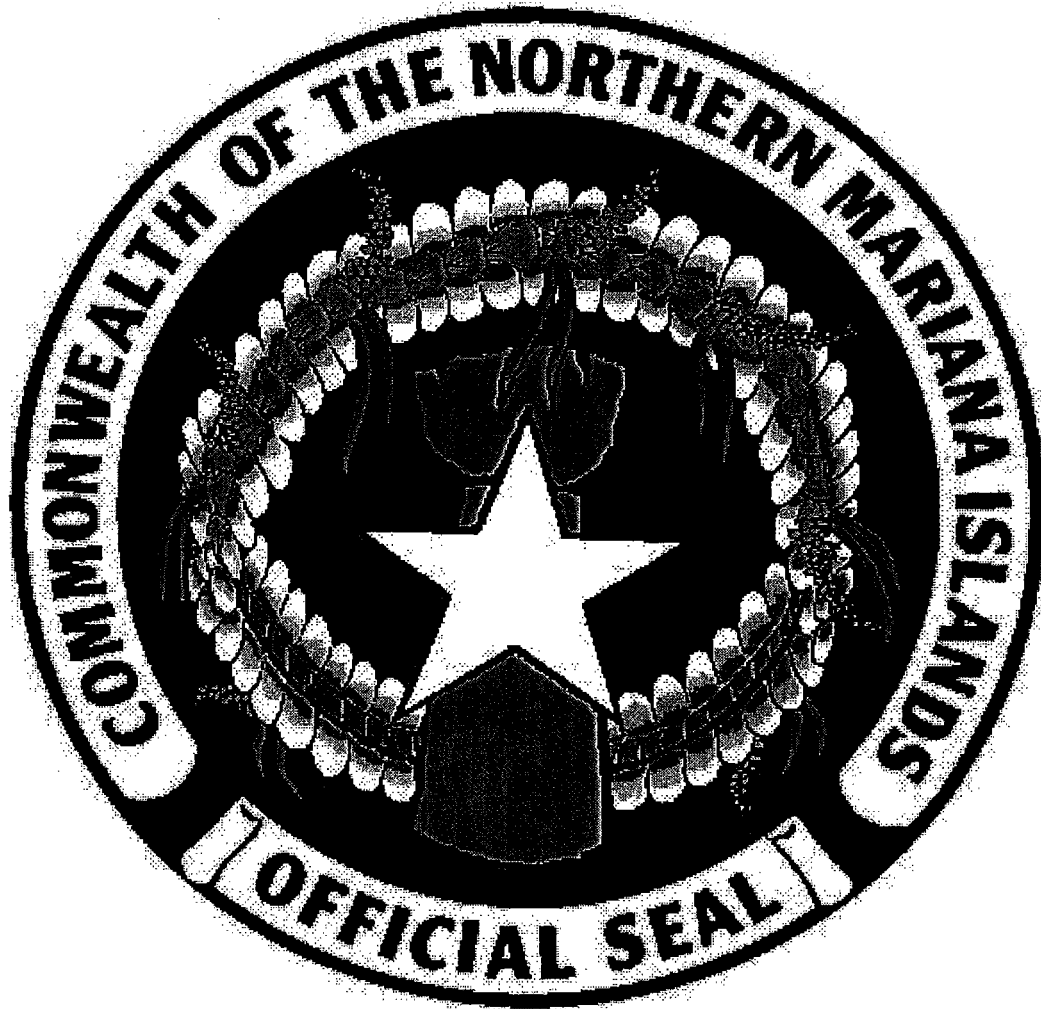


COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, TINIAN, ROTA, & NORTHERN ISLANDS



COMMONWEALTH REGISTER
VOLUME 28
NUMBER 04

April 17, 2006

COMMONWEALTH REGISTER

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

EXTENSION OF EMERGENCY Volcanic Activity on Anatahan

WHEREAS, On January 23, 2006, a Declaration of Emergency was issued with respect to volcanic activity on the island of Anatahan; and

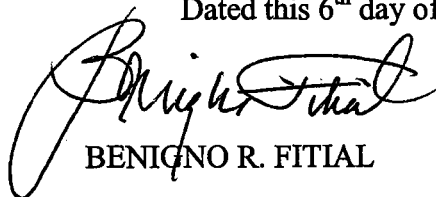
WHEREAS, said Declaration declared the island of Anatahan as unsafe for human habitation and restricted all travel to said island with the exception of scientific expeditions; and

WHEREAS, the volcanic activity and seismic phenomena which prompted said Declaration continues to exist on the island of Anatahan;

NOW, THEREFORE, I, BENIGNO R. FITIAL, by the authority vested in me as Governor, and pursuant to Article III, Section 10 of the Commonwealth Constitution and 3 CMC §5121, do hereby extend a state of disaster emergency in the Commonwealth with respect to the island of Anatahan under the same terms and conditions as are contained in the original Declaration.

This Extension of Emergency shall remain in effect for thirty (30) days, unless the Governor shall, prior to the end of the 30-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further extended for alike term, and giving reasons for extending the emergency.

Dated this 6th day of April 2006.



BENIGNO R. FITIAL

cc: Lt. Governor (Fax: 664-2311)
Senate President (Fax: 664-8803)
House Speaker (Fax: 664-8900)
Mayor of the Northern Islands (Fax: 664-2710)
Executive Assistant for Carolinian Affairs (Fax: 235-5088)
Director of Emergency Management (Fax: 322-7743)
Attorney General (Fax: 664-2349)
Secretary of Finance (Fax: 664-1115)
Commissioner of Public Safety (Fax: 664-9027)
Special Assistant for Management and Budget (Fax: 664-2272)
Special Asst. for Programs and Legislative Review (Fax: 664-2313)
Press Secretary (Fax: 664-2290)



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

DIRECTIVE

No. : 252

DATE: MAR 20 2006

TO: All Department and Activity Heads

FROM: GOVERNOR

SUBJECT Concerning the Water Task Force and CUC

The Office of the Governor has reviewed the goals of the Water Task Force and its performance since its inception in 2003. As the Water Task Force has made a significant contribution to the improvement of the CNMI's water infrastructure, the Office of the Governor will continue the Water Task Force, with the Lieutenant Governor serving as Task Force Chair.

In the past, the Office of the Governor entered into a Memorandum of Agreement (MOA) with the Commonwealth Utilities Corporation (CUC) to facilitate the mission of the CNMI Water Task Force. The Memorandum of Agreement set out the roles of CUC and the Task Force and delineated the commitments of CUC and the Office of the Governor to the staffing and funding of the Water Task Force.

At the present time, the Office of the Governor has assumed emergency authority over the Commonwealth Utilities Corporation pursuant to a Declaration of a State of Emergency issued on January 27, 2006.

Therefore, the Office of the Governor is issuing the following directive in lieu of a Memorandum of Agreement. ~~At such time as the State of Emergency has ended, the agreement concerning the Water Task Force may be reviewed and revised or terminated, subject to the commitments made herein.~~

The purpose of the Directive is to continue the work of the Water Task Force, to make certain revisions to the roles CUC and the Water Task Force take in the effort to improve

the CNMI's water infrastructure and to delineate the revised commitments of CUC and the Office of the Governor concerning the staffing and funding of the Water Task Force.

THEREFORE, the Office of the Governor issues the following Directive:

WHEREAS, the Water Task Force is an entity within the Office of the Governor, tasked with the goal of planning the financing and contracting of projects necessary to improve the CNMI's water systems, and;

WHEREAS, the Water Task Force is engaged in projects with the potential to benefit the Commonwealth and is currently receiving federal grant funds not previously available to the CNMI for infrastructure development, and;

WHEREAS, the Water Task Force requires the services of experienced and professional staff to carry on the work of the Task Force, and CUC has, in the past, provided such staff to the Water Task Force, and;

WHEREAS, the Office of the Governor and CUC have reviewed the status and remaining work to be accomplished by the Water Task Force and both wish to continue to support the Task Force,

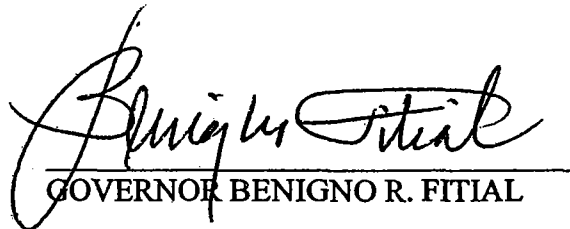
THEREFORE, the Parties agree to the following:

1. CUC will temporarily assign up to ten (10) staff, as requested, to assist the Task Force. Initially CUC will assign Anthony C. Guerrero, currently Acting Executive Director of CUC to act as Water Task Force Program Facilitator and Patrick Leon Guerrero Special Assistant for Operations CUC to act as Liaison Officer. Kathryn Delafield, Legal Counsel is also assigned to the Task Force to work with the Water Task Force and the Lieutenant Governor's Office as an advisor on contract and public utility issues. These and any other employees assigned to the Water Task Force remain CUC employees assigned to a Task Force in which CUC participates and from which CUC benefits. In the event the Water Task Force is disbanded or in any other circumstance that would effectively end the assignment, the assigned employees will resume their responsibilities at CUC immediately. Each employee would return to CUC under the same terms of employment existing at the time of assignment. The employees will recommence duties at CUC immediately on the cessation of work at the Water Task Force, without interruption of service.
2. ~~For fiscal year 2006, compensation to the assigned employees will be shared~~ by the Office of the Governor and CUC. CUC's share of the compensation will be the amount of the employees' current salaries and existing benefits. Any additional compensation, including overtime pay to any of the assigned staff will be transmitted from the Office of the Governor to be paid out as a temporary salary increase to the affected employee. In subsequent fiscal years, the Task Force will assume responsibility for compensation unless

prevented by conditions placed on its funding. All terms of employment for the assigned employees will be governed by CUC Human Resources Rules and Regulations.

3. It is the intent of the parties that operations staff from CUC assigned to the Water Task Force will receive training in water system distribution, treatment, and related skills and that such training will be a priority of the Water Task Force.
4. The Office of the Governor and CUC will agree on a budget for the Water Task Force on an annual basis. Any costs agreed to be eligible for federal or other grant funding will be shared equally by the Office of the Governor and CUC.
5. The Office of the Governor and CUC will receive quarterly reports from the Task Force staff detailing the progress of the Water Task Force towards its goals, evaluating its efforts, and outlining recommendations for the future.

