COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN MARIANA ISLANDS

VOLUME 17 NUMBER 11



NOVEMBER 15, 1995

COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER VOLUME 17 NUMBER 11 NOVEMBER 15, 1995

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

FROILAN C. TENORIO Governor

TROPICAL STORM WARD (26W)

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 322-5091-5 Fax: (670) 322-5102

JESUS C. BORJA Lt. Governor

EMERGENCY DECLARATION NO. 01-95 DATE: 10/17/95

SUBJECT: Execution of the Commonwealth of the Northern Mariana Islands' Emergency Operation Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands declared readiness **TROPICAL STORM CONDITION I** for the islands of **SAIPAN, TINIAN** and **ROTA** effective 8:00 P.M., OCTOBER 17, 1995; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operations Plan, the declaration automatically puts into execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be executed, effective 8:00 P.M., OCTOFFR 17, 1995, on the islands of SAIPAN, TINIAN and ROTA,

continuing so long as required by the emergency situation.

FROILAN C. TENORIO Governor Commonwealth of the Northern Mariana Islands



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

FROILAN C. TENORIO Governor

TROPICAL STORM WARD (26W)

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 322-5091-5 Fax: (670) 322-5102

JESUS C. BORJA Lt. Governor

 EMERGENCY DECLARATION NO.
 02-95
 DATE:
 10/18/95

 SUBJECT:
 Execution of the Commonwealth of the Northern

 Mariana Islands'
 Emergency Operation Plan

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands has DOWNGRADED TROPICAL STORM CONDITION I to TROPICAL STORM CONDITION III for the islands of SAIPAN, TINIAN and ROTA effective 4:00 A.M., OCTOBER 18, 1995; and

WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operations Plan, the declaration automatically puts into execution the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be maintained in execution, effective 4:00 A.M., OCTOBER 18, 1995, on the islands of SAIPAN, TINIAN and ROTA,

continuing so long as required by the emergency situation.

FROILAN C. TENORIO Governor Commonwealth of the Northern Mariana Islands



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

FROILAN C. TENORIO Governor

JESUS C. BORJA Lt. Governor Caller Box 10007 Saipan, MP 96950 Telephone: (670) 322-5091-5 Fax: (670) 322-5102

TROPICAL STORM WARD (26W)

EMERGENCY DECLARATION NO. 03-95

DATE: 10/18/95

SUBJECT: Termination of the Commonwealth of the Northern Mariana Islands' Operational Portions of the EOP

WHEREAS, the Governor of the Commonwealth of the Northern Mariana Islands has DECLARED an "ALL CLEAR CONDITION" for the islands of SAIPAN, TINIAN and ROTA effective 6:00 A.M., OCTOBER, 18, 1995; and WHEREAS, in accordance with provisions of the Commonwealth of the Northern Mariana Islands' Emergency Operations Plan (EOP), the declaration automatically terminates the operational portions of the Plan;

NOW, THEREFORE, pursuant to the executive powers vested in the Governor, it is directed that the operational portions of the CNMI Emergency Operation Plan be terminated, effective 6:00 A.M., OCTOBER 18, 1995, on the islands of SAIPAN, TINIAN and ROTA.

FROILAN C. FENORIO Governor Commonwealth of the Northern Mariana Islands



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

P.O. BOX 1370 CK **SAIPAN, MP 96950**

CHAIRMAN DANIEL O. QUITUGUA

VICE-CHAIRMAN DINO M. JONES

MEMBERS FERMIN M. ATALIG DON & FARRELL FELICIDAD T. OGUMORO

PUBLIC SCHOOL TEACHER JOVITA K. MASIWEMAI

REV. JOHN & KINSELLA STUDENT REP.

AMY SUE BARTLETT LEGAL COUNSEL SEAN E. FRINK

The Public School System of the Northern Mariana Islands NON PUBLIC SCH. REP. Board of Education finds that the public interest requires it to adopt, on an emergency basis, the attached student disciplinary policy.

> The reasons for this emergency adoption is the immediate need for the school system to comply with the "Gun Free Schools Act of 1994" and to create a disciplinary system for the students at our schools which adequately protects their right to a peaceful learning environment and also protects wrongdoer's due process rights.

> Therefore, effective immediately upon affixation of signatures by the Chairman of the Board of Education and the Commonwealth's Governor, the attached Student Disciplinary Regulations are adopted for a period not to exceed 120 (one-hundred twenty) days. Copies of this policy will be provided to all PSS students and instructional personnel.

dgyof November, 1995. Dated this Daniel O. Quitugua

Chairman, Board of Education

Jesus C. Borja_ Governor (Acting)

by the Registrar of Corp.

COMMONWEALTH REGISTER VOLUME 17 NUMBER 11 NOVEMBER 15, 1995 PAGE 13754 TEL. (670) Registrar 4051/2/3/6451/9956/9827 FAX: (670) 322-4056

1 CMC § 9104(b) Policy Adoption

COMMISSIONER OF EDUCATION WILLIAM S. TORRES

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS PUBLIC SCHOOL SYSTEM STUDENT DISCIPLINARY CODE

609 STUDENT DISCIPLINE

609.1 SCOPE OF AUTHORITY

The provisions of this code apply in all situations in which students are involved, including, but not limited to:

- school activities on property owned, rented, leased, or otherwise occupied by the CNMI Board of Education, Public School System, or Commonwealth Government;
- (2) travel on school buses or in school vehicles;
- (3) off-site school sponsored activities;
- (4) on or off-site school related problems which are the result of or cause of disruptive behavior on school grounds;
- (5) violent acts or behavior which occur off school property, pose a threat to the safety of students and/or faculty, or disrupt the learning environment.

609.2 STUDENT SUSPENSION POLICY

A student may be suspended by the school principal for not more than ten (10) school days if it is found that (s)he committed a category I or II offense. Nothing in this section shall be construed to preclude a school principal from suspending a student for up to ten (10) days so that a longer term suspension for commission of a Category II, III, or IV offense may be processed.

Prior to any suspension, the student will be advised of the reason for the proposed suspension and any supporting evidence. The student will be given the opportunity to explain his or her version of the facts. If it is determined that the student is guilty of the misconduct charged and that the suspension is reasonably justified, the student will be suspended.

The suspension shall be appropriately documented and copies of the documentation shall be expeditiously forwarded to the Superintendent (Commissioner) of Education, Equal Employment/Educational Opportunity Officer(EEO) and, in cases involving students with an identified disabling condition, to the Special Education Coordinator. The student's parent or guardian shall be notified of the reason(s) for the suspension and the right of the student or parent or guardian to appeal the suspension within seven (7) calendar days following the commencement of the suspension to the Superintendent of Education. If the parent and/or student wishes to appeal the suspension the Superintendent, or a designee who shall be someone other than a principal, administrator or teacher in the suspended student's school, shall meet with the student and/or the parent or guardian to discuss the suspension. If the Superintendent or designee finds that the student was suspended unfairly or unjustly, or that the suspension was inappropriate given the nature of the alleged offense, or that the student suffered undue consequences or penalties, the suspension will be overturned and any reference to the suspension in school records will be expunged. Such findings shall be made within fifteen(15) school days of the conference.

Students who have been suspended shall not be denied the opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

A student with an identified disabling condition may be suspended according to the procedure set forth above. However, the suspension procedure does not apply in the event that:

- (1) The student's individualized education plan (IEP) contains procedures or other disciplinary techniques which are to the contrary; or
- (2) The length or the proposed suspension combined with the length of any prior temporary suspension the student has received during the current IEP cumulatively exceeds ten (10) school days and thereafter, may constitute a change in the student's educational placement.

609.3 STUDENT EXPULSION POLICY

A student who has not been identified with a disabling condition may be suspended from school for more than ten (10) days by the Superintendent of Education and/or his/her specific designee or designees if it is found that (s)he committed a Category II, III, or IV offense. The designee or designees shall not be employed at the same school the student attends or have a relationship to a party to the expulsion which conflicts with his/her ability to be an impartial adjudicator. A suspension from school for more than ten (10) days shall be termed an expulsion. If a school principal believes that an expulsion of a student may be an appropriate action (s)he is responsible for fully and fairly investigating the incident(s) that necessitate the expulsion. The school principal will immediately notify the Public School System's Equal Employment/Educational Opportunity Officer (EEO) and the Superintendent of Education that a possible expulsion incident has occurred. The EEO is responsible for providing the Principal with advice and recommendations as to what steps need to be taken at the school level and for coordinating between the school and the Central Office.

Upon a determination by the school Principal that an expulsion appears to be the appropriate action to be taken, the student and his/her parents or guardians must, as soon as practically possible, receive a copy of PSS's student disciplinary policy and written notice of:

- (1) the charges that appear to necessitate the expulsion;
- (2) the Public School System's intent to expel the student;
- (3) the place, time and circumstances of the proposed hearing, with sufficient time for a defense to be prepared;
- (4) The fact that on that date a full and fair hearing will be held before an impartial adjudicator;
- (5) The fact that the student has a right to legal counsel and/or some other adult representative at the hearing;
- (6) The fact that the student will be given the opportunity to present witnesses or evidence at the hearing;
- (7) The fact that the student will be given the opportunity to cross-examine opposing witnesses at the hearing; and
- (8) The availability of a written record which can be used to demonstrate that the decision was based solely on the evidence presented at the hearing. This section shall not be construed to prohibit the use of a recording device to record the hearing.

Within a reasonable amount of time after the notification, an expulsion hearing shall be held, unless the student's parent or guardian and the student agree, in writing, to allow the proposed expulsion and waive all due process rights. At the expulsion hearing the Superintendent or his/her designee shall preside, and ensure that all of the above mentioned rights are afforded the student and, within five school days, issue a final, written opinion regarding whether or not the proposed expulsion should be carried out. The hearing shall be informal, run by the Superintendent or designee, and the rules of evidence shall not apply.

The student and/or his or her parent or guardian has the right to appeal the Superintendent or designee's decision to the CNMI Public School System Board of Education. The Superintendent must be notified, in writing, of the student's and/or parent or guardian's desire to appeal within seven (7) calendar days from issuing his/her written opinion.

The hearing before the Board of Education shall occur within twenty (20) school days of the reception of the appeal notice and shall be based solely on the record developed at the expulsion hearing and the Superintendent or designee's written decision. No new evidence shall be received by the Board. At the hearing the sole issue for the Board to determine is if the Superintendent or designee's decision to expel constitutes an abuse of authority. The Board shall render its decision by a majority vote of those members in attendance.

The Board does not have the authority in violation of category IV cases to modify the Superintendent's expulsion decision. In such cases they may either uphold the Superintendent's decision or overturn it completely and order a new hearing.

609.4 DISABLED STUDENT EXPULSION POLICY

In order to expel from school a student with an identified disability, the Superintendent of Education and/or his/her specific designee or designees must comply with the Board of Education regular student expulsion policy (609.3) plus the procedure set forth below.

Prior to the expulsion of a student with a disability, the Special Education Coordinator or his/her designee will organize a Multidisciplinary Team or other group of trained and knowledgeable staff to:

- (1) review the appropriateness of the student's educational placement; and whether or not an inappropriate placement caused or had a direct and substantial relation to the student's misconduct; and
- (2) determine whether the student's misconduct is caused by, or has a direct and substantial relation to his or her disability.

The Multidisciplinary Team shall meet with the student's parent or guardian and prepare a written report of its findings and recommendations. Written notice of this meeting shall comply with federal requirements when a change of placement is under consideration. If the Multidisciplinary Team finds, after appropriate review and evaluation, that the student's educational placement is appropriate, and that the student's misconduct is not caused by or related to his or her disabling condition(s), they will report this fact to the Superintendent and (s)he or his/her designee may schedule an expulsion hearing. Written notice of the hearing will be sent by certified mail (return receipt requested) or hand delivered to the student and his/her parent or guardian at least five(5) days before the hearing date. The content of the written notice shall comply with federal requirements when a change of placement is under consideration. A representative or representatives from the Multidisciplinary Team will present the written report prepared by the Multidisciplinary Team to the Superintendent at the expulsion hearing. Oral testimony by Multidisciplinary Team members is also allowable at the expulsion hearing. The student and his or her parent or guardian will be entitled to call to testify at the hearing any witnesses relevant to the Multidisciplinary Team report.

Upon the Superintendent's decision to expel the student, a copy of the expulsion order will be mailed to the student and to his or her parent or guardian. The Superintendent's expulsion order must include a specific finding in regards to the recommendations of the Multidisciplinary Team and indicate that a change of placement will result. The expulsion order shall not be implemented for a period of ten (10) days from the date the order was issued, during which time the student or his/her parent or guardian may appeal the Superintendent's change in placement as provided by the relevant statute..

In the event the student or parent or guardian files a notice of appeal prior to the implementation of the order, the student shall remain in his or her current educational placement during the pendency of any placement appeal proceedings. By mutual agreement between the parties, modifications in the educational placement may be made in the interim. If the Superintendent determines that maintaining the student in the current placement is substantially likely to result in injury to the student or others, then the Superintendent may seek injunctive relief under 20 U.S. C. § 1415(e)(2) of the Individuals with Disabilities Education Act to implement the expulsion order or otherwise modify the student's educational placement pending the appeal.

A student with an identified disabling condition may be expelled according to the procedure set forth above for Category II, III or IV offenses. However, the expulsion procedure for Category IV offenses may include a determination of an appropriate interim alternative educational setting of up to 45 (forty-five) calendar days made by the student's Individualized Education Plan Committee. If the students' parents or guardians disagree with the interim alternative educational setting which is proposed by the school and they initiate a due process hearing, then the student shall remain in the interim alternative educational setting during the proceedings unless the school and the parent agree otherwise. Nothing in this paragraph should be construed to deny the school to suspend the student up to 10 days while the determination of an interim alternative educational setting is made.

