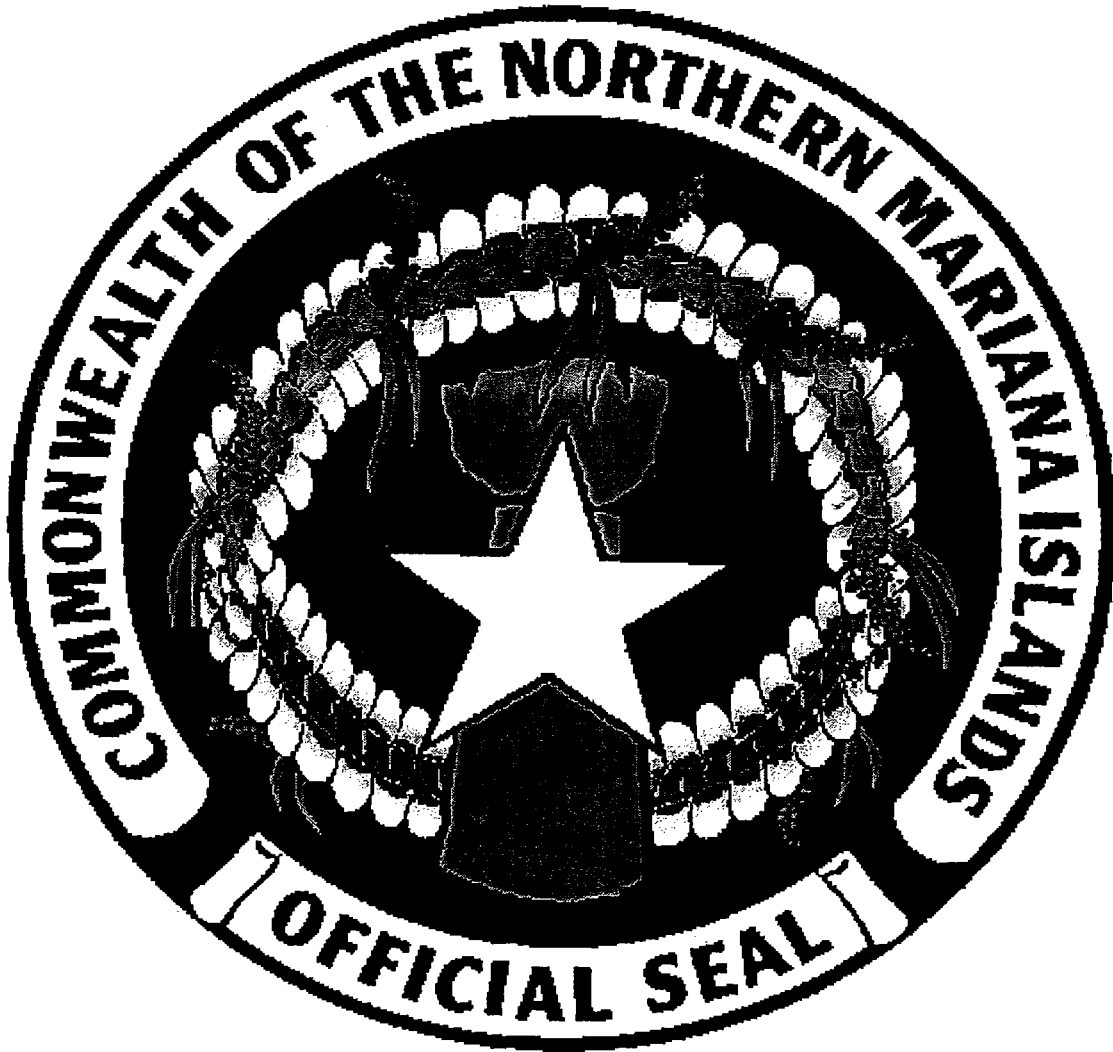


**COMMONWEALTH OF THE NORTHERN MARIANA
ISLANDS
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



**COMMONWEALTH REGISTER
VOLUME 33
NUMBER 07
JULY 22, 2011**

COMMONWEALTH REGISTER

VOLUME 33
NUMBER 07

JULY 22, 2011

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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lt. Governor

EXTENSION OF EMERGENCY Volcanic of Anatahan

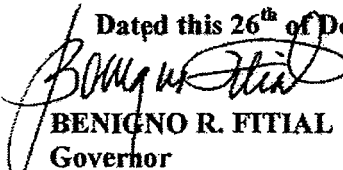
WHEREAS, On May 13, 2003, a Declaration of Emergency was issued with respect to volcanic activity on the island of Anatahan; and

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

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, and in accordance with the Emergency Management Office, Commonwealth of the Northern Mariana Islands and US Geological Survey, do hereby extend a state of disaster emergency in the Commonwealth with the respect of 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 (90) days, unless the Governor shall, prior to the end of the 90-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further extended for a like term, and giving reasons for extending the emergency.

Dated this 26th of December 2010.


BENIGNO R. FITIAL
Governor

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)
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 Assistant for Programs and Legislative Review (Fax: 664-2313)
Press Secretary (Fax: 664-2290)
United States Coast Guard (236-2968)

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2201 Facsimile: (670) 664-2211



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lt. Governor

EXTENSION OF EMERGENCY Volcanic of Anatahan

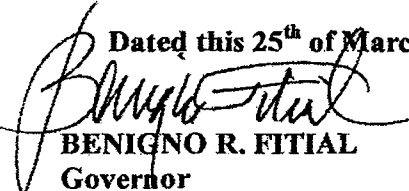
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This Extension of Emergency shall remain in effect for thirty (90) days, unless the Governor shall, prior to the end of the 90-day period, notify the Presiding Officers of the Legislature that the state of emergency has been revoked or further extended for a like term, and giving reasons for extending the emergency.

Dated this 25th of March 2011.


BENIGNO R. FITIAL
Governor

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)
Attorney General (Fax: 664-2349)
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Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2201 Facsimile: (670) 664-2211



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lt. Governor

DECLARATION OF A STATE OF EMERGENCY

WHEREAS, the Commonwealth of the Northern Mariana Islands faces an imminent threat of disruption of the delivery of critical healthcare services and its ability to keep the doors open to the Commonwealth Healthcare Center, Tinian Health Center and Rota Health Center (collectively referred to as "Healthcare Facilities") due to a severe cash shortage;

WHEREAS, under Article III § 10 of the Constitution the Governor has the authority and duty to take the necessary steps to respond to emergencies;

NOW THEREFORE, a State of Emergency for the Commonwealth of the Northern Mariana Islands is declared due to the imminent incapacity of the Healthcare Facilities to provide critical medical assistance to the CNMI and the extreme, immediate threat such condition poses to the Commonwealth of the Northern Mariana Islands.

In order to meet this imminent threat, the Constitutional authority provided under Article III §10 is invoked, including, but not limited to, authority to:

1. Suspend all statutory or regulatory provisions as required; and
2. The reprogramming of funds necessary to meet this emergency.

Done this 21st day of July, 2011

A handwritten signature in black ink, appearing to read "Eloy S. Inos", written over a horizontal line.

ELOY S. INOS, Acting Governor

FINDINGS IN SUPPORT OF DECLARATION OF STATE OF EMERGENCY

The following findings are in support of the decision of Acting Governor Eloy S. Inos to declare a state of emergency, and are incorporated as part of this declaration.

Failure to pay the Healthcare Facilities' vendors would result in the following:

1. The Healthcare Facilities are in arrears with payments to its food vendors. If these vendors are not paid, the Healthcare Facilities' cafeterias would close, and would be unable to feed its patients, including those on restricted or special diets essential to their health;
2. The Healthcare Facilities are in arrears with payments to its vendors who provide dialysis supplies. If these vendors are not paid, the Healthcare Facilities would be unable to provide dialysis services to persons with diabetes. The Commonwealth has a very high rate of diabetes, and these patients would be placed at immediate life-threatening risk;
3. The Healthcare Facilities are in arrears with payments to other medical supply vendors. There are already deficiencies in medical supplies at the Healthcare Facilities. If these vendors are not paid, the Healthcare Facilities will be entirely unable to furnish essential medical services to people of the Commonwealth;
4. The Healthcare Facilities are in arrears with payments to its pharmaceutical suppliers. If these vendors are not paid, the Healthcare Facilities would be unable to furnish necessary medicines to its patients. In many instances this would result in immediate life-threatening risk to patients, particularly newborn premature infants with special dietary needs;
5. The Healthcare Facilities are in arrears with payments to laboratory supplies vendors. If these vendors are not paid, the Healthcare Facilities will be unable to run necessary diagnostic and other tests. Some of these tests are essential to early diagnosis and treatment and their absence could result in immediate life-threatening risk to some patients;
6. The Healthcare Facilities' revenues are insufficient to cover its operating costs. The Healthcare Facilities have nearly 3 million dollars in unpaid bills.
7. The Commonwealth Health Center is the only hospital in the Commonwealth. The entirety of the population of the Commonwealth would be placed at potential risk should the Commonwealth Health Center be unable to function, particularly those needing emergency medical services.
8. Private physicians would be unable to furnish many services which may only be safely furnished by a hospital.
9. Many vendors have stopped deliveries to the Healthcare Facilities and many more are threatening to do the same.
10. Many Medicaid physicians and suppliers have not been paid.

11. The CNMI Medical Referral program is in serious jeopardy and many travel agents that arrange for medical referral transport will no longer deal with the Medical Referral office.

12. There are other critical matters in jeopardy at the Healthcare Facilities, including proper cleansing and operation of the reverse osmosis water machines essential for dialysis treatment, drinking water for patients and staff, laundry services, cleaning supplies, etc.

As can be seen from the above, the health and safety of the entire population of the Commonwealth is at potential risk from this calamity. This creates a public health emergency of the gravest nature.

There is no reasonable alternative to this Declaration of a State of Emergency.

Northern Mariana Islands Retirement Fund
Commonwealth of the Northern Mariana Islands
Richard S. Villagomez, Administrator
1st Floor, Honorable Lorenzo I. Deleon Guerrero Retirement Fund Building, Isa Drive, Capital Hill
P.O. Box 5001247 CK, Saipan MP 96950
Tel. No. (670)322-3863~10; Fax No. (670)664-8080; E-mail: administrator01@nmiretirement.com

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION AS PERMANENT
PREVIOUSLY PUBLISHED AMENDMENTS
TO THE ADMINISTRATIVE RULES AND REGULATIONS OF THE
NORTHERN MARIANA ISLANDS RETIREMENT FUND**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS
PROPOSED AMENDMENTS TO THE ADMINISTRATIVE RULES AND REGULATIONS
Volume 33, Number 04, pp. 031547-31554, April 21, 2011
Adopted as Permanent with No Changes.**

ADOPTION AND IMMEDIATE EFFECT: The Board of Trustees ("Board") of the Northern Mariana Islands Retirement Fund ("NMIRF"), adopted as permanent regulations the attached Proposed Regulations pursuant to the procedures of the Administrative Procedure Act ("APA"), 1 CMC § 9104(a).

I also certify by signature below that:

As attached, the Proposed Amendments adopted as permanent are true, complete and correct copies of the above-referenced proposed amendments, and that they are being adopted without modification or further amendment.

PRIOR PUBLICATION: The prior publication was as stated above. No comments were received regarding the Proposed Amendments and the Board Adopted the Amendments as permanent at its regular meeting of June 24, 2011.

MODIFICATION FROM AMENDMENTS PREVIOUSLY PUBLISHED: None.

I further request and direct that this notice be published in the Commonwealth Register.

AUTHORITY: The Board has statutory authority to adopt rules and regulations for the administration and enforcement of the statutes governing their activities. 1 CMC § 8315(f).

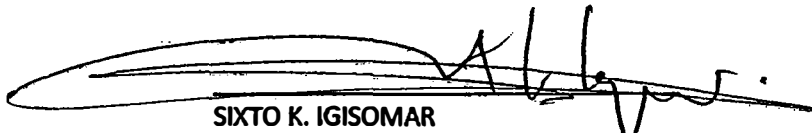
EFFECTIVE DATE: Pursuant to the APA, 1 CMC § 9104(b), the Amendments will become permanent amendments effective 10 days after compliance with the APA, 1 CMC § 91402 and 9104(a), which in this instance, is 10 days after publication in the Commonwealth Register of this notice.

COMMENTS AND CONCISE STATEMENT: No comments or requests for modification to the Proposed Amendments were received during the comment period. The proposed amendments, for the Board to consider and vote each year whether the retirees will receive a cost of living adjustment ("COLA") or an annual retirement bonus that does not compound, as required by P.L. 17-32.

ATTORNEY GENERAL APPROVAL: The Proposed Amendments were approved for promulgation by the Attorney General at page 031548 of Volume 33 of the Commonwealth Register, as required by 1 CMC § 2153(e).

I declare under penalty of perjury that the foregoing statements are true and correct and that this declaration was executed at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:


SIXTO K. IGISOMAR
Chairman, Board of Trustees NMIRF

6/27/11
Date

Filed and Recorded by:


ESTHER M. SAN NICOLAS
Commonwealth Registrar

07-20-2011
Date

**PROPOSED AMENDMENTS TO THE ADMINISTRATIVE REGULATIONS
OF THE NORTHERN MARIANA ISLANDS RETIREMENT FUND**

110-10-401 Cost of Living Allowance (COLA)

(a) ~~All~~ Eligible -class I and class II retirees and surviving spouses in receipt of ~~an~~ retirement or disability annuity from the Fund shall ~~may have~~ their annuity adjusted for COLA as determined by the Board.

(b) ~~The determination of the Board of Trustees whether or not to approve a COLA for a particular year shall occur at or about its first regular Board Meeting following the passage into law of each fiscal year's budget; and shall be based on factors consistent with the fiduciary obligations of the Board and shall include, but not be limited to, the availability of funds specifically appropriated for the purpose.~~

(c) In the event that a COLA adjustment is determined by the Board, ~~an~~ eligible retiree or surviving spouse is entitled to such adjustment commencing on January 1 subsequent to the anniversary of the members retirement date upon attaining the following ages:

(1) Class I retirees: 55 years

(2) Class I surviving spouses with eligible surviving children: 62 years

(3) Class I surviving spouses without children: 55 years

(4) Class II retirees: 55 years

(5) Class II surviving spouses: 55 years

(6) Disability annuitants: upon conversion to retirement annuity at 62 years

(d) ~~The COLA rate shall be set by the Board of Trustees each year using as a guideline the rate used by the United States of America Social Security System for its beneficiaries, and shall only be applied to the first thirty- thousand dollars (\$30,000) of each beneficiary's annuity amount. Once the Board of Trustees adopts the COLA rate, it will be the same rate applied throughout the calendar year.~~

(e) Notwithstanding any law or regulation to the contrary, each year the Board of Trustees may authorize by a vote of 2/3 of its membership to grant an annual retirement bonus ("ARB") instead of a COLA (as permitted by P.L. 17-32). The decision to grant an ARB instead of a COLA pursuant to subsection (b) above shall be based in large part upon the present level of funding of the Retirement Fund. The Board shall not approve a COLA for any year until such time as an actuary determines that the Retirement Fund is at full funding level, and projected to be able to pay all accrued liabilities as they become due. An ARB will not be compounded or otherwise operate to increase the annuity amount of a retiree, disability annuitant or survivor spouse from year to year.

(f) No COLA or ARB actually paid shall exceed the amount appropriated by the Legislature and will only be paid to members once the funding has been transmitted to the Retirement Fund by the Treasurer of the Commonwealth.



SAIPAN HIGHER EDUCATION FINANCIAL ASSISTANCE

Office of the Mayor
Municipality of Saipan

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Saipan Higher Education Financial Assistance
Office of the Mayor
Municipality of Saipan**

**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE SAIPAN HIGHER EDUCATION
FINANCIAL ASSISTANCE RULES AND REGULATIONS**

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: The Board of Saipan Higher Education Financial Assistance (the “Board of SHEFA”) intends to adopt as permanent rules and regulations the attached proposed amendments to the Saipan Higher Education Financial Assistance rules and regulations pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104 (a). The Board of SHEFA intends to adopt them as permanent, and hereby gives thirty (30) days’ notice of its intent. *Id.* The amendments will become effective ten (10) days after adoption. 1 CMC § 9105 (b).

AUTHORITY:

CONSTITUTIONAL AUTHORITY: None

STATUTORY AUTHORITY: The Board of SHEFA is authorized to prescribe reasonably necessary rules and regulations to carry out the intent of the Saipan Higher Education Financial Assistance Act. 10 CMC § 3924 (n).

TERMS AND SUBSTANCE:

The Board of SHEFA is publishing the proposed amendments carry out its decision concerning full-time status requirement for graduate and advanced degree level students. More specifically,

1. To reduce the 12 or more credits requirement for full-time graduate and advanced degree students to 9 credits;

P.O. Box 10001, PMB 3648 Saipan, MP 96950
Tel: 233-5995 • Telefax: 233-5996
E-mail: contact@saipanshefa.com • Website: www.saipanshefa.com

2. The reduction is necessary and proper in view of concerns expressed by recipients of SHEFA financial assistance funds pursuing graduate and advanced level degrees that most institutions of higher education require nine credits to meet full-time status; and,
3. To apply a standard full-time course load requirement to graduate and advanced degree students applying for, have been, and are current recipients of SHEFA financial assistance funds; and,
4. The requirement set forth at § 165-20.1-205, ¶ 2, ¶ 3 (ii), and ¶ 4 (ii) and § 165-20.1-220 (e) (2) that graduate and advanced degree students carry a course load of 12 or more credits to be considered full-time status must be amended to reduce the course load to nine credits.

