

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

CHAPTER 130-20 OPA PERSONNEL REGULATIONS

Part 001	General Provisions	Part 300	Employee Benefits
§ 130-20-001	Purpose	§ 130-20-301	Housing for Employees Hired Outside the CNMI
§ 130-20-005	Background	§ 130-20-305	Insurance
§ 130-20-010	Policy	§ 130-20-310	Annual Leave
§ 130-20-015	Coverage	§ 130-20-315	Sick Leave
Part 100	Appointments	§ 130-20-320	Leave Without Pay
and	Separations	§ 130-20-325	Administrative Leave With Pay
§ 130-20-101	Search for Qualified Resident Workers	§ 130-20-330	Holidays
§ 130-20-105	Pre-employment Condition	§ 130-20-335	Advance Leave
§ 130-20-110	Effective Dates of Appointment	§ 130-20-340	Court Leave
§ 130-20-115	Expatriation and Repatriation of Employees Hired Outside the CNMI	§ 130-20-345	Compassionate Leave
§ 130-20-120	Duty Station and Work Assignment	§ 130-20-350	Maternity/Paternity Leave
§ 130-20-125	Termination and Resignation	§ 130-20-355	Family and Medical Leave
Part 200	Compensation and Work Schedule	§ 130-20-360	Tardiness
§ 130-20-201	Regular Salary	Part 400	Employee Obligations and Conduct
§ 130-20-205	Work Schedule	§ 130-20-401	Conduct
§ 130-20-210	Overtime Compensation	§ 130-20-405	Code of Ethics
		§ 130-20-410	Outside Activities
		§ 130-20-415	Tax Obligations
		§ 130-20-420	Nepotism

Chapter Authority: 1 CMC § 2305.

Chapter History: Amdts Proposed 25 Com. Reg. 20072 (Mar. 31, 2003);* Amdts Adopted 20 Com. Reg. 16105 (Aug. 15, 1998); Amdts Proposed 20 Com. Reg. 15893 (June 15, 1998); Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

*As of December 2004, a notice of adoption for the 2003 proposed amendments had not been published.

Commission Comment: 1 CMC § 2301 creates an Office of the Public Auditor as an independent agency of the Commonwealth government. The Public Auditor is charged with auditing the receipt, possession and disbursement of public funds and performing other duties prescribed by law. 1 CMC §§ 2301 and 2303.

The Commonwealth Auditing Act of 1983, PL 3-91 (effective Jan. 4, 1983), codified as amended at 1 CMC §§ 7811-7851, further delineates the powers, functions and duties of the Public Auditor.

1 CMC § 2305(b) authorizes the Public Auditor to establish supplemental personnel regulations for the employees of the office.

Part 001 - General Provisions

§ 130-20-001 Purpose

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

The revised regulations established in this chapter implement the provisions of 1 CMC § 2305 authorizing the Public Auditor to establish personnel regulations for the employees of his office, who are exempt from the Commonwealth Civil Service Act. These regulations govern the employment, payment of salary, allowances, benefits, and separation of personnel under contract of employment with the Office of the Public Auditor (OPA).

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The 1997 Revised OPA Personnel Regulations readopted and replaced the 1996 OPA Personnel Regulations in their entirety. The Commission cites the 1997 regulations in the history sections throughout this chapter.

§ 130-20-005 Background

(a) Pursuant to article III, section 12 of the Commonwealth Constitution, the Commonwealth Auditing Act of 1983 established the Office of the Public Auditor to conduct audits of all government agencies and activities. 1 CMC § 2305(a), as repealed and reenacted by Public Law No. 9-68, provides: “The Public Auditor may appoint and remove such employees as he or she deems necessary to perform the duties of the office. These employees may include assistant public auditors, accountants, auditors, financial management analysts, investigators, attorneys, paralegal, secretaries, clerks, and the like. All personnel employed by or contracted for by the Office of the Public Auditor shall be exempt from the application of the Commonwealth Civil Service Act (1 CMC §§ 8101, et seq.). The Office of the Public Auditor shall set its own compensation, wage, and salary scales. The wage and salary scales shall be commensurate with those paid by the Commonwealth requiring comparable education, training, and experience. The Office of the Public Auditor may provide staff housing as part of its compensation package to its employees. The Office of the Public Auditor may administer a program of staff housing for its employees.”