609.5 OFFENSE CATEGORIES

- (1) Category I Examples of offenses which may result in suspension:
 - (a) Academic dishonesty (cheating on tests, copying term papers, forging signature of teacher or parent)
 - (b) Disrespect to teacher/staff
 - (c) Failure to report to office when directed to do so
 - (d) Gambling
 - (e) Harassment (nuisance phone calls to students or staff members; continued comments or passing unofficial notes to another individual the s(he) does not wish to hear or receive)
 - (f) Igniting matches (when not part of the instructional program)
 - (g) Lack of required immunization
 - (h) Leaving school grounds without prior permission
 - (i) Personal health (When one's state of health threatens the health of others as in the case of communicable disease)
 - (j) Refusing to cooperate with school transportation regulations
 - (k) Refusing to cooperate with school rules and regulations
 - (1) Refusing to do assigned work
 - (m) Refusing to serve detention
 - (n) Tardiness (class/classes)
 - (o) Tardiness (school day)
 - (p) Truancy (class/classes)
 - (q) Truancy (school day)

- (r) Unauthorized sale or distribution, not otherwise described (i.e. sale of football pools; sale of items in school not related to the school's operation)
- (s) Possession and/or use of tobacco or cigarette rolling papers
- (t) Possession and/or use of betel-nut (pugua) or betel-nut related paraphernalia
- (u) Using foul or abusive language
- (v) Verbal assault on student
- (2) Category II Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to Law Enforcement:
 - (a) Assault on student from another school
 - (b) Assault on a student from same school
 - (c) Chronic disruption of the school program and/or activities
 - (d) Deprivation through intimidation of another individual's right to attend school or classes
 - (e) Destruction and vandalism of school property, personal property of students and/or faculty, receipt, sale, possession, or distribution of property stolen from C.N.M.I. Public School System valued less than \$300
 - (f) Disruptive behavior which results in the interference with the normal school program
 - (g) Distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled substance
 - (h) Extortion less than \$300
 - (i) Failure to assume responsibility for, or to control his/her behavior
 - (j) False fire alarm/ false fire report
 - (k) Harassment for any reason including, but not limited to sex, sexual orientation, racial, religious, national origin differences
 - (1) Indecent exposure (frontal or buttocks)
 - (m) Insubordination (constant or continuing intentional refusal to obey a direct or implied order, reasonable in nature, from a school administrator, teacher, or other school personnel)
 - (n) Participating in, or inciting a school disruption

- (o) Possession and/or detonation of an incendiary or explosive material and/or device (firecracker or greater)
- (p) Possession and/or use of a portable pager(beeper) absent prior, written approval from school Principal
- (q) Possession and/or use of a portable telephone absent prior, written approval from school Principal
- (r) Possession of a pocket knife or possession of objects that may be considered weapons under Category III(j) but are in the student's possession for genuine instructional purposes, (i.e. kitchen knives and exacto knives) without prior approval and under conditions set by the School Principal
- (s) Possession of a look-alike weapon of any kind
- (t) Possession, use or distribution of controlled substance related paraphernalia (other than betelnut or cigarette rolling papers(see category I))
- (u) Purchase of a non-controlled substance that has been represented to be a controlled substance, excluding betel-nut
- (v) Theft and/or knowingly possessing stolen property
- (w) Trespassing on school property
- (x) Possession and/or use of tobacco or cigarette rolling paper, repeated offense
- (y) Possession and/or use of betel-nut (pugua) and or betel-nut paraphernalia, repeated offense
- (z) Fighting
- (aa) Conspiracy involving two (2) or more persons to commit a Category II offense
- (3) Category III Examples of offenses which shall result in expulsion and immediate referral to Law Enforcement:
 - (a) Arson
 - (b) Assault on a PSS staff member
 - (c) Striking a staff member intervening in a fight or other disruptive activity (intentional or unintentional)
 - (d) Bomb Threat
 - (e) Conspiracy between two or more persons to commit a Category III offense

- (f) Destruction and/or vandalism of school property, personal property of students and/or faculty valued at more than \$300
- (g) Receiving, selling, possessing or distributing property stolen from the C.N.M.I. Public School System valued at \$300 or more
- (h) Distribution and/or sale of alcohol
- (i) Distribution and or sale of controlled substances (illegal drugs), excluding betel-nut
- (j) Possession or use of a real weapon of any kind (other than a firearm) which shall include, but not be limited to, a switchblade knife, hunting knife, throwing star, straight razor, nunchaku, spiked glove, spiked wristband, or any mace, tear gas, or pepper-spray derivative. Mace, tear gas, and pepper-spray derivatives may be carried with prior, written approval from the Commissioner of Education
- (k) Extortion \$300 or more
- (1) Possession of alcohol
- (m) Possession of controlled substance (illegal drugs), excluding betel-nut
- (n) Prescription violation (misuse of properly prescribed medicine including, but not limited to, such drugs as amphetamines and barbiturates)
- (o) Robbery
- (p) Use of a controlled substance (illegal drugs), excluding betel-nut. Being under the influence of a controlled substance, or showing evidence of having used a controlled substance, excluding betel-nut
- (q) Use of a look alike weapon of any kind
- (r) Use of alcohol, under the influence of alcohol, or showing evidence of having consumed alcohol
- (s) Use of intoxicants which cause a loss of self-control or inebriation which include, but are not limited to, glue and solvents, excluding betel-nut
- (t) Violent behavior which creates a substantial danger to persons or property.
- (u) Fighting, repeated offense
- (4) Category IV Offenses which shall result in expulsion for at least one Calendar Year and referral to Law Enforcement
 - (a) Possession, use, purchase, or sale of a firearm.

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- (1) A firearm is defined as:
 - (A) any weapon which will, or is designed to or may readily be converted to expel a projectile by the action of an explosive;
 - (B) the frame or receiver of any weapon which will, or is designed to or may be readily converted to expel a projectile by the action of an explosive;
 - (C) any firearm muffler or firearm silencer;
 - (D) any explosive, incendiary, or poison gas
 - (i) bomb,
 - (ii) grenade,
 - (iii) rocket having a propellant charge of more than four ounces,
 - (iv) missile having an explosive having an explosive or incendiary charge of more than one quarter ounce,
 - (v) mine, or
 - (vi) similar device;
 - (E) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than onehalf inch in diameter;
 - (F) any combination of parts either designed or untended for use in converting any destructive device described in the Sections 4 and 5 above, and from which a destructive device may be readily assembled.
- (2) A firearm is not:
 - (A) an antique firearm;
 - (B) a rifle which the owner intends to use solely for sporting, recreational, or cultural purposes;
 - (C) any device which is neither designed nor redesigned for use as a weapon;
 - (D) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling pyrotechnic, line-throwing, safety, or similar device;

- (E) surplus ordnance sold, loaned, or given by the United States Secretary of the Army pursuant to section 4684(2), 4685, or 4686 of Title 10; or
- (F) Class C common fireworks.
- (b) Conspiracy between two or more persons to commit a Category IV offense.
- (c) Only the Superintendent of Education may modify the mandatory one calendar year expulsion requirement on a case-by case basis for compelling reasons. Before (s)he effectuates such an action (s)he must consult with PSS Legal Counsel and must immediately report to the Board of Education in its next official meeting (Executive Session is allowable)the reason(s) why such action was necessary.
- (d) Complete records must be preserved by the Superintendent regarding all Category IV offenses

609.6 DRESS CODE

It is the responsibility of the Board of Education of the Commonwealth of the Northern Mariana Islands to ensure that every student has a safe environment in which to learn. Clothing worn by students that, in the opinion of the school administration, causes distraction or inhibits learning is forbidden. Such clothing includes:

- (1) Clothing which promotes gang affiliations;
- (2) Clothing which promotes the use of drugs, alcohol, or weapons;
- (3) Clothing that presents a hazard to the student's safety or the safety of other students or staff;
- (4) Clothing which advocates prejudice;
- (5) Clothing that causes a material and substantial disruption of the learning process.

I acknowledge that I have read and understand the Board of Education's student disciplinary policy. I also understand that these policies apply during field trips and other school-related activities and that they may apply in limited circumstances while I am not involved in school-related activities.

Student name(print)

Student signature

Date

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i

A copy should be forwarded to the parent and one copy should remain in the school file

To be signed by each student, sixth grade and higher, at the beginning of each school year.

NOTICE OF PROPOSED NEW & AMENDED POLICIES

The Board of Education, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to adopt certain proposed policies. The new and amended policies, which would have the force and effect of law, are promulgated pursuant to the authority provided by Article XV of the CNMI Constitution, the Education Act of 1988 and the Administrative Procedures Act.

The policies involve the following subject area:

1.	New Policy 609	STUDENT DISCIPLINE
	609.1	Scope of Authority
	609.2	Student Suspension Policy
	609.3	Student Expulsion Policy
	609.4	Disabled Student Expulsion Policy
	609.5	Offense Categories
	609.6	Dress Code
		Student Signature Forms
2.	New Policy 623	ASSESSMENT POLICY
3.	Amend. Policy 407	Subject Time Allotments for Elementary Jr. High
		& High School
4.	Amend. Policy 1003	NON-EMPLOYMENT CONTRACTS & PERSONNEL
		SERVICE CONTRACTS
	1003.1	Non-Employment Contracts
	1003.2	Personal Services Contracts

The text of the proposed amended policies are published following this notice. Anyone interested in commenting on the policies may do so by submitting comments in writing to the Chairman, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 within thirty days of the date of publication of this issue of the Commonwealth Register.

November 09, 1995 μU Quint Chairman, Board of Education Filed By: Donna Cruz Governor's Office 9/95 Filed By: Soledad B. Sasamoto

Registrar of Corporations

NUTISIA PUT I MANMAPRUPONEN I MANMA'AMENDA NA AREKLAMENTO

I Board of Education, Commonwealth of the Northern Mariana Islands, ha emfofotma i pupblikon hinirat put i entension-ña na para u fanadapta manmaproponi na areklamento. I nuebo na amendasion areklamento u gai fuetsa taiguihi ha' i lai ni macho'gue sigun gi aoturidat i <u>Article XV of the</u> <u>CNMI Constitution, i Education Act of 1988</u> yan i <u>Administrative Procedures Act</u>.

I areklamento ha kukubre i sigente na patte siha:

1.	Nuebo na areklamento 60)9	STUDENT DISCIPLINE
	609.1		Scope of Authority
	609.2		Student Suspension Policy
	609.3		Student Expulsion Policy
	609.4		Disabled Student Expulsion Policy
	609.5		Offense Categories
	609.6		Dress Code
			<u>Student Signature Forms</u>
2.	Nuebo na areklamento 62	23	ASSESSMENT POLICY
3.	Ma'amenda areklamento	407	Subject Time Allotments for Elementary Jr.
			High & High School
4.	Ma'amenda areklamentol	1003	NON-EMPLOYMENT CONTRACTS & PERSONNEL
			SERVICE CONTRACTS
	1003.1		Non-Employment Contracts
	1003.2		Personal Services Contracts

I entension i manmaproponen amendasion na areklamento siempre u fanmapupblika huyong despues di malaknos-ña este na nutisia. Hayi na petsona malago' mama'tinas rikumendasion put este siha na areklamento, siña ha tuge' papa' sinente-ña ya u na'halom gi <u>Chairman, Board of Education, P.O.</u> <u>Box 1370 CK, Saipan, MP 96950</u> gi halom trenta (30) dihas despues di mapupblika huyong este na nutisia gi <u>Commonwealth</u> Register.

Novembre/09, 1995

Chairman, Board of Education

Filed By: Donna Cruz,

Filed By:

Soledad B. Sasamoto Registrar of Corporations

Arongorong Reel Fféérúl Allégh

Schóól <u>Board of Education</u>, mellól <u>Commonwealth of the Northern Mariana</u> <u>Islands</u>, rekke arongaar aramas towlap reel mángemángiir igha rebwe adaptáálil allégh kka e efféctá. E pwal yoor bwángil me allégh kka re bwal féérú sángi bwángil me ailééwal <u>Article XV of the CNMI Constitution</u>, me <u>Education Act of 1988</u> me <u>Administrative Procedures Act</u>.

Llól allégh kkaal nge e bwal toolong ffél kka faal:

1.	Miili ffé <u>Policy</u> 609	STUDENT DISCIPLINE
	609.1	Scope of Authority
	609.2	Student Suspension Policy
	609.3	Student Expulsion Policy
	609.4	Disabled Student Expulsion Policy
	609.5	Offense Categories
	609.6	Dress Code
		Student Signature Forms
2.	Miili ffé <u>Policy</u> 623	ASSESSMENT POLICY
3.	Liiwelil <u>Policy</u> 407	Subject Time Allotments for Elementary Jr. High
		& High School
4.	Liiwelil <u>Policy</u> 1003	NON-EMPLOYMENT CONTRACTS & PERSONNEL
		SERVICE CONTRACTS
	1003.1	Non-Employment Contracts
	1003.2	Personal Services Contracts

Owtol allégh yeel nge ebwe toowow mwiril arongorong yeel. Iyo e mwuschál bwe e bwe atotoolong meeta tipal me mángemángil nge ebwe ischiitiw nge aa afanga ngáli <u>Chairman, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950</u>, llól eliigh ráál sángi igha e toowow arongorong yeel llól <u>Commonwealth</u> <u>Register</u>.

Novembre 109, 1995 Ó. Daniel O∕ui≹ Education Chairman, Board of

Ivo E Filc-li: Donna Cruz, 66r's Offic

lyo E File-li:

Soledad B. Sasamoto Registrar of Corporations

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BOARD POLICY NEW & AMENDMEND

609 STUDENT DISCIPLINE

609.1 Scope of Authority

The provisions of this code apply in all situations in which students are involved, including, but not limited to:

(1) School activities on property owned, rented, leased, or otherwise occupied by the CNMI Board of Education, Public School System, or Commonwealth Government;

(2) Travel on school buses or in school vehicles;

(3) Off-site school sponsored activities;

(4) On or off-site school related problems which are the result of or cause of disruptive behavior on school grounds;

(5) Violent acts or behavior which occur off school property, pose a threat to the safety of students and/or faculty, or disrupt the learning environment.

609.2 Student Suspension Policy

A student may be suspended by the school principal for not more than ten (10) school days if it is found that (s)he committed a category I or II offense. Nothing in this section shall be construed to preclude a school principal from suspending a student for up to ten (10) days so that a longer term suspension for commission of a Category II, III, or IV offense may be processed.

Prior to any suspension, the student will be advised of the reason for the proposed suspension and any supporting evidence. The student will be given the opportunity to explain his or her version of the facts. If it is determined that the student is guilty of the misconduct charged and that the suspension is reasonably justified, the student will be suspended.

The suspension shall be appropriately documented and copies of the documentation shall be expeditiously forwarded to the Superintendent (Commissioner) of Education, Equal Employment/ Educational Opportunity Officer (EEO) and, in cases involving students with an identified disabling condition, to the Special Education Coordinator. The student's parent or guardian shall be notified of the reason(s) for the suspension and the right of the student or parent or guardian to appeal the suspension within seven (7) calendar days following the commencement of the suspension to the Superintendent of Education. If the parent and/or student wishes to appeal the suspension the Superintendent, or a designee who shall be someone other than a principal, administrator or teacher in the suspended student's school, shall meet with the student and/or the parent or guardian to discuss the suspension. If the Superintendent or designee finds that the student was suspended unfairly or unjustly, or that the suspension was inappropriate given the nature of the alleged offense, or that the student suffered undue consequences or penalties, the suspension will be overturned and any reference to the suspension in school records will be expunged. Such findings shall be made within fifteen(15) school days of the conference.

<u>Students who have been suspended shall not be denied the</u> <u>opportunity to take any quarterly, semester or grading period</u> <u>examinations missed during the suspension period.</u>

A student with an identified disabling condition may be suspended according to the procedure set forth above. However, the suspension procedure does not apply in the event that:

(1) The student's individualized education plan (IEP) contains procedures or other disciplinary techniques which are to the contrary; or

(2) The length or the proposed suspension combined with the length of any prior temporary suspension the student has received during the current IEP cumulatively exceeds ten (10) school days and thereafter, may constitute a change in the student's educational placement.

609.3 Student Expulsion Policy

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A student who has not been identified with a disabling condition may be suspended from school for more than ten (10) days by the Superintendent of Education and/or his/her specific designee or designees if it is found that (s)he committed a Category II, III, or IV offense. The designee or designees shall not be employed at the same school the student attends or have a relationship to a party to the expulsion which conflicts with his/her ability to be an impartial adjudicator. A suspension from school for more than ten (10) days shall be termed an expulsion.

If a school principal believes that an expulsion of a student may be an appropriate action (s)he is responsible for fully and fairly investigating the incident(s) that necessitate the expulsion. The school principal will immediately notify the Public School System's Equal Employment/Educational Opportunity Officer (EEO) and the <u>Superintendent of Education that a possible expulsion incident has</u> occurred. The EEO is responsible for providing the Principal with advice and recommendations as to what steps need to be taken at the school level and for coordinating between the school and the Central Office.

Upon a determination by the school Principal that an expulsion appears to be the appropriate action to be taken, the student and his/her parents or guardians must, as soon as practically possible, receive a copy of PSS's student disciplinary policy and written notice of:

(1) The charges that appear to necessitate the expulsion;

(2) The Public School System's intent to expel the student;

(3) the place, time and circumstances of the proposed hearing, with sufficient time for a defense to be prepared;

(4) The fact that on that date a full and fair hearing will be held before an impartial adjudicator;

(5) The fact that the student has a right to legal counsel and/or some other adult representative at the hearing;

(6) The fact that the student will be given the opportunity to present witnesses or evidence at the hearing:

(7) The fact that the student will be given the opportunity to cross-examine opposing witnesses at the hearing; and

(8) The availability of a written record which can be used to demonstrate that the decision was based solely on the evidence presented at the hearing. This section shall not be construed to prohibit the use of a recording device to record the hearing.