THE SUBJECTS AND ISSUES INVOLVED:

Section 165-20.1-205, ¶ 2, ¶ 3 (ii), and ¶ 4 (ii) and § 165-20.1-220 (e) (2) of the Saipan Higher Education Financial Assistance rules and regulations provide that full-time status for graduate and advanced degree students is 12 or more credits at each academic term. Graduate and advanced degree students have sought the consideration of the Board of SHEFA to reduce the current course load requirement of 12 or more credits to 9 or more credits, as most colleges and universities set a threshold for graduate or advanced degree level work at 9 credits.

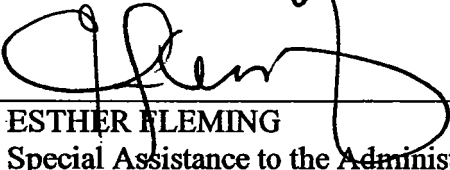
COMMENTS: Interested parties may submit written comments on the proposed amendments to the Saipan Higher Education Financial Assistance Rules and Regulations to Jose C. Mafnas, Chair, Board of SHEFA, P.O. Box 10001, PMB 3648, Saipan MP 96950, or via facsimile to (670) 233-5996. Comments must be received by the Board of SHEFA within thirty days of the date this notice is published in the Commonwealth Register.

Submitted by: 

 JOSE C. MAFNAS

7/18/2011

 Date

Receive by: 

 ESTHER FLEMING
 Special Assistance to the Administration

07/20/11

 Date

Filed and Record by: 

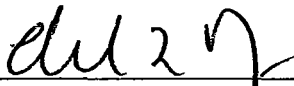
 ESTHER SAN NICOLAS
 Commonwealth Registrar

07.20.2011

 Date

Pursuant to 1 CMC § 2153 (e) (approved of rules and regulations to be promulgated as to form), and 1 CMC § 9104 (a) (3) (obtain AG approval) the proposed amendments to the Saipan Higher Education Financial Assistance Rules and Regulations hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153 (f) (publication of rules and regulations).

Dated this ____ day of July 2011.

 7-20-11

EDWARD BUCKINGHAM
CNMI Attorney General



SAIPAN HIGHER EDUCATION FINANCIAL ASSISTANCE

Office of the Mayor
Municipality of Saipan

I.

PROPOSED AMENDMENT TO § 165-20.1-205, ¶ 2, ¶ 3(ii), and ¶ 4(ii) and (iii) OF THE SHEFA RULES AND REGULATIONS

Paragraphs 2, 3 (ii), 4 (ii) and (iii) are hereby amended to read as follows: (Deleted text is shown in ~~strikeout~~. Amended text is underlined.)

2.——The Debtor shall utilize all financial assistance for educational expenses directly related or incidental to attendance and continued attendance at an institution of record and shall enroll in take at least a minimum of 12 credits for undergraduate; ~~12~~ 9 credits for graduate; and ~~12~~ 9 credits for advanced standing and maintain the minimum or higher grade point average (GPA) in accordance with the SHEFA Rules and Regulations.

3. The Debtor shall complete the required credits at each academic term (mark one):

- i. Undergraduate Full-Time: Twelve or more credits
- ii. Graduate Full-Time: Nine ~~Twelve~~ or more credits
- iii. Advanced Full-Time: Nine ~~Twelve~~ or more credits

4. The Debtor shall maintain at the end of each academic term the required cumulative grade point average and term grade point average as it applies below by marking the appropriate category:

- i. Undergraduate: 2.5 Cumulative GPA
Twelve or more credits
- ii. Performance-Based
Scholarship: 3.5 Term+
Twelve or more credits for undergraduates
Nine or more credits for graduate and advanced degree
- iii. Graduate: 3.0 Cumulative GPA
Nine ~~Twelve~~ or more credits
- iv. Advanced: 3.0 Cumulative GPA
Nine ~~Twelve~~ or more credits
- v. Priority Field of Study: 2.5 Cumulative GPA
- vi. Loan Applicant/Recipient: 2.5 Cumulative GPA.

P.O. Box 10001, PMB 3648 Saipan, MP 96950

Tel: 233-5995 • Telefax: 233-5996

E-mail: contact@saipanshefa.com • Website: www.saipanshefa.com

+Term refers to fall term and spring term per academic year for applicant or recipient on semester system; fall term, winter term and spring term for applicant or recipient on quarter system; winter and spring term GPA may be combined in computing the higher of the term GPA for purposes of GPA scholarship. GPA scholarship for semester term is awarded on the fall and spring semester and fall and spring the quarter term.

5. The Debtor shall submit a copy of his/her official grade report/transcript promptly after the conclusion of each academic term directly from the institution of record to the SHEFA Office. The grade report submittal will determine the eligibility for continued assistance on every subsequent term. Within ninety days upon matriculation from the institution of record, the Debtor shall submit a copy of his/her college degree and proof of employment on Saipan or Northern Islands. The Debtor also fully understands and agrees to his/her legal obligations pursuant to the explicit and implicit terms and conditions set forth in this promissory note/memorandum of agreement.

II.

PROPOSED AMENDMENT TO § 165-20.1-220 (e)(2) OF THE SHEFA RULES AND REGULATIONS

Section 165-20.1-220 (e)(2) and (3) are hereby amended to read as follows: (Deleted text is shown in ~~strikeout~~. Amended text is underlined.)

(e) "Full-time status" means the registration and enrollment at the student's institution of record from the beginning and throughout the entire academic period (i.e., semester or quarter term) for which SHEFA financial aid is provided and shall require the following:

- (2) Graduate degree and advanced degree students: Nine ~~twelve~~ semester or quarter credits taken concurrently throughout an entire academic term i.e., fall semester, fall quarter, spring semester, or spring or winter quarter, unless the student is working on a dissertation, engaged in a mandatory internship required by the program, or engaged in other related required fieldwork or studies outside of a formal didactic setting; and
- (4) Provided, however, that no credit shall be counted toward full-time status for a class from which the student withdraws, for a religion course (unless it is a mandatory prerequisite for a program major field of study or general education requirement) for repetition of a class (regardless whether credit has previously been counted); for audit of a class; for a class for which the student receives a grade of incomplete; for a class for which the student receives a failing grade; or for a class unrelated to a declared field of study and not included in the student's individualized degree plan (IDP).

Section 165-20.1-220 (e)(1), (3), and (5) shall remain unchanged.



SAIPAN HIGHER EDUCATION FINANCIAL ASSISTANCE

Office of the Mayor
Municipality of Saipan

COMMONWEALTH GI SANGKATTAN NA ISLAS MARIANAS

Inasistin Fainansiât Gi Latakhilu' Na Idukasion Saipan
Ufisinan Atkâtdin Saipan
Munisipalidât Saipan

NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AMENDASION PARA I AREKLAMENTU YAN REGULASION SIHA PARA INASISTIN FAINANSIÂT GI LATAKHILU' NA IDUKASION SAIPAN (SHEFA)

**AKSION NI MA'INTENSIONA NA PARA U MA'ADÂPTA ESTI I MANMAPROPONI NA AREKLAMENTU
YAN REGULASION SIHA:** I Inasistin Fainansiât Gi Latakhilu' Na Idukasion Saipan(i "Kuetpun Direktot
i

SHEFA") ha intensiona para u ma'adâpta kumu petmaniente na areklamentu yan regulasion siha ni mañechettun gi manmapropo ni na areklamentu yan regulasion siha, sigun gi manera gi Âktun Administrative Procedure, 1CMC § 9104(a). I Kuetpun i SHEFA ha intensiona para u adâpta siha kumu petmanienti, yan ha nâ'i trenta(30) dihas na nutisia gi intension-ña. *Id.* I amendasion siha para ifektibu gi dies(10) dihas dispues i adâptasion. 1 CMC§ 9105 (b)

ÂTURIDÂT:

CONSTITUTIONAL NA ATURIDÂT : Tâya'

ÂTURIDÂT ISTATUA: I Kuetpun Direktot i SHEFA ma'âturisa para u otdin na nisisâriu na u ma-carry out i areklamentu yan i regulasion ni ha intensiona gi Âktun Inasistin Fainansiât gi Latakhilu' na Idukasion Saipan. 10 CMC § 3924 (n).

I SUSTÂNSIAN I PALÂBRA SIHA:

P.O. Box 10001, PMB 3648 Saipan, MP 96950
Tel: 233-5995 •Telefax: 233-5996
E-mail: contact@saipanshefa.com • Website: www.saipanshefa.com

I Kuetpun i SHEFA ha pupblilika na i manmaproponi na amendasion siha na para u ma-carry out i disision-ña sigun i dinimânda na istâo gi full-time para i graduate yan i advance degree level na istudiânti siha. Ispisiâtmienti,

1. Para u ribâha i 12 pat mâs na kreditu siha ni dinimânda para i full-time graduate yan advance degree na istudiânti siha gi 9 na kreditu siha.
2. I rinibâha nisisâriu yan propiu na ma'atan i intires siha ni ma'ikspresia ginin i manmanrisisibi SHEFA fondun inasistin fainansiât siha ni ha petsisigi i graduate yan advanced level degrees ni memegaiña na institusion siha gi latakhillu' na idukasion madimânda nuebi na kreditu siha ni para u afakcha' i istâo full-time; yan,
3. Para u fanaplika standard full-time course load ni madimânda para i graduate yan advanced degree ni istudiânti manaplika, manaplika, yan manrisisibi gi presentanti ni

SHEFA

fondun inasistin fainansiât siha; yan

4. I dinimânda mapega mo'na gi § 165-20.1-205, ¶ 2, ¶ 3 (ii), yan ¶ 4 (ii) yan § 165-20.1-220 (e) (2) ni graduate yãñ advanced degree i istudiânti siha ni para u machuli' i coũrse load gi 12 pat mâs na kreditu siha ni para u makunsidera na full-time na istâo ya debi na u ma'amenda para u maribâha i course load para nuebi na kreditu siha.

I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA:

I Seksiona 165-20.1-205, ¶ 2 ¶ 3 (ii), yan i ¶ 4 (ii) yan i § 165-20.1-220 (e) (2) gi areklamentu yan i regulasion i Inasistin Fainansiât gi Latakhillu' na Idukasion ha pribeniyi na istâo i full-time para i graduate yan advanced degree gi istudiânti siha ma'aligáo i kunsiderasion i Kuetpun i SHEFA para u maribâha i presentanti na course load ni dinimânda ni 12 pat mâs na kreditu siha na para u 9 pat mâs na kreditu siha, kumu minigaiña na kulehu siha yan unibetsidât siha ni mapega kumu i tinituhun para i graduate pat advanced degree level gi fina'cho'chu' i 9 na kreditu siha.

PARA U MAPRIBENIYI OPIÑON SIHA: Háyi na pattida siha manggai intires siña mana'hálum upiñon tinigi' gi i manmaproponi na amendasion siha guatu para i Areklamentu yan Regulasion siha Inasistin Fainansiât gi Latakhillu' na Idukasion para si Jose C. Mafnas, Kabesiyu, Kuetpun i SHEFA, P. O. Box 10001, PMB 3648, Saipan MP 96950, pat via facsimile para i (670) 233-5996, Upiñon siha debi na u marisibi ginin i Kuetpun i SHEFA gi halum trenta(30) dihas ginin i fechan esti na nutisia ni mapupblika gi halum i Rehistran Commonwealth.

P.O. Box 10001, PMB 3648 Saipan, MP 96950
Tel: 233-5995 • Telefax: 233-5996
E-mail: contact@saipanshefa.com • Website: www.saipanshefa.com

Nina'hálum as:


JOSE C. MAFNAS

7/18/2011

Fecha

Rinisibi as:


ESTHER S. FLEMING

Ispeciát Na Ayudánte Para l Atministrasion


Fecha

Pine'lu yan Ninota as:


ESTHER M. SAN NICOLAS

Rehistran Commonwealth

07.20.2011
Fecha

Sigun i 1 CMC § 2153 (e) (ma'aprueba i areklamentu yan i regulasion siha ni para u macho'gui kumu fotma), yan i 1 CMC § 9104 (a) (3) (inaprueban Abugâdu Henerâ) i manmaproponi na amendasion siha para i Areklamentu yan Regulasion siha para i Inasistin Fainansiât gi Latakhilu' na Idukasion Saipan gaigi guini na maribisa yan ma'aprueba kumu fotma yan sufisienti ligât ginin i Abugâdu Henerât CNMI yan debi na u mapupblika. (1CMC § 2153(f) (publikasion i areklamentu yan i regulasion siha).

Mafecha esti gi diha 20 gi Hului, 2011.


EDWARD BUCKINGHAM
CNMI Abugâdu Henerât



SAIPAN HIGHER EDUCATION FINANCIAL ASSISTANCE

Office of the Mayor
Municipality of Saipan

MANMAPROPONI NA AMENDASION SIHA PARA I § 165-20.1-205, ¶ 2, ¶ 3(ii), yan ¶ 4(ii) yan (iii) GI I AREKLAMANTU YAN REGULASION I SHEFA SIHA

Parâfu siha 2, 3 (ii) yan 4 (iii) manggaigi guini na manma'amenda para u mataitai kumu i sigienti siha: (Mana'suha i tinigi' ni a'annuk ni marâya huyung. Ma'amenda i tinigi' ni marâya gi papâ'-ña.)

2. I Didibi debi na u usa todū i ināsistin fainsiāt para i gāstūñ idukasion siha direktamienti nīru ma'achuli' pat masusesedi gi attendance yan makuntinuhan i attendance gi insitusion i rekot yan debi na u enroll in ekul putlumenus 12 na kreditu siha para i undergraduate; ~~12~~ 9 na kreditu siha para i graduate: yan ~~12~~ 9 na kreditu siha para i advanced standing yan maintain i minimum pat i latakhilu' na grade point average (GPA) sigun gi Areklamentu yan Regulasion i SHEFA.

3. I Didibi debi na u kumpli i madimānda na kreditu siha gi kada academic term (mātka unu):

- | | |
|-----------------------------|---|
| i. Undergraduate Full-Time: | Dossi pat mās na kreditu siha |
| ii. Graduate Full-Time: | <u>Nuebi</u> Dossi pat mās na kreditu siha |
| iii. Advanced Full-Time: | <u>Nuebi</u> Dossi pat mās na kreditu siha |

4. I Didibi debi na u maintain gi uttimun i kada academic term i dinimānda na cumulative grade point average yan term grade point average kumu inaplika gi sampapa' ni mamāmatka i gi propiu na katiguria:

- | | |
|--------------------------------------|---|
| i. Undergraduate | 2.5 Cumulative GPA
Dossi pat mās na kreditu siha |
| ii. Performance-Based
Scholarship | 3.5 Term +
Dossi pat mās na kreditu siha para i undergraduates
<u>Nuebi pat mās na kreditu siha para i graduate yan i advanced degree</u> |
| iii. Graduate: | 3.0 Cumulative GPA |

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- | | |
|------------------------------|--|
| | <u>Nuebi -Dossi-</u> pat mās na kreditu siha |
| iv. Advanced: | 3.0 Cumulative GPA |
| | <u>Nuebi -Dossi-</u> pat mās na kreditu siha |
| v. Priority Field of Study: | 2.5 Cumulative GPA |
| vi. Loan applicant/Recipient | 2.5 Cumulative GPA |

+ I Tema ha referi guatu gi fall term yan i spring term sákkan academic para i aplikánti pat i manrisisibi gi sisteman semester; fall term, winter term yan i spring term para i aplikánti pat i manrisisibi gi sisteman quarter; winter yan i spring term GPA siña mana’danña’ gi computing gi latakhilu’ gi term GPA para i hinangai i GPA scholarship. I GPA scholarship para i semester term marigálu gi fall yan i spring semester yan i fall yan i spring i quarter term.

5. I Didibi debi na u na’hálum i kopian iyon-ña ufisiát na grádun report/transcript insigidas dispues i funayanña i kada academic term direktamienti ginin i institusion i record para i Ufisinan SHEFA. I nina’hálum i grade point average para u dititmina i kualifika para u makuntuha i inasisti gi kada máttu i term. Gi halum i nubenta(90) dihas sigun gi matriculation ginin i institusion record, i didibi debi na u na’hálum i kopian iyon-ña college degree yan proof of employment Saipan pat i Sangkattan na Isla. I didibi ha kumprendi lokkuí’ yan kumentu para i iyon-ña ubligasion ligát sigun para i explicit yan implicit terms yan i kundision ni mapega mo’na guini na notan prinimeti/memorandum of agreement.

II.

MANMAPROPONI NA AMENDASION PARA I § 16S-20.1-220 (e)(2) GI AREKLAMENTU YAN REGULASION SHEFA SIHA.

SEKSIONA 16S-20.1-220 (e)(2) yan (3) ma’amenda pá’gu ya para u mataitai kumu i sigienti siha: (Mana’suha i tinigi’ ni a’annuk na maráya huyung. I ma’amenda na tinigi’ i maráya gi papá’-ña.)

