvement loans by a second mortgage, provided that all payments on the first mortgage have been made regularly as they became due and that the additional loan from MIHA, combined with the first mortgage, shall not exceed ninety percent (90%) of the appraised value of the property.

I. Free and Clear Title

Any real property to be used as collateral, shall be owned in fee simple or leased, with a leasehold interest for a minimum term of forty (40) years, by the applicant or co-applicant and shall be free from defects or encumbrances. Such property shall be accessible through a public road or an easement dedicated to and accepted by the Department of Public Works.

J. Loan Closing Fee(s)

The applicant shall pay for all necessary fees, and charges including attorney's fees, appraisal fee, title opinion, finance charges, and other expenses and fees related to originating and closing the loan.

K. Business Use and Leasing of Property

1. Any business or commercial activity is strictly prohibited on the premises developed, and/or improved under this program, unless the area dictates different use(s), at which time MIHA in its sole discretion, shall make the final determination as to whether the residential restriction should be lifted.
2. Any home financed and/or improved under this program may not be rented or leased out, without the prior written consent of MIHA. MIHA shall review, on a case-by-case basis, each written request, and make a determination, at its sole discretion, as to whether or not the reason(s) given, justify the renting, leasing or subleasing of the premises.

VI. APPLICANT QUALIFICATIONS AND CONDITIONS

A. Satisfactory Credit

The applicant's credit review must be satisfactory and that the applicant would be able to repay loan from MIHA. Credit requirements for applicants are subject to reasonable and necessary change, from time to time, by MIHA.

B. Building Plans, Specifications, Cost Estimates, Etc.

The applicant shall supply complete building plans, specifications, cost estimates, and other information to the satisfaction of MIHA.

VII. PRIORITY CRITERIA

Consideration of applications shall be on a first-come, first-serve basis, and must meet one of the following criteria:

A. Homeless Applicant

Applicant is without housing.

B. About-to-become Homeless Applicant

Applicant is about to become homeless and has been served with a notice of ejectment as a result of MIHA's action. This category of applicants include those whose homes have been partially damaged or totally destroyed by natural disaster.

C. Applicant with Substandard Housing

Applicant is residing in an unsafe, unsanitary or overcrowded dwelling, as determined by MIHA.

D. Homestead Permittee

Applicant who has been issued a permit for an unimproved homestead lot.

VIII. ADVERTISING

Whenever additional funds are made available under this program, MIHA may, in its sole discretion, make such availability of funds known to the public through press releases or advertising, which states the following:

- A. Availability of Funds;
- B. Origin of Funds; and
- C. Intent as to the Use of the Funds.

IX. PROCESSING OF LOANS

Loans shall be processed on a first-come, first-serve basis and shall be subject to the following:

A. Pertinent Information Gathering and Authorization

Any information pertaining to credit, income, employment and related matters necessary for the determination of the loan application shall be filed with the application. If MIHA is to obtain such information itself, then authorization shall be obtained from the applicant prior to the collection of information.

B. Confidentiality

Any information gathered shall be considered confidential and shall not be released to any person, except upon written approval of the applicant, or as might otherwise be required by law.

X. REPAYMENT OF LOANS

Loans made hereunder shall be subject to the following:

A. Construction Loans

The first monthly installment shall be due on the first day of the month following the completion and occupancy of the house, or six months after the closing of the loan, whichever occurs first. Monthly installments thereafter, shall be due and payable on the first day of each and every month. Interest on disbursed loan funds will be charged to the borrower during the construction period, and shall be paid monthly during such period.

B. Improvement Loan

The first monthly installment shall be due on the first day of the month following the month when the improvement of the dwelling is scheduled to have been completed, or on the first day of the third month following the month the loan is closed, whichever occurs first. All monthly installments thereafter shall be due and payable on the first day of each and every month. Interest on disbursed loan funds will be charged to the borrower during the improvement period and payable monthly.

C. Purchase Loan

The first monthly installment shall be due on the first day of the second month following the month of purchase. Monthly installments thereafter shall be due on the first day of each and every month. Interest on the disbursed loan funds will be charged to the borrower(s) and payable monthly.

XI. FUND MANAGEMENT

The management of funds made available under this program shall be governed as follows:

A. **Separate Account**

All funds obtained and repayments hereunder shall be deposited in a separate account for Covenant Fund and Direct Family Home Loans. Said funds shall be effectively managed so that they shall not be diminished and shall continue to revolve. Other than disbursements for approved loans, only allowable administrative costs shall be deducted from the account.

B. **Account Title**

The account to which funds are deposited shall be known as the "Direct Family Home Loan Revolving Fund" and "Covenant Loan Fund".

C. **Amortization Method**

Loans shall be amortized and interest on loans shall be charged on the declining balance.

D. **Interest Rate**

The interest chargeable under this program is nine percent (9%) per annum on the declining balance of the loan. The Board of Directors may assess lower or higher interest rates, not to exceed the maximum interest rate established by law.

E. **Interest Ceiling**

Interest chargeable on any borrowed funds under this program shall not exceed two percent (2%) per annum above the interest rate assessed MIHA by a lending institution or from bond proceeds, or the maximum interest rate established by law.