Within a reasonable amount of time after the notification, an expulsion hearing shall be held, unless the student's parent or guardian and the student agree, in writing, to allow the proposed expulsion and waive all due process rights. At the expulsion hearing the Superintendent or his/her designee shall preside, and ensure that all of the above mentioned rights are afforded the student and, within five school days, issue a final, written opinion regarding whether or not the proposed expulsion should be carried out. The hearing shall be informal, run by the Superintendent or designee, and the rules of evidence shall not apply.

The student and/or his or her parent or guardian has the right to appeal the Superintendent or designee's decision to the CNMI Public School System Board of Education. The Superintendent must be notified, in writing, of the student's and/or parent or guardian's desire to appeal within seven (7) calendar days from issuing his/her written opinion.

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The hearing before the Board of Education shall occur within twenty (20) school days of the reception of the appeal notice and shall be based solely on the record developed at the expulsion hearing and the Superintendent or designee's written decision. No new evidence shall be received by the Board. At the hearing the sole issue for the Board to determine is if the Superintendent or designee's decision to expel constitutes an abuse of authority. The Board shall render its decision by a majority vote of those members in attendance. The Board does not have the authority in violation of category IV cases to modify the Superintendent's expulsion decision. In such cases they may either uphold the Superintendent's decision or overturn it completely and order a new hearing.

609.4 Disabled Student Expulsion Policy

In order to expel from school a student with an identified disability, the Superintendent of Education and/or his/her specific designee or designees must comply with the Board of Education regular student expulsion policy (609.3) plus the procedure set forth below.

Prior to the expulsion of a student with a disability, the Special Education Coordinator or his/her designee will organize a Multidisciplinary Team or other group of trained and knowledgeable staff to:

(1) Review the appropriateness of the student's educational placement; and whether or not an inappropriate placement caused or had a direct and substantial relation to the student's misconduct; and

(2) Determine whether the student's misconduct is caused by, or has a direct and substantial relation to his or her disability.

The Multidisciplinary Team shall meet with the student's parent or guardian and prepare a written report of its findings and recommendations. Written notice of this meeting shall comply with federal requirements when a change of placement is under consideration. If the Multidisciplinary Team finds, after appropriate review and evaluation, that the student's educational placement is appropriate, and that the student's misconduct is not caused by or related to his or her disabling condition(s), they will report this fact to the Superintendent and (s)he or his/her designee may schedule an expulsion hearing. Written notice of the hearing will be sent by certified mail (return receipt requested) or hand delivered to the student and his/her parent or guardian at least five(5) days before the hearing date. The content of the written notice shall comply with federal requirements when a change of placement is under consideration. A representative or representatives from the Multidisciplinary Team will present the written report prepared by the Multidisciplinary Team to the Superintendent at the expulsion hearing. Oral testimony by Multidisciplinary Team members is also allowable at the expulsion hearing. The student and his or her parent or guardian will be entitled to call to testify at the hearing any witnesses relevant to the Multidisciplinary Team report.

Upon the Superintendent's decision to expel the student, a copy of the expulsion order will be mailed to the student and to his or her parent or guardian. The Superintendent's expulsion order must include a specific finding in regards to the recommendations of the Multidisciplinary Team and indicate that a change of placement will result. The expulsion order shall not be implemented for a period of ten (10) days from the date the order was issued, during which time the student or his/her parent or guardian may appeal the Superintendent's change in placement as provided by the relevant statute.

In the event the student or parent or guardian files a notice of appeal prior to the implementation of the order, the student shall remain in his or her current educational placement during the pendency of any placement appeal proceedings. By mutual agreement between the parties, modifications in the educational placement may be made in the interim. If the Superintendent determines that maintaining the student in the current placement is substantially likely to result in injury to the student or others, then the Superintendent may seek injunctive relief under 20 U.S. C. § 1415(e)(2) of the Individuals with Disabilities Education Act to implement the expulsion order or otherwise modify the student's educational placement pending the appeal.

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A student with an identified disabling condition may be expelled according to the procedure set forth above for Category II, III or IV offenses. However, the expulsion procedure for Category IV offenses may include a determination of an appropriate interim alternative educational setting of up to 45 (forty-five) calendar days made by the student's Individualized Education Plan Committee. If the students' parents or guardians disagree with the interim alternative educational setting which is proposed by the school and they initiate a due process hearing, then the student shall remain in the interim alternative educational setting during the proceedings unless the school and the parent agree otherwise. Nothing in this paragraph should be construed to deny the school to suspend the student up to

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<u>10 days while the determination of an interim alternative</u> educational setting is made.

609.5 Offense Categories

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(1) Category I - Examples of offenses which may result in suspension:

(a) Academic dishonesty (cheating on tests, copying term papers, forging signature of teacher or parent)

(b) Disrespect to teacher/staff

(c) Failure to report to office when directed to do so

(d) Gambling

(e) Harrassment (nuisance phone calls to students or staff members; continued comments or passing unofficial notes to another individual the s(he) does not wish to hear or receive)

(f) Igniting matches (when not part of the instructional program)

(g) Lack of required immunization

(h) Leaving school grounds without prior permission

(i) <u>Personal health</u> (When one's state of health threatens the health of others as in the case of communicable disease)

(i) Refusing to cooperate with school transportation regulations

(k) Refusing to cooperate with school rules and regulations

(1) Refusing to do assigned work

(m) Refusing to serve detention

(n) Tardiness (class/classes)

(o) Tardiness (school day)

(p) Truancy (class/classes)

(q) Truancy (school day)

(r) Unauthorized sale or distribution, not otherwise described (i.e. sale of football pools; sale of items in school not related to the school's operation)

the school's operation)

(s) Possession and/or use of tobacco or cigarette rolling papers (t) Possession and/or use of betel-nut (pugua) or betel-nut related paraphernalia

(u) Using foul or abusive language

(v) Verbal assault on student

(2) Category II - Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to Law Enforcement:

(a) Assault on student from another school

(b) Assault on a student from same school

(c) Chronic disruption of the school program and/or activities

(d) Deprivation through intimidation of another individual's right to attend school or classes

(e) Destruction and vandalism of school property, personal property of students and/or faculty, receipt, sale, possession, or distribution of property stolen from C.N.M.I. Public School System valued less than \$300

(f) Disruptive behavior which results in the interference with the normal school program

(g) Distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled substance

(h) Extortion less than \$300

(i) Failure to assume responsibility for, or to control his/her behavior

(j) False fire alarm/ false fire report

(k) Harrassment for any reason including, but not limited to sex, sexual orientation, racial, religious, national origin differences

(1) Indecent exposure (frontal or buttocks)

(m) Insubordination (constant or continuing intentional refusal to obey a direct or implied order, reasonable in nature, from a school administrator, teacher, or other school personnel)

(n) Participating in, or inciting a school disruption

(o) Possession and/or detonation of an incendiary or explosive material and/or device (firecracker or greater)

(p) Possession and/or use of a portable pager (beeper) absent prior, written approval from school Principal

(q) Possession and/or use of a portable telephone absent prior, written approval from school Principal

(r) Possession of a pocket knife or possession of objects that may be considered weapons under Category III(j) but are in the student's possession for genuine instructional purposes, (i.e. kitchen knives and exacto knives) without prior approval and under conditions set by the School Principal

(s) Possession of a look-alike weapon of any kind

(t) Possession, use or distribution of controlled substance related paraphernalia (other than betel-nut or cigarette rolling papers (see category I)

(u) Purchase of a non-controlled substance that has been represented to be a controlled substance, excluding betel-nut
 (v) Theft and/or knowingly possessing stolen property

(w) Trespassing on school property

(x) Possession and/or use of tobacco or cigarette rolling paper, repeated offense

(y) Possession and/or use of betel-nut (pugua) and or betelnut paraphernalia, repeated offense

(z) Fighting

(aa) Conspiracy involving two (2) or more persons to commit a Category II offense

(3) Category III - Examples of offenses which shall result in expulsion and immediate referral to Law Enforcement:

(a) Arson

(b) Assault on a PSS staff member

(c) Striking a staff member intervening in a fight or other disruptive activity (intentional or unintentional)

(d) Bomb Threat

(e) Conspiracy between two or more persons to commit a Category III offense

(f) Destruction and/or vandalism of school property, personal property of students and/or faculty valued at more than \$300 (g) Receiving, selling, possessing or distributing property stolen from the C.N.M.I. Public School System valued at \$300 or more

(h) Distribution and/or sale of alcohol

(i) Distribution and or sale of controlled substances (illegal drugs), excluding betel-nut

(j) Possession or use of a real weapon of any kind (other than a firearm) which shall include, but not be limited to, a switchblade knife, hunting knife, throwing star, straight razor, nunchaku, spiked glove, spiked wristband, or any mace, tear gas, or pepper-spray derivative. Mace, tear gas, and pepper-spray derivatives may be carried with prior, written approval from the Commissioner of Education

(k) Extortion \$300 or more

(1) Possession of alcohol

(m) Possession of controlled substance (illegal drugs), excluding betel-nut

(n) Prescription violation (misuse of properly prescribed medicine including, but not limited to, such drugs as amphetamines and barbiturates)

(o) Robbery

(p) Use of a controlled substance (illegal drugs), excluding betel-nut. Being under the influence of a controlled substance, or showing evidence of having used a controlled substance, excluding betel-nut

(q) Use of a look alike weapon of any kind

(r) Use of alcohol, under the influence of alcohol, or showing evidence of having consumed alcohol

(s) Use of intoxicants which cause a loss of self-control or inebriation which include, but are not limited to, glue and solvents, excluding betel-nut

(t) Violent behavior which creates a substantial danger to persons or property.

(u) Fighting, repeated offense

(4) Category IV - Offenses which shall result in expulsion for at least one Calendar Year and referral to Law Enforcement

(a) Possession, use, purchase, or sale of a firearm.

(1) A firearm is defined as:

(A) any weapon which will, or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(B) the frame or receiver of any weapon which will, or is designed to or may be readily converted to expel a projectile by the action of an explosive;

(C) any firearm muffler or firearm silencer;

(D) any explosive, incendiary, or poison gas

(i) bomb,

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(ii) grenade,

(iii) rocket having a propellant charge of more than four ounces,

(iv) missile having an explosive having an explosive or incendiary charge of more than one quarter ounce,

(v) mine, or

(vi) similar device;

(E) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter;

(F) any combination of parts either designed or untended for use in converting any destructive device described in the Sections 4 and 5 above, and from which a destructive device may be readily assembled. (2) A firearm is not:

(A) an antique firearm;

(B) a rifle which the owner intends to use solely for sporting, recreational, or cultural purposes;

(C) any device which is neither designed nor redesigned for use as a weapon;

(D) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling pyrotechnic, line-throwing, safety, or similar device;

(E) surplus ordnance sold, loaned, or given by the United States Secretary of the Army pursuant to section 4684(2), 4685, or 4686 of Title 10; or

(F) Class C common fireworks.

(b) Conspiracy between two or more persons to commit a Category IV offense.

(c) Only the Superintendent of Education may modify the mandatory one calendar year expulsion requirement on a caseby case basis for compelling reasons. Before (s)he effectuates such an action (s)he must consult with PSS Legal Counsel and must immediately report to the Board of Education in its next official meeting (Executive Session is allowable) the reason(s) why such action was necessary.

(d) Complete records must be preserved by the Superintendent regarding all Category IV offenses

609.6 Dress Code

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It is the responsibility of the Board of Education of the Commonwealth of the Northern Mariana Islands to ensure that every student has a safe environment in which to learn. Clothing worn by students that, in the opinion of the school administration, causes distraction or inhibits learning is forbidden. Such clothing includes:

(1) Clothing which promotes gang affiliations;

(2) Clothing which promotes the use of drugs, alcohol, or weapons;
 (3) Clothing that presents a hazard to the student's safety or the safety of other students or staff;

(4) Clothing which advocates prejudice;

(5) Clothing that causes a material and substantial disruption of the learning process.

Student Signature Forms

I acknowledge that I have read and understand the Board of Education's student disciplinary policy. I also understand that these policies apply during field trips and other school-related activities and that they may apply in limited circumstances while I am not involved in school-related activities.

Student name (print)

Student signature

Date

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A copy should be forwarded to the parent and one copy should remain in the school file

To be signed by each student, sixth grade and higher, at the beginning of each school year.

623 Assessment Policy

The purpose of assessment is to measure student achievement. The assessment may take the form of portfolios of student work or a locally developed standarized test. The PSS shall continue to use the California Achievement Test (CAT) to ascertain multi-year trends in student achievement at representative grade levels and to verify the accuracy of locally developed standarized systems of testing.

<u>407 SUBJECT TIME ALLOTMENTS FOR ELEMENTARY, JR.</u> <u>HIGH & HIGH SCHOO</u>L

407.4 Academic Subjects in High School

All academic subjects in high school shall receive a minimum or not less than fifty (50) minutes, unless otherwise indicated in section 407.3.

Cooperative Education and On-The-Job (OJT) shall be offered to the senior class and/or students who have reached Level III or completed requirements for any one of the nine (9) clusters leading to a Certificate of initial Mastery (CIM) and shall receive a minimum of 240 minutes including on the job site training, for a maximum of 4 elective credits.

<u>1003 NON-EMPLOYMENT CONTRACTS & PERSONNEL SERVICE</u> <u>CONTRACTS</u>

1003.1 Non-Employment Contracts

Contracts in excess of \$10,000 should be reviewed and approved by the Chairman of the Board in addition to the review and approval of the Commission of Education, the Education Fiscal Officer and the official with expenditure authority for diwburesement of funds. The Attorney General's signature will be required for legal sufficiency as well as that of PSS-legal-counsel. Non-Employment contracts in excess of \$10,000 shall not be valid and legally binding upon the Public School System unless the Commissioner (Superintendent) of Education, Finance & Budget Officer, Chief of Procurement & Supply, PSS Legal Counsel, and the Chairman of the Board of Education have approved in writing. The Finance & Budget Officer's approval will verify available funding, the Chief of Procruement & Supply shall certify that all relevant Procurement Rules have been complied with, Legal Counsel's approval will varify for legal sufficiency as to form, and the Chairman of the Board of Eudcation's signature will verify that PSS Policy is consistend with the goals of the contract. The Commissioner of Education's signature shall be the last affixed to the contract and shall signify expenditure authority. an audit clause must be included in all such contracts.

1003.2 Personal Serivces Contracts

Personal Services contracts will be signed by the Commissioner of Education, the Chairman of Board and the Education Fiscal Officer for available of funds/justification (initials). The official with expenditure authority will sign for disbursement of funds; the Attorney Gneeral and PSS legal Counsel will sign for legal sufficiency and the PSS Personnel Officer for purposes of concurring on employment benefits.

<u>Personnel Services contracts shall not be legally binding upon the</u> Public School System without written approval from the Commissioner (Superintendent) of Education, Finance & Budget Officer, PSS Legal Counsel, the PSS Chief Personnel Officer, and the Chairman, of the Board of Education. The Finance & Budget Officer will verify availability of funds, the Legal Counsel will verify legal sufficiency as to form, the Chief Personnel Officer will verify that the appropriate salary and benefits are listed on the contract, and the Chairman of the Board of Eduation's signature will signify that the goals of the contract are consistent with PSS policy. The Commissioner's signature will be affixed last and shall signify expenditure authority. Personnel contracts for direct employees of the Board of Education (such as Special assistant to the Board) shall not require the Commissioner's signature. An audit clause must be included in all such contracts.

NOTICE OF PROPOSED NEW & AMENDED PUBLIC SCHOOL PERSONNEL SYSTEM RULES & REGULATIONS

The Board of Education, Commonwealth of the Northern Mariana Islands, hereby notifies the general public of its intention to adopt certain proposed policies. The new and amended policies, which would have the force and effect of law, are promulgated pursuant to the authority provided by the Education Act of 1988 and the Administrative Procedures Act.