(b) The Office of the Public Auditor published personnel regulations in volume 18, number 2 of the Commonwealth Register, on February 15, 1996. Appendix A of those regulations contained a salary schedule setting forth, in part, salary ranges for some positions that included minimum and maximum compensation levels. These salary ranges were commensurate with existing Commonwealth salaries.

(c) Pursuant to 1 CMC § 2305(a), as repealed and reenacted by Public Law No. 9-68, OPA is allowed to adopt its own compensation schedule. Recently, the Commonwealth Legislature enacted Public Law No. 10-27 which also granted the Commonwealth Utilities Corporation authority to adopt its own compensation schedule. Other autonomous agencies and public corporations also have the authority to establish their own salary schedules. This allows the agencies and corporations to establish the classification for employment positions unique to their operations. For OPA, these are auditors and investigators. It has also become apparent that from time to time OPA must adjust its employee compensation levels to keep salaries commensurate with those elsewhere in the Commonwealth government. OPA needs the flexibility to adjust pay

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

levels without having to republish its personnel regulations for each adjustment. For that reason, OPA has decided to revise its Personnel Regulations published on February 15, 1996 and to eliminate the existing salary schedule included as Appendix A.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

The 1997 amendments added new subsections (b) and (c).

§ 130-20-010 Policy

(a) It is the policy of OPA to use its resources efficiently and effectively, and to employ nondiscriminatory practices in matters relating to recruitment, selection, classification, compensation, and separation of employees.

(b) It is also the policy of OPA to encourage the professional and technical education and training of resident citizens of the Commonwealth, and to give qualified residents preferential treatment, whether by appointment, transfer, or promotion.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 130-20-015 Coverage

The personnel regulations in this chapter apply to all personnel under contract of employment with OPA.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Part 100 - Appointments and Separations

§ 130-20-101 Search for Qualified Resident Workers

Prior to new hiring, OPA will publicize the job vacancy. The publication will be done by posting notices in public places in the Commonwealth, advertising in a newspaper of general circulation in the Commonwealth, and posting in the OPA web site and other job seeker news groups on the internet for availability of information outside of the CNMI. The publication or advertisement will continue for a period of 15 days, except that all or part of the 15-day period may be waived

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

if the Public Auditor finds that a waiver is in the public interest and the waiver is approved by regulatory agencies required to approve OPA hiring documents.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

§ 130-20-105 Pre-employment Condition

(a) Persons hired by OPA must be physically capable of performing the duties of the position. They must be free from communicable diseases, and from any present or potential medical condition that prevents the successful performance of duty, poses a health risk to other employees, or reflects discredit upon OPA.

(b) Persons hired must be examined by medical personnel authorized to conduct such examinations for employment purposes, and the results must be documented on forms acceptable to OPA.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

§ 130-20-110 Effective Dates of Appointment

(a) Appointment from outside the Commonwealth will be effective on the date of departure from place of residence for direct travel to the duty station, adjusted for en route stop-overs arranged for the convenience of the employee.

(b) Appointment from within the Commonwealth will be effective on the date that the employee initially reported for duty.

(c) The Public Auditor is authorized to provide conditions of employment for contracts not inconsistent with the provisions of the regulations in this chapter.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

§ 130-20-115 Expatriation and Repatriation of Employees Hired Outside the CNMI

Employees hired outside the CNMI will receive expatriation and repatriation benefits in accordance with the following provisions.

(a) Expatriation Benefits

Subject to conditions set forth in § 130-20-125(d) of this chapter, travel and transportation expenses will be paid by OPA as follows:

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

- (1) Cost of economy class air transportation by the shortest direct route for the employee and the employee's dependents (if the employee is hired with dependents) from point of recruitment to duty station.
 - (2) Per diem for the employee only at established CNMI government rates not to exceed necessary travel time by the shortest direct route from point of recruitment to duty station.
 - (3)(i) Cost of transportation of household goods and personal effects of the employee from point of recruitment to duty station, not to exceed
 - (A) 200 pounds by air and an additional 3,000 pounds net weight by sea for employees hired with dependents, or
 - (B) 100 pounds by air and an additional 1,500 pounds net weight by sea for employees hired without dependents.
 - (ii) The shipment must originate within six months of the date of entry on duty, unless extended by the Public Auditor for just cause. In the event temporary storage of household goods and personal effects intended for shipment to the duty station is necessary at the point of recruitment after pick-up by the carrier and prior to departure by sea, OPA will pay the cost of such temporary storage.
 - (4) Cost of storage of household goods and personal effects at the point of recruitment, not to exceed
 - (i) 2,000 pounds net weight for employees hired with dependents, or
 - (ii) 1,000 pounds net weight for employees hired without dependents.
- (b) Repatriation Benefits
- (1) Subject to conditions set forth in § 130-20-125(d) of this chapter, OPA will pay all return travel and transportation expenses to the point of recruitment upon
 - (i) Completion of the agreed-upon period of service as set forth in the initial contract, and
 - (ii) Separation from OPA.
 - (2) However, OPA will be discharged of this responsibility if repatriation expenses are not incurred within one year of the termination date. Travel and transportation expenses will be paid by OPA as follows:
 - (i) Cost of economy class air transportation by the shortest direct route for the employee and the employee's dependents (if the employee is hired with dependents) from duty station to point of recruitment.
 - (ii) Per diem for the employee only at established CNMI government rates not to exceed necessary travel time by the shortest direct route from duty station to point of recruitment.
 - (iii) Cost of transportation of household goods and personal effects of the employee from duty station to point of recruitment, not to exceed
 - (A) 200 pounds by air and an additional 3,000 pounds net weight by sea for employees hired with dependents, or
 - (B) 100 pounds by air and an additional 1,500 pounds net weight by sea for employees hired without dependents.
 - (iv) Before repatriation benefits are provided and the employee's final paycheck is issued, the employee must obtain signatures from the Manager of CUC Utility Branch, Hospital Administrator of CHC, Director of Revenue and Taxation, Director of Finance and Accounting, and Public Auditor.
- (c) Shipments

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

Only those items not restricted by Commonwealth or federal regulations may be shipped.

(d) Employee's Dependents

The employee's dependents are defined as

(1) Spouse,

(2) Children, including step-children and legally adopted children, who are unmarried and under 21 years of age (children who reach the age of 21 while the employee is employed by OPA will be returned to the employee's point of recruitment at OPA's expense), children who are physically or mentally incapable of supporting themselves regardless of age, and children by a previous marriage for whom the employee or spouse has legal custody (except children by a previous marriage who are primarily domiciled by court order in other than the employee's household), and

(3) Wholly dependent parents of the employee and/or spouse.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The original paragraphs of subsections (a)(3) and (b) were not designated. The Commission designated subsections (a)(3)(i) and (ii) and (b)(1) and (b)(2).

§ 130-20-120 Duty Station and Work Assignment

(a) An employee is employed for a specific position and assigned to a specific duty station as identified in the employment contract. However, upon the Public Auditor's consent, an employee may be assigned to another related employment position and to another duty station when it is in the best interest of the government to do so.

(b) In the event of a transfer of employment and duty station, the employee will be entitled to transportation for self and dependents, to shipment of household effects not to exceed 1,500 pounds for single status and 3,000 pounds for employees with dependents, and to shipment of one privately-owned automobile.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

§ 130-20-125 Termination and Resignation

(a) The Public Auditor may terminate an employee without cause upon written notice 60 days in advance of termination of employment. This time may be shortened by specifying in the employment contract a lesser period of advance written notice.

(b) The Public Auditor may terminate an employee with cause upon written notice seven days in advance of termination of employment.

(c) When resigning, the employee must give the Public Auditor written notice 60 days in advance of termination of employment. This time may be shortened by specifying in the

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

employment contract a lesser period of advance written notice. The Public Auditor may waive the advance written notice requirement at the time of the employee's resignation.

(d) Early Termination of Contract

Early termination of contract occurs when an employee refuses to perform duties, fails to perform at work satisfactorily, resigns, is removed for cause, or willfully vacates his or her position. The following provisions apply to employees hired outside the CNMI:

(1) If the employee terminates the contract before completing one year of service from the initial date of hire, then there will be no repatriation benefits and the employee must repay OPA the cost of expatriation benefits and other costs associated with the employee's recruitment.