(c) I “Full-time status” kumeke’ilekña na i registrasion yan i hinalum istudiánti gi institusion i record ginin i tinituhun yan asta i uttimu interamienti i academic period (i. e., semester pat quarter term) para i SHEFA financial aid u mapribeniyi yan debi na u madimánda i sigienti:

(2) I Graduate degree yan advanced degree na istudiánti siha: Nuebi -dossi-na semester pat

quarter credits ni machuchuli’ gi presentí asta i interamienti i academic term i. e., fall semester, fall quarter, spring semester, pat spring pat winter quarter, solu i istudiánti machoch’chu’ gi dissertation, engaged gi mandatory internship ni madimánda ginin i prugrâma, pat engaged gi ottru na related na dinimândan fieldwork pat istudiu siha gi huyung i formal didactic setting; yan

P.O. Box 10001, PMB 3648 Saipan, MP 96950
Tel: 233-5995 • Telefax: 233-5996
E-mail: contact@saipanshefa.com • Website: www.saipanshefa.com

i
ti
unrelated

(4) Prinibeniya, lão, atyu na tãya' kreditu debi na u matufung toward full-time status para i klas ni ha laknus gui' i istudiãnti, para i religion course (solu mandatory prerequisite para prugrãma major field of study pat dinimãndan general education) para i maripitin klas (kão maseha i kreditu esta matufung); para i audit i klas; para i klas ni i istudiãnti ha risibi kabãlis na grãdu; para i klas ni i istudiãnti ha risibi i failing grade; pat para i klas ni ni madiklãra na field of study yan ti sãsaonão gi halum i student's individualized degree plan (IDP).

Seksiona 165-20.1-220 (e)(1), (3), yan i (5) debi na u saga sa' tãya' tinilaika.



SAIPAN HIGHER EDUCATION FINANCIAL ASSISTANCE
Office of the Mayor
Municipality of Saipan

COMMONWEALTH TĒEL FALÚW KKA EFÁNG MARIANAS

Saipan Higher Education Financial Assistance
Bwulasiyol MEEYA
Municipality-il Seipél

**ARONGORONG TOULAP REEL POMWOL SSIWEL REEL ALLÉGHÚL SAIPAN HIGHER
EDUCATION FINANCIAL ASSISTANCE**

TINGÓÓROL MWÓGHUT REEL EBWE FILOOY POMWOL ALLÉGH KKAAL:
Mwiischil Saipan Higher Education Financial Assistance (“Mwiischil SHEFA”) e tipáli ebwe fillooy bwe pighil allégh pomwol ssiwel kka e appasch reel alléghúl Saipan Higher Education Financial Assistance bwelle reel mwóghutul Administrative Procedure Act, 1 CMC § 9104 (A). Mwiischil SHEFA e tipáli ebwe fillooy bwe pighil, me e issáliwow eliigh (30) ráll reel arongorong tingóór yeel. *ID.* Ssiwel kkaal ebwe kkamall llól seigh (10) ráll mwuril ebwe fillooy. 1CMC § 9105 (b).

BWÁNG:

BWÁNGIL CONSTITUTION : Esóór

BWÁNGIL ALLÉGH: Mwiischil SHEFA eyoor bwángil ebwe apayú allégh kka e fil ngáli bwe ebwe féerú aal tingóór Saipan Higher Education Financial Assistance Act. 10 CMC § 3924 (n).

AWEEWE ME KKAPASAL:

Mwiischil SHEFA ekke arong reel pomwol ssiwel kkaal igha e féerú mánghemángil reel full time status requirement reer graduate me advanced degree level reer schóól gakko. Ngáre ebwe ghi ffat,

1. Ebwe ghitighiitiw mille seigh me ruwoow (12) ngáre lapló credits requirement ngáli tiwoow
(9) credits reer schóól gakko kka full-time graduate me advanced degree

2. Mille e aghitighitátiw nge eghi fil bwe igha re amwuri reer recipients-il SHEFA financial assistance funds ikka re mwetel rebwe graduate me advanced leved degrees igha bwete ebwe alongal institutions reel llangal gakko ebwe ayoor tiwoow (9) credits bwe ebwe wel ngáli full-time status; me,

3. Ngáre rebwe bwughi mille standard full time load bwe rebwe graduate me advanced degree

ye rekke apply ngáli, fasúl me ikka relaal recipients-il SHEFA financial assistance funds; me

4. Requirement yeel ebwe amwóláátá reel § 165-20. 1-205. ¶2. ¶3 (ii), me ¶ 4 (ii) me§ 165-20.1-220 (e) (2) schóól gakko kka re graduate me advanced degree rekke bweibwogh seigh me ruwoow (12) ngáre lapaló bwe rebwe full-time status nge ebwe ssiwel bwe ebwe ghitighiitiw lapal ngáli tiwoow (9) credits.

KKAPASAL ME AWEEWE KKA EYOOR:

Tálil 165-20. 1-205, ¶2, ¶3 (ii), me ¶4 (ii) me § 165-20. 1-220 (e) (2) allégh kka mereel Saipan Higher Education Financial Assistance e ayoor a full-time status ngáliir graduate me advanced degree seigh me ruwoow (12) credits ngáre laplo ghal llól eew academic term. Schóól gakko kka graduate me advanced degree re mwuschel tingóór meschótchór ngáliir Mwiischil SHEFA rebwe aghitighiitátiw mille fasúl lapal requirement ye seigh me ruwoow (12) ngáre lapló ngáli tiwoow (9) me ngáre lapló, igha e ssogh colleges me universities ebwe suughi ngáliir graduate ngáre advanced degree level angaangal tiwoow (9) credits.

ISIISLONGOL AGHIYÁGH: Schóókka re tipáli emmwel awbwe iischilong aami mwálilii reel pomwol ssiwel kkaal ngáli Saipan Higher Education Financial Assistance Rules and Regulations ngáli Jose C. Mafnas, Samwoolul Mwiischil SHEFA, P.O.Box 10001, PMB 3648, Saipan MP 96950, ngáre via facsimile ngáli (670) 233-5996. Mwáliili kkaal nge rebwe bwughil reer Mwiischil SHEFA llól eliigh ráll meigha arongorong yeel ebwe akkatéélong llól Commonwealth Register.

ISÁLIYALLONG:

JOSE C. MAFNAS

Date

MWIR SÁNGI:

ESTHER FLEMING

Sóualillisil Sóllem

Date

P.O. Box 10001, PMB 3648 Saipan, MP 96950
Tel: 233-5995 • Telefax: 233-5996
E-mail: contact@saipanshefa.com • Website: www.saipanshefa.com

MWEL SÁNGI: 
ESTHER SAN NICOLAS
Commonwealth Registrar

07.20.2011
Date

Sáangi 1 CMC § 2153 (e) (apúlúghúlúghúl allégh kkaal ebwe akkaté), me 1 CMC § 9104 (a) (3) (e bweibwogh alúghúlúgh sáangi AG) pomwol allégh kkaal ngáli Saipan Higher Education Financial Assistance Rules and Regulations raa takkal amweri fischiy me allégheló me legal sufficiency mereel CNMI Sów Bwúngúl Allégh Lapalap me ebwe akkaté, 1 CMC § 2153 (f) (alléghúl akkaté)

Rááílil 2e llól July 2011.


EDWARD BUCKINGHAM
CNMI Sóubwúngúl llégh Lapalap



SAIPAN HIGHER EDUCATION FINANCIAL ASSISTANCE

Office of the Mayor
Municipality of Saipan

POMWOL SSIWEL NGÁLI § 165-20. 1-205, ¶ 2, ¶ 3(ii) me ¶4(ii) me (iii) REEL ALLÉGHÚL SHEFA

Peighil ruwoow (2), eluuw (3) (ii), faawu (4)(ii) me (iii) raa ssiwel nge ebwe kkaisúl arágharághil: (Text ye re amwówló nge e bwáá bwe e ~~strikeout~~. Text ye e ssiwel nge e unlined.)

2. Schóól mwolofit ebwe yááli alongal allisil financial ngáli abwósul gakko me milikka e fil reel ngáre attendance me sóbwsóbw ló attendance-il llól institution-ul record me ebwe tolong llól (enroll in) ñwughí (take) ngáre ghal seigh me ruwoow (12) credits reer undergraduate; ~~seigh me ruwoow (12)~~ tiwoow (9) credits reer graduate; me ~~12~~ 9 credits reer advanced standing me amwuschútiw mille minimum me ngáre ebwe ghi llang GPA, ebwe atabwey alléghúl SHEFA.

3. Schóól mwolofit ebwe atakka millikka required credits ngáre aa tooto tool academic term (mákkey eew):

- i. Undergraduate Full-Time: Seigh me ruwoow credits ngáre lapaló
- ii. Graduate Full-Time: Tiwoow Seigh me ruwoow credits ngáre lapaló
- iii. Advanced Full-Time: Tiwoow Seigh me ruwoow credits ngáre lapaló

4. Schóól mwolofit ebwe lo reel required cumulative grade point average ghal takkelól eew academic term me term grade point average igha ebwe fil ngáli milikka faal iye ebwe mákkey.

- i. Undergraduate: 2.5 Cumulative GPA
- ii. Performance-Based Scholarship: 3.5 Term+
Seigh me ruwoow ngáre lapaló reer undergraduates
Tiwoow ngáre lapaló reer graduate me advanced degree
- iii. Graduate: 3.0 Cumulative GPA
Tiwoow Seigh me ruwoow me ngáre lapaló

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- iv. Advanced: 3.0 Cumulative GPA
Tiwoow Seigh ~~me ruweew~~ me ngáre lapaló
- v. Priority Field of Study: 2.5 Cumulative GPA
- vi. Loan Applicant/Recipient: 2.5 Cumulative GPA

+Mille Term nge ekke ira bwe fall term me spring term llól eew ráághil academic ngáliir applicant ngáre recipient reel semester system; fall term, winter term me spring term ngáliir applicant ngáre recipient llól ghal quarter system; winter me spring term GPA nge máli ebwe schuu llól comput-ulllangal term ye GPA bwulul GPA scholarship. GPA scholarship reel semester term nge re award-llól fall me spring semester me bwal fall me spring reel quarter term.

5. Schóól mwolofit ebwe isiislong tiliighil ngáre kopiyaal yaal official grade report/transcript mwiiril mwutchulól ghal eew academic term, ebwe mwet mereel record-ul institution ngáli bwulasiyol SHEFA. Atotolongol report-ul grade ebwe bwáári ngáre eschiwel mmwel schagh rebwe ngalleey alillis llól alongal subsequent term. Llól tiweigh ráll ngáre e tolong llól institution-ul record, schóól mwolofit ebwe isiisilong kopiyaal yaal college degree me apúlúghúlúghúl angaang wóól Seipél ngáre Téél Falúw Kka Efang. Schóól mwolofit ebwal metaff me angúungú reel awutol milikka aa amwóláátá llól schéél alúghúlúgh yeel.

II.

POMWOL SSIWEL NGÁLI § 165-20.1-220 (e)(2) REEL ALLÉGHÚL SHEFA

Táilil 165-20.1-220 (e)(2) me (3) aa ssiwel nge ebwe kkaisúl arághárághil: (Text ye re amwówló e bwáá bwe e ~~strikeout~~. Text ye e ssiwel nge e underlined.)

(e) “Full-time status” faal nge registration me enrollment reel gakko iye, institution-ul record sáangi bweletá me lóófósch ngáli mwutchelól academic period (i.e., semester ngáre quarter term) bwe alillisil SHEFA ekke towoow me ekke tingóór milikkaal:

(2) Graduate degree me advanced degree students: Tiwoow seigh ~~me ruweew~~ semester ngáre quarter credits e bweibwogh lóófósch ngáli academic term i.e., fall semester, fall quarter, spring semester, ngáre spring me ngáre winter quarter, ngáre schagh schóól gakko we ekke angaang reel dissertation, elo llól mandatory internship bwe llól tingóoreyal progróoma we, ngáre elo llól akkááw mille eweewe ngáli tingórol fieldwork me ngáre ebwe studiya lúghúl reel mille formal didactic setting; me

(4) Ebwe ghuleey bwe, essóbw yoor credit ye ebwe páápá ngáli full-time status ngáli class we e yúuló llól, reel rilighiyon (mille schagh e mandatory prerequisite ngáli studiyal progróomal major

P.O. Box 10001, PMB 3648 Saipan, MP 96950

Tel: 233-5995 • Telefax: 233-5996

E-mail: contact@saipanshefa.com • Website: www.saipanshefa.com

field ngáre general education requirement) reel class ye ekki apeli sefááli (inamwo igha aa fasúl páápá bwe credit); reel audit-il class; reel class ye studónti e bweibwogh incomplete; reel class ye studónti e sóssól aal grade; me ngáre class ye ese fil ngáli field ye studiyali me ese tolong llól aal individualized degree plan (IDP).

Táilil 165-20.220 (e)(1), (3), me (5) essóbw ssiwel.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lieutenant Governor

DIRECTIVE

DATE: January 4, 2011
No. 278

TO: ALL EXECUTIVE BRANCH DEPARTMENT AND AGENCIES RECEIVING FEDERAL GRANTS

FROM: Governor

SUBJ.: FEDERAL GRANTS ASSESSMENT TASK FORCE

In order to effectively utilize and manage all federal grants which the CNMI Executive Branch receives, the Federal Grants Assessment Task Force is hereby formed. It shall be headed by Lieutenant Governor, Eloy S. Inos, and co-chaired by Frank Rabauliman (DEQ), Jerome Jerome (CJPA), Joaquin Omar (EMO), and Virginia Villagomez (OMB).

The first mandatory meeting of all executive branch departments and agencies receiving federal grants will be on January 6, 2011 at 9:00am in the Governor's conference room. All department heads and grant managers of respective departments/agencies affected are required to attend.

The main goal of this task force is two folds:

- 1) To fully account for all awarded funds that remain unused and
- 2) To collaborate and brainstorm as to how to effectively and fully utilize all grants awarded.

All participants should work cooperatively and collaboratively with the co-chairs to ensure accurate assessments of federal grants so the Lieutenant Governor and I are correctly informed and may take the appropriate necessary actions if any.


BENIGNO R. FITIAL

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200 /2300 Facsimile: (670) 664-2211/2311



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lt. Governor

MEMORANDUM

DIRECTIVE NO: 279

DATE : **February 7, 2011**

TO : **ALL BRANCHES, DEPARTMENTS, AND AGENCIES**

FROM : **Governor**

SUBJECT : **CNMI Economic Development Task Force**

WHEREAS, as a result of the continued down turn in the economy of the Commonwealth of the Northern Mariana Islands, it is necessary that a task force is established to develop and implement objectives that will enable the CNMI to secure financing, encourage investors and businesses to establish in the CNMI and ensure the security and stability of the Commonwealth economy.

WHEREAS, the solution to economic growth in the Commonwealth lies not with the Government but with the private sector.

WHEREAS, Governor Benigno R. Fitial establishes a task force named; "CNMI Economic Development Task Force" to pursue the above objectives and goals.

WHEREAS, the Governor will act as the Chairman for this task force.

WHEREAS, the Attorney General's Office will act as the legal counsel for this task force.

WHEREAS, this task force will be composed of members of the business community to include representatives from the hotel industry, airlines and other arenas.

WHEREAS, this task force will be composed of members who serve under the pleasure of the Governor without compensation.

WHEREAS, members of the task force are authorized by the Governor to carry out tasks and duties as delineated in this directive.

WHEREAS, the task force will meet at a minimum every second and fourth Wednesday of the month.

BENIGNO R. FITIAL



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lt. Governor

DIRECTIVE NO.: 280

DATE: JUN 27 2011

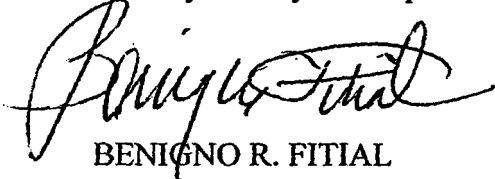
TO: All Departments and Activity Heads

FROM: GOVERNOR

SUBJECT: Government Processes

It has come to my attention that some agencies are allowing non-government individuals to facilitate obtaining required signatures or processing of documents (e.g. request for personnel actions, purchase requisitions, contracts, etc). Documents must remain under government control throughout the entire procurement process until they are provided for contractor signature. This process ensures proper control, which is essential in the expenditure of public funds. Please ensure that these controls are adhered to when executing government documents.

Thank you for your cooperation in this matter.


BENIGNO R. FITIAL

DIRECTIVE No. 191

TO : All Department and Activity Heads

DATE: APR 10 1997

FROM : Governor

SUBJECT: Policy of the Commonwealth of the Northern Mariana Islands Regarding Equal Employment Opportunity

The laws of the United States and of the Commonwealth of the Northern Mariana Islands require that equal opportunity exist for all U.S. Citizens and legal resident workers in government employment. It also requires that nondiscrimination be exercised in all government employment practices. Statements of the Commonwealth's policy of nondiscrimination can be found in Title 1, §8102 of the Commonwealth Code and Parts 1.B1 and V.E1 of the Personnel Service System Rules and Regulations. To ensure full compliance with these requirements, I am establishing a systematic, government-wide program, to be known as the *CNMI Equal Employment Opportunity Program*, to implement our legal and moral obligations. I personally and officially support this program, and will ensure continued compliance with its tenets with the full force of executive authority.

As the Governor and Chief Executive Officer of the Government of the Commonwealth of the Northern Mariana Islands, I am, also, the Equal Employment Officer for the Commonwealth, with the authority to institute and maintain a legally compliant Equal Employment Opportunity (EEO) program and to require all departments and activities to ensure full and fair implementation of the program's principles. I am appointing the Director of Personnel as the Deputy EEO Officer for the Commonwealth, with the authority to develop EEO policies, implement the program, and oversee its operation. The Director of Personnel will appoint an EEO Coordinator in the Office of Personnel Management to provide me, the Director of Personnel, and other key government management and EEO officials with expert advice, analysis and evaluation on EEO matters. He will, further, appoint EEO Coordinators in the Office of Personnel Management on both Rota and Tinian. Additionally, the EEO Coordinator will monitor the program government-wide and will assist department and activity EEO staff in the fair and consistent application of EEO laws and policies.