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The	e policies involve the foll	lowing subject area:
1.	New PSPSRR 3207	School Driver Drug & Alcohol Testing
2.	New PSPSRR 3800	SEXUAL HARRASSMENT
	3801	Purpose
	3802	Policy
	3803	Definition of Sexual Harrassment
	3804	Procedures for Addressing Sexual Harrassment
	5004	Complaints
	3805	Review & Reporting
3.	New PSPSRR 3900	EQUAL EMPLOYMENT/EDUCATIONAL OPPORTUNITY
0.		POLICY
	3901	Purpose
	3902	Policy
	3903	Procedures for Addressing Complaints of
		Discrimination in Employment
5.	New PSPSRR 9108	Confidentiality of Personnel Files
		Application to Review Personnel Files
6.	Amend. PSPSRR 4211	Reallocation/Reclassification of Position to
01		Higher Pay
7.	Amend. PSPSRR 4213	WITHIN-GRADE INCREASES
	4213(H)	WGI
8.	Amend. PSPSRR 7105	LEAVE WITH PAY
	7105(J)	Maternity Leave
9.	RESCIND PSPSRR 3206	REINSTATEMENT
2.		

The text of the proposed amended policies are published following this notice. Anyone interested in commenting on the policies may do so by submitting comments in writing to the Chairman, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950 within thirty days of the date of publication of this issue of the Commonwealth Register.

09, 1995 avember Σmi₽ Chairman, Board of Education Filed By: nna Cruz, Governor's Office Filed By: Soledad B. Sasamoto Registrar of Corporations

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NOTICE OF PROPOSED NEW & AMENDED PUBLIC SCHOOL PERSONNEL SYSTEM RULES & REGULATIONS

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ovember 09, 1995 Ō Filed By: Chairman, Board of Education 's Office Cruz, Ge vemor Filed By: Soledad B. Sasamoto Registrar of Corporations

BOARD OF EDUCATION

NUTISIA PUT I MANMAPRUPONEN I MANMA'AMENDA NA <u>PUBLIC</u> <u>SCHOOL PERSONNEL SYSTEM RULES & REGULATIO</u>NS

I <u>Board of Education, Commonwealth of the Northern Mariana Islands</u>, ha emfofotma i pupblikon hinirat put i entension-ña na para u fanadapta manmaproponi na <u>Public School Personnel System Rules & Regulations</u>. I nuebo na amendasion <u>Public School Personnel System Rules & Regulations</u> u gai fuetsa taiguihi ha' i lai ni macho'gue sigun gi aoturidat i <u>Article XV of the CNMI</u> <u>Constitution, i Education Act of 1988</u> yan i <u>Administrative Procedures Act</u>.

Ia	areklamento ha kukubre i s	sigente na patte siha:
1.	Nuebo PSPSRR 3207	<u>School Driver Drug & Alcohol Testing</u>
2.	Nuebo PSPSRR 3800 S	EXUAL HARRASSMENT
	3801	Purpose
	3802	Policy
	3803	Definition of Sexual Harrassment
	3804	Procedures for Addressing Sexual Harrassment
		Complaints
	3805	Review & Reporting
3.	Nuebo PSPSRR 3900 E	QUAL EMPLOYMENT/EDUCATIONAL OPPORTUNITY POLICY
	3901	Purpose
	3902	Policy
	3903	Procedures for Addressing Complaints of
		Discrimination in Employment
5.	Nucbo PSPSRR 9108	Confidentiality of Personnel Files
		Application to Review Personnel Files
6.	Ma'amenda PSPSRR 4211	Reallocation/Reclassification of Position to Higher Pay
7.	Ma'amenda PSPSRR 4213	WITHIN-GRADE INCREASES
	4213(H)	WGI
8.	Ma'amenda PSPSRR 7105	LEAVE WITH PAY
	7105(J)	Maternity Leave
9.	RESCIND PSPSRR 3206	REINSTATEMENT

I entension i manmaproponen amendasion na areklamento siempre u fanmapupblika huyong despues di malaknos-ña este na nutisia. Hayi na petsona malago' mama'tinas rikumendasion put este siha na areklamento, siña ha tuge' papa' sinente-ña ya u na'halom gi <u>Chairman</u>, <u>Board of Education</u>, <u>P.O. Box 1370 CK</u>, <u>Saipan</u>, <u>MP 96950</u> gi halom trenta (30) dihas despues di mapupblika huyong este na nutisia gi <u>Commonwealth Register</u>.

loventbre 09, 1995 Fugua Chairman, Board oſ Education

Filed By: Donna Cruz, Governor's Office Filed By:

Soledad B. Sasamoto Registrar of Corporations

BOARD OF EDUCATION Arongorong Reel Fféérúl Allégh

Schóól <u>Board of Education</u>, mellól <u>Commonwealth of the Northern Mariana</u> <u>Islands</u>, rekke arongaar aramas towlap reel mángemángiir igha rebwe adaptáálil allégh kka e efféétá. E pwal yoor bwángil me allégh kka re bwal féérú sángi bwángil me ailééwal <u>Article XV of the CNMI Constitution</u>, me <u>Education Act of 1988</u> me <u>Administrative Procedures Act</u>.

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9.	RESCIND PSPSRF	R 3206	REINSTATEMENT

Owtol allégh yeel nge ebwe toowow mwiril arongorong yeel. Iyo e mwuschál bwe e bwe atotoolong meeta tipal me mángemángil nge ebwe ischiitiw nge aa afanga ngáli <u>Chairman, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950</u>, llól eliigh ráál sángi igha e toowow arongorong yeel llól <u>Commonwealth</u> <u>Register.</u>

vembre 09, 1995 Nà **7**11 Chairman, Board of Education

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Soledad B. Sasamoto Registrar of Corporations

PSPSRR NEW & AMENDMEND POLICY

<u>3207 Schoolbus Driver Drug & Alcohol Testing</u>

Effective January 1, 1996, the Commissioner of Education or a designee, shall implement the following drug and alcohol testing program for all PSS schoolbus drivers. The purpose of this policy is to comply with the requirements of the Code of Federal Regulations, Title 49, Part 382.

(A) Persons subject to drug and alcohol testing requirement: Any person who operates a commercial motor vehicle for PSS, even casually or intermittently, must submit to the drug and alcohol testing requirements of this Policy. Every person subject to this policy must sign a copy of this policy indicating that they have read and understand the requirements imposed upon them and PSS. The signed copy of this policy will be retained in the employee's personnel file

(1) Commercial Motor Vehicle

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A commercial motor vehicle is a vehicle designed to transport 16 or more passengers, including the driver.

(2) Substances to be Tested For:

Alcohol, marijuana, cocaine, amphetamines, opiates (including heroin), and phencyclidine(PSP) and any other substances added to the federal Omnibus Transportation Employee Testing Act of 1991, by an act of the United States Congress, subsequent to January 1, 1996 shall be tested for in this program.

(B) Testing Procedures and Facilities

Testing Procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, Section 40 et seq.

(C) Pre-Employment Tests

A drug test shall be conducted before the first time a driver performs any safety-sensitive function for PSS. The test shall be required of a job applicant only after (s)he has been offered the position.

(1) Safety-sensitive functions Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until (s)he is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for PSS or paid work for any other entity.

(2) Exception

Exceptions may be made by the Commissioner of Education to a pre-employment drug test for drivers who have participated in a drug testing program required by law within the previous 30 days, provided that PSS is provided with all verifications from the candidate in a timely manner and the testing programs comply with all Federal requirements.

(D) Post-Accident Tests

(1) Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

(a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or

(b) Who receives a citation under state or local law for a moving violation arising from the accident.

(2) Drivers shall make themselves readily available for testing, absent the need for immediate medical attention

(3) No such driver shall use alcohol for eight hours after the accident, or until after (s)he undergoes a post-accident alcohol test, whichever occurs first.

(4) If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours of an accident delineated in this section, PSS shall prepare and maintain records explaining why the tests were not conducted. Tests will not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs.

(5) Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the PSS. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

(E) Random Tests

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Tests shall be conducted on a random basis throughout the calendar year. Further they should not be conducted at the same time each calendar year, and employees should be tested the same day as the tests are announced. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal 25% of the average number of driver positions.

The number of random drug tests annually must equal 50% of the average number of driver positions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

(F) Reasonable Suspicion Tests

Tests shall be conducted when a supervisor or district official trained in accordance with law has reasonable suspicion that the driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance. behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not conducted within two hours of a determination of reasonable suspicion, the PSS shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours.

A supervisor or district official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier

(1) Persons designated to determine whether reasonable suspicion exists must receive at least 60 minutes of training that covers the physical, behavioral, speech, and performance indicators of alcohol misuse and an additional 60 minutes of training that covers these indicators of controlled substance use.

(G) Enforcement

(1) Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal. (reference to 49 CFR 382 shall be made to determine minimum mandatory disciplinary action)

(2) Any driver who refuses to submit to a post accident, random, reasonable suspicion, or follow-up tests shall not perform or continue to perform safety-sensitive functions.

(3) A driver who violates PSS prohibitions related to drugs and alcohol shall receive from PSS the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem.

Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which (s)he has a financial interest, except in circumstances allowed by law.

(4) The choice of a substance abuse professional and assignment of costs may be matters negotiated upon between the driver and the Commissioner of Education.

(5) An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that (s)he has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

(H) Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated the district's drug or alcohol prohibition returns to performing safety-sensitive duties. Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified negative result.

(I) Follow-up Tests

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A driver who violates the PSS's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions. (J) Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver. (K) Notifications

(1) Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of PSS's policies and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

(a) The person designated be the PSS to answer driver questions about the materials;

(b) The categories of drivers who are subject to PSS Policy 3207;

(c) Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with PSS Policy 3207;

(d) Specific information concerning driver conduct that is prohibited by PSS Policy 3207;

(e) The circumstances under which a driver will be tested for drugs and/or alcohol under PSS Policy 3207;

(f) The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing process, safeguard the validity of test results, and ensure that test results are attributed to the correct driver:

(g) The requirement that a driver submit to drug and alcohol tests administered in accordance with PSS Policy 3207;

(h) An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;

(i) The consequences for drivers found to have violated the drug and alcohol prohibitions of PSS Policy 3207, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;

(j) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and

(k) Information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management.

(2) Each driver shall also receive information about other legal requirements(i.e. Drug Free Schools Act), PSS policies, and disciplinary consequences related to the use of alcohol and drugs by PSS employees,

(3) Each driver must sign a statement at least every two years certifying that (s)he has received a copy of the above materials

(L) General Testing Requirements

(1) Before drug and alcohol tests are performed, the PSS shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382.

(2) The PSS shall notify a driver of the results of a preemployment drug test if the driver requests such results within 60 Calendar days of being notified of the disposition of his/her employment application.

(3) The PSS shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the tests are verified positive. The PSS shall also tell the driver which controlled substance(s) were verified as positive.

(4) Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

3800 SEXUAL HARRASSMENT

<u>3801 Purpose</u>

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(A) To affirm the Board of Education's opposition to sexual harrassment in the Public School System of the Commonwealth of the Northern Mariana Islands.

(B) To establish the responsibilities of all employees and students by defining conduct and behavior which constitutes sexual harrassment. (C) To create a mandate from the Board of Education to the Commissioner of Education to develop educational programs designed to help PSS employees and students recognize, understand, prevent, and take corrective action to end sexual harrassment.

(D) To establish the framework for effective procedures for addressing complaints of sexual harrassment.

3802 Policy

(A) PSS prohibits any form of sexual harrassment of, and/or by, any employee or student on the basis of that person's sex.

(B) PSS is committed to the maintenance of a learning and working environment in which all persons who participate in school programs and activities may do so in an atmosphere free from all forms of sexual harrassment.

(C) The Commissioner of Education is directed to ensure that everyone affected by this policy is informed of its provisions and that violations of this policy will also constitute violation of federal anti-discrimination law (The Civil Rights Act of 1964, as amended).

(D) PSS will take whatever corrective action is deemed necessary to prevent, correct, and if necessary, discipline persons responsible for violation of this policy.

(E) All PSS administrative and supervisory staff in the schools, offices, and other facilities of PSS will be responsible for implementing the sexual harrassment dispute resolution procedures established by this policy.

3803 Definition of Sexual Harrassment

(A) Sexual Harrassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, promotion, demotion, or academic standing;

(2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment or academic decisions affecting the individual;

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, and/or offensive working or academic environment. (B) Examples of acts or conduct that can be considered to be sexual harrassment include sexual teasing, jokes, comments, remarks or questions about persons of the opposite sex; letters, telephone calls, or materials of a sexual nature; deliberate touching, leaning over, cornering, or pinching; pressure for sexual favors, dates, attempted or actual rape and/or sexual assault; touching or fondling one's private parts in the presence of persons of the opposite sex; hanging nude or sexually suggestive pictures or posters.

<u>3804 Procedures for Addressing Sexual Harrassment</u> <u>Complaints</u>

(A) Any PSS employee or student who believes s(he) has been subjected to sexual harrassment has the right to file an in-house complaint of discrimination on the basis of sex. In all stages of the complaint resolution process, every reasonable effort will be made to maintain the confidentiality and protect the privacy of all parties consistent with PSS's responsibility to address such complaints.

(B) Any PSS student who believes s(he) has been subjected to sexual harrassment, should report such conduct promptly, either orally or in writing, to their principal, or in the case of an employee to the PSS Equal Opportunity Officer (EEO) in the PSS Central_Office. If a student believes that s(he) has been subjected to sexual harrassment by a principal they should report such conduct to the EEO. In a case involving students, the principal will report such incidents to the Commissioner of education or his or her designee and to PSS Legal Counsel. All such reports of sexual harrassment must be made within 24 hours of receipt of the oral or written Complaints involving employees will be processed by the EEO pursuant to PSS procedures for processing complaints of discrimination. Complaints involving students will be processed according to provisions outlined in BOE Policies 600 through 700. (C) Retaliation or reprisal against a person who has lodged a complaint of sexual harrassment or has participated as a witness in an investigation of sexual harrassment is prohibited. In the event such a person believes s(he)has been subjected to reprisal. s(he) may file a complaint of reprisal with the appropriate authority(i.e. principal, Commissioner of Education, PSS Legal Counsel, or the EEO).

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(D) Any PSS employee who violates this policy may be subjected to appropriate disciplinary action which may include, but is not limited to, oral or written reprimand, professional counseling requirement, sexual harrassment and sensitivity training, reassignment, demotion, suspension, or termination.

3805 Review & Reporting

(A) The Commissioner of Education will report annually to the Board of Education on reported incidents of sexual harrassment and their outcome.

(B) This policy will be reviewed every two years in accordance with the Board of Education policy review process.

<u>3900 Equal Employment/Educational Opportunity Policy</u>

<u>3901 Purpose</u>

(A) To reaffirm and strengthen the Board of Education's commitment to equal employment/educational opportunity for all persons without regard to race, color, national origin, age, sex, religion, disability, and reprisal in conformity with applicable law.

(B) To assure that the recruitment, employment, training, promotion, and retention of qualified staff at PSS will be without discrimination.

(C) To enrich the educational experiences of all students by enabling them to have contact with adults from many backgrounds, thereby providing students with a wide variety of role models that reflect the pluralistic nature of the C.N.M.I.

<u>3902 Policy</u>

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(A) The Board of Education reaffirms its commitment to equal employment/educational opportunities for all persons in conformity with applicable laws and policies and procedures of the Public School System (PSS). As such:

(1) Employment decisions will be made without regard to race, color, national origin, age, sex, religion, disability and reprisal.

(2) The requirements for any PSS position will be directly related to performing its responsibilities effectively.

(B) The Board of Education prohibits any discrimination on the basis of race, color, national origin, age, sex, religion, disability and reprisal in any PSS personnel policy or practice in conformity with applicable law, including, but not limited to:

(1) The recruitment, employment, training, promotion, and retention of employees.

(2) The administration of any PSS program or activity, including employee compensation, benefits, reduction-in-force, PSS sponsored training, education, or tuition assistance.

(C) The PSS Board of Education forbids any employee to sexually harass another employee or a student. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature as defined by the PSS policy on sexual harassment.

<u>3903 Procedures for Addressing Complaints of</u> Discrimination in Employment

(A) Any PSS employee or applicant for employment who believes s(he) has been discriminated against by the Board of Education or PSS has the right to file an in-house complaint of discrimination.