Executed this 5th day of March, 2006.


GOVERNOR BENIGNO R. FITIAL



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Timothy P. Villagomez
Lieutenant Governor

DIRECTIVE

DATE: APR 06 2006

No. 253

TO: All Department and Activity Heads

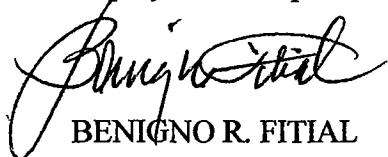
FROM: GOVERNOR

SUBJECT: Commonwealth Utilities Corporation Employment and Procurement Contracts

On January 27, 2006, The Commonwealth Utilities Corporation ("CUC") was placed under a State of Emergency. Executive Order No. 2006-01 entitled "Reorganization Plan No. 1 of 2006" ("the Plan") was executed, which mapped out the transfer of the Commonwealth Utilities Corporation ("CUC") to the Department of Public Works ("DPW").

Today, CUC is a division under DPW, an executive branch department. As a result, certain functions of CUC that were conducted in a different manner as an autonomous agency now require compliance with Executive Branch rules and regulations. However, in consideration of the transition period for CUC, its procedures for processing of employment and procurements contracts shall remain status quo, with the exception of the legal counsel(s) assigned to review such contracts.

Pursuant to this Directive, the Attorney General's office shall review and execute employment and procurement contracts to approve its legal form.


BENIGNO R. FITIAL

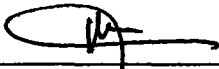
PUBLIC NOTICE

PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS GOVERNING THE GROUP HEALTH INSURANCE PROGRAM

The Board of Trustees of the NMI Retirement Fund, pursuant to its authority under 1 CMC §8424, hereby gives notice to the general public and particularly members of the CNMI Group Health Insurance Program of the proposed amendments to the Rules and Regulations Governing the Group Health Insurance as published in the Commonwealth Register as Emergency Regulations in Volume 25, No. 4, at 20083-20105 (effective April 30, 2003), as Proposed Amendments in Volume 25, No. 6, at 20632-20648 (July 15, 2003), and as adopted as amended in Volume 25, No. 7, at 20964-21050 (effective September 1, 2003). These proposed amendments would delete Section 2.07(d) under definition of "Child"; add language to Section 3.04 under Eligibility; add new Section 3.15 – Coverage of Spouses; change enrollment coverage option by eliminating the Low Option and maintaining an 80/20 coverage under Section 4.01(A); change enrollment categories from a four-tier to a three-tier (single, couple, and family) under Section 4.01(B) and revised category explanations under Section 4.01(B)(2) and category examples under Section 4.01(B)(3) to reflect changes to enrollment categories; add language to Section 4.06 under Enrollment; deleted words "High Option" and all references to "Low Option" throughout the Rules and Regulations and renumbered as needed – Sections 6.04, 7.01(A) through (C), 7.06, 7.07(A) through (D), 7.08 (B) and (C), 7.09(A) through (C), and 7.10(A) through (D); amended Chart (summary of covered benefits) under Section 5.02 and Section 15.01 (chart on changing enrollment) to reflect changes to enrollment coverage and categories; and increase of employee premiums to be effective July 1, 2006 under Article 10, Section 10.15.

The Board is soliciting comments regarding these proposed amendments to the rules and regulations in accordance with 1 CMC §9104(a). Copies of these proposed amendments may be obtained at any of the NMI Retirement Fund offices on Saipan, Tinian and Rota. Written comments should be submitted to the Administrator, NMI Retirement Fund, P.O. Box 501247 CK, Saipan, MP 96950-1247. Comments must be received by the Fund within 30 days of the date this notice is published in the Commonwealth Register.

Dated this 12th day of April 2006.



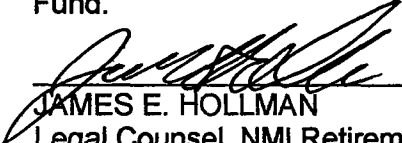
JOSEPH C. REYES
Chairman, Board of Trustees
NMI Retirement Fund



KARL T. REYES
Administrator, NMI Retirement Fund

Reviewed for Legal Sufficiency by Legal Counsel for the NMI Retirement Fund:

The proposed amendments to the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the Legal Counsel for the NMI Retirement Fund.



JAMES E. HOLLMAN
Legal Counsel, NMI Retirement Fund

Date: 4/12/06

Certification by the Office of the Attorney General:

Pursuant to 1 CMC § 2153(e) and 1 CMC §9104(a)(3), the proposed amendments attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published pursuant to his authority under 1 CMC §2153(f).

Dated this 17 day of April 2006.

Gregory Baka for
MATTHEW T. GREGORY
Attorney General

Filed by:

Date: 4-17-06

Bernadita Cruz
BERNADITA B. DELA CRUZ
Commonwealth Register/Secretary

Received at the Governor's Office by:

Date: 4/17/06

Esther S. Fleming
ESTHER S. FLEMING
Special Assistant to the Governor for Administration

**NUTISIA PARA I PUPBLIKU PUT I MA PROPOPONE SIHA NA
AMENDASION PARA I AREKLAMENTO YAN REGULASION NI
GINIBEBIETNA PUT I PRUGRAMAN GROUP HEALTH INSURANCE**

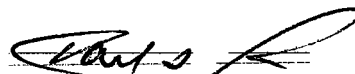
I *Board of Trustees* i *NMI Retirement Fund* sigun gi aturidat i *Board* gi papa 1 *CMC* §8324, ginen este ha infotoma i publiku henerat yan patikulatmente ayu siha na membru gi prugraman i *Group Health Insurance* pot i ma propopone siha na amendasion para i areklamento yan regulasion ni ginibebietna put i prugraman *Group Health Insurance*, ni ma pupblika gi Rehistran Commonwealth kumu *Emergency Regulations* gi Baluma 25, Numiru 4, gi pahina 20083-20105 (efektibu gi Abril 30, 2003), kumu Mapropone Siha na Amendasion gi Baluma 25, Numiru 6, gi pahina 20632-20648 (Julio 15, 2003), yan i ma Adoptan i Mapropone Siha na Amendasion gi Baluma 25, Numiru 7, gi pahina 20964-21050 (efektibu gi Septiembre 1, 2003). Este siha na amendasion siempre ha latngos i Seksion 2.07(d) gi papa i definision "*Child*"; mana' halom mas languahi gi Seksion 3.04 pot *Eligibility*; mana' halom nuebo na Seksion 3.15 pot asagua (*Coverage of Spouse*) ha latngos i "Low Option" gi papa *Enrollment Coverage* ya para uno ha' na coverage ayu i 80/20 gi Seksion 4.01(A); ma tulaika i *Enrollment Categories* ginen kuattro-tira para tres-tira (*single, couple, and family*) gi Seksion 4.01(B) ya ma rebisa i definision i *categories* gi Seksion 4.01(B)(2) yan *category examples* gi Seksion 4.01(B)(3) para hu maya' yan i amendasion i *categories enrollment* ginen kuattro para tres; mana' halom mas languahi gi Seksion 4.06 pot *Enrollment*; ha latngos i palabra "High Option" yan "Low Option" ni mangaige gi Seksion 6.04, 7.01(A) para (D), 7.08(B) yan (C), 7.09(A) para (C), yan 7.10(A) para (D) gi halom i regulasion ya ma amenda i numeru siha yangin ginagao; ma amenda i Chart (Summary of Covered Benefits) gi Seksion 5.02 yan i *Chart on Changin Enrollment* gi Seksion 15.01 para hu maya' yan i amendasion gi Seksion 4.01(A) yan 4.01(B); yan gi uttimu para u ma hatsa i premiu ni ma apapasi nu i emplyao gi Atikulu 10, Seksion 10.15 ya para hu efektibu gi Julio 1, 2006.

I *Board* ha sosoyo hayi malago para u fana'halom komentu rekomendasion pot i mapropopone siha na amendasion gi Areklamento yan Regulasion sigun gi 1 *CMC* §9104(a). Kopian este i mapropopone siha na amendasion sina manmachule gi maseha amanu siha na ofisinan NMI Retirement Fund giya Saipan, Tinian yan Luta. Todo manmatugi na komentu debi na u ma submite guato gi ofisinan i Administradot i NMI Retirement Fund, gi P.O. Box 501247 CK, Saipan, MP 96950-1247. Todo komentu debi na marisi nu i *Fund* gi halom trenta (30) dias desde i primet na publikasion este na nutisia gi halom i Rehistran Commonwealth.

Mafecha guine na dia i mina' 12th gi Abril 2006.



JOSEPH C. REYES
Chairman, Board of Trustees
NMI Retirement Fund



KARL T. REYES
Administrator, NMI Retirement Fund

Rinibisa yan Settefikasion I Legal Counsel Para I NMI Retirement Fund:

I prinipone siha na amendasion gi areklamento yan regulasion ni chechetton guine, esta manmaeksaminan maolek yan manma apreba nu i Legal Counsel i NMI Retirement Fund.



JAMES E. HOLLMAN
Legal Counsel, NMI Retirement Fund

Fecha: 4/12/06

Settefikasion I Ofisinan Abugadon Henerat CNMI:

Sigun gi 1 CMC §2153 yan 1 CMC §9104(a)(3), i areklamento yan regulasion siha ni chchetton guine esta manma ribisa yan ma apreba ginen i Ofisinan Abugadon Henerat CNMI ya u ma pupblika sigun gi aturidat i Abugadon Henerat gi papa 1 CMC §2153(f).

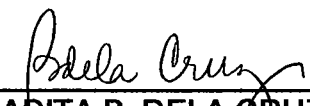
Mafecha guine na dia i mina' 17 gi Abrit 2006.