Each department, activity and autonomous agency within the Executive Branch of the Commonwealth Government will create a similar organization, issue a formal EEO policy statement similar to this directive, and establish implementation procedures. Any department, activity or autonomous agency with less than fifty (50) total staff may request to the Director of Personnel that it join with another department or activity in establishing its EEO program and structure. The Chief Executive of each department, activity and autonomous agency will serve as the Equal Employment Opportunity Officer for his or her organization. In turn, the Chief Executive will appoint either the organization's Deputy or a senior member of management, at a level reporting directly to the Chief Executive, as the organization's Deputy EEO Officer. Similarly, the Chief Executive of each organization will appoint an EEO Coordinator to manage the organization's EEO program. I recommend that the coordinator be an

employee with advanced administrative and analytical abilities. Organizational legal counsels may be used for this role, but it is preferable to have the position held by a permanent employee, with the necessary skills, to ensure continuity.

The EEO Program will consist of an administrative procedure for settling complaints of discrimination with regard to government employment or personnel practices. It will, also, pending analysis of need by the Office of Personnel Management, include requirements for affirmative recruiting and upward mobility programs.


The administrative process for resolving discrimination complaints will be open to all government employees and applicants for government employment. It will include three successive venues for fact finding and conciliation: a counseling stage, an investigative stage and a hearing stage. Each organization will appoint and train a number of EEO Counselors throughout the divisions/sections of the organization, to include divisions/sections on Rota and Tinian, who will fill this role as a collateral duty. The EEO Program Coordinator at the Office of Personnel level will establish an investigative capability, utilizing existing CNMI staff trained in investigative skills, that will respond to requests for investigation from the organizational EEO Coordinators. If the complaint is not resolvable at the organizational level, the Civil Service Commission will serve as the ultimate hearing panel for EEO complaints in lieu of the EEO Commission, both for civil service and excepted service employees. EEO discrimination complaints, which are initiated by the employee or applicant as a result of perceived discrimination, should not be confused with adverse actions, which are initiated by the employer as a result of conduct or performance problems. By law, the ultimate authority for resolving those discrimination complaints that could not be resolved at the hearing level or lower will be the U.S. District Court.

With regard to affirmative action, the OPM EEO Coordinator will tabulate the current government employment levels in the categories of Chamorros, Carolinians, and other U.S. citizens, by sex, by occupation, and by salary levels. These findings will then be compared against the figures for CNMI's adult U.S. Citizen civilian labor force. If it is determined that a conspicuous absence of one of the three categories of U.S. Citizens, or a manifest imbalance of representation of any of these categories, exists in any organization or occupation, then hiring or promotion goals will be set, for accomplishment by the Appointing Authorities.

The Commonwealth also faces serious barriers in the educational and skills development of its most valuable resource, its citizen employees, both young and old. To ensure the continuing development of its citizen workforce, the Office of Personnel Management will work with the various departments, activities and autonomous agencies to implement an upward mobility plan. This upward mobility program will consist of a systematic process for filling positions at the entry level, where possible, with new hires with the lowest feasible qualifications. The government will then provide training, staff development and promotion programs to prepare them for advancement over a period of time into the higher skill levels of government employment.

The Office of Personnel Management and all departments, activities and autonomous agencies will establish program evaluation and reporting procedures to keep me informed of the status of the Commonwealth's Equal Employment Opportunity Program. This program is not just a matter of complying with federal and local laws. It is a vitally important step in ensuring fair and equal treatment in government employment to all citizens of the Commonwealth. It will repay our efforts tenfold and provide a legacy of equality for citizens yet to come.

All departments, activities and autonomous agencies are directed to comply with the guidance provided herein, which supplements in more detail the recent additions to the Personnel Service System Rules and Regulations in Part V.E1. Individual EEO policy statements are to be prepared and published, with copies forwarded both to my attention and to the Director of Personnel. EEO staffing structures will be established and trained in coordination with the Office of Personnel Management. I expect all management staff to support this program fully and wholeheartedly.



FROILAN C. TENORIO

DIRECTIVE

DATE: JUL 10 1997
No. 192

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Centralization of Legal Advice Provided by the Office of the Attorney General to the Executive Branch

The Office of the Attorney General has as its obligation under Commonwealth Constitution Article III, Section 11 to provide legal advice to all Executive Branch Departments and in representing the Commonwealth in all legal matters. The Office of the Attorney General has, where warranted, deployed assigned or authorized Special Assistant Attorneys General ("SAAGs") to work at various departments, divisions and agencies pursuant to memoranda of agreement between those offices. Although the SAAGs operate under the authority of the Office of the Attorney General, the actual practice of deployment and assignment to other departments has developed into an employer/employee relationship between the SAAGs and their client departments.

It is of critical importance that all legal opinions, legal work and legal policy be directed and overseen by the Attorney General. Therefore, to help insure that the advice being rendered by the SAAGs is consistent with and coordinated through the Office of the Attorney General, it is necessary to change the nature of the working relationship each SAAG has with their "client" departments. Therefore, the employee/employer relationships currently existing between the SAAGs and their "client" departments must be terminated and replaced with attorney/client relationships.

To comply with the Constitution's mandate with regard to legal representation and to promote efficient administration and consistent, coordinated, legal representation, I hereby direct that the following provisions shall become effective pursuant to the terms set forth below:

Section 1. The SAAGs assigned to the Departments of Finance, Labor and Immigration, Commerce, Public Health, Public Safety, Lands and Natural Resources, and Public Works, and their respective divisions, are to be transferred to work directly for the Office of the Attorney General and redesignated the singular as "Assistant Attorney General" and in the plural as "Assistant Attorneys General" ("AAGs").

Section 2. There will be a grace period of thirty (30) days following the effective date of this Directive for any department, division or agency that does not currently have a SAAG deployed or assigned to it, request such assistance from the Attorney General. If, in the Attorney General's opinion, such a deployment or assignment is warranted, and the department, division or agency has sufficient FTEs and funding for expenses associated with the hiring of an additional attorney, the Attorney General may undertake to hire counsel for such agency consistent with the procedure set forth in Section 3 below.

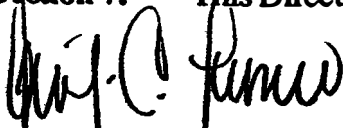
Section 3. All FTEs, salaries and budgeted items associated with the SAAGs (including, but not limited to, housing, storage and other employment related benefits), currently provided by the various Executive Branch offices (as may be currently budgeted in Public Law 10-41), shall be transferred to the Office of the Attorney General.

Section 4. The Attorney General shall be solely responsible for determining the allocation of legal resources to the Executive Branch. All work assignments and attorney office locations shall be coordinated and determined and announced by the Attorney General. Legal counsel on the Governor's Lt. Governor's staff are exempted from this section.

Section 5. Each Department desiring to retain an AAG at their office location shall provide that AAG with up-to-date full-time personal computer facilities, including telecommunications equipment, adequate to access the electronic law resources of the Office of the Attorney General and other resources available over the Internet, basic secretarial services, office supplies and copying and faxing facilities, a basic legal library of necessary Commonwealth Law, including the Commonwealth Code, a set of Commonwealth Reporters, the rules of the Courts of the Commonwealth, and all Regulations and Policies of the Department.

Section 6. All memoranda of agreement between the Office of the Attorney General and the Executive Branch Departments (listed above in Section 1) pertaining to the SAAGs are terminated.

Section 7. This Directive shall become effective on July 19, 1997.



FROILAN C. TENORIO

CC: President of the Senate
Speaker, House of Representatives
Mayor of Saipan
Mayor of Tinian
Mayor of Rota
Mayor of Northern Islands
Chairperson, Saipan Municipal Council
Chairperson, Tinian Municipal Council
Chairperson, Rota Municipal Council
Chief Justice, Supreme Court
Chief Judge, Superior Court
Executive Director, Commonwealth Development Authority
Executive Director, Commonwealth Ports Authority
Executive Director, Commonwealth Utilities Corporation
Managing Director, Marianas Visitors Bureau
Corporate Director, Commonwealth Housing Corporation
Administrator, NMI Retirement Fund
President, Northern Marianas College
Commissioner, Public School System
Personnel Officer

DIRECTIVEDATE: DEC 05 1997
No. 193

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Policy On Re-hiring Employees Separated for Reasons of Conduct or Performance

It has come to my attention that employees who have been terminated from one department or activity of the government, or who have resigned to avoid disciplinary action, are being re-hired by other departments or activities. The intent of this Administration has been, from the very beginning, to provide the highest possible level of public service to the citizens of the Commonwealth. This, naturally, requires that the highest possible standards be met in the selection of government employees.

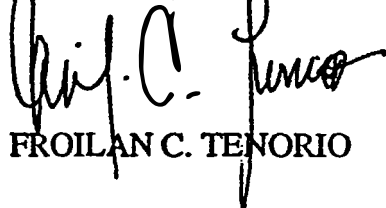
It is a fair assumption, which should be reached by any appointing authority, that employees who have been terminated for reasons of cause, having been afforded due process, do not meet these standards. It is, therefore, an act of managerial negligence to place an already proven unsatisfactory employee back into a position of public trust. It is important to note that disciplinary actions and termination for cause are administrative processes and, as pointed out in Part V.C1 of the *Personnel Service System Rules and Regulations*, are separate from any court action.

Therefore, pursuant to this Directive, no employee from any government department or activity, who has been separated from service for reasons of cause, or who has resigned to avoid termination for cause or disciplinary action, will be re-hired, or even considered for re-employment, in any activity under the authority of the Governor, for a period of two years from the date of separation. The Director of Personnel has made a recommendation to this effect, and I am directing it's immediate implementation.

It is also important to emphasize that the Director of Personnel is the certifying official for the hire of all government employees whether such employees be Excepted Service or Civil Service. If the Director so determines that an applicant is not suitable for government employment, as a result of an unsatisfactory employment history, the Director will not certify him or her for employment.

It is every Activity Head's responsibility to ensure that the highest possible standards are maintained in the selection of government employees. Many deserving citizens are interested in working for the government. There is absolutely no reason to inflict a problem employee on either our fellow government workers, or on the citizens of the Commonwealth.

Your full support of the Director of Personnel in the implementation of this Directive is expected.



FROILAN C. TENORIO

DIRECTIVE # 194

DEC 16 1997

TO : All Department & Activity Heads
FROM : Governor
SUBJECT : Alcohol and Government Office Christmas Parties

I have heard recent reports that indicate some CNMI Government Offices are serving alcohol while having their annual Christmas holiday office parties. This is totally unacceptable, and in violation of existing CNMI regulations. I also understand that CNMI government vehicles may be involved as well. Christmas parties for government offices are to be held outside normal working hours, and only then can they serve alcohol.

Under our new CNMI Drug and Alcohol Workplace Policy the following would apply under prohibited conduct

1. No employee shall possess an open container of alcohol in any vehicle while on duty or in any government vehicle at any time. No employee shall possess an open container of alcohol while at his or her workplace.
2. No employee shall be under the influence of alcohol when at work, or while reporting to work with the intention of working. This would include lunchtime parties where alcohol may be served.
3. No government vehicles are to be used to attend any government office holiday party that is to be held off government property where alcohol is to be served.

While I want all our government employees to really enjoy the Christmas and New Year's festivities, I must strongly remind all our public employees that we have a new policy in effect and that as public employees we are held to a slightly different standard than private employees.

I further strongly encourage department and activity heads to schedule their office parties after working hours, where alcohol can then be safely and legally consumed, and private vehicles are the rule of transportation and common sense the carrier (designated drivers).

Have a safe and festive celebration.


FROILAN C. TENORIO

DIRECTIVE

DATE: JAN 13 1998
No. 195

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Fiscal Integrity

We all know the current financial condition of our Commonwealth is uncertain, and our government revenues are decreasing.


As Governor, I am responsible for protecting the interests of the people and the fiscal integrity of the government. To this purpose, I am taking the following steps to ensure that our government's expenditures for the next 60 days will be limited to only essential items and services. Once our financial status is better known, we will be able to return to normal. Beginning today, the following is in effect:

1. Travel outside the CNMI is not allowed unless authorized in advance.
2. No contracts or personnel actions of any kind over \$5,000 may be entered into or approved.

If you have urgent items which fall into the above restrictions, please submit your request for approval to the Office of the Special Assistant for Administration.

Should this directive conflict with travel or other actions already planned, you are required to postpone your plans. We hope that after the 60-day period, we will have a better picture of our financial condition, and these restrictions can be lifted.

I know that you are as concerned as I am about the financial status of our government. I thank you in advance for your contribution to our return to fiscal stability.



PEDRO P. TENORIO

DIRECTIVE

DATE: FEB 02 2008
No. 196

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Rescinding Directive 180 and Prior Delegations of Authority

Effective immediately all travel authorizations for travel outside the CNMI and Guam, all amendments for international travel, and all travel authorizations for deportation purposes should be directed to my office for approval, or to the Lt. Governor in my absence.

This policy will remain in effect until I rescind it. I appreciate your cooperation.



PEDRO P. TENORIO

DIRECTIVE

DATE: FEB 12 2008
No. 197

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Travel by Economy Class

Effective immediately, all off-island travel anywhere must be on economy class. This, again, is in line with my earlier call for fiscal austerity. This Directive in no way implies that the limit on government travel has been lifted. It is still in effect. All government travel must still be approved by my office. This Directive rescinds paragraph #3, under "Travel Authorizations", in Directive No. 154.

I ask for your full cooperation. Thank you.



PEDRO P. TENORIO

DIRECTIVE

DATE: FEB 12 1998
No. 198

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Energy Conservation

In line with Directive 195, on austerity measures, effective immediately, all air conditioners, lights, and electrical appliances in all government offices must be turned off after working hours. All exterior lights at government buildings must also be turned off, except for those areas where they are justified for security. An exception to this Directive is those government offices requiring air conditioning for sensitive equipment or supplies.

I ask for your full cooperation and that you make every effort to exercise fiscal restraint.



PEDRO P. TENORIO

DIRECTIVEDATE: MAY 8 1998
No. 199

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Fiscal Integrity; Extension of Directive 195

As you are all aware, the current fiscal condition of the Commonwealth continues to be strained, and revenue expectations are still uncertain. It is necessary for us to extend indefinitely the austerity measures I imposed after taking office in January to protect the fiscal integrity of the Commonwealth. These measures are:

1. Travel outside the Commonwealth is not permitted at government expense unless authorized by my office in advance.
2. No contracts in excess of \$5,000 or personnel actions of any kind may be entered or approved unless approved by my office in advance.

These restrictions on government expenditures extend to the entire Executive branch, including semi-autonomous agencies and entities. Thank you for your cooperation.



PEDRO P. TENORIO

DIRECTIVE

DATE: JUN 30 1998

No. 200

TO: All Department and Activity Heads

FROM: Governor

SUBJ: Establishment of a Special Task Force on Overtime Utilization and Control

The Executive Branch of the Commonwealth government expended more than ten million dollars in overtime payments during Fiscal Year 1997, with an additional outlay of two and one-half million dollars in attendant retirement fund and medicare costs. The Government cannot afford to continue such excessive, and mostly unbudgeted, payments. Fiscal responsibility demands that immediate steps be taken to correct this situation.

The Director of Personnel is hereby directed to establish and head a Special Task Force to review government overtime utilization, and to determine both immediate and long term measures that can be taken to minimize and control overtime expenditures. The Commonwealth's financial situation requires immediate action to alleviate this problem. The Director of Personnel, as the Head of this Task Force, is authorized to initiate overtime-cutting actions that do not conflict with law.

The Director of Personnel is further directed to provide the Office of the Governor with quarterly reports that detail the actions initiated and the quantitative effect of these actions on reducing overtime expenditures. I will be available for interim personal reports to keep me informed of the progress of the Task Force.

Department and activity heads are responsible for ensuring that all overtime activities within their activities are justified, unavoidable and minimized. It appears that a review of operational priorities, staff management practices, and compliance with existing overtime regulations is necessary at this time. Department and Activity Heads are directed to work closely with this Task Force, and to implement those actions that the Task Force determines necessary and reasonable to accomplish an overtime reduction.



PEDRO P. TENORIO

DIRECTIVE

DATE: JUL 15 1998
No. 201

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Administrative Leave Policy

This Directive cancels and replaces Directive 158, issued on March 20, 1998, on the subject of *Administrative Leave Policy*. Consistent with previous practice, I am delegating the authority to grant or deny Administrative Leave to Department and Activity Heads for those authorized situations other than typhoon emergencies and special holidays. This delegation cannot be redelegated to a lower level.

The Public Auditor's final report on its *Audit of Government Employees' Time and Attendance, July 1995 to June 1997*, issued on June 24, 1998, revealed that there have been numerous cases where Administrative Leave had been improperly granted by Appointing Authorities in recent years. I wish to emphasize that administrative leave must only be granted for those situations authorized in Part VII.A4.G of the *Personnel Service System Rules and Regulations (PSSR&R)*, for Civil Service Employees, and Part 8.I of the *Excepted Service Personnel Regulations (ESPR)*, for Excepted Service employees.

All requests for administrative leave must be screened carefully prior to approval to ensure that the leave is justified, and that it is the type of situation approved in the regulations for the use of administrative leave. Administrative leave cannot be utilized for family emergencies. Leave for family emergencies can be granted as annual leave or as Leave Without Pay, in accordance with Part VII.A5 of the *PSSR&R*. Special attention must be paid to Family Medical Leave Act situations.

All requests for administrative leave should be submitted and approved in writing, utilizing the standard leave application form. All requests should be initiated through the employee's immediate supervisor to allow the opportunity for their recommendation prior to the Appointing Authority's final decision. Decisions should be based upon the adequacy of the justification, the ability of the work unit to release the employee, and the past job performance and attendance of the employee. Timekeepers must be kept informed of the employee's status at all times.