(B) The Board directs the Commissioner of Education to implement policies for the timely processing of complaints of discrimination at the PSS level before complainants may file formal complaints with the Equal Employment Opportunity Commission (EEOC).

(C) The Board directs the Commissioner of Education to inform PSS employees of their equal employment opportunity rights and of the procedures to follow in order to exercise those rights.

(D) The Board directs the Commissioner of Education to develop an equal employment opportunity training plan and to provide such training to all PSS employees.

(E) The Board directs the Commissioner of Education to develop and implement a system to monitor and report compliance with this policy.

(F) The Board directs the Commissioner of Education to distribute and disseminate this policy throughout all PSS offices and schools.

9108 CONFIDENTIALITY OF PERSONNEL FILES.

(A) Purpose

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PSS Employee Personnel files can contain highly confidential information. As such, the ability to review these files must be tightly controlled. For this reason the following regulation must be complied with in full before a PSS employee's personnel file may be reviewed by any PSS employee, Board member, or outside party.

(B) Security of Personnel Files

Only persons authorized by this policy to have free access to personnel files shall be allowed in the personnel office. The COMMONWEALTH REGISTER VOLUME 17 NUMBER 11 NOVEMBER 15, 1995 PAGE 13796 <u>Chief Personnel Officer or his/her designee shall ensure that</u> <u>Personnel files are secured in lockable file cabinets and are locked</u> <u>up nightly. Only the Chief Personnel Officer and/or his/her</u> <u>designee and the Commissioner of Education shall retain keys to</u> <u>these file cabinets.</u>

(C) Form

A standard application for review form must completed in full and submitted to the Commissioner of Education for review as to the appropriateness of the rationale for review and legal ability of that person or entity to revies the file(s). This form shall be periodically updated by the Commissioner, with the advice of Legal Counsel.

(D) Commissioner's Response

The Commissioner, with the advice of Legal Counsel, shall, within three working days of receiving the request form, either grant or deny the request for information, request that more information be provided by the applicant, or allow the request for information in part. This granting, request for information, denial or partial denial shall be noted on the application form and the complete form must be placed in the employee personnel file.

(E) PSS Personnel Exempt From These Requirements

The Commissioner of Education, individuals assigned to the Personnel Services Office and given prior written authorization by the Commissioner of Education, Legal Counsel, and the Equal Employment Opportunities Officer are exempt from the requirements of this regulation and are given free access to personnel files, limited by relevant laws, rules, and regulations. Employees have a right to review their own personnel file, absent information regarding previous reviews by PSS personnel, internal investigations, security checks, and privileged information. They must however, file a form and receive authorization pursuant to this regulation from the Commissioner. (F) Board of Education Appeal of Commissioner's Decision

If the Commissioner of Education denies or partially denies a Board Member's request to review a personnel file the Board Member may appeal the decision to the full Board at the next meeting.

(G) Punishment

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Any PSS employee found to have reviewed a PSS personnel file without complying with this regulation shall be subject to adverse action. Any PSS employee found to have contributed to improper review of a PSS personnel file may be subject to adverse action. Any Board of Education Member found to have improperly reviewed a personnel file or contributed to the improper review of a personnel file shall be reported in executive session at the next Board meeting and the Board shall take action

next Board meeting and the Board shall take action. COMMONWEALTH REGISTER VOLUME 17 NUMBER 11 NOVEMBER 15, 1995 PAGE 13797

APPLICATION TO REVIEW PERSONNEL FILE

Person	requesting		
informa	tion	 	

Title of person requesting information_____

Name of person(s) who's file(s) you wish to review

Please specify in detail what information is needed and the reason that the information is requested

() Your request is granted

() Your request is granted in part. You may be provided with this information only

() Your request is denied

() We require additional information. Please provide details of

Commissioner of Ed._____ Date_____

4211 Reallocation/Reclassification of Position to Higher Pay

An Employee who position is reallocated/reclassified to a higher class shall be compensated at the lowest step in the higer pay level. The rate of compensation cannot exceed the rate of maximum step in the higher pay level. The anniversary date of the new reallocation/reclassification shall be recycled. shall be accorded treatment identical to initial hire with placement both grade and step determined based upon education and years of experience provided a budgeted FTE is available. The anniversary date shall not be recycled.

4213 WITHIN-GRADE INCREASES

<u>4213(H) WGI</u>

The anniversary date for a With-In-Grade-Increase (WGI) shall be determined by the employee's date of hire and anniversary date for this WGI shall not be recycled when an employee is either reclassified or promoted.

7105 LEAVE WITH PAY

7105(J) Maternity Leave

Maternity Leave shall be granted to a female employee who is absent from work because of confinement for childbirth. The Commissioner of Education shall have the responsibility for approving maternity leave requests. Such maternity leave shall not exceed ten (10) days, shall be in addition to any accumulated sick leave, and shall be paid leave. Such maternity leave shall be any ten (10) day encompassing the date of childbirth. An additional leave taken from childbirth purposes shall be charged against accumulated sick leave.

The Commissioner of Education shall be responsible for approving or disapproving maternity leave requests. All such approvals or disapprovals shall comply with relevant laws of the United States and the Commonwealth.

"TO BE RESCIND" 3206 Reinstatement

An employee may be reappointed to his former position in the Public School at the same pay level and step that he held upon his separation. If re-appointed to a higher or a lower class, he may be allowed to retain his former rate of pay. The possession of reinstatement eligibility does not thereby provide the person with any mandatory reemployment rights. This means that the individual may be considered for employment only after persons with higher rating on the reemployment priority list have been considered. If it is in the public interest, such person may be reemployed, provided he meets the noncompetitive qualifications for the position to be filled.

PUBLIC NOTICE

NOTICE OF PROPOSED AMENDMENT TO REGULATIONS RESTRICTING THE PROCESSING OF APPLICATIONS FOR WORK CERTIFICATES FOR ALIEN GARMENT WORKERS.

These regulations are issued by the Secretary of Labor and Immigration. They are issued under 1 CMC § 9104 and the authority granted the Department of Labor and Immigration to certify nonresident workers pursuant to 3 CMC § 4435. 3 CMC § 4424, and E.O. 94-3 § 301.

The public may submit written comments or recommendations regarding the proposed regulations for thirty (30) days following publication of these amendments. All comments should be sent to the Attorney General, Capitol Hill, Saipan, MP 96950.

Dated this <u>14</u> day of November, 1995.

Thomas O. Sablan Secretary of Labor and Immigration

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Riled by the Registrar

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Filed by Governor's Ofc.

11/15/95 Date 11/15/95

NUTISIAN PUPBLIKU

NUTISIA PUT I MANMAPRUPOPONI SIHA NA AMENDASION GI REGULASION I MA'INAN APPLICKASION PARA SETTEPIKON CHO'CHO' PARA I NAMAOTAO HIYONG SIHA NA HOTNALERON FAKTORIAN MAGAGU.

Este siha na regulasion manmalaknos ginen i Sikretarion Hotnaleru yan Imigrasion. Manmalaknos este siha gi papa' i 1 CMC § 9104 yan i aturidat ni ma'entrega i Dipattamenton Hotnaleru yan Imigrasion ni para u settefika taotao hiyong siha na hotnaleru sigon gi 3 CMC § 4435, 3 CMC § 4424 van i E.O. 94-3.

l pupbliku sina mana'halom komento pat rekumendasion siha gi tinige' put i manmaprupoponi siha na amendasion gi halom trenta (30) dias despues di i manpupblika-niha este siha na amendasion. Todu kumento siha debi di u manafanhanao guato gi Attorney General, Capital Hill, Saipan, MP 96950.

Mafecha gi este i mina <u>13</u> na ha anen <u>Novembre</u>, 1995

Thomas O. Sablan / Secretary of Labor and Immigration

Hilkean

Ma rekot nu i Rehistradot

DONNA J.

Ma rekot nu i Officinan i Gobetno

Fecha

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PROPOSED AMENDMENTS

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THE PROCESSING OF APPLICATIONS FOR WORK CERTIFICATES

FOR ALIEN GARMENT WORKERS

Section 1

<u>Authority</u>. These proposed regulations are issued under the authority granted the Department of Labor and Immigration ("Department") to certify non-resident workers pursuant to 3 CMC § 4435, 3 CMC § 4424, E.O. 94-3 § 301, and 1 CMC 9104(b).

Section 2

Purpose of Regulations. These proposed regulations amend the rules and regulations promulgated on January 19, 1988, published at Vol. 10, No. 1, pages 5414-5417, and amended on May 15, 1989, published at Vol. 11, No. 5, pages 6193-6199, and October 16, 1995, published at Vol. 17, No. 10, pages 13741-13747, which place certain limitations on the issuance of labor and immigration permits for non-resident workers under the classification of garment worker. These proposed regulations repeal the operation of the garment worker pool and the quota allotments to garment manufactures. The effect of the proposed rules is to remove the cap on non-resident workers and allow manufactures to employ such number of non-resident workers as they have jobs, proper facilities, and the proper number of resident workers as provided by law. Nothing in these proposed regulations is designed to limit the Department's authority or duty to review applications for non-resident workers for compliance with the Department's regulations that remain in effect.

Section 3

Proposed Amendments. The Regulations Restricting the Issuance of Business Licenses to Garment Manufacturers and the Processing of Applications for Work Certificates for Alien Garment Workers (the "Regulations") filed with the Registrar on January 18, 1988, and modified by Regulation filed with the Registrar on May 15, 1989, published at Vol.

Page 1 - Proposed Amendments to the Processing of Applications for Work Certificates for Alien Garment Workers 11, No. 5, pages 6193-6199, and October 16, 1995, published at Vol. 17, No. 10, pages 13741-13747, are hereby amended as follows:

A. The first paragraph Section 4(b) is deleted and replaced with the following:

- "(b) <u>Issuance of Work Certificates</u>. No employee of the Department of Labor and Immigration shall issue or cause to be issued the Work Certificate to or on behalf of a nonimmigrant alien to be employed as a garment worker except upon a written finding by the Secretary or his designee that the applicant meets the criteria for issuance of such certificate as provided by these rules."
- **B.** Current Subsection 4(b)(1) is deleted.
- **C.** Current Subsection 4(b)(2) is deleted.
- **D.** A new Subsection 4(b)(1) is added as follows:
- "(1) Statement or Report Required. Every qualified garment manufacturer shall file a semi-annual report with the Secretary. The report shall contain a complete, true and correct statement listing the names, permit numbers, expiration dates of permits issued for all non-immigrant alien garment workers and such other information as may be required or prescribed by the Secretary. Failure to file the statement or report required herein shall constitute default and the Secretary or his designee shall make such finding within 30 days of such failure. In the event of default, the Secretary or his designee shall deny any application for a Work Certificate on behalf of a non-immigrant alien to be employed as a garment worker filed by such defaulting party until the default is cured."

Page 2 - Proposed Amendments to the Processing of Applications for Work Certificates for Alien Garment Workers **E.** Subsection 4(b)(3) is renumbered 4(b)(2). The first sentence of new Subsection 4(b)(2), and Subsections 4(b)(2)(i), (ii), and (iii) are deleted and replaced with the following:

"(2) <u>Application for Garment Worker Certificate</u>. Any qualified garment manufacturer may apply for a Work Certificate on behalf of a non-immigrant alien to be employed as a garment worker and the Secretary shall approve such certificate provided that the applicant meets all laws applicable to the approval of the certificate, including but not limited to those enumerated below, as of the date of the application."

F. Subsection 4(b)(4) is deleted.

G. Subsection 4(b)(5) is deleted and a new Subsection 4(b)(3) is added as follows:

- "(3) <u>Resident Worker Training Program</u>. Notwithstanding any other provisions of these regulations, no application for a Work Certificate on behalf of a non-immigrant alien to be employed as a garment worker shall be issued by the Secretary or his designee until the Secretary or his designee has approved a Resident Worker Training Program for the manufacturer/employer. A Resident Worker Training Program shall be designed to provide knowledge and skills essential to the full and satisfactory performance of the duties and responsibilities of garment manufacturer jobs, provide opportunities for career advancement, and reduce the employer's reliance on non-immigrant alien garment workers."
- **H.** Subsection 4(b)(6) is deleted.
- **I.** Subsection 4(b)(7) is deleted and a new Subsection 4(b)(4) is added as follows:
- "(4) <u>Receipt of Application</u>. Upon receipt of a completed application for a Work Certificate on behalf of a non-immigrant alien to be employed as a garment worker, the Secretary or his designee shall review the application for compliance with these regulations and other applicable laws or regulations. Within forty-five (45) days of the filing of the application, the Secretary or his designee shall determine if the application is in compliance with such regulations and laws and shall either approve the application and issue the Work Certificate
- Page 3 Proposed Amendments to the Processing of Applications for Work Certificates for Alien Garment Workers

or deny the application. Any failure by the Secretary or his designee to issue a determination on an application within the forty-five (45) day period shall be deemed a denial of the application."

J. Subsection 4(b)(8) is deleted and a new Subsection 4(b)(5) is added as follows:

"(5) The Secretary or his designee may suspend, modify, revoke or withdraw any approval or issuance of a Work Certificate hereunder whenever the approval or issuance was in error, or was based on incorrect, false, or misleading information."

DATED this 14 day of November, 1995.

Thomas O. Sablan Secrétary of Labor and Immigration

Kimedis M. Holl Near Filed by the Registrar

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11/15/95

Date

Page 4 -

Proposed Amendments to the Processing of Applications for Work Certificates for Alien **Garment Workers**

PUBLIC NOTICE

NOTICE OF PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS **OF THE DEVELOPMENT CORPORATION DIVISION OF THE** COMMONWEALTH DEVELOPMENT AUTHORITY

The Development Corporation Division (DCD) of the Commonwealth Development Authority (CDA) of the Commonwealth of the Northern Mariana Islands hereby notifies the general public of its intent to adopt these proposed amendments to the Rules and Regulations. These Rules and Regulations are promulgated under Public Law 4-49, as amended and in accordance with the Administrative Procedures Act, 1 CMC §9101, et. seq.

Copies of the proposed amendments to the Rules and Regulations are available at the office of the Commonwealth Development Authority, Gualo Rai, Saipan, MP 96950.

The Executive Director of the Commonwealth Development Authority urges the public to submit written comments and recommendations regarding the above-mentioned amendments to the Rules and Regulations within thirty (30) days after the publication of this notice in the Commonwealth Register. Please submit your comments to the following:

> Mr. James H. Ripple **Executive Director Commonwealth Development Authority** P. O. Box 2149, Gualo Rai Saipan, MP 96950

Dated this 20th day of October 1995.

lames H. Ripple Executive Director

10/20/95

Date of Filing with Registrar

Date Received in the Office of the Governor

Registrar of Corporations

uthørized Staff

<u>NUTISIAN PUPBLIKU</u>

NUTISIA PUT I MANMAPROPOPONI SIHA NA AMENDASION GI AREGLAMENTU YAN REGULASION I DEVELOPMENT CORPORATION DIVISION I COMMONWEALTH DEVELOPMENT AUTHORITY

I Development Corporation Division (DCD) i Commonwealth Commonwealth Development Authority (CDA) gi Commonwealth of the Northern Mariana Islands ginen este ha nutitisia i pupbliku hinerat nu i entension-na umadapta este i manmapropoponi na amendasion gi i Areglamentu yan Regulasion siha. Este siha na Areglamentu yan Regulasion manmalaknos sigon gi attoridad ni maprobiniyi gi papa i Lai Pupbliku Numiru 4-49, ni ma amenda yan konsiste gi Administrative Procedures Act, 1 CMC Papa' I Seksiona 9101, et. seq.

Kopian este i manmapropoponi siha na amendasion para i Areglamentu yan Regulasion gaigi gi ofisinan i Commonwealth Development Authority gi Gualo Rai, Saipan, MP 96950.