Gregory Baka para

MATTHEW T. GREGORY
Abugadon Henerat

Rinekot As:

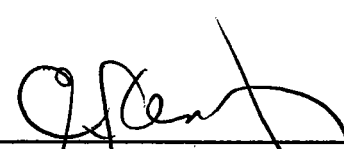
Fecha: 4-17-06



BERNADITA B. DELA CRUZ
Rehistradoran Kotporasion
Commonwealth gi Sankattan Siha na
Islas Marianas

Rinisibe As:

Fecha: 4/17/06



ESTHER S. FLEMING
Delegadon-i Gobietno
Commonwealth gi Sankattan Siha na Islas
Marianas

NORTHERN MARIANA ISLANDS RETIREMENT FUND

PROPOSED AMENDMENTS TO THE RULES & REGULATIONS GOVERNING THE GROUP HEALTH INSURANCE PROGRAM

***Citation of Statutory
Authority:***

The Board of Trustees of the NMI Retirement Fund proposes to make amendments to the CNMI Group Health and Life Insurance Trust Fund rules and regulations (Plan Description) pursuant to its authority under 1 CMC §8424.

***Statement of Goals and
Objectives:***

The Program is underwritten exclusively by the CNMI Government to provide an affordable health insurance plan for the benefit of CNMI government employees. The Program is designed to be self sufficient, and therefore, must establish rates sufficient to pay for administration of the Program and particularly claims incurred by Enrollees in the Plan. The goals and objectives of these rules is to provide guidelines in managing a bona fide benefit plan that complies with local and federal laws.

***Brief Summary of the
Proposed Amendments:***

The proposed amendments to the Plan Description would delete the words "High Option" throughout the rules and regulations; delete the "Low Options" of coverage and all references to it throughout the rules and regulations; change types of enrollment categories; amend all Sections throughout the rules and regulations to reflect amendments to enrollment options and categories; add new Section 3.15 – Coverage of Spouses; and increase employee premiums to be effective July 1, 2006 under Article 10, Section 10.15.

***For Further Information
Contact:***

Karl T. Reyes, Administrator
NMI Retirement Fund or
Dolores S. Moore, GHLITF Director
P.O. Box 501247 CK
Saipan, MP 96950-1247
Telephone: (670) 322-3863 / Facsimile: (670) 664-8080

***Citation of Related
and/or Affected
Statutes, Regulations,
and Orders:***

The Rules and Regulations Governing the Group Health Insurance Program as previously published in the Commonwealth Register as Emergency Regulations in Volume 25, No. 4, at 20083-20105 (effective April 30, 2003), as Proposed Amendments in Volume 25, No. 6, at 20632-20648 (July 15, 2003), and as adopted as amended in Volume 25, No. 7, at 20964-21050 (effective September 1, 2003), will be amended specifically Section 2.07 (Definition of "Child"); Section 3.04 (Retiring Employees); Section 4.01(A)(1) and (2), 4.01(B)(1)(a) to (h), 4.01(B)(2)(a) to (d), 4.01(B)(3) (Enrollment Options and Categories); Section 4.06 (Rules of Persons Retiring from Government Employment); Section 5.02 (Chart – Summary of Covered Benefits); Sections 6.03 and 6.04 (Coinsurance and Co-Payments); Section 7.01(A) through (C) (Inpatient Limitations); Section 7.06 (Mental Health Limitations); ~~Section 7.07(A) through (D) (Sleep Disorder Limitations);~~ Section 7.08(B) and (C) (Family Out-Of-Pocket Maximums); Section 7.09(A) through (C) (Annual Maximums); Section 7.10(A) through (D) (Lifetime Maximums); Section 10.15 (Chart – Contribution Rates); Section 15.01 (Chart – Changing Benefits and Enrollment); adding new Section 3.15 – Coverage of Spouses.

ARTICLE 2 – DEFINITIONS

2.07. “Child” means a Subscriber’s unmarried

- a. natural Child;
- b. legally adopted Child or Child placed for adoption;
- c. stepchild living with the Subscriber in a normal parent/Child relationship;
- ~~d. Child under his or her court-appointed legal guardianship;~~

or

so long as such Child is under the age of 18 and primarily supported by the Subscriber. However, coverage may be available for a Child over 18 years if the Child meets the exception in Article 3, Section 3.02. If a court of competent jurisdiction has ordered that the Subscriber provide health insurance coverage for such Child, the Child need not be primarily supported by the Subscriber.

ARTICLE 3 – ELIGIBILITY

3.04. **Retiring Employees.** An Employee who was enrolled in the Program on the day immediately preceding his or her date of retirement is eligible to continue enrollment in this Program for himself or herself, as a Retiree, and to continue the enrollment of any Dependents who were enrolled as of the last day of the Employee’s employment. **However, an active Employee who was not enrolled in the prior Program (effective June 1, 2002) on the day immediately preceding his or her date of retirement are ineligible to enroll.**

3.15. **Coverage of Spouses. Eligibility of current Spouse only. No Subscriber may enroll a Spouse unless currently legally married.**

ARTICLE 4 – ENROLLMENT

4.01 **Enrollment Options and Categories.**

~~A. Options for coverage available under the Plan are is as follows:~~

- ~~1. High Option — 80/20 coverage. The Plan pays 80% of Eligible Charges, and the Enrollee pays 20%.~~
- ~~2. Low Option — 70/30 coverage. The Plan pays 70% of Eligible Charges and the Enrollee pays 30%.~~

B. Enrollment Categories of coverage.

1. Available category and code option selections:

- a. ~~Self Only, High Option~~ **Single, Enrollment Code No. 1**
- b. ~~Self Plus One, High Option~~ **Couple, Enrollment Code No. 2**
- c. ~~Self Plus Four, High Option~~ **Family, Enrollment Code No. 3**
- d. ~~Self Plus Five Plus, High Option~~
- e. ~~Self Only, Low Option~~
- f. ~~Self Plus One, Low Option~~
- g. ~~Self Plus Four, Low Option~~
- h. ~~Self Plus Five Plus, Low Option~~

2. Category explanations:

- a. **“~~Self Only~~ Single”** refers to the Subscriber only. Only one Enrollee may be covered under this category of the Plan.
- b. **“~~Self Plus One~~ Couple”** refers to a Subscriber with one (1) Dependent. The Dependent may be a Spouse or eligible Child, but a maximum of two (2) total Enrollees (including the Subscriber) may be covered under this category of the Plan.
- c. **“~~Self Plus Four~~ Family”** refers to a Subscriber with up to two (2) or more Dependents. The Dependents may be a Spouse and eligible Children or all eligible Children, but a maximum of five (5) total Enrollees (including the Subscriber) may be covered under this category of the Plan.
- d. **“~~Self Plus Five Plus~~”** refers to a Subscriber with five (5) or more Dependents. The Dependents may be a Spouse and eligible Children or all eligible Children, but this category must be selected in order to cover six (6) or more Enrollees (including the Subscriber) in the Plan.

3. Category Examples:

<u>Self Only Single</u>	Employee only	1 total Enrollee
<u>Self Plus One Couple</u>	Employee + Spouse OR Employee + eligible Child	2 total Enrollees OR 2 total Enrollees
<u>Self Plus Four Family</u>	Employee + Spouse + up to <u>3</u> <u>1 or more</u> eligible Children OR Employee + up to <u>2 or more</u> eligible Dependents	Up to 5 total Enrollees <u>No limit to the number of eligible Enrollees</u> OR Up to 5 total Enrollees <u>No limit to the number of eligible Enrollees</u>
<u>Self Plus Five Plus</u>	Employee + Spouse + 4 or more eligible Children OR Employee + 5 or more eligible Children	No limit to the number of eligible Enrollees OR No limit to the number of eligible Enrollees

4.06. **Rules for Persons Retiring from Government Employment.** Enrollment in the Program may be continued for an Employee who retires from Government employment and who was an Enrollee in the Program on the day before his or her date of retirement, by filing an Application Form prescribed by the Administrator whether to continue or discontinue enrollment for both Retiree and his/her Dependents and acknowledging that he or she understands the consequences as specified in this Article for discontinuing enrollment. The Retiree's election to continue enrollment shall be effective to continue enrollment of his/her Dependents enrolled as of the date of the Retiree's dates of retirement. However, an Employee who was not enrolled in the prior Program (effective June 1, 2002) on the day immediately preceding his or her date of retirement are ineligible to enroll.

Proposed Amendments to the Rules and Regulations Governing the Government Group Health Insurance Program – April 2006

ARTICLE 5 – BENEFITS

5.02. **Chart.** The chart below is a summary of the Plan’s Covered Benefits. Enrollees should not rely only on this outline. Enrollees must review this entire Plan Document to fully understand the Covered Benefits including the limitations, maximums and exclusions that are detailed in Articles 6, 7 and 8 of this Plan Document.

SUMMARY OF COVERED BENEFITS

	HIGH OPTION ENROLLMENT CODES 1, 2 AND 3		LOW OPTION PLAN	
	ON-ISLAND	OFF-ISLAND	ON-ISLAND	OFF-ISLAND
Annual Maximum Per Enrollee (Plan Year is 1/1/xx-12/31/xx)	\$100,000		\$50,000	
Lifetime Maximum per Enrollee	\$500,000		\$250,000	
Out-Of-Pocket Maximums per Enrollee HIGH OPTION – 20% of the first \$20,000 per Enrollee per year, then Plan pays 100% LOW OPTION – 30% of the first \$20,000 per Enrollee per year, then Plan pays 100%	\$4,000		\$6,000	
Out-Of-Pocket Maximums per Family (by Coverage Category)	Self Only <u>Single</u> - \$4,000 Self Plus One <u>Couple</u> - \$8,000 Self Plus Four <u>Family</u> - \$12,000 Self Plus Five Plus - \$16,000		Self Only - \$6,000 Self Plus One - \$12,000 Self Plus Four - \$18,000 Self Plus Five Plus - \$24,000	
FACILITY SERVICES				
Hospital Room & Board: Including semi-private room and board	80% w/ Max: \$300/day	80%	70% w/ Max: \$250/day	70%
ICU Room & Board	80% w/ Max: \$900/day	80%	70% w/ Max: \$750/day	70%
Skilled Nursing Room & Board	80% w/ Max: \$150/day	80%	70% w/ Max: \$125/day	70%
	60 Day Max per Year		30 Day Max Per Year	
Other in-patient and out-patient hospital charges such as operating room, drugs, x-ray, laboratory, and medical supplies	80%		70%	
PRESCRIPTION DRUG SERVICES				
Prescription Drugs <ul style="list-style-type: none"> All covered generic medications are preferred and covered at 20% coinsurance for participating Providers, 30% for non-participating Providers. Non-formulary Brand medications require a 50% member coinsurance amount 	Enrollee pays the following for each medication prescribed: 20% coinsurance for generic, 20% coinsurance for name-brand plus the difference in cost between the generic and name-brand dispensed by a Participating Provider or 30% coinsurance for generic, 30% coinsurance for name-brand plus the difference in cost between the generic and name-brand dispensed by a Non-Participating Provider and		Enrollee pays the following for each medication prescribed: 20% coinsurance for generic, 20% coinsurance for name-brand plus the difference in cost between the generic and name-brand dispensed by a Participating Provider or 30% coinsurance for generic, 30% coinsurance for name-brand plus the difference in cost between the generic and name-brand	