F. **Revenue/Interest Earned**

Revenue or interest earned may be deposited in MIHA's general fund account and may be expended for any approved indirect costs and administrative plans.

G. **Late Charge**

A late Installment Charge shall be assessed, at the rate of one percent (1%) per month, of the monthly installment on each and every late installment payment, until all late installments are fully paid.

H. Notes

MIHA may sell notes under this program to other lending institutions or the secondary market such as Federal Home Loan Mortgage Corporation (FHLMC), Federal National Mortgage Association (FMNA) and Government National Mortgage Association (GNMA) also known as Freddie Mac, Fannie Mae and Ginnie Mae, respectively.

I. Subsidy

MIHA may grant interest subsidies to eligible applicant(s) under welfare programs such as Supplemental Security Income (SSI), Nutrition Assistance Program (NAP), Low Income Energy Assistance Program (LIEAP) and other criteria as determined by the Board of Directors. Any subsidy granted shall be recaptured by MIHA from capital gains upon disposal of property or prior to loan payoff.

J. Administrative Cost

MIHA may charge an additional two percent (2%) interest, on top of any other interest, or such other lower rate as determined by the Board of Directors, for loans under Covenant Section 702(c) Funds, to cover administrative expenses for loans.

XII. ADMINISTRATION OF PROGRAM

The administration of this program shall be governed by the provisions of this policy and complied with by the Executive Director of MIHA, subject to the following:

A. Administrator

The Executive Director is delegated the authority and responsibilities to administer this program. In his/her capacity as the Executive Director, he/she shall have the authority to approve or disapprove loans, promulgate rules and regulations consistent with the provisions of this policy, and shall have other powers necessary and appropriate to carry out the intent and purposes of this program.

B. Periodic Report

The Executive Director shall make periodic reports to the Board of Directors at least once every six (6) months in regard to their administration and management of this program.

XIII. AUTHORITY RESERVED

The Board of Directors reserves the authority and power to revise, amend or repeal any provision of this policy. In addition, the Board of Directors reserves the authority to appropriate revenues from the interests earned under this program.

XIV. INTERGOVERNMENTAL AGENCY COORDINATION

MIHA shall coordinate with other government agencies or instrumentalities, such as the Commonwealth Utilities Corporation (CUC), Commonwealth Health Center (CHC), MPLC, etc., for housing needs and assess fees to recover investment, maintenance and/or operating costs.

MIHA Board of Directors

Approved by:



JOAQUIN Q. ATALIG, Chairman

Date

1/5/94



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

PUBLIC NOTICE

Adoption of Regulation

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 1 CMC §§ 9102 and 9105, 2 CMC §2122(j), and §4 of the Regulations of the Registrar of Corporations, 5 C.R. No. 5, page 2148, that the Commonwealth Ports Authority has adopted and hereby publishes and promulgates Amendments to its Airport Rules and Regulations. The text of the amendments to the rules and regulations were originally published in 16 Commonwealth Register No. 02, February 15, 1994, pages 11681 to 11689.

The said amendments take effect 10 days after this publication in the Commonwealth Register.

The undersigned hereby certifies that the rules and regulations referred to in this Notice were formally adopted by the Commonwealth Ports Authority; and that the original and one copy of the said rules and regulations and these amendments have been filed with the Registrar of Corporations.

DATED, this 14th day of March, 1994.

COMMONWEALTH PORTS AUTHORITY,


ROMAN T. TUDELA
Executive Director

Filed by: for: Soledad B. Sasamoto 3/14/94
REGISTRAR OF CORPORATIONS Date

Recorded by: Donna J. Cruz 3/14/94
GOVERNOR'S OFFICE Date



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (670) 234-8315/6/7 FAX: (670) 234-5962

NUTISAN PUPBLIKU

Ma'adoptan I Regulasion

Nutisia malalaknos, sigun i probision i 1 CMC §§9102 yan 9105, 2 CMC §2122(j), yan §4 i Regulasion siha gi Registrar of Corporations, 5 C.R. No. 5, pahina 2148, na i Commonwealth Ports Authority ma-adopta, ya pago ha pupblika, yan ana' fanmanungo i Regulasion pot Amendasion i Commonwealth Ports Authority. Este na regulasion ma pupblika gi 10 Commonwealth Register, No. 02, Febrero 15, 1994, pahina 11681 estai pahina 11689.

Este na regulasion para hu efektibu dies (10) dias despues de mapupblika este na noticia gi Commonwealth Register.

I funitma gui gi sanpapa ha sertifica este siha na Regulasion ni man ma mensiona guine na noticia man ma adopta nu i Commonwealth Ports Authority; i orihinat yan onu na copia i Regulasion yan todos Amendasion gaige gi Registrar of Corporations.

Mafecha, gi dia 14 di Matso, 1994.

COMMONWEALTH PORTS AUTHORITY


ROMANT. TUDELA
Executive Director

Filed by: 
SOLEDAD B. SASAMOTO
REGISTRAR OF CORPORATIONS

3/14/94
Date

Recorded by: 
DONNA J. CRUZ
GOVERNOR'S OFFICE

3/14/94
Date