Department and Activity Heads are cautioned to use this approval authority with discretion, fairness and consistency. All approvals must be supported by the relevant regulation. Any questions regarding the suitability of a request should be addressed to the Director of Personnel.


EDRO P. TENORIO

DIRECTIVE

DATE: JUL 15 1998

No. 202

TO: All Department and Activity Heads

FROM: Governor

SUBJ.: Time and Attendance

The Public Auditor's final report on its **Audit of Government Employees' Time and Attendance, July 1995 to June 1997**, issued on June 24, 1998, pointed out that, in the past administration, government offices, departments and agencies routinely committed abuses in timekeeping, in the granting of leave, overtime, and compensatory time to employees. The report specifically alleged that (1) employee time charges were either falsified or incorrectly summarized, (2) administrative leave was indiscriminately granted, and (3) overtime and compensatory time were granted in violation of regulations. The audit also found that timekeeping practices employed by government departments, offices and agencies were inadequate, inconsistent, and subject to errors and manipulations. The Public Auditor implied that their limited findings show only the tip of the iceberg, with the possibility that there has been a misuse of a substantial amount of public funds for inappropriate personnel costs.

These are very serious charges. I would like to refute them, but I cannot. I, also, have been made aware of employees who were paid without coming to work. I have terminated these employees. I, also, have noted the excessive amount of overtime. Steps are being taken to control overtime usage. There are assuredly many time and attendance violations that this administration inherited, and that may be continuing. If this is the case, I want these violations stopped.

Let me direct your attention to Part V.D1 (formerly Part V.C1 before the November 15, 1997 amendments) of the **Personnel Service System Rules & Regulations**, the Code of Ethics for Government Personnel Service. Sub-Part C states the following:

(All persons in government service should:)

- C. Give a full day's labor for a full day's pay; giving to the performance of duties earnest effort and best thought.

This phrase of existing regulation states my basic policy regarding time, attendance, and performance. Come to work on time with a positive attitude, get the job done to the best of your ability during regular working hours, and go home satisfied with what you've done. The government should not pay for absence or nonperformance. Employees should not expect it. Management certainly should not allow it.

Poor attendance results in low government productivity. It also causes much of the overtime that is eating up 10% of our staffing budget. It cannot be tolerated. As managers, you and your supervisors are

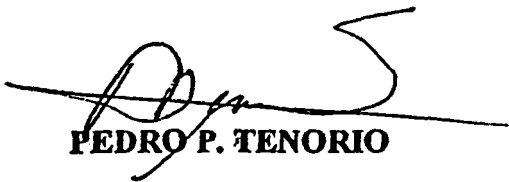
responsible for instilling good work habits, including good attendance, in your subordinates. If your employees are constantly late or absent, their performance, and that of your activity, will suffer. You are responsible for correcting such problems. You must conduct counseling, document poor attendance in performance ratings, and take disciplinary action when it is necessary.

Most important, you must not accept poor attendance or condone it. I expect you to comply fully with all attendance and timekeeping regulations and policies. Attendance must be correctly recorded and reported. You must ensure that the timekeeping records that you and your timekeeper certify are thoroughly reviewed for accuracy and completeness before you sign them. There is nothing more discouraging to a good employee, who has come to work each day and done his or her job, than to see another employee who has been continually late or absent, receive undeserved salary and benefits.

I hold you, as the Department or Activity Head, fully accountable for the attendance and performance of your employees, and for the accuracy of attendance and timekeeping records. You, in turn, must hold your division directors, supervisors and timekeepers accountable. Those Managers, who allow poor attendance and incorrect timekeeping to occur, are just as guilty as the offending employee. They are also equally subject to disciplinary action. Timekeepers who make errors should be retrained. Those who submit incorrect time and attendance records, knowing that they are in error, should be terminated from their employment with the government. Any deliberate falsification of time and attendance records by an employee, timekeeper or manager will be referred to the Attorney General for prosecution. Certifying hours for payment where they have not been worked is fraud, and will be treated as such. Appropriate disciplinary action will also be taken against any supervisor who knowingly tolerates such falsification or fraudulent claims for payment.

The officials of this Administration have been entrusted, by election or appointment, with the management of our community's funds. Let's ensure that we live up to that trust.

This memorandum must be permanently posted for all employees to view. A copy must be given to all supervisors and timekeepers, now and upon any new appointment.



PEDRO P. TENORIO

DIRECTIVEDATE: JUL 17 1998
No. 203

TO: All Department and Activity Heads

FROM: Governor

SUBJ.: Policy of the Commonwealth of the Northern Mariana Islands Regarding Equal Employment Opportunity

The laws of the United States and of the Commonwealth of the Northern Mariana Islands require that equal opportunity be provided to all U.S. Citizens and legal resident workers in government employment. It also requires that nondiscrimination be exercised in all government employment practices. Statements of the Commonwealth's policy of nondiscrimination can be found in Title 1, §8102 of the Commonwealth Code and Parts 1.B1 and V.E1 of the Personnel Service System Rules and Regulations. To ensure full compliance with these requirements, the Commonwealth has established a systematic, government-wide program, known as the *CNMI Equal Employment Opportunity Program*, to implement our legal and moral obligations. I personally and officially support this program, and will ensure continued compliance with its tenets with the full force of executive authority.

As the Governor and Chief Executive Officer of the Government of the Commonwealth of the Northern Mariana Islands, I am, also, the Equal Employment Officer for the Commonwealth, with the authority to institute and maintain a legally compliant Equal Employment Opportunity (EEO) program and to require all departments and activities to ensure full and fair implementation of the program's principles. I am appointing the Director of Personnel as the Deputy EEO Officer for the Commonwealth, with the authority to develop EEO policies, implement the program, and oversee its operation. The Director of Personnel will appoint an EEO Coordinator in the Office of Personnel Management to provide me, the Director of Personnel, and other key government management and EEO officials with expert advice, analysis and evaluation on EEO matters. The Director of Personnel will also appoint EEO Coordinators in the Office of Personnel Management on both Rota and Tinian. Additionally, the EEO Coordinator will monitor the program government-wide and will assist department and activity EEO staff in the fair and consistent application of EEO laws and policies.

Each department, activity and autonomous agency within the Executive Branch of the Commonwealth Government will create a similar organization, issue a formal EEO policy statement similar to this directive, and establish implementation procedures. Any department, activity or autonomous agency with less than fifty (50) total staff may request to the Director of Personnel that it join with another department or activity in establishing its EEO program and structure. The Chief Executive of each department, activity and autonomous agency will serve as the Equal Employment Opportunity Officer for his or her organization. In turn, the Chief Executive will appoint either the organization's Deputy or a senior member of management, at a level reporting directly to the Chief Executive, as the organization's Deputy EEO Officer. Similarly, the Chief Executive of each organization will appoint an EEO Coordinator to manage the organization's EEO program. I recommend that the coordinator be a permanent employee with advanced administrative and analytical abilities.

The EEO Program will provide an administrative procedure for settling complaints of discrimination with regard to government employment or personnel practices. It will, also, pending analysis of need by the Office of Personnel Management, include requirements for affirmative recruiting and upward mobility programs. This administrative process for resolving discrimination complaints will be open to all government employees and all applicants for government employment. It will include three successive venues for fact finding and conciliation: a counseling stage, an investigative stage and a hearing stage. Each organization will appoint a number of EEO Counselors throughout the divisions/sections of the organization, to include divisions/sections on Rota and Tinian, who will fill this role as a collateral duty. Employees who have previously received EEO training should be continued in their position, if their service and commitment to the program have been satisfactory.

The EEO Program Coordinator at the Office of Personnel level will establish an investigative capability, utilizing existing CNMI staff trained in investigative skills, that will respond to requests for investigation from the organizational EEO Coordinators. If the complaint is not resolvable at the organizational level, the Civil Service Commission will serve as the ultimate hearing panel for EEO complaints in lieu of the EEO Commission, both for civil service and excepted service employees. EEO discrimination complaints, which are initiated by the employee or applicant as a result of perceived discrimination, should not be confused with adverse actions, which are initiated by the employer as a result of conduct or performance problems. By law, the ultimate authority for resolving those discrimination complaints that could not be resolved at the hearing level or lower will be the U.S. District Court.

With regard to affirmative action, the Office of Personnel Management's EEO Coordinator will tabulate the current government employment levels in the categories of Chamorroa, Carolinians, and other U.S. citizens, by sex, by occupation, and by salary levels. These findings will then be compared against the figures for CNMI's adult U.S. Citizen civilian labor force. If it is determined that a conspicuous absence of one of the three categories of U.S. Citizens, or a manifest imbalance of representation of any of these categories, exists in any organization or occupation, then hiring or promotion goals will be set, for accomplishment by the Appointing Authorities.

The Commonwealth government must play a major role in the educational and skills development of its most valuable resource, its citizen employees, both young and old. To ensure the continuing development of its citizen workforce, the Office of Personnel Management will work with the various departments, activities and autonomous agencies to implement an upward mobility plan. This upward mobility program will consist of a systematic process for filling positions at the entry level, where possible, with new hires with the lowest feasible qualifications. The government will then provide training, staff development and promotion programs to prepare them for advancement over a period of time into the higher skill levels of government employment.

The Office of Personnel Management and all departments, activities and autonomous agencies will establish program evaluation and reporting procedures to keep me informed of the status of the Commonwealth's Equal Employment Opportunity Program. This program is not just a matter of complying with federal and local laws. It is a vitally important step in ensuring fair and equal treatment in government employment to all citizens of the Commonwealth. It will repay our efforts tenfold and provide a legacy of equality for citizens yet to come.

All departments, activities and autonomous agencies are directed to comply with the guidance provided herein, which supplements, in more detail, the Equal Employment Opportunity provisions found in Part V.E1 of the *Personnel Service System Rules and Regulations*. Individual EEO policy statements are to be immediately prepared and published, with copies forwarded both to my attention and to the Director of Personnel. EEO staffing structures will be established and employees will be trained in coordination with the Office of Personnel Management.

I expect all management staff to support this program fully and wholeheartedly in all hiring and employment processes. Your participation in this program must not be just minimal compliance with Federal and Commonwealth EEO laws; it must be the daily fulfillment of an obligation of fair treatment to all of the citizens of the Commonwealth.



PEDRO P. TENORIO

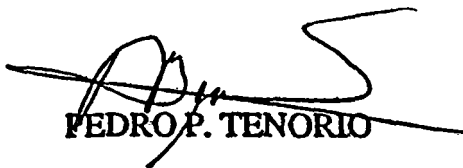
DIRECTIVE

DATE: JUL 21 1998
No. 204

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Long Distance Telephone Calls

In keeping with our austerity policy, please ensure that all your staff are reminded that long distance calls from government telephones are only to be for government purposes. Also, to ensure that billings can be reviewed for accuracy, there must be a log kept for each telephone line which has access to long distance calling. That log must include the name of the person making the call, date, time, number called, person called and purpose of call. Once billings are received, someone must be made responsible for checking each call against the log before certification for payment is made.

We are making progress in curtailing expenses and I appreciate your help.



PEDRO P. TENORIO

DIRECTIVE

DATE: AUG 19 1998
No. 205

TO : All Employees, all Departments

FROM : Governor

SUBJECT : Directive on Manning of Telephones During Business Hours and on Proper Telephone Etiquette.

[This directive replaces directive number 001 issued January 15, 1994.]

We are all public servants and our salaries are paid by the taxpayers. As such, it is essential that all offices provide good service by ensuring that telephones are properly manned during business hours so that customers can easily and reliably get in contact with our offices. In addition, we must extend every courtesy to customers when utilizing the telephones. Following are some guidelines regarding proper telephone etiquette:

1. **Ensure incoming phone lines are continually manned during business hours:** Department or section heads must ensure that the primary incoming phone lines are continually manned during business hours, even during the lunch hour. It is important that our customers be able to contact us easily.

2. **Answer the phone politely and informatively:** Calls should be answered promptly and in a courteous manner. When answering a call, you must answer with a friendly greeting and identify your department/office and provide the caller with your name.

Example:

Hafa Adai. Office of the Governor. This is Juan Sablan. How can I help you?

If you receive a call which has been transferred to you from another department/office, you can simply proceed by identifying yourself and then inquire how you can be of assistance.

Example:

Hello, this is Juan Sablan. May I help you?

3. **Transfer calls properly:** If transferring the call, inform the caller of the name of the person who will take his call.

Example:

One moment please. I will transfer your call to Mr. Pedro Cruz's office.

You should also politely ask for the caller's name when you are going to transfer the call and give the caller's name to the person you transfer the call to. If the caller does not wish to give his name, forward the call to the proper person and inform him that the caller didn't wish to give his name, then wait for instructions.

Example:

May I tell him who is calling please? Thank you, Mr. Tenorio. I will transfer your call now.

THEN

Mr. Cruz, Mr. Tenorio is on the telephone for you. May I transfer his call?

OR IF THE PERSON IS NOT AVAILABLE TO TAKE THE CALL

Mr. Cruz is out of the office/on another call/in a meeting/unable to come to the telephone now. Would you like to leave a message or have him return your call?

4. How to Handle Outgoing Calls: When placing a call for yourself or another, always announce your name and the office from which you are calling. If placing the call for another person, make sure your party is ready to take the call.

Example:

Hello, this is Juan Sablan of the Governor's Office. May I please speak with Mr. Pedro Cruz?

OR

Hello, this is Juan Sablan of the Governor's Office. Is Mr. Pedro Cruz available to speak with the Governor?

THEN

Mr. Cruz, one moment, please, for the Governor.

When placing a call for another, if the person called is not in, politely ask to know when he is expected back. Before hanging up, ask the person on the other end to hold so that you can check with the person you are placing the call for to see if he wishes to leave a message.

Example:

May I know when you expect Mr. Cruz to be available? Thank you. Will you please hold so I can check if the Governor would like to leave a message. Thank you.

5. Ask permission before you place a caller on hold and do not make callers wait on hold for long periods of time: If you must ask a caller to hold, request to do so courteously and wait for a response before placing the caller on hold. When you return to the call, thank the caller for waiting. If you feel you would have to ask the caller to wait for a long time, offer to return the call.

Example:

That information is in my files but it will take me a minute to find it. Would you like to wait or may I call you back?

THEN

Thank you for waiting.

When calling another office to seek information, be sure to have all the necessary data at your fingertips so that you can fully and completely explain what you need without delay.

6. Take Messages Efficiently: Do not interrupt or be impatient. Listen attentively. Do not make the caller repeat information because of inattention on your

part. Write down every message. Do not try to rely on memory. You should get the following information at a minimum:

- name of the caller
- telephone number
- the date and time of the call
- any message requested to be left by the caller

You should also place your name on the message so that the message recipient knows who took the call. If you are confused or unsure of anything in the message, ask to repeat it to the caller.

Example:

May I please repeat the message to you to make sure I have it correct?

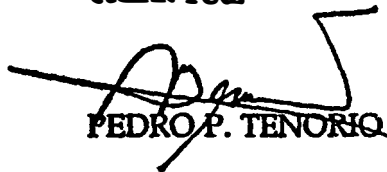
Messages should be delivered to the recipient as soon as possible.

7. Saying Good-bye: When you are finished with the call, say "Good-bye" pleasantly and let the caller hang up first.

8. Return Calls Promptly: Comply with all requests for a return telephone call at the very earliest possible, and in no instance no longer than four working hours after receipt.

Finally, make sure you speak slowly, clearly and in a pleasant tone of voice at all times. Proper phone etiquette portrays a professional image for the Government. Please bear in mind that courtesy is appreciated by all incoming callers, as well as your fellow co-workers. I would appreciate your compliance with this directive.

Thank You.



PEDRO P. TENORIO

DIRECTIVE

DATE: SEP 15 1998
No. 206

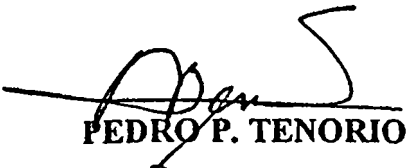
TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Authority to Administer the Excepted Service Personnel System

Excepted Service employees of the Commonwealth Government have been exempted from the provisions of the Civil Service Act and the attendant *Personnel Service System Rules and Regulations* by Article XX of the *Commonwealth Constitution* and Section 8131(a) of the Civil Service Act [ICMC §8131(a)]. Jurisdiction for the administration and regulation of the Excepted Service Personnel System is the responsibility of the Governor and his designees, not the Civil Service Commission.

Accordingly, I am designating the Office of Personnel Management (OPM) as that government entity charged with promulgating and administering Excepted Service regulations, contracts and policies on behalf of the Commonwealth Government. The Office of Personnel Management is, hereby, delegated the authority to administer the Excepted Service Personnel Regulations, prepare implementing policies and procedures, ensure individual and activity compliance, and to deal with all other matters pertaining to the Excepted Service System. The Director of Personnel, or other official designated by the Director of Personnel, will serve as the Hearing Officer on my behalf for Excepted Service grievances not resolved at the Appointing Authority level.

The Director of Personnel is tasked with ensuring that the contract and salary administration of Excepted Service employees is conducted consistently within all Executive Branch activities, and that the Excepted Service Personnel Regulations are kept current and as consistent with the Civil Service's Personnel Service System Rules and Regulations as possible. The establishment of new, or the modification of existing, benefit levels and conditions of employment for the CNMI Executive Branch will require the review and approval of the Office of the Governor.

This delegated authority extends over all Executive Branch activities.