Proposed Amendments to the Rules and Regulations Governing the Government Group Health Insurance Program – April 2006

	50% coinsurance for non-formulary brand prescriptions dispensed by a Participating or Non-Participating Provider for a 30-day supply from a pharmacy or a 90-day supply from the Plan's mail order Rx service, or a pharmacy (pharmacy or Enrollee will be reimbursed at the mail order reimbursement rate). Certain medications may have a 30-day supply maximum and may not be eligible for the 90-day supply or available under the mail order program.		dispensed by a Non-Participating Provider and 50% coinsurance for non-formulary brand prescriptions dispensed by a Participating or Non-Participating Provider for a 30-day supply from a pharmacy or a 90-day supply from the Plan's mail order Rx service, or a pharmacy (pharmacy or Enrollee will be reimbursed at the mail order reimbursement rate). Certain medications may have a 30-day supply maximum and may not be eligible for the 90-day supply or available under the mail order program.	
COVERED SERVICES	ON-ISLAND	OFF-ISLAND	ON-ISLAND	OFF-ISLAND
Allergy Testing & Treatment – one series per calendar year	80%		70%	
Ambulance: Surface only	Max of \$150 per trip	80%	Max of \$150 per trip	70%
Annual Physical Exams: Including chest x-ray, BP check, cholesterol screening (>25yrs), mammogram, PAP smear, vision & hearing screening. Max. of \$150 per enrollee per year.	80%		70%	
Birth Control / Contraception – Vasectomies, tubal ligations, and birth control devices.	80%		70%	
Blood and Blood Products	80%		70%	
Dental Work & Oral Surgery due to accident or injury only, including: fractures of jaw or facial bones, congenital anomalies, stones in salivary ducts, impacted teeth, problems with oro-facial muscle attachments, & other surgery on tissues of the mouth.	80%		70%	
Durable Medical Equipment: wheelchairs, crutches, walkers, suction machines, hospital beds, commodes, O ₂ , O ₂ accessories, respirators and braces (e.g. leg, arm or back).	80%		70%	
Family Planning Services. Limited to one session per lifetime.	80%		70%	
Hearing Aids: one device per ear every 5 years, maximum allowable is \$750 per device.	80%		70%	
Home Health Visits (Limited to 150 visits/year)	80%		70%	
IV therapy in the office and in the home	80%		70%	
Maternity Care: Including physician's care of mother before, during and after delivery (1 postpartum visit), physician's hospital care of mother and newborn)	80%		70%	
Mental Health Services: Inpatient: Includes Professional services related to inpatient care. Outpatient: Includes Professional services related to outpatient care.	80%		70%	
	<i>Maximum of \$1,000 per year</i>		<i>Maximum of \$1,000 per year</i>	

Proposed Amendments to the Rules and Regulations Governing the Government Group Health Insurance Program – April 2006

Newborn Nursery Services for days in which the mother & newborn are both confined. All other expenses, newborn must be enrolled within 30 days from birth.	80%	70%
Organ Transplants: Cornea, Heart, Heart-Lung, Kidney, Kidney-Pancreas, Lung, Pancreas, Bone Marrow, as specified in Plan, and Liver, as specified in Plan.	80%	70%
Physical Therapy / Occupational Therapy / Chiropractic Care. Maximum of \$25 per visit & 15 visits per enrollee per year.	80%	70%
Physician Office Visits.	80%	70%
Prosthetic Devices (other than dental).	80%	70%
Sleep Study: Maximum 2 per lifetime		
1 st Visit	80%	70%
2 nd Visit	50%	50%
Smoking Cessation Counseling (one series per lifetime).	80%	70%
Speech Therapy.	80%	70%
Well Child Care up to age 5: Including routine immunizations & screenings for anemia, TB, hearing and vision problems.	80%	70%
EXCLUSIONS – NOT COVERED UNDER THE PLAN		
Abortions (elective)	Orthopedic Shoes, Insoles & other supportive devices	
Acupuncture	Palliative Treatment	
Air Ambulance	Personal comfort and convenience items	
Air conditioners, humidifiers, de-humidifiers & purifiers	Physical Exam for obtaining or continuing employment, insurance, gov't. licensing, or sports	
Biofeedback	Physical Therapy except as specified above	
Chiropractic Care except where specified above	Private Duty Nursing	
Circumcision, routine or ritual	Rehabilitation therapy except as specified in Plan	
Consultation with Provider via phone, fax or e-mail	Rest Cures	
Contact lenses, eyeglasses, and refractive surgery	Rest Homes, sanitariums, & other non-hospitals or non-SNF	
Cosmetic Surgery and other cosmetic services	Reversal of Voluntary Sterilization	
Custodial, Domiciliary and Convalescent Care, including nutritional supplements	Substance Abuse professional and facility services	
Dental work or oral surgery, including endodontic (root canal) & periodontic services	Suicide Attempts & related injuries	
Donor Services	Services for an injury or illness resulting from natural disaster or act of War	
Drugs and Medicines for which a prescription is not required under U.S. federal law	Services for an injury sustained, either as driver or passenger, from racing or speed testing a motor vehicle	
Exercise Equipment, vitamins, steroids and muscle stimulation devices	Services for an injury sustained because of a criminal act of the Enrollee including DUI of the Enrollee	
Experimental or investigative services	Services for an intentionally self-induced illness or self-inflicted injury, while the Enrollee was sane or insane	
Fertility / Infertility Services	Services or supplies for treatment or diagnosis of Temporomandibular Joint (TMJ) disorders or other conditions involving joints or muscles related to TMJ.	
Foot reflexology except as related to diabetic conditions	Services rendered by an immediate relative or member of the Enrollee's household.	
Gastric Bypass	Sexual dysfunction services	
Growth Hormone Therapy	Telephone calls by doctors	
Heat Lamp Treatments (except as related to Maternity Services)	Training for custodial care or self-care	
Hospice Care	Transportation of remains of deceased	

Proposed Amendments to the Rules and Regulations Governing the Government Group Health Insurance Program – April 2006

Implants, supplies and drugs for cosmetic purposes	Transportation other than ground ambulance service
Liposuction	Transsexual services
Living Expenses	Treatment of baldness and hair loss
Massage Treatments	Tuberculosis
Maternity Care for non-Spouse Dependent	Weight Control Programs or drugs, food products, supplements or services for weight reduction, even if prescribed by a physician
Military Service-Connected Injuries or disabilities	Workers' Compensation related services
Occupational Therapy except where specified above	

All services are subject to "Medical Necessity" and in most cases MUST be ordered by a licensed Physician.

ARTICLE 6 - COINSURANCE AND CO-PAYMENTS

6.03. Except as otherwise specifically provided in Article 7, Enrollees in the "High Option Plan" must pay a Coinsurance amount of 20% of Eligible Charges for all Covered Benefits specified in Article 5, Section 5.02.

~~6.04. Except as otherwise specifically provided in Article 7, Enrollees in the "Low Option Plan" must pay a Coinsurance amount of 30% of Eligible Charges for all Covered Benefits specified in Article 5, Section 5.02.~~

ARTICLE 7 – LIMITATIONS AND MAXIMUMS

7.01. Inpatient Limitations.

A. **On-island Hospital Room and Board.** The "High Option Plan" limits to \$300 per day, and the "Low Option Plan" limits to \$250 per day, the maximum amounts the Program will pay for room and board and general nursing care while an Enrollee is confined in an On-island Hospital, unless the Enrollee is confined in a Hospital intensive care unit.

B. **On-island Intensive Care Room and Board.** The "High Option Plan" limits to \$900 per day, and the "Low Option Plan" limits to \$750 per day, the maximum amounts the Program will pay for room and board and general nursing care while an Enrollee is confined in an On-island Hospital intensive care unit.

C. **On-island Skilled Nursing Facility Room and Board.** The "High Option Plan" limits to \$150 per day for 60 days, and the "Low Option Plan" limits to \$125 per day for 30 days, the maximum amounts the Program will pay for room and board and general nursing care while an Enrollee is confined in an On-island Skilled Nursing Facility.

7.06. **Mental Health Limitations.** ~~Both the High Option Plan and Low Option~~ The Plan have has a limit of \$1000.00 per Enrollee per Plan Year as the maximum amount the Program will pay for Doctors' and/or psychologists' Services in connection with inpatient or outpatient treatment of Mental or Nervous Disorders. No mental health Services shall be eligible for reimbursement hereunder unless

- i. the Enrollee has a Nervous or Mental Disorder classified as such in the current (at the time of diagnosis) version of the Diagnostic and Statistical Manual of the American Psychiatric Association; and
- ii. the Services are provided under an individualized treatment plan approved by a Physician, psychologist, clinical social worker or advanced practice registered nurse.
- iii. Epilepsy, senility, mental retardation or other developmental disabilities do not in and of themselves constitute a Mental Disorder.

7.07. **Sleep Disorder Limitations.** Upon Physician referral, the Plan will pay for a maximum of two (2), one-night visits, lifetime, per Enrollee, to a licensed and/or approved sleep center, for diagnosis and/or treatment of a sleep disorder.

- A. The High Option Plan will cover the first such visit at eighty percent (80%), with the Enrollee paying the twenty percent (20%) Coinsurance.
- ~~B. The Low Option Plan will cover the first such visit at seventy percent (70%), with the Enrollee paying the thirty percent (30%) Coinsurance.~~
- ~~C.~~ B. Both the High Option The Plan and the Low Option Plan will cover fifty percent (50%) of a second visit, with the Enrollee paying fifty percent (50%) Coinsurance for the second visit.
- ~~D.~~ C. The maximum dollar benefit the Plan will pay in any case is \$2,000.00, per Enrollee, per visit.