I Direktot i Commonwealth Development Authority ha sosoyo' I pupbliku na u fana'halom tinige' siha yan rekomendasion put i amendasion para i Areglamentu yan Regulasion siha ni manmamensiona gi sanhilo' gi halom trenta (30) dias despues di mapupblika esta na nutisia gi Registran Commonwealth. Pot fabot na'halom i rekomendasion miyu guato gi segente na address:

> Mr. James H. Ripple Executive Director Commonwealth Development Authority P. O. Box 2149, Gualo Rai Saipan, MP 96950

Mafecha gi esta i mina <u>20th</u> na ha'ani gi Oktubre, 1995.

amés H. Ripple

Executive Director

10/20 /95

Fecha ni Ma File gi Registrar

Fecha ni Marisibi Gi Ófisinán Gobietno

Registrar of Corporations

I Ma'aturisa na Staff Gobietno

ARONGORONGOL TOWLAP ARONGORONG REEL FFEERUL ALLÉGHÚL ME LEMELEMIL DEVELOPMENT CORPORATION DIVISION MELLÓL COMMONWEALTH DEVELOPMENT AUTHORITY

Development Corporation Division (DCD) mellól Commonwealth Development Authority (CDA) mellól Commonwealth of the Northern Mariana Islands, sángi milleel nge rekke arongaar towlap igha ekke mángiiy bwe adaptáálil Allégh kkaal. Allégh kaal nge re féérúl sángi bwángil me ailééwal Alléghúl Towlap ye 4-49, iwe e lliiwel igha ebwe tabweey aweweel Administrative Procedures Act, 1 CMC §9101, et.seq.

Kkopiyaal Allégh kkaal nge eyoor llól Bwulasiyool Commonwealth Development Authority, iye elo Gualo Rai, Saipan, MP 96950.

Executive Director mellól Commonwealth Development Authority ekke tingor ngaliir towlap bwe rebwe ischiitiw meta tipeer me mángemángiir reel Allégh kka weiláng nge raa atolongooy llól eliigh (30) rál sángi gha e toowow arongorong yeel mellól Commonwealth Register nge rebwe afanga ngáli:

> James H. Ripple Executive Director Commonwealth Development Authority P. O. Box 2149, Gualo Rai Saipan, MP 96950

E Fféér llól ráálil ye 20th October, 1995.

James H. Ripple Executive Director

18/00/95

Rállil igha Registrar e file-li

Raálig igha risibi mellól Bwulasiyool Gubenno

Registrar of Corporations

Aramas ye eybor bwangil

PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE DEVELOPMENT CORPORATION DIVISION OF THE COMMONWEALTH DEVELOPMENT AUTHORITY

CHAPTER IV. THE DCD BOARD SHALL HAVE THE FOLLOWING DUTIES:

Section D. To make decisions on loan applications, and on other proposals for funding of programs and projects, where the aggregate liability of the applicant to CDA, if the application were approved, would remain at or below \$500,000. Loan applications, and other proposals for funding of programs and projects, where the aggregate liability of the applicant to CDA, if the application were approved, would exceed \$500,000 shall be analyzed by DCD, but shall be forwarded to the CDA Board for a final decision.

CHAPTER VI. OFFICERS.

The officers of CDA shall also serve as the officers of DCD, and such officers shall also exercise those duties and powers given them under 4 CMC §10306 for the benefit of DCD.

CHAPTER VII. LOAN ELIGIBILITY REQUIREMENTS AN AND FINANCIAL MATTERS.

<u>Section A.</u> Second Paragraph, First Sentence: Applicants for Farmer, Rancher, or Fisherman loans must truly be, by definition and occupation, Farmers, Ranchers, or Fishermen.

Second Paragraph, Last Sentence: For example, said restriction disqualifies sportfishermen from qualifying for fishing loans, but does not necessarily disqualify them from applying for commercial loans.

Subsection 1, Fourth Sentence: Over the road vehicles such as trucks and pick-ups may be included in the loans; however, such vehicles must be used at least sixty percent (60%) of the time (hours) for farming activities on the farm or on the ranch.

Subsection 2, Fourth Sentence: Over the road vehicles such as trucks and pick-ups may be included in the loans, however, such vehicles must be used at least sixty percent (60%) of the time (hours) for fishing activities, such as the launching or dry storing of fishing boats.

Section B. DCD shall not make any loan, guarantee any loan, or participate in any loan if, at the time for approval, such particular loan exceeds twenty-five percent (25%) of the total uncommitted cash then available to DCD loan applicants under the particular category of DCD loans for which the applicant applied.

<u>Section D</u>. In exceptional cases exceeding the twenty-five percent (25%) limit, where the loan has been determined by CDA to be of high economic benefit to the Commonwealth, DCD may enter into a syndicated financial arrangement with other financial institutions, domestic or foreign, in an effort to limit the exposure of DCD to twenty-five percent (25%) of its then uncommitted cash, as more fully explained in Section B of this chapter.

Section E. The DCD Board shall review and consider each loan application only after the loan application is complete. A loan application shall not be considered complete until all necessary documents, including collateral documents and government permits, have been obtained and all applicable fees have been paid. The DCD Board may, however, review and consider an incomplete loan application if the loan application is only lacking evidence of clear title or other necessary land reports due to the prohibitive cost of such titles or reports. Consequently, the DCD Board may conditionally approve a loan application, if: (1) the DCD Board specifically states what must be fulfilled before final approval can be given; and (2) any expenditures related to the fulfillment of the conditions be paid by the applicant or included in the approved loan amount.

All applications shall be stamped "RECEIVED <u>[date]</u>" upon receipt by DCD. The Loan Manager shall then review each application, and shall advise the applicants of any deficiencies, omissions, etc. Applications deemed to be incomplete shall be returned to the applicant. Upon receiving a completed application with no deficiencies, the Loan Manager shall enter the application into the loan processing tracking system.

Section P. The repayment period of any DCD loan shall not exceed twenty (20) years, including any grace period. The maximum period of twenty (20) years may be granted an applicant if the loan is secured by a first mortgage of real property. The repayment period of a DCD loan secured only by a second mortgage of real property may not exceed seven (7) years, including any grace period. The repayment period of a DCD loan secured only by a second mortgage of real property may not exceed seven (7) years, including any grace period. The repayment period of a DCD loan secured only by a chattel mortgage may not exceed three (3) years. When determining repayment periods, the DCD Board shall also consider the following:

CHAPTER VIII. LOAN GUARANTY AND PARTICIPATION LOAN.

<u>Section B.</u> Add a Subsection 6. All loans guaranteed by DCD shall be assessed a one percent (1%) per annum interest rate in addition to any interest rate imposed by the bank or financial institution. The bank of financial institution shall collect and remit the one percent (1%) per annum interest rate to DCD on a quarterly basis.

CHAPTER X. CREDIT UNDERWRITING.

Section A. Subsection 6: No loan applicant shall be granted a loan, if said applicant was a controlling shareholder or a manager of an association or a corporation that, at any time during the three (3) years immediately preceding the filing of the loan application and during the period of control or management by the applicant, had been adjudicated bankrupt, filed for bankruptcy or been placed under receivership.

CHAPTER XI. SECURITY.

Section B. The DCD Board, in determining the sufficiency of any real or personal property offered as security shall use the current market value of the property, and may require a complete appraisal report or letter of appraisal (curbstone appraisal) by an appraiser acceptable to the Board. Loan applications in excess of \$25,000.00 shall be accompanied by a complete appraisal report. The Board shall examine the qualifications of the appraiser to determine whether or not his work product is acceptable. Where appropriate, appraisal reports on real property shall be done by a real estate appraiser whose work product is acceptable to a financial institution in the Commonwealth of the Northern Mariana Islands other than the DCD.

CHAPTER XII. DISBURSEMENTS.

Section B. Subsection 4, First Sentence: In the event an approved loan is for a construction project and the contractor is not bonded for at least ten percent (10%) of the project cost, then at the discretion of the DCD Board with each increment payment, an amount equal to a minimum of ten percent (10%) of the incremental payment shall be withheld to assure that all subcontractors, materialmen and suppliers have been paid. Such retained portion shall be released after the project has been completed, upon a finding by the Chairman of DCD or his designee that all the materialmen, subcontractors and other suppliers have been paid.

CHAPTER XIII. INSURANCE.

First three paragraphs labeled Section A.

Add: <u>Section B</u>. All borrowers(s) are required to maintain adequate life insurance in an amount equal to or greater than the outstanding balance of their DCD loan principal, interest, and fees. On all life insurance policies covering DCD loans, DCD shall be named as the first or primary beneficiary.

1. Upon approval of a loan application, the Loan Manager shall inform the borrower of the aforementioned life insurance requirement.

- 2. In the event the borrower has an existing life insurance policy, with coverage in excess of the loan amount, the borrower may assign the benefits of the existing policy to DCD to satisfy the life insurance requirement.
- 3. In the event existing life insurance policies are insufficient to cover the loan principal, interest, and fees, then additional life insurance coverage is required.
- 4. No loan proceeds shall be disbursed by DCD to any borrower, until he or she has obtained the requisite life insurance, and until the first year's premium has been paid in full.
- 5. Borrowers may, at their option, purchase life insurance from any one of several life insurance firms currently providing term declining balance insurance to DCD borrowers. DCD shall keep a list of such firms for easy reference. Should a borrower choose to purchase life insurance from one of the firms on the list, the following shall apply:
 - a. Upon approval of the borrower's life insurance application by the insurance firm, the first year's premium shall be paid, at the time of closing of the loan, out of the first disbursement of loan proceeds.
 - b. Subsequent yearly premiums shall be paid by the borrower in accordance with the life insurance policy terms and conditions.
 - c. Should a borrower fail to pay any of the subsequent yearly premiums, DCD may pay such premium on behalf of the borrower.
 - d. Should DCD pay such premium, on behalf of a borrower, then the borrower's loan shall be restructured to include the premium payment by DCD, and any related fees, in the principal amount owed. In the event a loan is restructured, the borrower shall be advised by DCD of the new monthly payment amounts.
- 6. Borrowers may, at any time during the term of their loans, select a different life insurance firm, as long as the newly selected life insurance firm can satisfactorily meet the life insurance requirements of DCD.
- 7. The life insurance firm and the borrower are required to notify DCD, in a timely manner, when a life insurance policy is in danger of expiring due to unpaid premiums; and when a life insurance policy lapses due to nonpayment.
- 8. In the event any borrower fails to maintain or obtain a life insurance policy, resulting in a lapse of insurance coverage or a lack of insurance coverage, then

-4-

the borrower shall be called in to meet with the Loan Manager, and the following shall apply:

- a. The Loan Manager shall inform the borrower that unless the life insurance policy is reinstated or a policy is obtained, the DCD loan requiring the insurance policy will be declared to be in default;
- b. If the borrower is unable to reinstate or obtain the required insurance policy on his own, then the borrower may select a life insurance firm from the list of those providing term declining balance insurance to DCD borrowers;
- c. Upon approval of the borrower's life insurance application by the insurance firm, DCD may pay the first year's premium, on behalf of the borrower, and the loan may be restructured to reflect the new principal amount including the premium paid by DCD.

CHAPTER XIV. SERVICING OF LOAN,

<u>Section B.</u> First Paragraph, First and Second Sentence: All loans shall require at least an annual or semi-annual financial report from the borrowers together with a status report on the business. For loans in excess of \$200,000.00, the Executive Director may require a borrower to submit annual financial statements audited by a certified public accountant or other documentation displaying the financial condition of the borrower.

Second Paragraph, First Sentence: Borrowers shall be required to meet with the Executive Director, or his designee, as often as the Executive Director deems it necessary, to discuss loan problems and/or review business records.

CHAPTER XV. COLLECTIONS AND FORECLOSURES.

<u>Section A.</u> Subsection 1: If any payment is not received by the thirtieth (30th) day after the due date, then the Executive Director, or his designee, shall contact the delinquent borrower by telephone or by written letter informing them of the payment default.

The Executive Director, or his designee, shall also send out any default notices or other letters required under the terms and conditions of the borrower's loan documents.

Subsection 2. If any payment is not received by the sixtieth (60th) day after the due date, the Executive Director, or his designee, shall contact the borrower by telephone or by written letter informing them of the payment default.

Subsection 3. If any payment is one hundred twenty (120) days or more delinquent, the matter shall be forwarded to an attorney for collection. The attorney shall be informed of the status of the delinquency, whether it is one hundred twenty (120) days or more overdue. For loans that are one hundred twenty (120) days overdue, the attorney shall contact the borrower with a letter demanding payment.

Subsection 4. If any payment has been referred to an attorney for collection and the attorney has already contacted the borrower by a demand letter as shown above, and any payment is more than one hundred twenty (120) days delinquent, the Executive Director, or his designee shall direct the attorney to send the borrower a Notice of Default to the borrower in accordance with the Commonwealth Real Estate Mortgage Law (2 CMC §4511 et.sec.) Such notice shall be written in the English Language and in either the Chamorro or Carolinian language, and shall state that if the amount due is not paid within thirty (30) days from the date the notice is received, the borrower shall be declared in default, and proceedings shall be commenced to foreclose any mortgages.

Subsection 5. If, after the Notice of Default is sent to the borrower, and the delinquency of one hundred twenty (120) days persists, the Executive Director or his designee shall direct the attorney to file a lawsuit to collect the loan and foreclose upon the mortgage.

Subsection 7. Upon entry of Judgement in the lawsuit, a copy of the Judgement shall be served upon the borrower. If the borrower has not paid the entire outstanding loan balance plus accrued interest and attorneys fees within three (3) months from the time borrower is served the copy of Judgement, all properties mortgaged as security for the loan shall be noticed for sale. The notice shall provide that the minimum bid is the total principal. Interest, attorney's fees and costs of sale, or the appraised value, whichever is greater. In the event of multiple real properties being noticed for sale, the Executive Director or his designee shall apportion the minimum bid for any sale of property in a manner so to maximize the likelihood of sale and to maximize the possibility of recovery of all amounts owed CDA.

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GOVERNMENT OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

PUBLIC NOTICE

PROPOSED AMENDMENTS TO THE SCHEDULE OF FEES DEPARTMENT OF PUBLIC HEALTH

Title 1 CMC Division 2, Chapter 12, and in particular 1 CMC SS2603(f) and 2605(j), provides that the Secretary of the Department of Public Health(DPH) shall administer all government owned facilities and shall implement rules and regulations for the efficient delivery of health services in the CNMI.

Pursuant to this authority, the Secretary is amending specific fees from the Schedule of Medical and Other Related Fees which was published in its entirety, and adopted, in the Commonwealth Register Volume 17, Number 2, dated February 15, 1995 and Volume 17, Number 4, dated April 15, 1995, respectively. These amendments are necessary to reflect accurately in the Schedule of Medical and Other Related Fees the types of services that are now being provided by the Department. The amendments are attached herewith and will be incorporated into the DPH Schedule of Medical and Other Related Fees upon adoption.

In adopting these Amendments to the Schedule of Fees, it is the intention of the Department of Public Health to comply with the requirements of the Administrative Procedure Act, specifically 1 CMC S9104. Copies of the proposed Amendments to the Schedule of Fees may be obtained from the Office of the Secretary of Public Health located at the ground floor of CHC. Comments on the proposed Amendments to the Schedule of Fees may be sent to the Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP Ø6950. All comments must be received within 30 days from the date this notice is published in the Commonwealth Register.

Certified By:	At Pring	11/08
	DR. YSAMU J. ABRAHAM	D/
	SECRETARY	
	Department of Public Health	
Filed By:	mmlo	11/4
	SOLEDAD B. SASAMOTO	D
	Registrar of Corporations	
Received By		
	DONNA CRUZ, povernor's Office	[/] D/





COMMONWEALTH HEALTH CENTER

OFFICE OF THE SECRETARY

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF PUBLIC HEALTH-ENVIRONMENTAL SERVICES

NUTISIAN PUBLIKU

PRINUPONI SIHA NA AMENDASION GI LISTAN APAS DIPATTAMENTON HINEMLO' PUBLIKU

I Titulu I gi Kodikon Commonwealth (CMC) Dibision 2, Kapitulu 12 yan patikulatmente i 1 CMC s2603(f) yan 2606(j), ha pribebeni i Sikritarion Dipattamenton Public Health (DPH osino' Dipattamenton Hinemlo' Publiku, na para guiya u atministra todu fasilidat gobetno siha yan u enfuetsa todu areklamento yan regulasion siha para minaolek mana'en setbision hinemlo' gi halom i (CNMI) Islas Marianas.