PEDRO P. TENORIO

DIRECTIVEDATE: OCT 20 1998
No. 207

TO : All Department and Activity Heads

FROM : Governor

SUBJECT : Extension of Austerity Measures

Our austerity efforts in the last three quarters of FY1998 have resulted in a noticeable decrease in Executive Branch expenditures. These cost-savings measures have resulted from the cooperation of departments and activities to decrease non-essential expenditures. I thank each of you for your cooperation and support in these efforts. Preservation of the public health, public safety and order in our communities remains our principle concern. I do not wish to take any action that will decrease the levels of service provided to CNMI residents or that will adversely affect the livelihood of government employees. However, as revenues continue to drop, we are now at a point where stronger austerity measures must be taken to ensure that basic public services will continue to be provided.

Effective immediately, the following austerity measures will be implemented:

1. Travel outside the Commonwealth is not permitted at government expense unless authorized by my office in advance. This applies to locally and federally-funded travel.
2. No contracts in excess of \$3,000 or personnel actions of any kind may be entered or approved unless approved by my office in advance.
3. No personnel actions involving hiring, re-hiring, reclassification, reassignments, or any other change of status shall be routed until approval by the Appointing Authority and the Director of Personnel is completed. At that time sufficient justification for approval must be provided and will be subject to approval by my office. All Civil Service employees that are hired at this time will be placed on Limited Term Appointments, due to the uncertainty of continued funding.
4. No extra-hours payments will be made to any overtime-exempt employee. All waivers previously granted are canceled with immediate effect.
5. In order to ensure the necessary public services and protection of public health, safety and welfare, overtime for overtime-eligible employees directly involved in law enforcement, fire protection, emergency management or medical services activities will be authorized by the Appointing Authorities at levels appropriate to maintain adequate public services. Flexible schedules, adjustment of shifts, reassignment of staff, elimination of non-essential duties, use of compensatory time are a few of the methods that can be used to minimize overtime requirements. These Appointing Authorities will meet with the Overtime Utilization and Control Task Force to determine overtime goals and limits.

NO OVERTIME payments will be made to any overtime eligible (covered) employee not directly involved in law enforcement, fire protection, emergency management or medical service activities. Appointing Authorities are responsible for ensuring that overtime is not authorized or permitted. The Secretary of Finance will ensure that no overtime is paid other than as specified herein. In emergency situations where the Appointing Authority must authorize overtime, the employee will be granted compensatory time which must be taken. No conversion to overtime will be allowed. It is the duty and the responsibility of the Appointing Authorities to determine how their department or activity can accomplish their mission within normal working hours.

- 7. No new purchase or lease of capital items (e.g. computer equipment and accessories, furniture, vehicles, equipment) is permitted unless approved by my office in advance.**

These measures are immediately effective for all Executive Branch departments, offices and activities, and will remain in effect until further notice. The Special Assistant for Administration is designated the approving authority under this Directive. All inquiries and requests for expenditure approval under this Directive shall be forwarded to the SAA.

It is my intent to ensure that the Government continues to provide the level of service that should rightfully be expected by its citizens. To do so without taking drastic measures that could require a general decrease in work hours for employees or other income-affecting steps, it is important that all employees, both management and non-management, participate in trying to reduce the cost of government operations.

I expect no less than the full support of all Department and Activity Heads in these cost-reduction efforts and their immediate compliance with this Directive. I strongly recommend that they also be adopted by the other branches of the Government and all autonomous activities.


PEDRO P. TENORIO

MEMORANDUM

DATE: JAN 11 1999

TO: Mr. Vicente M. Sablan
Acting Chairman, Civil Service Commission

FROM: Governor

SUBJECT: Austerity Measures

The present financial status of the Commonwealth Government is such that routine promotions at this time are not possible. I realize the importance of career advancement to the morale of employees and the proper classification of employees to match their duties. However, due to the limited funding now available for government operations, I must place my emphasis on ensuring continued employment and salaries for employees, rather than on promotional salary increases.

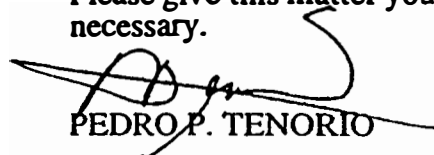
Please initiate steps to prepare an Emergency Amendment to the Personnel Service System Rules and Regulations that will temporarily suspend those provisions that create any requirement to provide an increase with either a permanent or temporary promotion, acting or detail assignment, or reallocation or reclassification action. I would like for management to still be able to effect these actions and to place employees in the proper job classification for the work that they actually perform. However, these actions must be effected as lateral salary moves without the normal salary increase.

Our current financial situation also does not allow the Government to grant step increases for workshop hours as well as payment for educational leave. Please include a suspension of these provisions.

It would also facilitate staffing adjustments if the requirement for "acting assignments" to be renewed monthly and the ninety (90) day limitation also be temporarily suspended. A single appointment letter for a period of up to one year will ease the logistics of temporary assignments during this period of fiscal austerity.

No retroactive payments or corrective actions will be made upon the lifting of the austerity measures. Normal procedures will simply be resumed at that time.

Please give this matter your earliest possible attention, as immediate implementation is necessary.


PEDRO P. TENORIO

cc: Special Assistant for Administration
Director of Personnel

**CIVIL SERVICE COMMISSION
NOTICE AND CERTIFICATION OF ADOPTION OF THE PERMANENT
AMENDMENT OF THE PERSONNEL SERVICE SYSTEM RULES AND
REGULATIONS**

I, Vicente M. Sablan, Chairman of the Civil Service Commission, which is promulgating the amendments to the Personnel Service System Rules and Regulations, published in the Commonwealth Register, Vol. 21, No.2, on February 18, 1999, at pages 16455 to 16460, by signature below hereby certify that as published such regulations are true, complete, and correct copy of the amendments of the Personnel Service Rules and Regulations proposed by the Civil Service Commission which, after the expiration of appropriate time for public comment, have been adopted with minor modification or amendment as set forth below:

1. Change the numbering system on the amendment from:

"XII.A FINANCIAL AUSTERITY MEASURES" to


**"PART XII, SUB-PART A
FINANCIAL AUSTERITY MEASURES"**

2. Add the following to the single paragraph in Part XII.A:

"Upon expiration of the suspension of the pay increases employees who qualified for the increases during the time of suspension shall receive the pay increases effective the date the suspension expired. The increases shall not be made retroactive to any date that occurred during the time of suspension."

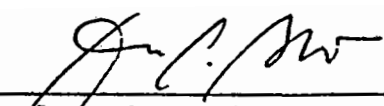
By signature below, I hereby certify that the proposed Amendment to the Personnel Service System Rules and Regulations as herein amended are the true, correct, and complete amendment adopted by the Civil Service Commission. I further require and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 6th day of April, 1999, at Saipan, Commonwealth of the Northern Mariana Islands.

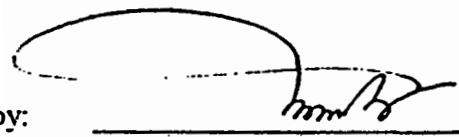


Vicente M. Sablan, Chairman
Civil Service Commission

Date: 4/13/99

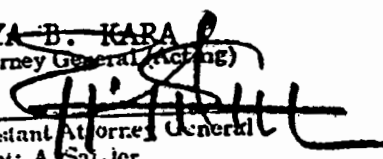
Received by 
Jose I. Deleon Guerrero
Special Asst. For Admin.

Date: 4-14-99

Filed by: 
Soledad B. Sasamoto
Registrar of Corporations

Pursuant to 1 CMC 2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office:

Dated this 9th day of April, 1999:

MAYA B. KARA
Attorney General (Acting)
By: 
Assistant Attorney General
Elliott A. Sattler

**CIVIL SERVICE COMMISSION
NOTICE OF IMPLEMENTATION OF FINANCIAL AUSTERITY MEASURES**

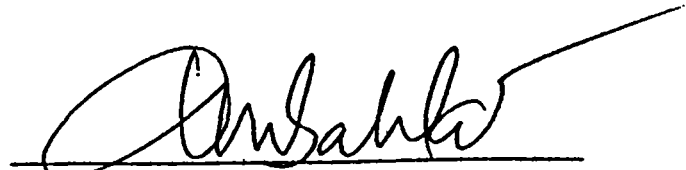
By memorandum of the Governor, dated January 11, 1999, the government is experiencing a period of economic difficulty, which requires financial austerity measures affecting the Civil Service System to be implemented.

Therefore. The Civil Service Commission gives public notice that. effective ten (10) days after the publication date of this volume of the Commonwealth Register. Part XII of the Personnel Service System Rules and Regulations is in effect and regulations providing pay increases due to permanent or temporary promotions, acting or detail assignments. reallocation or reclassification of positions and step increases based on attendance at workshops or other training programs will be suspended.

DECLARATION

I, Vicente M. Sablan, Chairman of the Civil Service Commission, do hereby declare that the implementation of Personnel Service System Rules and Regulations, Part XII was duly adopted by the Civil Service Commission at its January 21-22, 1999, meeting.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 6th day of April, 1999, on Saipan, Commonwealth of the Northern Mariana Islands.



Vicente M. Sablan, Chairman
Civil Service Commission

MEMORANDUM

Date: 06/11/99

To : All Department and Activity Heads
From : Special Assistant for Administration
Subject : Civil Service Commission Regulations

Due to the Austerity Measures imposed, the Civil Service Commission, at the request of the Governor's Office, has put into effect regulations suspending pay increase due to permanent or temporary promotions, acting or detail assignment, reallocation or reclassification of position, step increases and other training programs.

It is therefore imperative that none of the above will be considered regardless of sources of funding. Your adherence to the above regulations will be most appreciated.

Should you have any questions regarding the above, please do not hesitate to call my office.


JOSE I. DELEON GUERRERO



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR
OFFICE OF PERSONNEL MANAGEMENT
P.O. Box 5153 CHR, SAIPAN, MP 96950 - 5153
TEL. NOS.: (670) 234-6925 / 6958 / 8036
FAX NO.: (670) 234-1013

MEMORANDUM

To: All Department and Activity Heads **Date:** JAN 07 1999
From: Director of Personnel
Subject: Compliance with Governor's Directive No. 207: *Extension of Austerity Measures*

The Office of Personnel Management continues to receive Requests for Personnel Action that do not comply either with the instructions of the Governor's Directive or its intent. The Commonwealth still faces economic difficulties that require the government to limit its expenditures, including staffing costs. There is not sufficient funding at this time to approve all personnel actions that involve increased cost to the Government.

All Department and Activity Heads have received briefings by the Office of the Governor concerning the seriousness of the Commonwealth's fiscal situation. However, actions that cannot be considered essential, and cannot be effected, continue to be approved and processed through your offices. When they arrive at the Office of Personnel Management we must waste time processing the request and explaining to your administrative Staff, and often to the employee, why the action cannot be approved, before returning it to you.

It is your responsibility, as the Department or Activity Head, to deny or delay requests for such nonessential actions at your level. They should not simply be processed and forwarded to OPM for my disapproval. It is your responsibility to ensure that actions forwarded from your office are limited to only those that are necessary for the continuation of vital government services and operations.

All actions not considered vital must be deferred until the government's economic situation improves. Closer screening of proposed actions at your level will decrease unnecessary administrative work and processing for both your office and mine.

It is important that you fully support the government's austerity measures. Do not hesitate to call me if you have any questions.


MATHILDA A. ROSARIO

cc: Governor
Lieutenant Governor
Special Advisor for Finance and Budget
Special Assistant for Administration
Special Assistant for Management and Budget
Secretary of Finance

DIRECTIVE

DATE: DEC 16 1998
No. 208

TO: All Department and Activity Heads

FROM: Governor

SUBJECT: Organizational Structure of the Department of Public Works and Creation of the Division of Solid Waste Management within the Department of Public Works.

The Administration and the Department of Public Works have made a commitment to resolve the solid waste issues that currently face our islands. At the same time, the Department of Public Works has been working on formalizing its current organizational structure. Part of the organizational effort will entail the creation of the Solid Waste Management Division.

Effective immediately, the organizational structure of the various divisions within the Department of Public Works is as follows:

1. There shall be ten divisions within the Department of Public Works.
2. There shall be an Administrative Services Division ("ASD") headed by the Director of Administrative Services.
3. There shall be a Technical Services Division ("TSD") headed by the Director of Technical Services.
4. There shall be a Building Safety Code Division ("BSC") headed by the Building Safety Official pursuant to 2 CMC sec. 7121.
5. There shall be a Roads and Facilities Division ("RFD") headed by the Director of Roads and Facilities.
6. There shall be an Operations and Maintenance Division ("OMD") headed by the Director of Operations and Maintenance.
7. There shall be a Transportation and Heavy Equipment Division ("TAHED") headed by the Director of Transportation and Heavy Equipment.
9. Pursuant to 1 CMC sec. 2646 and E.O. 94-3 sec. 304(d), there shall be a Division of Environmental Quality ("DEQ") headed by Chief of the Division of Environmental Quality

10. Pursuant to E.O. 94-3 sec. 211 there shall be an Energy Office ("Energy") headed by the Energy Officer.

The above listed divisions were in existence prior to the issuance of this Directive. In addition to recognizing the existing divisions currently established within the Department of Public Works, there shall now be created an additional division known as the Division of Solid Waste Management ("DSWM"). The Division will be headed by a Solid Waste Director. The former employees and responsibilities previously allocated to the Division of Roads and Facilities under that divisions Solid Waste Landfill section and the landfill operator personnel assigned to that section shall be transferred from the Division of Roads and Facilities to the Solid Waste Management Division.

The Solid Waste Management Division shall administer the solid waste management duties directed to the Department of Public Works pursuant to the Commonwealth Solid Waste Management Act, 5 CMC sections 3511 et. seq., and shall work with the Division of Environmental Quality on those issues directed to the Division of Environmental Quality pursuant to the Solid Waste Management Act.



PEDRO P. TENORIO

DIRECTIVE

DATE: JAN 11 1999
No. 209

TO: All Department and Activity Heads

FROM: Governor

SUBJECT: Training and Educational Leave

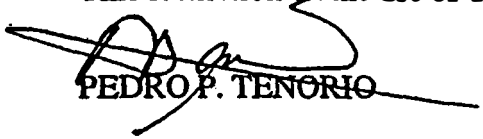
The Commonwealth's present financial situation forces a limitation on the use of the Civil Service Training and Education Leave benefit. Effective immediately, applications for Training and Education Leave With Pay will not be approved for any academic program. Applications for vital job-related skills training will be considered on a case-by-case basis. The only applications that will be considered at this time will be those involving training that is necessary for the continuation of an essential function or that will be federally funded.

The Office of Personnel Management will review the present utilization and obligations of the program. Training and Education Leave Agreements of employees currently on such leave will not be renewed on a "with pay" status, unless the training is necessary for the continuation of an essential function. Valid and active ongoing training and education programs may be considered for continuation on a "no pay" status if they meet all requirements established in the regulation.

Please ensure that departmental administrative and management staff within your department or activity are aware of this limitation on Training and Education Leave and that this Directive is posted to inform all employees. Do not send applications to the Office of Personnel Management that do not involve essential functions training.

This Directive does not amend any provisions of the Personnel Service System Rules and Regulations regarding Training and Education Leave. Also, it does not initiate any change in the routing, approval or contracting process. The Director of Personnel will continue to manage the Training and Education Leave program and retain approval authority.

This restriction on the use of Training and Education Leave will remain in effect until rescinded.


PEDRO P. TENORIO

cc: Special Assistant for Administration
Director of Personnel
Acting Chairman, Civil Service Commission

DIRECTIVE

DATE: 28 AUG 2000

No. 210

TO: All Department and Activity Heads

FROM: Governor

SUBJ.: Modification of Governor's Directive No. 207

The Commonwealth continues to work with reduced revenues and an uncertain economy. However, I recognize the difficulties to both government activities and employees resulting from the decision set forth in prior Directive No. 207 to hire all civil service employees on a Limited Term Appointment status. Effective with the publication of this Directive, the Director of Personnel is authorized to take the following conversion action for locally funded Civil Service Limited Term Appointments, in accordance with Part III.B.3.C of the *Personnel Service System Rules and Regulations*.

Present Employment Status**Authorized Action**

Employee has completed one or more 52-week Limited Term Appointment

Immediate Conversion to Civil Service Permanent Status.

Employee has completed less than one 52-week Limited Term Appointment

Conversion to Civil Service Permanent Status upon completion of 52-week appointment

New Hire

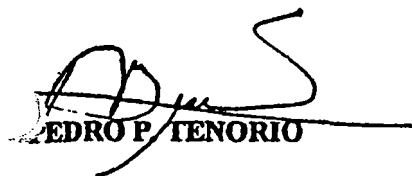
Hire competitively on Civil Service Probationary Status

The Office of Personnel Management will prepare the Notice of Personnel Action (NOPA) to effect the conversion action upon receipt from the Appointing Authority of a Request for Personnel Action, a satisfactory Performance Rating Report for the completed Limited Term Appointment and a statement requesting the conversion, confirming that the position is permanent, that the employee meets the established minimum qualifications for the position, and that the employee has demonstrated 52 consecutive weeks of satisfactory performance in the position to which the employee is being converted. Documents that have already been submitted to this effect need not be resubmitted, and will be considered under this Directive.

If an Appointing Authority elects not to, or cannot meet the requirements to, effect the conversion to permanent status, no subsequent Limited Term Appointment will be authorized for that position upon completion of the one currently in effect, and the position will either be eliminated or opened for competitive recruitment.

Conversion action is only authorized at this time for positions funded by Commonwealth appropriations.