7.08. **Family Out-Of-Pocket Maximums.**

- A. The family Out-Of-Pocket Maximum is the total aggregate maximum amount that a Subscriber must pay in Allowable Expenses for Covered Benefits, specified in Article 5, Section 5.02, incurred during a Plan Year for all Enrollees in that Subscriber's family unit combined. Once a family's Out-Of-Pocket Maximum is reached, all Enrollees in such family will be considered to have reached their Coinsurance maximum, and the

Program will pay 100% of Allowable Expenses for Covered Benefits, specified in Article 5, Section 5.02, up to the Annual and Lifetime Maximums.

- B. For Enrollees in the "High Option Plan", the family Out-Of-Pocket Maximums per category are defined in Article 5, Section 5.02.
- C. ~~For Enrollees in the "Low Option Plan", the family Out-Of-Pocket Maximums per category are defined in Article 5, Section 5.02.~~

7.09. Annual Maximums.

The total benefits provided to an Enrollee under this Plan shall not, under any circumstances, exceed ~~\$50,000 or \$100,000, Annually, depending on the Option chosen.~~ The maximum shall apply to any and all benefits provided an Enrollee in the aggregate during the Plan Year under this Plan, whether such Enrollee derives such benefits as an Enrollee or as a Dependent or whether there is any interruption in the continuity of his or her coverage under this Plan.

- A. Under the "High Option Plan", the Annual Maximum that the Program will pay per Enrollee for all Covered Benefits, specified in Article 5, Sections 5.04.1 through 11 (combined), incurred during a Plan Year is \$100,000.
- B. ~~Under the "Low Option Plan", the Annual Maximum that the Program will pay per Enrollee for all Covered Benefits, specified in Article 5, Sections 5.04.1 through 11 (combined), incurred during a Plan Year is \$50,000.~~
- C. Once the Program has paid out the total amount of the Annual Maximum for an Enrollee, the Enrollee will not be entitled to coverage under the Program for the remainder of that Plan Year.

7.10. Lifetime Maximums.

The total benefits provided to an Enrollee under this Plan shall not exceed ~~\$250,000 or \$500,000, Lifetime, depending on the Option chosen.~~ The maximum shall apply to any and all benefits provided an Enrollee in the aggregate during his or her lifetime under this Plan, whether such Enrollee derives such benefits as an Enrollee or as a Dependent or whether there is any interruption in the continuity of his or her coverage under this Plan.

- A. Under the "High Option Plan", the Lifetime Maximum that the Program will pay is \$500,000 per Enrollee for all Covered Benefits, specified in Article

5, Sections 5.04.1 through 11 (combined), incurred during the Enrollee's lifetime.

~~B.~~ Under the "Low Option Plan", the Lifetime Maximum that the Program will pay is \$250,000 per Enrollee for all Covered Benefits, specified in Article 5, Sections 5.04.1 through 11 (combined), incurred during the Enrollee's lifetime.

~~C.~~B. If an Enrollee terminates the Program and later re-enrolls, his or her Lifetime Maximum will be that amount remaining as of the last day the Enrollee was enrolled in the Program, including all reductions for payments of Covered Benefits, specified in Article 5, Section 5.02 under Facility Services, Prescription Drug Services and for Physician office visits under Covered Services (combined), which were incurred prior to the date of termination and paid either before or after such date.

~~D.~~C. Once the Program has paid out the total amount of the Lifetime Maximum for an Enrollee, the Enrollee will not under any circumstances be entitled to coverage or indemnification under the Program for the remainder of his or her life.

ARTICLE 10 – PREMIUMS

10.15. The Chart below details the bi-weekly Contributions required from Subscribers and the Government, and the total Premium, beginning on the Effective Date of this Plan Document, which Effective Date is ~~April 23, 2003~~ July 1, 2006.

Beginning with the partial Plan Year that commences ~~April 23, 2003~~ July 1, 2006, the Government Contribution and total Premium for each category and ~~option of coverage~~ shall be as follows (see next page).

Unless determined otherwise by actuarial study and recommendation, the Government Contribution to Premiums shall increase by five percent (5%) annually, each such increase to become effective at the beginning of the Plan Year, with the first such increase being effective in January 2003. The automatic increases shall continue annually until such time the Government's Contribution is equal to the Subscriber's Contribution.

Proposed Amendments to the Rules and Regulations Governing the Government Group Health Insurance Program – April 2006

Contribution Rates
Rates Effective April 23, 2003 July 1, 2006

Type of Enrollment	Enrollment Code Number	Contribution Distribution	Retiree Semi-monthly Cost	Active Bi-weekly Cost
Self-Only High-Option <u>Single</u>	201 <u>1</u>	Government Contribution Subscriber Contribution Total Premium	\$12.67 \$14.68 \$40.85 \$41.32 \$53.52 \$56.00	\$11.70 \$13.55 \$37.71 \$51.45 \$49.41 \$65.00
Self-Plus One High-Option <u>Couple</u>	202 <u>2</u>	Government Contribution Subscriber Contribution Total Premium	\$22.93 \$26.55 \$73.93 \$83.45 \$96.86 \$110.00	\$21.17 \$24.51 \$68.24 \$90.49 \$89.41 \$115.00
Self-Plus Four High-Option <u>Family</u>	203 <u>3</u>	Government Contribution Subscriber Contribution Total Premium	\$ 33.21 \$50.48 \$107.00 \$139.52 \$140.21 \$190.00	\$ 30.66 \$46.60 \$ 98.76 \$133.40 \$129.42 \$180.00
Self-Plus Five-Plus High-Option	204	Government Contribution Subscriber Contribution Total Premium	\$ 43.62 \$140.06 \$183.68	\$ 40.26 \$129.28 \$169.54
Self-Only Low-Option	205	Government Contribution Subscriber Contribution Total Premium	\$ 7.96 \$25.70 \$33.66	\$ 7.35 \$23.72 \$31.07
Self-Plus One Low-Option	206	Government Contribution Subscriber Contribution Total Premium	\$13.54 \$43.78 \$57.32	\$12.50 \$40.41 \$52.91
Self-Plus Four Low-Option	207	Government Contribution Subscriber Contribution Total Premium	\$19.11 \$61.86 \$80.97	\$17.64 \$57.10 \$74.74
Self-Plus Five-Plus Low-Option	208	Government Contribution Subscriber Contribution Total Premium	\$ 24.69 \$ 79.94 \$104.63	\$22.79 \$73.78 \$96.57

ARTICLE 15 – CHANGING BENEFITS AND ENROLLMENT

15.01. The benefit options under the Program are the ~~“High Option Plan”~~ or the ~~“Low Option Plan”~~ **is “80/20”**. The enrollment options under the Program are “self only **single**”, “self plus one **couple**”, ~~“family plus four”~~ or ~~“family plus five plus”~~. The following table summarizes some basic rules for changing benefit or enrollment options:

(SEE CHART ON NEXT PAGE)

Proposed Amendments to the Rules and Regulations Governing the Government Group Health Insurance Program – April 2006

CHART ON CHANGING ENROLLMENT OPTIONS / BENEFITS

Events which permit enrollment or change in enrollment	Changes permitted by Subscriber or prospective Subscriber							Time during which an application form must be filed with the Administrator	
	From not enrolled to ENROLLED	From SELF-only SINGLE to Self-Plus One Couple	From SELF-only SINGLE to Plus-Four Family	From SELF-only to-Plus Five-Plus	From Plus Four-OR Plus-Five Plus Family to SELF-only SINGLE	From Plus Four-or Plus-Five Plus Family to Self-Plus One Couple	From Plus Four-to Plus-Five Plus	From one OPTION to another	
Open Season	YES	YES	YES	YES	YES	YES	YES	YES	November of each year or as otherwise specified by the Administrator.
Acquisition of Spouse or Child	NO (unless special enrollment permitted)	YES	YES	YES	NO	NO	NO	NO	Within 30 days of acquisition (or according to HIPAA rules for special enrollment)
Loss of other coverage	NO (Unless special enrollment permitted)	YES	YES	YES	N/A	N/A	N/A	N/A	According to HIPAA rules of special enrollment.
Divorce, legal separation, annulment, death of a Spouse or Child, a Child's loss of Dependent Status	NO (Unless special enrollment permitted)	NO (Unless special enrollment permitted)	NO (Unless special enrollment permitted)	NO (Unless special enrollment permitted)	YES	YES	YES	NO	Within 30 days of event (or according to HIPAA rules for special enrollment)
Change in status from Spouse to Survivor of former Retiree	YES	YES	YES	YES	YES	YES	YES	NO	Within 30 days of (a) the date the Administrator approves the Survivor's application for survivor annuity benefits, or (b) the original effective date of this Plan Document.

The chart in 15.01 above is a summary of some basic rules for changing benefit or enrollment options and is not an all inclusive listing of all possible situations. Subscribers should not rely only on this chart, but must also review this entire Plan Document, including Article 3 on eligibility and Article 4 on enrollment to fully understand these rules.

PUBLIC NOTICE

PROPOSED AMENDMENTS TO PUBLIC SCHOOL SYSTEM REGULATIONS REQUIRING PRAXIS TESTING FOR SCHOOL ADMINISTRATORS, LIBRARIANS, COUNSELORS AND CURRICULUM AND INSTRUCTION PROGRAM MANAGERS AND COORDINATORS

The Board of Education (Board) for the Commonwealth of the Northern Mariana Islands hereby notifies the general public of its intention to amend PSS regulations to add the PRAXIS requirement for school administrators, librarians, counselors and Curriculum and Instruction program managers and coordinators. The amendments are noted in the attached.

Statutory Authority: The proposed amendments to PSS regulations are promulgated pursuant to the Board's authority as provided by Article XV of the CNMI Constitution, Public Law 6-10 and the CNMI Administrative Procedures Act.

Goals and Objectives:

Last year, the Board adopted stringent requirements for all classroom teachers working for the Public School System to meet the requirements of the No Child Left Behind Act. All PSS teachers will be highly qualified no later than August of 2006. To become highly qualified, teachers must, among other things, demonstrate general competency and subject matter competency by passing PRAXIS I and II examinations.