Sigun gi este na aturidat, i Sikritariu ha amemenda espisifiku siha na presiu ginen i lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) ni ma publika gi entieru-na, yan ma adapta, gi Rehistran Commonwealth, Volume 17, Numeru 2, gi Febreru 15, 1995 yan Volume 17, Numero 4, gi Abrit 15, 1995. Prisisu este siha na amendasion gi listan presiu siha put mediku yan otro siha apas put para u riflekta i dinanche siha na klasin setbisio ni ma pribeni gi dipattamento. I amendasion mandadana sigun este na notisia ya u ma na patte gi lista put mediku yan otro siha apas (Schedule of Medical and Other Related Fees) gi depattamento gi ma adaptanna.

Gi ma adaptanna este siha na amendasion gi listan presiu siha, ha entensiosiona i Dipattamenton Hinemlo' Publiku kumumple i kondesion siha ni manma' establesi nu i "Administrative Procedure Act" na akto, espesiatmente i 1 CMC s9104. Kopia siha put i manma prupoponi na amendasion gi Listan Apas siha sina manmachuchule' gi Ufisinan i Sikritarion Hinemlo' Publiku gi primet bibenda gi CHC. Dokomento siha put i manma' prupoponi na amendasion gi Listan Apas sina mana' fanhahanao guato gi: Office of the Secretary of Public Health, P.O. Box 409 CK, Saipan, MP 96950. Todu dokomento siha debi di u fanma risibi gi halom trenta (30) dias despues di i fechan ni publika este na nutisia gi Rehistra Commonwealth

nationa gi Homotra Con		ulpala-
Mas settefika nu as:		11/09/95
	DR. ISAMU J. ABRAHAM	Fecha
	Sektretariu	
	Dipatamenton Publi Health	,
Ma Rikot nu as:	Tomoto	11/9/95
Wa Rikot nu as.	SOLEDAD B. SASAMOTO	Fecha
	Registrar of Corporations	, oona
Received by:	Don Jay	11/9/95
	Donna Cruz, <i>p</i> rovernor's Office	Fecha
COMMONWEALTH REGISTER	VOLUME 17 NUMBER 11 NOVEMBER 1	5, 1995 PAGE 13817

DEPARTMENT OF PUBLIC HEALTH SERVICES COMMONWEALTH HEALTH CENTER AMENDMENTS TO THE SCHEDULE OF MEDICAL AND OTHER RELATED FEES 1995

IEDICAL			AMOUNT		
CPT #	CPT SHORT DESCRIPTION	(in	US	\$)	
26260	RADICAL RESECTION (OSTECTOMY) FOR TUMOR, METACARPAL			612	
27407	REPAIR, PRIMARY, TORN LIGAMENT AND/OR CAPSULE, KNEE; CRUCIATE			898	
	CREATION OF ARTERIOVENOUS FISTULA BY OTHER THAN DIRECT ARTERIOVENOUS ANASTOMOSIS(SEPARATE PROCEDURE); AUTOGENOUS GRAFT			035	
	REPAIR OF RUPTURED SPLEEN(SPLENORRHAPHYL) WITH OR WITHOUT PARTIAL SPLENECTOMY				
	REPAIR LIP, FULL THICKNESS; VERMILION ONLY			392	
43122	PARTIAL ESOPHAGECTOMY, THORACOABDOMINAL OR ABDOMINAL APPROACH, WITH OR WITHOUT PROXIMAL GATRECTOMY; WITH ESOPHAGOGASTROSTOMY, WITH OR WITHOUT PYLOROPLASTY		2,	349	
43870	CLOSURE OF GASTROSTOMY, SURGICAL			612	
	ANOSCOPY; WITH REMOVAL OF SINGLE TUMOR, POLYP, OR OTHER LESION BY SNARE TECHNIQUE			114	
	ANOSCOPY: CONTROL OF BLEEDING ANY METHOD				
	BLADDER IRRIGATION, SIMPLE, LAVAGE AND/OR INSTILLATION			51	
67005	REMOVAL OF VITREOUS, ANTERIOR APPROACH(OPEN SKY TECHNIQUE OR LIMBAL INCISION); PARTIAL REMOVAL		1,	152	
	UROGRAPHY, RETROGRADE, WITH OR WITHOUT KUB			120	
	NONINVASIVE EAR OR PULSE OXIMETRY FOR OXYGEN SATURATION; SINGLE DETERMINATION			30	
94799	RESPIRATORY THERAPY CODE BLUE RESPONSE			30	
THE	R R E L A T E D F E E				
	INCINARATOR FEE - MINIMUM CHARGE OF TWO HOURS PER USE			50	

** NOTE: Outside items for incinaration will only

be accepted when CHC workload permits.



Commonwealth of the Northern Mariana Islands

Office of the Governor

Capitol Hill, Saipan MP/USA 96950



Phone: (670) 322-5091/2/3 Telefax: (670) 322-5096/99

PUBLIC NOTICE

Public Notice of Repeal By the Office of the Special Assistant for Administration, Office of the Governor, of Existing Regulations Concerning Application and Procedures Regarding the Issuance of Certificates of Identity

The Office of the Special Assistant for Administration, Office of the Governor, hereby provides Public Notice of its adoption of the repealed regulations concerning application and procedures regarding the issuance of Certificates of Identity. This Adoption of Repealed Regulations is promulgated under the Authority granted to the Office of the Special Assistant for Administration, Office of the Governor, by the Governor's Executive Order 94-3, Section 201, and the CNMI Commonwealth Code including, but not limited to, the Commonwealth Administrative Procedure Act ,1 CMC, §9101 <u>et seq.</u>. The proposed repeal was published in the <u>Commonwealth Register</u>, Volume 17, Number 10, pages 13724 - 13733, on October 15, 1995.

Copies of the Repealed Regulations are available at the Office of the Special Assistant for Administration, Office of the Governor, Caller Box 10007, Saipan, MP 96950.

Dated this 13^{H} day of November, 1995. Issued By: JOAOUIN (MITCH) PANGELINAN **Special Assistant for Administration** Filed With: Governor's Iffice **Recorded By: Registrar of Corporations**

Date



Commonwealth of the Northern Mariana Islands Office of the Governor

Capitol Hill, Saipan MP/USA 96950



Phone: (670) 322-5091/2/3 Telefax: (670) 322-5096/99

CERTIFICATION

I, Joaquin I. Pangelinan, Special Assistant for Administration of the Office of the Governor, which is promulgating the Adopted Repeal of Regulations published in the <u>Commonwealth Register</u>, Volume 17, Number 10, on October 15, 1995, as herein above set forth, by signature below hereby certify that the above noted repeal is true, complete and correct copies of the repeal formally adopted by the Special Assistant for Administration, Office of the Governor.

I hereby declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on the ______ day of ______, 1995, on Saipan, Commonwealth of the Northern Mariana Islands.

JOAQUIN I. PANGE



Capitol Hill, Saipan MP/USA 96950



Phone: (670) 322-5091/2/3 Telefax: (670) 322-5096/99

NUTISIAN PUPBLIKU

Nutisian Pupbliku put i Rinipelan i Ofisinan i Espesiat na Asistante para Atministrasion, Ofisinan i Gubetno, nu i Maneksisiste siha na Regulasion put Aplikasion yan Areklo para i Mana'en Settefikasion Aidentifikasion

I Ofisinan i Espesiat na Asistante para i Atministrasion, Ofisinan i Gubetno, ginen este ha pribebeni Nutisian Pupbliku put i inadapta-ña nu i manmaripela siha na regulasion put aplikasion yan areklo para i mana'en Settefikasion Aidentifikasion. Este na inadaptan i Manmaripela siha na Regulasion manmalaknos sigon gi Aturidat ni man'i i Ofisinan i Espesiat na Asistante para Atministrasion, Ofisinan i Gubetno entre i Otden Ekseketibu Numiru 94-3, Seksiona 201, yan i Kodikon Commonwealth engklusu, lao ti minidiyi ni, i Akton Commonwealth Administrative Procedure Act, 1 CMC, §9101, et. seq. I maprupoponi na rinipela mapupblika gi halom i Rehistran Commonwealth, Baluma 17, Numiru 10, pahina 13724 asta 13733, gi Oktobre 15, 1995.

Kopia siha put i Manmaripela na Regulasion siha manmachuchule' ginen i Ofisinan Espesiat na Asistante para Atministrasion, Ofisinan i Gubetno, Caller Box 10007, Saipan, MP 96950.

Mafecha gi este i paina' na dia gi, 1995.
Malaknos ginen as: JOAQUIN (MITCH) I. PANGELINAN Espesiat na Asistanten Atministrasion
Måsatmiti guato gi as:
Marikot nu as:

Feoha



Office of the Governor

Capitol Hill, Saipan MP/USA 96950



Phone: (670) 322-5091/2/3 Telefax: (670) 322-5096/99

SETTEFIKASION

GUAHU, si Joaquin I. Pangelinan, Espesiat na Asistante para Atministrasion i Ofisinan i Gubetno ni lumalaknos i Manma'adapta na Rinipela Regulasion siha ni manmapupblika gi halom <u>Rehitran Commonwealth</u>, Baluma 17, Numiru 10, gi Oktobre 15, 1995, komu i manma'establesi siha gi sanhilo' entre i fitma-ku gi sampapa' ginen este hu settefika na i manota na rinipela gi sanhilo' magahet, komplidu yan dinanche na kopian i rinipela ni ma'adapta fotmat nu i Espesiat na Asistante para Atministrasion, Ofisinan i Gubetno.

Guahu, ginen este hu diklara gi papa' i penan pethudisia na i manmofo'na manmagahet yan dinanche, ya este na diklarasion mafa'tinas gi este i mina' /// na dia gi ______ 1995, giya Saipan, Commonwealth i Sangkattan siha na Islan Mariana.

JOAQUIN (MITCH) I. PANGELINAN



Division of Environmental Quality P.O. Box 1304, Saipan, MP 96950



Tels.:(670) 234-6114/6984 Fax: (670) 234-1003

PUBLIC NOTICE ADOPTION OF AMENDMENT TO DRINKING WATER REGULATIONS UNDER THE AUTHORITY OF 2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605 by the DEPARTMENT OF PUBLIC WORKS

The Secretary of the Department of Public Works, of the Commonwealth of the Northern Mariana Islands (CNMI), in accordance with 2 CMC §§ 3101 to 3134 and 1 CMC §§ 2601 to 2605, ammend and revise the existing CNMI Drinking Water Regulations. These changes conform with the requirements imposed on Commonwealth in the Federal Safe Drinking Water Act.

The adopted changes pertain to the requirements set forth in the United States Environmental Protection Agency (EPA) National Primary Drinking Water Regulations which include the public notice language for fifty-seven (57) contaminants including inorganic chemicals, volatile organic compounds, and synthetic organic compounds. A modification in the regulations to set the cost of the fees for Division of Environmental Quality laboratory analysis of water samples is also included in these revisions.

Copies of the adopted Drinking Water Regulations are also available and may be obtained from the Department of Public Works, Division of Environmental Quality, located on the third floor of the Morgen Building in San Jose, Saipan (P.O. Box 1304, Saipan, MP 96950), within thirty days of publication in the Commonwealth Register.

Date:_10/31/0

Edward M. Deleon Guererro, Secretary Department of Public Works

Date: 10/25/95

John I. Castro, Director Division of Environmental Quality

Filed by:

(

Homedis Mr. Hollacan

fr: Soledad B. Sasamoto **Registrar of Corporations**

Received at Governor's Office:

Date: <u>/0/3//95</u>

Date: 1031.95

Donna J. Cruz



Division of Environmental Quality P.O. Box 1304, Saipan, MP 96950



Tels.:(670) 234-6114/6984 Fax: (670) 234-1003

NUTISIAN PUPBLIKU I MAN-MA ADOPTA' NA AMENDASION GI REGULASION HANOM MA'GIMEN NI MANMAFATINAS SIGUN GI ATURIDAT I 2 CMC §§ 3101 asta 3134 yan 1 CMC §§ 2601 asta 2605 ginen i DIPATAMENTON PUBLIC WORKS

I Sikritarion Dipattamenton Public Works, gi halom i Commonwealth i Sankattan siha na Islan Marianas (CNMI), sigun gi sinangan 2 CMC §§ 3101 asta 3134 yan 1 CMC §§ 2601 asta 2605, na ha amenda yan ribisa esta i eksisite na Regulasion Hanom Ma' Gimen gi Halom CNMI. Este siha na tinulaika u fanakonfotma yan i nisisidat siha ni imposta kontra i Commonwealth gi halom i Akton Fiderat put Safu na Hoanm Ma' gimen.

I manma' adapta siha natinulaika ha tutuka i kondision siha ni manma establesi gi halom i United Staes Environmental Protection Agency (EPA) National Primary Drinking Water Regulasions ni engklusu i nutisian pupbliku gi lengguahi para singkuenta sette (57) na klasen binenu kontodu postisu (inorganic/artificial) na kemikat siha, "volaitle (mamagap) organic compounds" yan "synthetic (manmafa tinas ni taotao) organic compound" I manma adapta siha na tinulaika gi regulasion ni para u na guaha apas para i Division of Environmental Quality na inalisan labatoriu na muestran hanom siha manma engklusu lokkue gi halom este siha na ribision.

Kopian i Ma' adapta na Regulasion Hanom Ma'Gimen siña manmachule' hayi siha man intresao gi Dipatamenton Piblic Works, Division of Environmental Quality, ni gaige gi mina' tres bibenda hulo' gi Morgen Building giya San Jose, Saipan (P.O. Box 1304, Saipan, MP 96950), gi halom trenta (30) dias despues di malaknos este na nutisia gi halom Rekistran Commonwealth.

Fecha: 10/31/55

Fecha: 10/25/95

Ma file as;

Fecha: 10.31 .95

Ma risibi gi Ufisinan Gobietno:

Fecha: 10/31/95

MAUIS

EDWARD M. DELEON GUERRERO, Sekretaria Dipatamenton Public Works

JOHN I. CASTRO, JR., Direktot Division of Environmental Quality

Huan

SOLEDAD B. SASAMOTO Registrar of Corporations



Division of Environmental Quality P.O. Box 1304, Saipan, MP 96950



Tels.:(670) 234-6114/6984 Fax: (670) 234-1003

ARONGORONGOL TOWLAP ADAPTAAL ALLÉGH REEL LLIWEL MELLÓL ÓWTOL ALLÉGHÚL SCHALÚL ÚÚL IYE E FFÉÉR SÁNGI BWÁNGIL 2 CMC §§ 3101 ngáli 3134 me 1 CMC §§ 2601 ngáli 2605 Sángi DIPATAMENTOOL PUBLIC WORKS

Sekretóriyaal Dipatamentool Public Works, mellól Commonwealth of the Northern Marianas Islands (CNMI), sángi bwángil me ailééwal mille 2 CMC §§ 3101 ngáli 3134 me 1 CMC §§ 2601 ngáli 2605 nge ebwe ayoora lliiwel mellól Alléghúl Schalúl Úúl mellól CNMI. Lliiwel kkaal nge ebwe ghol fengál me akkúlé kka re ngalleey Commonwealth reel mille Federal Safe Drinking Water Act.