Appointing Authorities and the Director of Personnel will take all necessary actions to implement this Directive. The remaining austerity measures still in effect, as set forth in Directive No. 207, will remain in full force and effect until further notice.



PEDRO P. TENORIO

DIRECTIVE

DATE: 12 JAN 2001
No. 211

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Timely Submittal of Travel Documents

The untimely submittal of Travel Requests is becoming increasingly a problem. Therefore, effective Monday, January 22, 2001, I will not accept any requests for travel that is to be commenced in fewer than five working days. The only exception to this must be a real emergency.

Please see that travel requests which do not meet this requirement do not reach my desk. If they do, I will accept no excuses, no finger-pointing; they will certainly be disapproved. Please see that all your current and future staff are aware of this.

This does not modify Directive 154, which states in section #4:

Any TA that is requested for travel beyond the CNMI, as opposed to inter-island, must be submitted three to four weeks in advance. Any inter-island TA must be submitted one week in advance. The Travel Section and/or the Department of Finance will not be responsible for rushing the processing of any TA in order to meet the travel date.

Compliance with this Directive and Directive 154 will insure that necessary travel is not jeopardized, and is for all travelers' benefit. Thank you for your cooperation.



PEDRO P. TENORIO

DIRECTIVE

DATE: 02 FEB 2001

No. 212

TO: All Department and Activity Heads

FROM: Governor

SUBJECT: Utilization of Accumulated Compensatory Time Off

It has come to my attention that numerous overtime-eligible employees in departments throughout the Government have accumulated excessive amounts of Compensatory Time Off. This unbudgeted-cost situation has occurred in violation of the instructions against Overtime in the Governor's Directive No. 207, dated October 20, 1998. In Item 6 of this directive the following restrictions were initiated.

No overtime payments will be made to any overtime-eligible (covered) employee not directly involved in law enforcement, fire protection, emergency management or medical service activities. Appointing Authorities are responsible for ensuring that overtime is not authorized or permitted. The Secretary of Finance will ensure that no overtime is paid other than as specified herein. In emergency situations where the Appointing Authority must authorize overtime, the employee will be granted compensatory time off which must be taken. No conversion to overtime will be allowed. It is the duty and the responsibility of the Appointing Authorities to determine how their department or activity can accomplish their mission within normal working hours.

Overtime work that results in an overtime-eligible employee earning Compensatory Time Off should only occur under extraordinary circumstances. Overtime-exempt employees cannot earn Compensatory Time Off. When a supervisor/division director/department head authorizes overtime as Compensatory Time Off, Compensatory Time Off should be immediately scheduled to offset the extra hours worked within a reasonable period. A "reasonable period" is hereby defined as the immediately following two pay periods. The Department of Finance will not pay cash for compensatory Time Off under any circumstances other than termination of employment. Employees who have accumulated Compensatory Time Off in excess of eighty hours should be scheduled for immediate time off to avoid conflict with the existing regulations.

In Christensen et al. v. Harris County et. al., (98-1167, May 7, 2000) the U.S. Supreme Court affirmed the authority of public employers to require public workers to use Compensatory Time Off that they have earned, rather than paying them overtime. Restated, this means that Appointing Authorities can schedule Compensatory Time Off periods and require workers to take that time off. This decision does not prevent an employee from also scheduling time off at times of his or her choosing, as long as approving the request is not "unduly disruptive" to the activity's operations.

All Department and Activity Heads are directed to establish and maintain a current listing of all employees who have Compensatory Time Off due. This listing must be reviewed immediately and the listed employees

must be scheduled for Compensatory Time Off. The Department/Activity Head is responsible for ensuring that vital services are continuously available while employees with Compensatory Time Off are absent.

The Office of Personnel Management and the Overtime Task Force will conduct a review of Compensatory Time Off accumulation and will review actions taken to liquidate this liability. The Director of Personnel will report the findings of the Overtime Task Force to the Governor and the concerned Department/Activity Heads.

All Department and Activity Heads are urged to take immediate action to ensure full utilization of all accumulated Compensatory Time Off. Please call the Director of Personnel if you have questions or need assistance on this matter.



PEDRO P. TENORIO

**cc: Chairman, Civil Service Commission
Director of Personnel
Attorney General
Secretary of Finance
Special Assistant for Management and Budget**

DIRECTIVE

DATE: 10 JUL 2001
No. 213

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Continued Membership in Government Sponsored Life Insurance Program

For the past fifteen years, the Government of the Northern Mariana Islands has been able to extend life insurance benefits to government employees at very favorable group rates. The low group rate is based on the number of government employees who are enrolled in the program. In the past, certain entities of government have chosen to opt out of the program. It is inevitable that, if more subscribers withdraw, premiums will increase.

Therefore, I urge all department and activity heads to remain within the program and not jeopardize this very critical benefit that we are able to offer to our employees. Affordable life insurance is a safety net on which many of our employees depend to take care of their families in the event of their death. It is critical, especially under current economic conditions, that we continue to offer this benefit to our people.



PEDRO P. TENORIO

DIRECTIVE

DATE: 12 JUL 2011
No. 214

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: GASB 34 Implementation Task Force

The Commonwealth of the Northern Mariana Islands is required to conform to government reporting standards established by the Government Accounting Standards Board (GASB). The issuance of GASB Statement 34 has stirred a great deal of controversy in the government accounting sector, especially the new requirement that government entities present a "private sector" form of financial statement summarizing all government activities, including capital assets along with their depreciation, in one financial statement.

In order to implement GASB Statement 34, the CNMI Government must record fixed assets and infrastructure assets in its financial management system and present them in the financial statements. The implementation of recording and reporting fixed assets must be done in Fiscal Year 2002, while infrastructure assets must be recorded and reported starting in Fiscal Year 2006. This tremendous task requires physical inventory of all capital assets and infrastructure assets and the valuation of these assets, including depreciation. Detailed records for fixed assets still in use must be established. Failure to do so may result in the CNMI receiving an adverse opinion from our financial statement auditors, which could negatively affect the status of our outstanding bonds issued for CIP matching and the ability of the CNMI to issue bonds in the future.

All autonomous agencies must implement GASB Statement 34 at the same time as the central CNMI Government. It is extremely important that the CNMI Government, as a whole, work together to implement GASB Statement 34. We have been fortunate to have the USDA Graduate School offer a GASB Statement 34 class earlier this year, which was attended by representatives from CUC, CDA, NMHC, NMC, MVA, CPA, the Public Auditor's Office, Department of Finance, Rota, and Tinian.

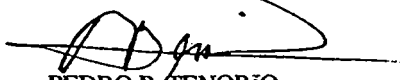
Since coordinated implementation of the Fixed Assets requirements and other aspects of GASB Statement 34 is critical, I am hereby creating the GASB 34 Implementation Task Force to be headed by Mr. Robert A. Schrack, Special Assistant to the Secretary of Finance.

The Task Force will be composed of the chief financial officers of the following government offices:

- Public School System
- Northern Marianas College
- Commonwealth Development Authority/Northern Marianas Housing Corporation
- Commonwealth Ports Authority
- Commonwealth Utilities Corporation
- Marianas Visitors Authority
- Office of Public Lands
- Marianas Public Land Trust
- NMI Retirement Fund
- Department of Finance
- Resident Department of Finance, Rota
- Resident Department of Finance, Tinian
- Office of the Public Auditor

All departments and government entities will lend their support and assistance to this crucial project. Effective implementation will have a direct impact on our ability to comply with the requirements of GASB 34. The Chair of the Task Force will be contacting your offices to schedule the first meeting.

Thank you for your support.


PEDRO P. TENORIO

- cc: Speaker of the House
- President of the Senate
- Presiding Judge
- Chief Justice
- Mayor of Rota
- Mayor of Tinian
- Mayor of Saipan
- Mayor of Northern Islands
- Administrator, Office of Public Lands
- President of NMC
- Commissioner of Education, PSS
- Executive Director, CDA and NMHC
- Executive Director, CPA
- Administrator, NMI Retirement Fund
- Executive Director, CUC
- Managing Director, MVA
- Administrator, MPLT
- Public Auditor

DIRECTIVE**31 JAN 2002**
NO. 215

TO: All Executive Branch Employees, Department and Activity Heads

FROM: Governor

SUBJECT: Continuation of Expenditure Controls

Projected revenues for the current fiscal year are \$13.6 million less than budgeted expenses. This has been the case since before the beginning of the calendar year, yet allotments for the second quarter were not adjusted down to address the shortfall.

Under these circumstances, ensuring that the government is able to provide essential public services and avoid lay-offs or other work reductions will require all of us to understand the seriousness of the situation and to respond by using care and good judgement. Each of us can make a difference.

In the coming weeks I will be keeping you and all of the public informed of the specifics of our fiscal situation and working with you to find solutions.

In the meantime, please, use the government resources in your control conservatively. Look for ways to save. Consider fully whether any spending decisions you make or recommend are truly necessary.

Share your ideas for saving with your co-workers and with me and Lt. Governor Benavente. We are looking for the best ideas and for innovative thinking, no matter who you are or what your position. Don't hesitate to come to us. The door is open.

Until fiscal conditions improve, the following expenditure controls will be in effect:

- 1. Travel.** Travel outside the CNMI or between islands is not allowed at government expense unless authorized in advance by the office of Governor. This restriction applies to locally and federally-funded travel.
- 2. Contracts.** No contracts in excess of \$2,500 may be entered into or approved unless approved in advance by the office of Governor.
- 3. Personnel actions.** No personnel actions involving hiring, re-hiring, reclassification, reassignments, or any other change of status may be processed without approval by the office of Governor. This requirement applies to all requests for personnel actions, whether involving a monetary benefit or being purely administrative in nature. All Civil Service employees who are hired at this time will be placed on Limited Term Appointments, due to the uncertainty of continued funding.
- 4. Conversions.** No employee on a Limited Term Appointment may be converted to Civil Service Permanent Status. No New Hire may be converted to Civil Service Probationary Status.

5. **Overtime.** No extra-hour payments will be made to any overtime-exempt employee. All waivers previously granted are canceled with immediate effect.
6. **Overtime exception.** Overtime-eligible employees directly involved in law enforcement, fire protection, emergency management or medical services may be authorized by the Appointing Authorities to receive overtime at levels sufficient to protect and maintain public safety and health. Administrative personnel engaged in law enforcement, fire protection, emergency management or medical services will not be authorized to receive overtime. The Appointing Authorities will be responsible for accomplishing their department or activity mission within these constraints. The Secretary of Finance will be responsible for ensuring that no overtime is paid other than as defined in this Directive.
7. **Purchases.** No purchase of any capital items (e.g., computer equipment, furniture, vehicles) is permitted unless approved in advance by the office of Governor.
8. **Leases.** No lease or renewal of lease, including leases of office space and vehicles, is permitted unless approved in advance by the office of Governor.
9. **Utility conservation.** Department and activity heads will take immediate steps to reduce consumption of electricity, water, sewer, and telecommunications services. Simple steps, such as ensuring that lights are out at the end of the work day, leaks are fixed, and unused telephone lines disconnected, should be undertaken immediately.
10. **Expenditure control taskforce.** In order to assist departments and agencies in implementation of these expenditure controls I am hereby creating an expenditure control taskforce to be headed by the Special Assistant for Administration or his designee. Goals of the taskforce over the next 60 days will be the following reductions from current levels:
 - ⇒ electricity costs by at least 10%,
 - ⇒ telecommunications costs by at least 5%,
 - ⇒ travel expenses by at least 10%,
 - ⇒ vehicle leases by at least 10%, and
 - ⇒ office rental expenses by at least 5%.

In addition, the taskforce will assist managers in adhering to the overtime guidelines in this directive.

Members of the taskforce will be the Director of Finance, the Special Assistant for the Office of Management and Budget, the Director of the Energy Division, and the Special Assistant for Telecommunications or their designees.

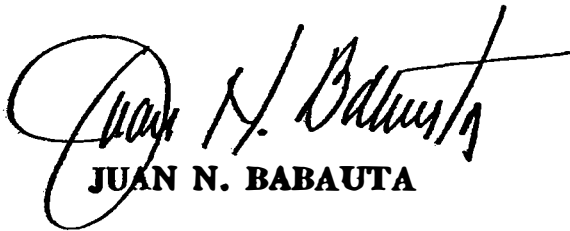
Should this directive conflict with travel or other actions already planned, you are required to postpone your plans.

Any requests for authorization, as required above, or requests for exceptions to these expenditure controls should be submitted to Special Assistant for Administration.

These measures apply to the entire Executive branch, including semi-autonomous agencies and entities. Other branches of government, and autonomous agencies and entities, including the Commonwealth Ports Authority, the Commonwealth Utility Corporation, and the Northern Marianas Retirement Fund, are encouraged to respond, likewise, to the present fiscal circumstances.

These measures are effective immediately.

This Directive supercedes and rescinds Directives No. 210, No. 207, No. 199, and No. 197.



JUAN N. BABAUTA

DIRECTIVEDATE: 18 APR 2002
No. 216

TO: All Department and Activity Heads

FROM: Governor

SUBJ.: Policy of the Commonwealth of the Northern Mariana Islands Regarding Equal Employment Opportunity

The laws of the United States and of the Commonwealth of the Northern Mariana Islands require that equal opportunity be provided to all U.S. Citizens and legal resident workers in government employment. It also requires that nondiscrimination be exercised in all government employment practices. Statements of the Commonwealth's policy of nondiscrimination can be found in Title 1, §8102 of the Commonwealth Code and Parts I.B1 and V.E1 of the Personnel Service System Rules and Regulations. To ensure full compliance with these requirements, the Commonwealth has established a systematic, government-wide program, known as the *CNMI Equal Employment Opportunity Program*, to implement our legal and moral obligations. I personally and officially support this program, and will ensure continued compliance with its tenets with the full force of executive authority.

The Commonwealth government does not condone and will not tolerate discrimination in any form in its employment policies and actions, or in the conduct of its employees. It is especially important to state clearly that the Government has established and will vigorously enforce a policy of non-tolerance for sexual harassment in its workplace and among its workforce. It is my firm belief and the policy of this administration that those residents of the Commonwealth, who are legally entitled to work for the Commonwealth government, will be considered equally and indiscriminately, in accordance with relevant statutes, for employment and advancement in the government service. Similarly, every employee of the government possesses the right to a workplace free from threat, harassment or coercion. This Administration is committed to guaranteeing these rights to its employees.

As the Governor and Chief Executive Officer of the Government of the Commonwealth of the Northern Mariana Islands, I am, also, the Equal Employment Officer for the Commonwealth, with the authority to institute and maintain a legally compliant Equal Employment Opportunity (EEO) program and to require all departments and activities to ensure full and fair implementation of the program's principles. I am appointing the Director of Personnel as the Deputy EEO Officer for the Commonwealth, with the authority to develop EEO policies, implement the program, and oversee its operation. The Director of Personnel will appoint an EEO Coordinator in the Office of Personnel Management to provide me, the Director of Personnel, and other key government management and EEO officials with expert advice, analysis and evaluation on EEO matters. The Director of Personnel will also appoint EEO Coordinators in the Office of Personnel Management on both Rota and Tinian. Additionally, the EEO Coordinator will monitor the program government-wide and will assist department and activity EEO staff in the fair and consistent application of EEO laws and policies

Each department, activity and autonomous agency within the Executive Branch of the Commonwealth Government will create a similar organization, issue a formal EEO policy statement similar to this directive, and establish implementation procedures. Any department, activity or autonomous agency with less than fifty (50) total staff may request to the Director of Personnel that it join with another department or activity in establishing its EEO program and structure. The Chief Executive of each department, activity and autonomous agency will serve as the Equal Employment Opportunity Officer for his or her organization. In turn, the Chief Executive will appoint either the organization's Deputy or a senior member of management, at a level reporting directly to the Chief Executive, as the organization's Deputy EEO Officer. Similarly, the Chief Executive of each organization will appoint an EEO Coordinator to manage the organization's EEO program. I recommend that the coordinator be a permanent employee with advanced administrative and analytical abilities.

The EEO Program will provide an administrative procedure for settling complaints of discrimination with regard to government employment or personnel practices. It will include three successive venues for fact finding and conciliation: a counseling stage, an investigative stage and a hearing stage. Each organization will appoint a number of EEO Counselors throughout the divisions/sections of the organization, to include divisions/sections on Rota and Tinian, who will fill this role as a collateral duty. Employees who have previously received EEO training should be continued in their position, if their service and commitment to the program have been satisfactory.

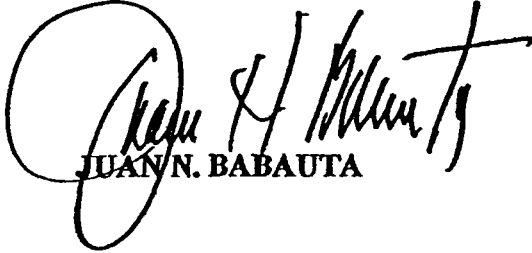
The EEO Program Coordinator at the Office of Personnel level will establish an investigative capability, utilizing existing CNMI staff trained in investigative skills, that will respond to requests for investigation from the organizational EEO Coordinators. If the complaint is not resolvable at the organizational level, the Civil Service Commission will serve as the ultimate hearing panel for EEO complaints in lieu of the EEO Commission for civil service employees. The Director of Personnel, as the Governor's designee will provide this opportunity for excepted service employees. EEO discrimination complaints, which are initiated by the employee or applicant as a result of perceived discrimination either directly through the EEO structure or through the grievance process, should receive immediate consideration and action as determined appropriate. Failure to act in a timely and responsive manner could result in continued discrimination to the employee and liability to the government.