To ensure that PSS professional staff satisfy highly qualified standards like PSS teachers, PSS will require that all PSS school administrators, librarians, counselors and Curriculum and Instruction program managers and coordinators pass PRAXIS I and II by January 1, 2007.

Summary of Proposed Amendments: The proposed amendments will:

1. Ensure that professional staff demonstrate general and subject matter competency by requiring that all PSS school administrators, librarians, counselors and Curriculum and Instruction program managers and coordinators pass PRAXIS I and II tests.
2. Set a clear deadline of January 1, 2007 for taking and passing the examinations.
3. To clarify that all certification applicants must take and pass both PRAXIS I and II. The only exceptions, as noted in the regulations, are for related services providers and instructors seeking specialized certification.

Citation of Related and/or Affected Board Regulations:


1. PSS Regulations for Non-Certified Personnel Chapter 7: Section 7101(2). CNMI Register History: Proposed 9/18/03; Adopted 1/22/04.

2. PSS Regulation for Non-Certified Personnel Chapter 1: Add new Part G Sections 1701-1703.
3. PSS Regulation for Certified Personnel Chapter 1: Sections 1601-1603. CNMI Register History: Proposed 8/26/04; Adopted 10/25/04; Proposed Amend 7/20/05; Amend Adopted 9/22/05.
4. PSS Regulation for Certified Personnel Chapter 2: Sections (e)(4) and (f)(3)(A)(iv). CNMI Register History: Proposed 1/22/04; Adopted 3/23/04; Proposed Amendment 8/26/04; Amendment Adopted 10/25/04; Amendment Proposed 7/20/05; Amendment Adopted 9/22/05.

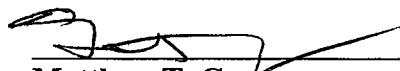
Contact Person: All interested persons may examine the proposed amendments and submit written comments, positions, or statements for or against the proposed amendments to the Chairperson, Board of Education, P.O. Box 1370 CK, Saipan, MP 96950, call 664-3727 or fax 664-3711 within thirty (30) calendar days following the date of the publication in the Commonwealth Register of these amendments.

Dated this 13th day of March 2006, at Saipan, Northern Mariana Islands.

BOARD OF EDUCATION

By: 
ROMAN C. BENAVENTE
Board of Education Chairperson


Pursuant to 1 CMC Section 2153, as amended by Public Law 10-50, the proposed amendments to Board of Education regulations, copies of which are attached hereto, have been reviewed and approved as to form and legal sufficiency by the Attorney General's Office.


Matthew T. Gregory
CNMI Attorney General

Date: 4/5/06

Filed By: 
BERNADITA B. DELACRUZ

Date: 4/3/06

Received By: 
ESTHER S. FLEMING
Special Assistant for Administration

Date: 4/05/06

REGULATIONS FOR THE PUBLIC SCHOOL SYSTEM
EMPLOYMENT OF NON-CERTIFIED PERSONNEL
PROPOSED AMENDMENT MARCH 2006

Chapter 7:

ADMINISTRATOR'S CERTIFICATION AND COMPENSATION

A. CERTIFICATION REQUIREMENTS:

§7101. 1. **Education:** Graduation from an accredited colleges or universities with a Master's degree in School Administration/Supervision or a related fields. Graduate Course work shall include the following courses or their equivalent as determined by PSS:

- a. Introduction to School Administration
- b. Instructional Supervision and Evaluation (Clinical Supervision)
- c. Education Law
- d. School Personnel
- e. School Finance
- f. Instructional Leadership & Supervision*
- g. Facilitative Leadership*

*Note: courses may be substituted with seminars, institute, or CEU courses sanctioned by PSS.

2. **Core Knowledge Examination:** *All school administrators (principals and vice-principals) must take and pass PRAXIS I and the appropriate PRAXIS II exam starting January 1, 2007.*

§7102. **Term:** The term of school administrator's certification shall be for a period of four years. The certification may be subsequently renewed for another 4 years. However, an incumbent administrator requesting a renewal of his/her certification is required to complete at least 120 hours of professional development hours, annually, sanctioned by PSS. Failure to complete the required 120 professional development hours may be a cause for suspension, revocation or non-renewal of certification and/or employment contract.

§7103. **Revocation/Suspension:** PSS shall have the authority to suspend or revoke any administrator's certificate after complying with the notice and hearing process set forth in the teacher and librarian certification requirements (Chapter 2, Part E of the PSS Regulations for Certified Personnel).

B. QUALIFICATION REQUIREMENTS:

§7201. Degrees must be awarded from colleges or universities recognized by US accreditation commissions approved by PSS or the demonstrated equivalent. Adequacy of degrees and equivalency shall be determined in the same manner as Section 2201(a) and (b) of the PSS Regulations for Certified Personnel.

§7202. **Principal I:**

- a. Master's Degree with a Major in Educational Administration or related field;
- b. Must possess a valid administration certification; and
- c. At least 6 years of experience: three (3) years of full time appropriate teaching experience and the other three (3) years of experience must be in school administration or a related leadership management fields.

§7203. **Principal II:**

- a. Master's Degree with a Major in Educational Administration or related field;
- b. Must possess a valid administration certification; and
- c. At least 7 years of service: three (3) years of full time appropriate teaching experience and the other four (4) years of experience must be in school administration or a related leadership management fields.

§7204. **Principal III:**

- a. Master's Degree with a Major in Educational Administration or related:
- b. Must possess a valid administration certification; and
- c. At least 9 years of experience: three (3) years of full time appropriate teaching experience and six (6) years of work experience in school administration or a related leadership fields.

§7205. **Vice Principal I:**

- a. Graduation from an accredited colleges or university with a bachelor's degree in education, related field or equivalent; and
- b. At least three (3) years appropriate teaching experience.

§7206. **Vice Principal II:**

-
- ~~a. Master's Degree in Education Administration or a related field;~~
 - b. At least three (3) years appropriate teaching experience; and
 - c. Must possess a valid administrator certification.

C. APPOINTMENT PROCEDURE:

- §7301. Persons appointed to Vice Principal Level I have three years to qualify for Level II Vice Principal position, commencing from the date of their appointment. Failure to qualify for Level II will result in forfeiture of administrative position.
- §7302. Persons moving from Level I Vice Principal to Level II Assistant Principal shall be placed on the next higher pay level rate.
- §7303. Persons appointed to an Vice Principal position from a teaching position shall be placed at an appropriate pay rate but not lower than their former teaching pay rates.
- §7304. Persons appointed to a Principal position from a Vice Principal II or a Teacher position shall be placed at the initial pay rate of the Principal's pay scale; however, in cases where salary of former position is higher than the initial pay rate of the Principal's pay scale, a new salary shall be set at the subsequent higher pay rate.
- §7305. A person appointed to Principal position with a doctorate degree in education or related area, but has less than 3 years teaching and 3 years administration experience shall be assigned an initial classification and compensation at Level I.
- §7306. An administrator shall receive a pay rate increase to the next higher salary level if he/she receives a positive assessment and evaluation from their supervisor for two (2) consecutive terms.

D. SPECIAL CONDITIONS:

- §7401. Any current School Administrator who is found not meeting these qualification requirements, upon approval of BOE and implementation of this regulation, shall be given two (2) years to complete and meet such requirements. Failure to do so may be cause for non-renewal or termination of employment contract as an administrator.

E. COMPENSATION PLAN

Position	I (Initial Pay)	II (4 years)	Requirement
Vice Principal I	\$40,000.00	\$45,000.00	BA Education or related 3 yrs. appropriate teaching experience
Vice Principal II	\$48,000.00	\$50,000.00	MA Education or related 3 yrs. appropriate teaching experience Valid Administrator Certification
School Principal I	\$50,000.00		MA Education or related 6 yrs. experience (3 yrs. admin & 3 yrs. appropriate teaching) Valid Admin. Certificate.
School Principal II	\$55,000.00		MA Education or related 7 yrs. experience (4 yrs. admin. & 3yrs. appropriate teaching) Valid Admin. Certification
School Principal III	\$60,000.00		MA Education or related 9 years experience (6yrs. admin. & 3yrs. appropriate teaching) Valid Admin. Certification Or PHD Education or related 6 yrs. Experience (3yrs. admin. & 3yrs. appropriate teaching) Valid Admin. Certification

**REGULATIONS FOR THE PUBLIC SCHOOL SYSTEM
EMPLOYMENT OF CERTIFIED PERSONNEL
PROPOSED AMENDMENT March 2006**

Chapter 1

F. Core Knowledge Testing Requirement

§1601 PRAXIS. All teacher and librarian applicants and current teachers and librarians, upon contract renewal, shall submit proof to PSS that he or she has received a passing grade on the PRAXIS core knowledge examinations. The PRAXIS requirement shall apply to all teacher and librarian applicants and all current teachers and librarians, except professionally licensed related services providers. Passing scores will be determined by the Commissioner of Education and announced to teachers, librarians and applicants. Once the passing scores are set by the Commissioner of Education, the passing score may only be altered with Board of Education approval.

§1602 Procedure.

- a) All current PSS teachers and teacher applicants shall be required to pass PRAXIS I and PRAXIS II prior to August 1, 2006.
- b) All current PSS librarians and librarian applicants shall be required to pass PRAXIS I and PRAXIS II prior to January 1, 2007.
- b)c) The results of the PRAXIS I and PRAXIS II examinations will determine a current librarian or teacher's eligibility for contract renewal and an applicant's eligibility for employment.
- e)d) A current librarian or teacher's failure to take the test or to obtain a passing score shall result in his or her employment contract not being renewed.
- e)e) A teacher or librarian applicant's failure to take the test or to obtain a passing score shall result in ineligibility for employment.

§1603 Timeline.

- a) PRAXIS testing will be offered to teachers and teacher applicants beginning in school year (SY) 2004/2005.
- b) All newly recruited PSS teachers for SY 06/07 shall be required to have taken and passed the PRAXIS I and PRAXIS II examinations in order to qualify for employment with PSS.
- c) Beginning August 1, 2006, all teachers employed by PSS will have taken and passed the PRAXIS I and PRAXIS II exams.
- d) Beginning January 1, 2007, all librarians employed by PSS will have taken and passed the PRAXIS I and PRAXIS II exams.