Lliiwel kkaal nge ebwe tabweey milikka llól ówtol Alléghúl United States Environmental Protection Agency (EPA) National Drinking Water Regulations iye ebwal yoorolong igha rebwe amwuri fishiiy milikka limeigh me fisuuw (57) ikka e bineeno nge organic chemicals, volatile organic compounds, me synthetic organic compounds. Lliiwel kkaal nge ebwe atotoolong milikka aweweel ngáre ammataf reel alléghúl schálúl úúl iye ebwe weewe fengál me ówtol Surface Water Treatment Rules. Reel llapal me tool allégh kkaal nge e fil bwe ebwe atotoolong milikkaal llól Alléghúl CNMI Drinking Water Regulations. Kopiyaal Alléghúl federóód kkaal nge iye a appasch ngáli Alléghúl Schalúl Úúl mellól CNMI nge iye ebwal yoor lliiwel llól ówtol.

Kkopiyaal Alléghúl Schalúl Úúl EPA, nge eyoor llól Bwulasiyool Dipatamentool Public Works, Division of Environmental Quality, iye elo aiyeluuwal bibenda mellól Morgen Building San Jose, Saipan, MP 96950.

Rál: 10

File-liiyal

Rál: 10.3/.95

EDWARD M. DELEON GUERRERO, Secretary Dipatamentool Public Works

LOUIDU CASTRO IR Dim

JOHN. CASTRO, JR. Director Division of Environmental Quality

Mr. Hollman

 SOLEDAD B. SASAMOTO Registrar of Corporations

Re risibi mellól Bwulasiyool Gubenno

Rál: 10

COMMONWEALTH REGISTER VOLUME 17 NUMBER 11 NOVEMBER 15, 1995 PAGE 13826



Commonwealth of the Northern Mariana Islands Office of the Secretary of Public Works

Saipan, Mariana Islands 96950

Tel: (670) 322-9482/9570 Fax: (670) 322-3547

CERTIFICATION

MIIINS

Edward M. Deleon Guerrero, Secretary Department of Public Works

DEPARTMENT OF LABOR AND IMMIGRATION

PUBLIC NOTICE OF ADOPTED OF TEMPORARY SUSPENSION AND AMENDMENTS TO THE DEPARTMENT OF LABOR AND IMMIGRATION RULES AND REGULATIONS

The Secretary of Labor and Immigration, in accordance with the authority granted the Department of Labor and Immigration ("Department") to certify non-resident workers pursuant to 3 CMC § 4435, 3 CMC § 4424, E.O. 94-3 § 301, and 1 CMC 9104(b), hereby adopts the Department of Labor and Immigration's Temporary Suspension and Amendments to the Processing of Applications for Work Certificates for Alien Garment Workers. These temporary regulations will remain in effect for 120 days from the filing hereof with the Registrar unless otherwise adopted, modified or repealed by the Department through permanent rule. A copy of the Certification and the Amendments directly follow this Notice.

Pursuant to 1 CMC § 9104(b), these Amendments shall become effective immediately upon filing with the Registrar and shall be effective for no more than 120 days thereafter.

Date

Thomas O. Sablan Secretary of Labor and Immigration

Received by:

10.31.95

Date

Filed by:

Registrar of Corporations

DEPATTAMENTON HOTNAT YAN IMIGRASION

NUTISIAN PUPBLIKU PUT

I MA'ADAPTAN I TEMPOLARIU NA SINUSPENDE YAN AMENDASION SIHA GI AREKLAMENTO YAN REGUALSION I DEPATTAMENTON HOTNAT YAN IMIGRASION

I Sikretarion i Depattamenton Hotnat yan Imigrasion, konsiste yan i aturidat ni mana'i i Depattamenton Hotnat yan ("Depattamenton") Imigrasion para masettefikan ti manresidente siha na manfafacho'cho' sigon gi 3 CMC § 4435, 3 CMC § 4424, E.O. 94-3 § 301, yan 1 CMC 9104(b), ginen este ha adapta i Tempolario na Sinospenden i Depattamenton Hotnat yan Imigrasion yan i Amendasion siha gi Ma'inan Aplikasion siha para Settefikasion Cho'cho' para i Estrangheru siha na Hotnaleron Faktorian Magagu. Este i tempolario siha na regulasion para u fanefektibu 120 dias desde i masatmiten este na nutisia guato gi Rehistradot Commonwealth solamente ma'adapta, madiroga osino' maripela nu i Depattamento entre i petmanente na areklamento. Kopian i Settefikasion yan i Amendasion siha direktamente u tatteyi este na Nutisia.

Sigon gi 1 CMC § 9104(b), este siha na amendasion para u fanefektibu ensegidas despues di masatmiti este na Nutisia guato gi Rehistradot Comonwealth yan u efektibu sin u mas di 120 dias ginen ayu.

Fecha

Thomas O, Sablan Sikretarion Depattamenton Hotnat yan Imigrasion

Fecha

Marisibi as:

Ofisinan Guberno

OV 9 1995 Secretary of Labor &

1999

Marekot as: Kemedio M. Hollman

of Rehistradot Kotporasion

Fecha

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COMMONWEALTH REGISTER VOLUME 17 NUMBER 11 NOVEMBER 15,

DEPARTMENT OF LABOR AND IMMIGRATION

CERTIFICATION

TEMPORARY SUSPENSION AND AMENDMENTS TO THE PROCESSING OF APPLICATIONS FOR WORK CERTIFICATES FOR ALIEN GARMENT WORKERS

I, Thomas O. Sablan, Secretary of the Department of Labor and Immigration which promulgated the Temporary Suspension and Amendments to The Processing of Applications for Work Certificates for Alien Garment Workers, by signature below hereby certify that such Regulations are a true, complete and correct copy of the Department of Labor and Immigration Amendments formally adopted by the Department of Labor and Immigration.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the <u>30</u> day of <u>OCTUBER</u>, 1995, at Saipan, Commonwealth of the Northern Mariana Islands.

10-30-55

Date

Thomas O. Sablan Secretary of Labor and Immigration

TEMPORARY SUSPENSION AND AMENDMENTS

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THE PROCESSING OF APPLICATIONS FOR WORK CERTIFICATES

FOR ALIEN GARMENT WORKERS

Section 1

<u>Authority</u>. These temporary regulations are issued under the authority granted the Department of Labor and Immigration ("Department") to certify non-resident workers pursuant to 3 CMC § 4435, 3 CMC § 4424, E.O. 94-3 § 301, and 1 CMC 9104(b). These temporary regulations will remain in effect for 120 days from the filing hereof with the Registrar unless otherwise adopted, modified or repealed by the Department through permanent rule.

Section 2

Purpose of Regulations. These temporary regulations amend the rules and regulations promulgated on January 19, 1988, and published at Vol. 10, No. 1, page 5414-5417, and amended on May 15, 1989 and October 16, 1995, which place certain limitations on the issuance of labor and immigration permits for non-resident workers under the classification of garment worker. These temporary regulations suspend the operation of the garment worker pool and the quota allotments to garment manufactures. The effect of the temporary rules is to remove the cap on non-resident workers and allow manufactures to employ such number of non-resident workers as they have jobs, proper facilities, and the proper number of resident workers as provided by law. Nothing in these temporary rules is designed to limit the Department's authority or duty to review applications for non-resident workers for compliance with the Department's regulations that remain in effect.

Section 3

<u>Justification for Temporary Regulation</u>. The Department, with the concurrence of the Governor, has found the administration of the non-resident garment worker quota unworkable and that the public interest requires the immediate suspension of the quota system and the non-resident garment worker pool.

Page 1 - Temporary Suspension and Amendments to the Processing of Applications for Work Certificates for Alien Garment Workers

Section 4

<u>Amendments</u>. The Regulations Restricting the Issuance of Business Licenses to Garment Manufacturers and the Processing of Applications for Work Certificates for Alien Garment Workers (the "Regulations") filed with the Registrar on January 18, 1988, and modified by Regulation filed with the Registrar on May 15, 1989, and October 16, 1995, are hereby amended as follows:

- A. The first paragraph Section 4(b) is deleted and replaced with the following:
- "(b) <u>Issuance of Work Certificates</u>. No employee of the Department of Labor and Immigration shall issue or cause to be issued the Work Certificate to or on behalf of a nonimmigrant alien to be employed as a garment worker except upon a written finding by the Secretary or his designee that the applicant meets the criteria for issuance of such certificate as provided by these rules."
- **B.** Current Subsection 4(b)(1) is deleted.
- **C.** Current Subsection 4(b)(2) is deleted.
- **D.** A new Subsection 4(b)(1) is added as follows:
- Statement or Report Required. Every qualified garment "(1) manufacturer shall file a semi-annual report with the Secretary. The report shall contain a complete, true and correct statement listing the names, permit numbers, expiration dates of permits issued for all non-immigrant alien garment workers and such other information as may be required or prescribed by the Secretary. Failure to file the statement or report required herein shall constitute default and the Secretary or his designee shall make such finding within 30 days of such failure. In the event of default, the Secretary or his designee shall deny any application for a Work Certificate on behalf of a non-immigrant alien to be employed as a garment worker filed by such defaulting party until the default is cured."

Page 2 - Temporary Suspension and Amendments to the Processing of Applications for Work Certificates for Alien Garment Workers **E.** Subsection 4(b)(3) is renumbered 4(b)(2). The first sentence of new Subsection 4(b)(2), and Subsections 4(b)(2)(i), (ii), and (iii) are deleted and replaced with the following:

"(2) <u>Application for Garment Worker Certificate</u>. Any qualified garment manufacturer may apply for a Work Certificate on behalf of a non-immigrant alien to be employed as a garment worker and the Secretary shall approve such certificate provided that the applicant meets all laws applicable to the approval of the certificate, including but not limited to those enumerated below, as of the date of the application."

F. Subsection 4(b)(4) is deleted.

G. Subsection 4(b)(5) is deleted and a new Subsection 4(b)(3) is added as follows:

- "(3) <u>Resident Worker Training Program</u>. Notwithstanding any other provisions of these regulations, no application for a Work Certificate on behalf of a non-immigrant alien to be employed as a garment worker shall be issued by the Secretary or his designee until the Secretary or his designee has approved a Resident Worker Training Program for the manufacturer/employer. A Resident Worker Training Program shall be designed to provide knowledge and skills essential to the full and satisfactory performance of the duties and responsibilities of garment manufacturer jobs, provide opportunities for career advancement, and reduce the employer's reliance on non-immigrant alien garment workers."
- H. Subsection 4(b)(6) is deleted.
- I. Subsection 4(b)(7) is deleted and a new Subsection 4(b)(4) is added as follows:
- "(4) <u>Receipt of Application</u>. Upon receipt of a completed application for a Work Certificate on behalf of a non-immigrant alien to be employed as a garment worker, the Secretary or his designee shall review the application for compliance with these regulations and other applicable laws or regulations. Within forty-five (45) days of the filing of the application, the Secretary or his designee shall determine if the application is in compliance with such regulations and laws and shall either approve the application and issue the Work Certificate

Page 3 - Temporary Suspension and Amendments to the Processing of Applications for Work Certificates for Alien Garment Workers

or deny the application. Any failure by the Secretary or his designee to issue a determination on an application within the forty-five (45) day period shall be deemed a denial of the application."

J. Subsection 4(b)(8) is deleted and a new Subsection 4(b)(5) is added as follows:

"(5) The Secretary or his designee may suspend, modify, revoke or withdraw any approval or issuance of a Work Certificate hereunder whenever the approval or issuance was in error, or was based on incorrect, false, or misleading information."

DATED this 3/ day of $\partial CTOBER$, 1995.

Thomas O. Sablah Secretary of Labor and Immigration

Froilan C. Tehorio Governor

emedio M. Hollman

Filed by the Registral

10.31.25

Page 4 -

Temporary Suspension and Amendments to the Processing of Applications for Work Certificates for Alien Garment Workers



Capitol Hill, Saipan MP/USA 96950



Phone: (670) 322-5091/2/3 Telefax: (670) 322-5096/99

PUBLIC NOTICE

Notice of Adoption of Regulations Governing the Use of the Multipurpose **Center and Related Facilities**

The Office of the Special Assistant for Administration, Office of the Governor, hereby provides Public Notice of its adoption of the Regulations Governing the Use of the Multipurpose Center and Related Facilities in accordance with the CNMI Commonwealth Code including, but not limited to, the Commonwealth Administrative Procedure Act, 1 CMC, §9101 et seq. The proposed Regulations were published in the <u>Commonwealth</u> <u>Register</u>, Volume 17, Number 8, August 16, 1995.

Copies of the adopted Regulations are available at the Office of the Special Assistant for Administration, Office of the Governor, Caller Box 10007, Saipan, MP 96950.

Dated this 13th day of Novimber, 1995.
Issued By: JOAQUIN (MITCH) I. PANGELINAN Special Assistant for Administration
Filed With: Governor's Office
Recorded By: Registrar of Corporations

Date



Office of the Governor Capitol Hill, Saipan MP/USA 96950



Phone: (670) 322-5091/2/3 Telefax: (670) 322-5096/99

CERTIFICATION

I, Joaquin I. Pangelinan, Special Assistant for Administration of the Office of the Governor, which is promulgating the Adopted Regulations published in the <u>Commonwealth Register</u>, Volume 17, Number 8, August 16, 1995, hereby certify that such Regulations are true, complete, and correct copy of the Regulations Governing the Use of the Multipurpose Center and its Facilities, formally adopted by the Office of the Governor.

I declare under penalty of perjury that the foregoing is true and correct, and this declaration was executed on the ______ day of ______, 1995, on Saipan, Commonwealth of the Northern Mariana Islands.

٨ JOAQUIN I. PANGELINÁ



Capitol Hill, Saipan MP/USA 96950



Phone: (670) 322-5091/2/3 Telefax: (670) 322-5096/99

NUTISIAN PUPBLIKU

Nutisian Pupbliku put i Ma'adaptan i Regulasion siha ni Gumubebetna i Ma'usan i Multipurpose Center yan Mamparehu siha na Fasilidat

I Ofisinan i Espesiat na Asistante para i Atministrasion, Ofisinan i Gubetno, ginen este ha pribebeni Nutisian Pupbliku put i inadapta-ña nu i Regulasion siha ni gumubebetna i Ma'usan i Multipurpose Center yan Mamparehu siha na Fasilidat komu konsiste yan i Kodikon Commonwealth engklusu, lao ti minidiyi ni, i Akton Commonwealth Administrative Procedure Act, 1 CMC, §9101, <u>et. seq.</u> I maprupoponi na Regulasion siha manmapupblika gi halom i <u>Rehistran Commonwealth</u>, Baluma 17, Numiru 8, gi Agosto 16, 1995.

Kopia siha put i Manmaripela na Regulasion siha manmachuchule' ginen i Ofisinan Espesiat na Asistante para Atministrasion, Ofisinan i Gubetno, Caller Box 10007, Saipan, MP 96950.

Mafecha gi este i mina ² 13 na dia gi Novembre, 1995.	
Malaknos ginen as: JOAQUIN (MITCH) I. PANGELINAN Espesiat na Asistanten Atministrasion	<u>//</u> F
Masatmiti guato gi as:	<u> /</u> F
Marikot nu as:	<u>///</u>



Capitol Hill, Saipan MP/USA 96950



Phone: (670) 322-5091/2/3 Telefax: (670) 322-5096/99

SETTEFIKASION

GUAHU, si Joaquin I. Pangelinan, Espesiat na Asistante para Atministrasion i Ofisinan i Gubetno ni lumalaknos i manma'adapta siha na Regulasion ni manmapupblika gi halom Rehitran Commonwealth, Baluma 17, Numiru 8, gi Agosto 16, 1995, ginen este hu settefika na ayu siha na regulasion magahet, komplidu yan dinanche na kopian i Regulasion siha ni Gumubebetna i Ma'usan i Multipurpose Center yan i fasilidat-ña siha, ni manma'adapta fotmat nu i Ofisinan i Gubetno.

Guahu, ginen este hu diklara gi papa' i penan pethudisia na j manmofo'na manmagahet yan dinanche, ya este na diklarasion mafa'tinas gi este i mina' 4 na dia gi 1995, giya Saipan, Commonwealth i Sangkattan siha na Islan Mariana.

1

JOAQUIN (MITCH) I. PANGELINAN