The Office of Personnel Management and all departments, activities and autonomous agencies will establish program evaluation and reporting procedures to keep me informed of the status of the Commonwealth's Equal Employment Opportunity Program. This program is not just a matter of complying with federal and local laws. It is a vitally important step in ensuring fair and equal treatment in government employment to all citizens of the Commonwealth. It will repay our efforts tenfold and provide a legacy of equality for citizens yet to come.

All departments, activities and autonomous agencies are directed to comply with the guidance provided herein, which supplements, in more detail, the Equal Employment Opportunity provisions found in Part V.F1 of the *Personnel Service System Rules and Regulations*. Individual EEO policy statements are to be immediately prepared and published, with copies forwarded both to my attention and to the Director of Personnel. EEO staffing structures will be established and employees will be trained in coordination with the Office of Personnel Management. Manuals and instructions to further clarify the Commonwealth's

nondiscrimination policy and specific implementation procedures will be published and distributed by the Office of Personnel Management.

I expect all management staff to support this program fully and wholeheartedly in all hiring and employment processes. Your participation in this program must not be just minimal compliance with Federal and Commonwealth EEO laws; it must be the daily fulfillment of an obligation of fair treatment to all of the citizens of the Commonwealth.



JUAN N. BABAUTA

DIRECTIVE

DATE: 18 APR 2002
No. 217

TO: SEE DISTRIBUTION LIST
FROM: Governor
SUBJ.: Emergency Management System Executive Leadership Briefing

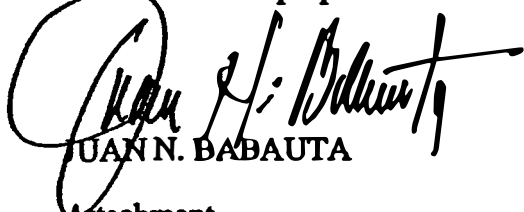
This directive requires you to attend the Executive Leadership Briefing covering the CNMI's Emergency Management System on Friday, April 26, 2002 between 8:30 a.m. – 11:30 a.m. at the Emergency Management Office Conference Room.

The purpose of this Executive Leadership Briefing is to provide an overview of our emergency management system describing the functions, roles and responsibilities of all departments, agencies, and organizations in responding to a major disaster incident in the CNMI, based on our response plans.

It is essential for staff within our new administration to understand the natural and man-made hazards that threaten our communities, our CNMI emergency management system in response to any major disaster incident and emergency response coordination between the local, state and federal governments in responding to a major disaster.

It is important for you to attend this briefing because your agency is identified as having disaster management functions, roles and responsibilities within our Emergency Operations Plan (EOP).

We hope this briefing will provide a good understanding of our emergency management system so that we can all be better prepared to effectively respond to any major disaster in the CNMI.



JUANN. BABAUTA

Attachment

DISTRIBUTION LIST:

Commissioner, DPS
Executive Director, CPA
Acting Secretary, DPH
Secretary, DPW
Secretary, DLNR
Secretary, DCCA

Special Assistant for Administration
Attorney General
Acting Secretary, DOF
Governor's Press Secretary

CNMI Executive Leadership Briefing
Friday, April 26, 2002
8:00 – 11:30 AM

Agenda

I. Disaster Events - CNMI

Types of Disaster Events: 1) Natural & 2) Man-Made

II. CNMI Disaster Management System:

1. Authorities:

CNMI

- a. **Governor's Emergency Powers**
- b. **Mayors' Emergency Powers**
- c. **Executive Order 94-3, PL 1- 40 & PL 1- 44**
- d. **Oil Spill and Haz Mat Responders Immunity Act (PL 9 - 49)**

Federal

- a. **Stafford Act, PL 93-288, as amended**

2. Response Plans & Procedures:

- **Emergency Operations Plan (EOP)**
- **Hazardous Materials Emergency Response Plan (Haz Mat Plan)**
- **Emergency Operations Center (EOC) – Standard Operating Procedures (SOPs), etc.**

3. Response Agencies & Organizations

- **Primary & Support Agencies**
- **Response Activity Coordinators (RAC) Team**

4. Emergency Operations Center (EOC)

- **Functions**
- **Procedures - SOP**
- **Organization – UCS**

5. Federal Assistance

- **Emergency Assistance**
- **Presidential Disaster Declaration**
- **Federal Response Plan**
- **Disaster Recovery Programs: IA, PA, & HMGP**

CNMI Executive Leadership Briefing
Friday, April 26, 2002
8:00 – 11:30 AM

Agenda

III. Overview of EMO's Federal Grant Program

- a. **FEMA – EMPG, TCMPA, FMA**
- b. **DOT – HMEP**
- c. **DOJ – ODP: State Domestic Preparedness Equipment Program**

IV. EMO Priorities:

1. Planning Issues

- **RAC Team Designation: primary & alternate**
- **Update of RAC Contact Info.**
- **SERC/LEPC Formation**
- **Update of Response Plans**

2. Training Issues

- **Support of local cadre of Haz Mat/Terrorism Instructors**
- **Agencies' support of ongoing Haz Mat/Terrorism Training**
- **Executive Leadership Training – RAC Team**

3. Exercise Issues

- **Upcoming Haz Mat/Terrorism Exercises – Saipan, Tinian & Rota**
- **NPREP Exercise – January 2003**
National Preparedness for Response Exercise Program (NPREP)

V. Q & A Session

VI. Adjourn

DIRECTIVE

DATE: May 20, 2002
No. 218

TO: All Department and Activity Heads
FROM: Governor
SUBJ.: Executive Branch Office Hours and Client Service

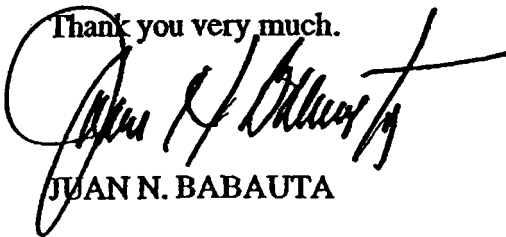
The sole reason for the Commonwealth Government's existence is to serve the Public. This purpose can only be accomplished if the offices established to provide these services are open and available to the people they serve. This is especially true for the lunch period, which is often the only time that working public has for conducting personal business.

It has come to my attention from the business sector and private individuals that they have been unable to conduct business during the lunch period due to government offices being closed, or no knowledgeable staff being present to assist them. This is unacceptable situation that should never have occurred and cannot be allowed to continue.

Government offices are routinely open from 7:30 a.m. to 4:30 p.m. each weekday. Staff must be available to serve the public at all times during these hours, unless a modified schedule is justified and approved. Employees are provided a one-hour lunch break. However, whether an office is on the standard or a modified schedule, it is management's responsibility to ensure that lunch breaks are staggered to allow knowledgeable employees to be present during the lunch period to assist their public clients.

All Departments, Program Managers, and Activity Heads within the Executive Branch are directed to immediately ensure that their offices are open and available throughout the workday. You are directed to emphasize to all employees, by training and written instruction, the need to provide courteous and competent service at all times. We must never forget that we hold our public service appointments, as the title implies, to serve the Public.

Thank you very much.



JUAN N. BABAUTA

DIRECTIVEDATE: 20 JUN 2002
No. 219

TO: All Department and Activity Heads

FROM: Governor

SUBJ.: Exemption of Federally Funded Positions from Expenditure Controls

Governor's Directive No. 215, dated January 31, 2002, and the imposition of the financial austerity measures in Part XII.A1 of the *Personnel Service System Rules and Regulations (PSSR&R)*, effected on February 28, 1999, by amendment to the regulations, placed restrictions and controls on employment actions that involved increased financial expenditures and obligations. There was no distinction made in the *PSSR&R* amendment between locally and federally funded positions. The Directive also restricted federally-funded travel and used all-inclusive language for personnel actions, contracts and other expenditure categories.

A review of these restrictions on expenditures has shown that it would be in the best interest of the Commonwealth to exempt federally funded positions from the full effect of these controls. As federally funded positions draw on funds provided to the Commonwealth for specific programs, the availability of these funds is based upon an approved budget submission to the federal government. These funds cannot be reprogrammed for other uses and will, in most cases, be lost, if not used. In fact, the failure to use these funds to their full budgeted extent could result in the Commonwealth later having to support the activity with locally appropriated funds.

Accordingly, I am exempting federally funded positions from the expenditure controls established by Governor's Directive No. 215, and from the austerity measures imposed in Part XII.A1 of the *Personnel Service System Rules and Regulations*. Approval for employment actions for federally funded positions that involved increased financial expenditures and obligations must still receive the approval of the Office of the Governor, as required by Governor's Directive No. 215. Approval will be based upon the Grantor's approval (budget, special approval, etc.), the availability of budgeted federal funds, the operational need and the administrative appropriateness of the transaction. This exemption does not include any position, travel or action where local funds are required in addition to the federal funding.

Heads of departments and activities that include federally funded positions and programs are reminded that this exemption does not change the fact that the Commonwealth is still in a period of financial difficulty. Federal funds, as well as local funds, must be expended wisely, in a manner that will provide the Commonwealth with the greatest benefit.



JUAN N. BABAUTA

DIRECTIVE

DATE: September 20, 2002
No. 220

TO: All Department and Activity Heads

FROM: Governor

SUBJ.: Control of Sources of Non-point Pollution In The Commonwealth Of The Northern Mariana Islands Coastal Zone; To Adopt Mandatory Management Measures

Article I, Section 9, of our Constitution provides that each person has the right to a clean and healthful public environment. Article 14, Section 9, of our Constitution provides that the marine resources in waters off the coast of the Commonwealth over which the Commonwealth has jurisdiction shall be managed, controlled, protected and preserved for the benefit of the people. The Commonwealth of the Northern Mariana Island's land, water, and living resources have been placed under the control of the CNMI to be administered for the benefit of all the Commonwealth's community, establishing the People's right to safely enjoy such land, water and living resources through a wide range of recognized public uses.

The Commonwealth Environmental Protection Act, Public Law 3-23, as amended, and codified at Title 2, Section 3111(a) of the Commonwealth Code, states it is the policy of the Commonwealth to affirmatively protect the right of each person to a clean and healthful public environment, to maintain optimal levels of air, land, and water quality in order to protect and preserve the public health and general welfare, to establish and enforce environmental standards to protect and preserve the marine resources of the Commonwealth, and to preserve, protect, and improve the aesthetic quality of land, water, and natural resources of the Commonwealth in order to promote the beauty of the Commonwealth for the enjoyment of its residents and visitors.

Pursuant to the Federal Clean Water Act of 1972, the Commonwealth Environmental Protection Act, and Title 1, Section 2601, et seq., of the Commonwealth Code the Division of Environmental Quality classified the Commonwealth's water bodies according to designated uses and established water quality criteria and standards for the coastal waters, fresh waters, ground waters and wetlands to protect these resources from said uses.

The Coastal Resources Management Act of 1983, Public Law 3-47, as amended, and codified at Title 2, Section 1511 of the Commonwealth Code states it is the policy of the Commonwealth to require compliance with all local water quality laws and regulations and any applicable federal water quality standards; to plan for and manage any use or activity with the potential for causing a direct and significant impact on coastal resources; to mitigate, to the extent practicable, adverse environmental impacts, including those on aquifers, beaches, estuaries and other coastal resources resulting from any use or activity; to encourage land use master planning, floodplain management, and the development of zoning and building code legislation; to require any development to strictly comply with erosion, sedimentation, and related land and water use districting guidelines, as well as other related land and water use policies for such areas; to maintain or improve coastal water quality through control of erosion, sedimentation, runoff, siltation, sewage and other discharges; and to not permit, to the extent practicable, development with the potential for causing significant adverse impact in fragile areas such as critical wildlife habitats,

beaches, designated and potential pristine marine and terrestrial communities, and designated and potential mangrove stands and other wetlands.

Pursuant to the Federal Coastal Zone Management Act of 1972 and the Commonwealth's Coastal Resources Management Act of 1983, the coastal resources policy of the Commonwealth was adopted and the Coastal Resources Management Office was established and empowered to coordinate the planning and implementation of the coastal resources management policies and to provide for coordination and decisions on whether federal activities affecting the coastal resources of the Commonwealth are consistent with the coastal resources policies and regulations.

It is the Coastal Resources Management policy under Title 2, Section 1511 to have all departments, agencies, offices, and instrumentalities of the Commonwealth government incorporate these policies into their programs and to conduct their activities in a manner consistent with these policies. Title 2, Section 1512 provides that the Coastal Resources Management Office has the power, function, and duty to coordinate the planning and implementation of the coastal resources management policies by the Commonwealth government and to review and monitor Commonwealth government activities for their consistency with the coastal resources management policies.

Despite achievements obtained in the control of water pollution generated by point sources, water quality data logged by the Division of Environmental Quality and other state and federal agencies show that the degradation of certain bodies of water has an impact on some of their designated uses. This condition motivates us to pay more attention to nonpoint source pollution related to the following categories of land use or activities: urban development, agriculture, marina development and operation, recreational boating, and wetland and riparian degradation.

To address the problems of coastal water pollution on a national level, generated by the above-mentioned nonpoint source categories, in 1990, the Federal Government approved Section 6217 of the Reauthorization Amendments to the Coastal Zone Act of 1990, Federal Law No. 101-508, which requires that states and territories with coastal management programs approved by the U.S. Department of Commerce, as in the case of The Commonwealth of the Northern Mariana Islands, implement nonpoint source pollution control programs or funds for Coastal Zone and Nonpoint Source Pollution Programs will be progressively withheld.

The Coastal Resources Management Office and The Division of Environmental Quality entered into a policy agreement endorsing the goals of the above-mentioned Federal program and agreed to the development of a state plan involving existing state programs, and incorporating the mandatory management measures contained in the guidelines promulgated by the Federal Environmental Protection Agency, pursuant to Section 6217 (g) of the above-mentioned Federal Law No. 101-508. To comply with this policy agreement, the following provisions shall become effective pursuant to the terms set forth below:

Section 1. In the discharge of the Commonwealth government's duty to the Northern Mariana Islands community, facing the conditions that threaten our terrestrial, aquatic, and living resources, it is our obligation, as trustee of said resources, to take additional measures to protect and preserve them for the enjoyment of our present and future generations.

Section 2. In consonance with the above, it is the public policy of the Commonwealth's government to develop and implement, in collaboration and coordination with related Federal agencies and programs, an approved Plan for the Control of Sources of Nonpoint Pollution in The Commonwealth of The Northern Mariana Islands' Coastal Zone, within the framework of and the use of existing state programs, by adopting locally appropriate, enforceable policies and management measures to address conditions such that the Commonwealth of the Northern Mariana Islands will have a fully approved plan utilizing the guidelines promulgated by the Federal Environmental Protection Agency in the *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*.

Section 3. The Coastal Resources Management Office, under the Office of the Governor of the Commonwealth of the Northern Mariana Islands, shall include in its programs, enforceable policies and mechanisms to implement management measures for the control and reduction of non-point source pollutants entering coastal waters, surface waters, ground water, lakes, and streams in the land use/activities categories that have been conditionally approved consisting of Marina Siting and Design for new and expanding facilities, Marina Operation and Maintenance, Watershed Protection, and Existing Development, to insure the implementation of locally appropriate management measures in the Commonwealth of the Northern Mariana Islands that are consistent with the guidelines promulgated by the Federal Environmental Protection Agency in the *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*.

The Office of Coastal Resources Management and The Division of Environmental Quality shall create an interagency Committee that is designated to formulate and identify Critical Coastal Areas in the CNMI that need additional measures to protect against current and anticipated nonpoint source pollution problems. The Committee will develop a process to identify, implement, evaluate, and, as necessary, revise additional management measures to mitigate problems that may occur in these identified areas of concern. The Committee will designate Saipan Lagoon as the first Critical Coastal Area.

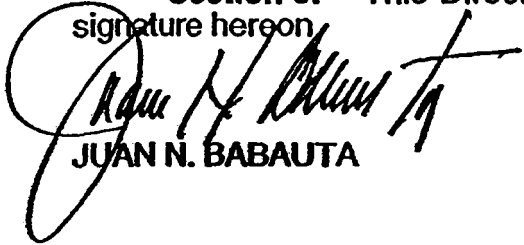
Section 4. The Division of Environmental Quality, under the Office of the Governor of the Commonwealth of the Northern Mariana Islands, shall include in its programs, enforceable policies and mechanisms to implement management measures for the control and reduction of non-point source pollutants entering coastal waters, surface waters, ground water, lakes, and streams in the land use/activities categories that have been conditionally approved consisting of Construction Site Chemical Control, Watershed Protection and Existing Development, Agriculture with regard to Animal Waste Control and Nutrient Management, and the Inspections of On Site Disposal Systems to insure the implementation of locally appropriate management measures in the Commonwealth of the Northern Mariana Islands that are consistent with the guidelines promulgated by the Federal Environmental Protection in the *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*.

The Division of Environmental Quality and the Bureau of Environmental Health, under the Department of Public Health, shall execute a Memorandum of Understanding to implement the *On-site Disposal System Compliance Inspection Program of July 2002* (attached) and to formulate a septic system tracking system that will insure all On-Site Disposal Systems in the Commonwealth of the Northern Mariana Islands are permitted, are operating properly, and are

properly maintained in order to reduce the threat of contamination of the ground water, surface waters, streams, or coastal waters.

Section 5. The agencies which are members of the Committee shall make all efforts within their means to strengthen linkages with each other, and with pertinent Federal agencies and programs, to improve the effectiveness of the state and municipal efforts to manage land use activities which degrade coastal waters and habitats.

Section 6. This Directive shall become effective as of the date of my signature hereon



JUAN N. BABAUTA