**REGULATIONS FOR THE PUBLIC SCHOOL SYSTEM
EMPLOYMENT OF NON-CERTIFIED PERSONNEL
PROPOSED AMENDMENT MARCH 2006**

Chapter 1

G. Core Knowledge Testing Requirement

§1701 PRAXIS. All applicants for counselor, school administrator, Curriculum and Instruction program manager and coordinator positions and current employees in these positions, upon contract renewal, shall submit proof to PSS that he or she has received a passing grade on the PRAXIS core knowledge examinations. The PRAXIS requirement shall apply to all counselor, school administrator, and Curriculum and Instruction program manager and coordinator applicants and all current PSS employees. Passing scores will be determined by the Commissioner of Education and announced. Once a passing score is set by the Commissioner of Education, it may only be altered with Board of Education approval.

§1702 Procedure.

- a) All current PSS counselors, school administrators, Curriculum and Instruction program managers and coordinators and applicants for these positions shall be required to pass PRAXIS I and PRAXIS II prior to January 1, 2007.
- b) The results of the PRAXIS I and PRAXIS II examinations will determine a current employee's eligibility for contract renewal and an applicant's eligibility for employment.
- c) A current employee's failure to take the test or to obtain a passing score shall result in his or her employment contract not being renewed.
- d) An applicant's failure to take the test or to obtain a passing score shall result in ineligibility for employment.

§1703 Timeline.

- a) All newly recruited counselors, school administrators, Curriculum and Instruction program managers and coordinators for SY 2006/2007 shall be required to have taken and passed the PRAXIS I and PRAXIS II examinations in order to qualify for employment with PSS.
- b) Beginning January 1, 2007, all counselors, school administrators, Curriculum and Instruction program managers and coordinators employed by PSS will have taken and passed the PRAXIS I and PRAXIS II exams.

**REGULATIONS FOR THE PUBLIC SCHOOL SYSTEM
EMPLOYMENT OF CERTIFIED PERSONNEL
CHAPTER 2 - CERTIFICATION
PROPOSED AMENDMENTS MARCH 2006**

1. **Section (e)(4):** Core Knowledge Examination: All ~~teacher~~-certification applicants, excluding professionally licensed related services providers, must take and pass PRAXIS ~~I and II~~ exams starting August 1, 2006. Specialized certification applicants must take and pass PRAXIS I. All Provisional, Basic, Standard and Professional certification applications must take and pass PRAXIS I and II.

2. **Section (f)(3)(A)(iv):** Test Result showing that ~~a teacher~~ the applicant, excluding professionally licensed related services providers, has taken and passed PRAXIS I and II exams.

NOTISIAN PUPBLIKU

MAN MAPROPONE I AMENDASION PARA I REGULASION SISTEMAN SKUELAN PUPBLIKU POT I MANISISITA NA U GUAHA EKSAMINASION PRAXIS PARA ATMINISTRASION, LIBRARIANS, KONSEHERUN ESKUELA SIHA YAN CURRUCULUM YAN MANEHANTEN PROGRAMAN MA'ESTRO SIHA YAN COORDINATORS

I Kuetpon I Edukasion para I Commonwealth I Sankattan Siha Na Islas Marianas manotififika I pupbliku henerat pot I intension-niha para u ma'amenda I regulasion I Sistemman Eskuelan Pupbliku para u ma'omentayi I nisisidat I PRAXIS para I Atministrasion eskuela, I Librarian I ekuela siha, KonsEHERUN eskuela siha yan I Curriculum yan I Manehanten I Programan Ma'estro siha yan Coordinator siha. I amendasion man marota gi I checheton na dokumento.

Aturidat I Lai: I mapropone na amendasion para I Regulasion I Sistemman Ekuelan Pupbliku man ma'establesi sigun I aturidat I Kuetpo ni maprobeniyi ni Atikulu XV gi Konstitusion I Commonwealth I Sankattan Siha Na Islas Marianas, Lai Pupbliku 6-10 yan I Akton I Areklamenton Atministrasion I Commonwealth I Sankattan Siha Na Islas Marianas.

Finiho yan Diniseha:

Gi mapus na sakkan, I Kuetpo a adopta rekto na nisisidat siha para todú I man ma'estron I eskuela siha para I Sistemman Eskuelan Pupbliku para u maganna I nisisidat I Akton I No Child Left Behind. Todú I Man Ma'estron I Sistemman Eskuelan Pupbliku debi di u fan Kuálifikao menos di Agosto 2006. Yanggen para un kuálifikao, debi di I ma'estro u, u na u annok na kapas gi henerat yan gi asunton inayek siha, yan palu manera yanggen maganna I eksaminasion PRAXIS I yan II.

Para u asigura na I man Profesionat na Empleaon Sistemman Eskuelan Pupbliku matatiyi I Kuálifikao na areklamento taiguhe I ma'estro siha, I Sistemman Eskuelan Pupbliku a obliga na todú I atministradot, I librarian, I konseheru, Curriculum, yan manehanten Ma'estron I Programa yan I Coordinators I eskuela u maganna I PRAXIS I yan II gi Ineru 1, 2007.

Mensáhen I Mapropone Na Amendasion: I mapropone na amendasion siempre a:

1. Asigura na annok na kapas gi henerat yan gi asunton inayek siha na todú I Atministradot, Librarian, Konseheru, Curriculum, yan manehanten Ma'estron I Programa yan I Coordinators I eskuela u maganna eksaminasion I PRAXIS I yan II.
2. Debi di u guaha u masifiála uttimu na fecha para u machule' ya u maganna todú I dos na eksaminasion PRAXIS I yan II.

3. Para u klarifika na todū I aplikānte na setifikasion debi di u machule' yan u Magāna todū I dos na eksaminasion PRAXIS I yan II. I masuheta solamente, ni mamensiona gi regulasion siha, na para I maprobeniniyi I man achule' na setbisiu yan ma'estro siha ni ma'aliligao I espisiāt na setifikasion.

Annok I Man Achule' yan/pat Inafekta na Regulasion I Kuetpo:

1. Regulasion I Sistemān Eskuelan Publiku Para I Ti Man Masetifika Na Empleao Kapitulu 7: Seksiona 7101 (2). Historian Rehistran I CNMI: Mapropone gi 09/18/03; Ma'adopta gi 01/22/04.
2. Regulasion I Sistemān Eskuelan Publiku Para I Ti Man Masetifika Na Empleao Kapitulu 1: Ma'omentāyi Nuebu na Pātte G Seksiona 1701 – 1703.
3. Regulasion I Sistemān Eskuelan Publiku Para I Ti Man Masetifika Na Empleao Kapitulu 1: Seksiona 1601 – 1603. Historian Rehistran I CNMI: Mapropone gi 07/20/05; Ma'adopta gi 09/22/05.
4. Regulasion I Sistemān Eskuelan Publiku Para I Man Masetifika na Empleao Kapitulu 2: Seksiona (e)(4) yan (f)(3)(A)(iv). Historian Rehistran I CNMI Mapropone gi 01/22/04; Ma'adopta gi 03/23/04; Mapropone I Amendasion gi 8/26/04; Ma'adopta I Amendasion gi 10/25/04; Mapropone I Amendasion gi 7/20/05; Ma'adopta I Amendasion gi 09/22/05.

Petsona ni Para u Ma'āgang: Todū I man enteresao na petsona siña ma'ina I man mapropone na amendasion ya u fan nahalom tinige' opinion, pusision, osino testimonio para I osino I komokontra I man mapropone na amendasion siha guatto I Kabiseyun I Kuetpon I Edukasion, gi P.O. Box 1370 CK, Saipan, MP 96950, osino āgang I numirun tilifon 237-3027 osino fax guatto gi 664-3711 gi hālom trenta (30) diha siha ni tinatitiyi I fechan I publikasion gi Rehistran I Commonwealth pot este na amendasion siha.

Mafecha gi este mina 13th na ha'āne gi Mātsu 2006, giya Saipan I Sankattan Siha Na Islas Marianas.

KUETPON I EDUKASION

Ginen as: 
Roman C. Benavente
Kabiseyon I Kuetpon I Edukasion

Sigun I lai 1 CMC Seksiona 2153, ni inamenda ni Lai Publiku 10-50, I man mapropone na amendasion siha para I Regulasion I Kuetpon I Edukasion, I kopian I man che'che'ton na amendasion, esta man ma'ina yan ma'apueba pot para u fotma yan ligāt suficiente ginen I Ofisinan I Abugādu Henerāt.

Matthew T. Gregory
Abugâdu Henerât I CNMI

Fecha _____

Pinelo' as: Bernadita B. Dela Cruz
Bernadita B. Dela Cruz

Fecha 4/3/06

Marisibe' as: Esther S. Fleming
Esther S. Fleming
Espisiât Na Ayudânten I Atministrasion

Fecha 4/05/06

ARONGORONGOL TOULAP

POMWOL LLIWEL KKAAL NGÁLI ALLÉGHÚL IMWAL RÁGHEFISCH IYE E MWEITI NGÁLI ASÓSSÓTOL PRAXIS NGÁLIIR SCHOOL ADMINISTRATORS, LIBRARIANS, COUNSELORS ME CURRICULUM ME INSTRUCTION PROGRAM MANAGERS ME COORDINATORS

Mwiischil imwal Rághefisch (Mwiisch) mellól Commonwealth Téél Falúwasch Marianas ekke arongaar aramas toulap reel aghiyeghil igha ebwe ssiweli alléghúl PSS kkaal reel ebwe aschulong tingórol PRAXIS ngáli school administrators, librarians, counselors me Curriculum me Instruction program managers me Coordinators. Lliwel kka ekke akkaté nge e appaschelong.

Akkatéél Bwángil: Sángi pomwol lliwel kkaal ngáli alléghúl PSS ekke akkatééwow bwelle reel bwángil mwiisch iye eyoor llól Article XV mellól CNMI Allégh Lapalap, Alléghúl Toulap 6-10 me Alléghúl CNMI Administrative Act.

Aweweel me Aghiyeghil

Ráágh ye eló, Schóóy mwiisch re fillóoy tittingór kka e welepakk ngáliir alongéer schóóy afal (classroom teachers) kka rekke angaang llól imwal rághefisch igha ebwe tabweey tittingórol Allégh ye No Child Left Behind Act. Alongéer schóóy afal mellól PSS rebwe fillong igha essóbw luuló ótol Eluwel, 2006. Reel ubwe fillong, schóóy afal rebwe, llol along, ebwe féerú bwángil me bwángil llól subjects kkaal igha ubwe atakka asóssótol (examinations) PRAXIS I me II.

Ebwe yoor alúghúlúgh bwe schóóy angaangal llól PSS rebwe fillong reel alléghúl PSS efaisúl schagh me schóóy afal kkaal, PSS nge e mwuschel bwe alongéer sch;óóy PSS administrators, librarians, counselors me Curriculum me Instruction program managers me coordinators rebwe atakka PRAXIS I me II ótol Schoow 1, 2007.

Kkapsal reel Pomwol lliwel kkaal: Pomwol lliwel kkaal ebwe:

1. Yoor alúghúlúgh bwe alongéer schóóy angaangal llol PSS rebwe féerú alongal me bwangiir llól subject matter igha e mwuschel bwe alongeer PSS school administrators, librarians, counselors me Curriculum me Instruction program managers me coordinators rebwe atakka asóssótol PRAXIS I me II.
2. Affata ótol llól Schoow 1, 2007 reel rebwe bwughi me atakka asossot .
3. Affata bwe alongéer certification applicants nge rebwe bwughi me atakka ii me ruwoow PRAXIS I me II. Milikka ese toolong, sángi aweweel allégh kkaal, nge akkááw angaang me specialized certification.

Akkatéé kka e ghil ngáli me/ ngáre Alléghúl Mwiisch kka e weires:

1. Alléghúl PSS ngali Non-Certified Personnel Chapter 7: Tálil 7107 (2). CNMI Register History: Pomwol 9/18/03; Fillóól 1/22/04.
2. Alléghúl PSS ngali Non-Certified Personnel Chapter 1: Aschuwulong peigh G ye e ffé Tálil kka 7107-1703.
3. Alléghúl PSS ngali Certified Personnel Chapter 1: Tálil kka 1601-1603. CNMI Register History: Pomwol 8/26/04; Fillóól 10/25/04; Pomwol lliwel 7/20/05; Siweli lliwel yeel 9/22/05.
4. Alléghúl PSS ngali Certified Personnel Chapter 2: Tálil kka (e)(4) me (f)(3)(A)(iv). CNMI Register History: Pomwol 1/22/04; Fillool 3/23/04; Pomwol Lliwel 8/26/04; Lliwel kka raa Fillóóy 10/25/04; Lliwel kka raa Pomwoli 7/20/05; Lliwel kka raa Fillóóy 9/22/05.

Aramas ye ubwe faingi: Schóókka re tipeli nge emmwel rebwe amweri pomwol lliwel kkaal me isisilong mángemáng, kkapasal, me ngáre aweewee reel Assamwoolul, Mwiischil imwal Rághefisch, P.O. Box 1370 CK, Seipél, MP 96950, faingi 237-3027 me ngáre fax reel 664-3711 llól eliigh (30) rállil mwiril schagh ráálil la e akkatééwow mellól Commonwealth Register bwelle lliwel kkaal.

Ráálil ye 13th llól maramal Mááischigh 2006, me Seipél falúw kka falúwasch Marianas.

MWIISCHIL IMWAL RÁGHEFISCH

Sangi: 
ROMAN C. BENAVENTE

Assamwoolul Mwiischil imwal Rághefisch

Sáangi allégh ye 1 CMC Talil 2153, iye aa lliwel mereel Alléghúl Toulap 10-50, pomwol lliwel kkaal ngáli Alléghúl Mwiischil imwal Rághefisch, tilighial ikka ighila, nge raa takkal amweri fischiy me alúghúlúghúló mereel Bwulasiyool Sów Bwungúl Allégh Lapalap.

Matthew T. Gregory
CNMI Sów Bwungúl Allégh Lapalap

Rál: _____

Ammwel Sáangi: 
BERNADITA B. DELA CRUZ

Rál: 4/3/06

Mwir Sangi: 
ESTHER S. FLEMING
Sów Alillisil Sów Lemelem

Rál: 4/2/06



COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 501055 • SAIPAN • MP 96950-1055
Phone: (670) 664-3500 / 1 Fax: (670) 234-5962
E-Mail Address: cpa.admin@saipan.com
Website: www.cpa.gov.com

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF THE TERMINAL TARIFF OF The Commonwealth Ports Authority

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER
AS PROPOSED REGULATIONS

Volume 28, Number 1, pp 25500-25510, of January 30, 2006

Terminal Tariff of the Commonwealth Ports Authority: Part II (G)(I) and Part III (A).

Please take notice that the Commonwealth Ports Authority Board hereby adopts as permanent the referenced Proposed Regulations. I also certify by signature below that the referenced Proposed Regulations are being adopted without modification or amendment. I further request and direct that this Notice be published in the Commonwealth Register.

Pursuant to 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with 1 CMC §§ 9102 and 9104(s) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.


The prior publication was as stated above. The Board adopted the regulations as final at its meeting held December 5, 2005.

Comments and agency concise statement: Pursuant to 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for or against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. Please see the following pages for this agency's concise statement, if any, in response to filed comments.

Attorney General approval: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentally of the commonwealth government, including public corporations, except as otherwise provided by law).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 13th day of March, 2006, at Saipan, Commonwealth of the Northern Mariana Islands.

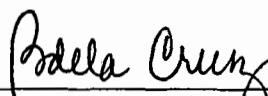
Certified and ordered by:



LEE C. CABRERA,
CPA Executive Director

13 March 2006
Date

Filed and Recorded by:



BERNADITA B. DELA CRUZ
Commonwealth Register

4-17-06
Date



SAIPAN HIGHER EDUCATION FINANCIAL ASSISTANCE (SHEFA)
Office of the Mayor
Municipality of Saipan

BOARD MEMBERS

Felicidad T. Ogumoro

Jose C. Leon Guerrero

Howard I. Macaranas

Max "Timmo" Olopat

Perry P. Tenorio

Mayor Juan Boga Tudela
(ex-officio)

**NOTICE AND CERTIFICATION OF ADOPTION OF PROPOSED RULES
AND REGULATIONS FOR THE SAIPAN HIGHER EDUCATION
FINANCIAL ASSISTANCE (SHEFA)**

I, Felicidad T. Ogumoro, Chairperson of the Board of Saipan Higher Education Financial Assistance (SHEFA), which is promulgating the rules and regulations of the Saipan Higher Education Financial Assistance pursuant to Saipan Local Law 13-21 for the Municipality of Saipan within the Office of the Mayor of Saipan, published in the Commonwealth Register Volume 27, Number 04 on May 18, 2005, at pages 024512 to 024521, by signature below hereby certify that the rules and regulations published therein are true, complete and correct copy of the Rules and Regulations regarding the Saipan Higher Education Financial Assistance (SHEFA) as previously proposed by the Board of Saipan Higher Education Financial Assistance for the Municipality of Saipan within the Office of the Mayor of Saipan, which, after the expiration of appropriate time for public comment, have already been adopted without modification or amendment. I further request and direct that this Notice and Certification of Adoption be published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 31st day of March 2006, in Saipan, Commonwealth of the Northern Mariana Islands.

Felicidad T. Ogumoro

Chairperson

Saipan Higher Education Financial Assistance

ATTORNEY GENERAL OPINION NO. 06-05

DATE: 04/07/06

TO : Director of Personnel
FROM : Attorney General
SUBJECT : Benefits Due Employees on Extended Military Leave

This is in response to the request of the Office of Personnel Management for an opinion on the rights and benefits due to Commonwealth employees placed on Extended Military Leave.

ISSUE: To what rights and benefits are Commonwealth employees placed on Extended Military Leave entitled?

SHORT ANSWER: Commonwealth employees placed on Extended Military Leave are generally entitled to re-employment with seniority and seniority benefits to which the employee would have been entitled had he not been absent for military service, health and pension plan protection, and the same rights and benefits accorded to other individuals on non-military furlough or leave of absence, as more particularly set forth in the federal Uniformed Services Employment and Re-employment Act (USERRA).

The Public Service System Rules and Regulations provide for certain leave without pay, one of which is Extended Military Leave, as follows:

The federal Uniformed Services Employment and Re-employment Act (USERRA) generally requires the Commonwealth government to provide extended military leave for its career employees, regardless of whether the service is voluntary or involuntary. The cumulative length of all absences due to military leave and extended military leave shall not exceed five years, unless extended for good reason documented in writing by the appointing authority. The employee must give advance notice to the appointing authority, unless military necessity or circumstances make this impossible or unreasonable. In most cases, the employee is guaranteed reinstatement rights and certain seniority rights upon return from leave. The employee must also comply with requests for documentation and with the requirements of these regulations regarding the timing of applications for re-employment. For details, employees and appointing authorities should contact the U.S. Department of Labor.

NMIAC § 10-20.2-625(e) (2004 ed.) [PSSRR, Part VII.A5.E].

The Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA 38 U.S.C. 4301-4334) generally protects civilian job rights and benefits for veterans and members of Reserve components. USERRA generally provides that returning service-members are entitled to be re-employed in the job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority. See, 38 U.S.C. 4316(a).

USERRA provides that while an individual is performing military service, he or she is "deemed to be on furlough or leave of absence while performing such service," 38 U.S.C. 4316(b)(1)(A) and is entitled to the non-seniority rights accorded to other individuals on non-military leaves of absence, 38 U.S.C. 4316(b)(1)(B).

With the exception of military leave of absence with pay, not to exceed fifteen (15) working days in any calendar year, NMIAC § 10-20.2-620(i) (2004 ed.) [PSSRR, Part VII.A4.I], an individual on extended military leave is not entitled to pay for that period of time he is on extended military leave, nor do they accrue annual leave or sick leave during the period they are on extended military leave. NMIAC § 10-20.2-630 (2004 ed.) [PSSRR, Part VII.A6].

USERRA also has provisions regarding health and pension plan coverage and explicitly protects all pension plans.



MATTHEW T. GREGORY