(2) If the employee has not completed the full term of the initial contract and terminates that contract after completing one year of service from the initial date of hire, then there will be no repatriation benefits, but the employee will not have to repay the cost of expatriation benefits and other costs associated with the employee's recruitment.

(3) OPA may permit the employee to resign and authorize return transportation for the employee, the employee's dependents (if the employee is hired with dependents), and the employee's household effects and personal property at any time for compelling reasons of humanitarian nature, as determined by the Public Auditor, subject to such proof as the Public Auditor may consider necessary.

(e) Without Cause Separation of Employees Hired Outside the CNMI

Any separation without cause from duty station will be effective upon the arrival of the employee at his or her place of residence after travel by the most direct route from the duty station, adjusted for en route stop-overs not exceeding three days, for the convenience of the employee. Should the employee decide to go someplace other than his or her place of hire, the separation date will be computed using his or her return to the place of hire as a maximum. The employee will bear any additional cost associated with the employee's travel to the place of his or her choice.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Part 200 - Compensation and Work Schedule

§ 130-20-201 Regular Salary

(a) Salary will be negotiated based on the qualifications of the individual, labor market conditions, and other pertinent factors used in the selection process. Salary will be expressed in terms of the gross amount per annum to be paid on a biweekly basis.

(b) An employee will earn salary, as stated in his or her appointment, on the basis of a twelve-month period consisting of 26 biweekly pay periods. When not actually engaged in work, as assigned, the employee may be on leave status, with or without pay as appropriate.

(c) Regular Rate of Pay

The regular rate of pay per hour includes the following:

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

- (1) Base salary rate per hour (annual salary per employment contract divided by 2,080 hours) and
- (2) Payment for housing or transportation to and from work provided to the employee, or the fair value of those benefits if they are provided directly by the government, prorated to determine the amount for that work week, divided by total hours actually worked during the work week.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The 1997 amendments amended subsection (a).

§ 130-20-205 Work Schedule

An employee's work day and work week may vary from time to time according to the needs of OPA. Every effort must be made to maintain a reasonable five-day, 40-hour work week. OPA employees shall be eligible for or exempt from overtime and compensatory time pursuant to the provisions of the Fair Labor Standards Acts of 1938 (FLSA). Such eligibility or exemption shall be provided in the provisions of the employment contract or other relevant documents.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The 1997 amendments moved this section from former § 3.3, with amendments, and redesignated the remaining sections in this part accordingly. See 18 Com. Reg. at 13975 (Feb. 15, 1996).

§ 130-20-210 Overtime Compensation

(a) Hours Actually Worked

Overtime compensation to eligible employees will only be paid for hours actually worked in a work week in excess of 40 hours. Time during which an employee is necessarily required to be on the employer's premises, on duty, or at a prescribed work place will be included in the computation of hours actually worked, even if no work is performed. Paid leave (e.g., annual leave, sick leave, administrative leave, etc.) and holidays will not be included in the computation of hours actually worked.

(b) Overtime

Hours actually worked in a workweek in excess of 40 hours will be paid overtime at the rate of one-and-one-half times the regular rate of pay to employees who are not exempt from overtime provisions.

(c) Compensatory Time

If funds are not available for overtime compensation, compensatory time-off may be granted at the rate of one-and-one-half hours for each hour actually worked in a workweek in excess of 40 hours. Compensatory time will be controlled by OPA as follows:

- (1) The employee must sign a statement agreeing to compensatory time in place of overtime.

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

(2) The employee's request to use compensatory time-off must be granted within a reasonable time unless the employee's immediate supervisor determines the time-off would unduly disrupt the operation of OPA.

(3) The employee's accumulated compensatory time must not exceed 80 hours. Accrued compensatory time must be paid entirely in cash at the employee's current hourly rate when the accrued balance has reached 80 hours.

(4) Upon termination of employment, an employee must be paid for unused compensatory time at the average regular rate received by such employee during the last three years of employment, or at the final regular rate received by such employee, whichever is higher.

(d) Exempt Employees

Bona fide executive, administrative, and professional employees are exempt from payment of overtime and compensatory time. The criteria used in justifying such exemptions must be documented in the employees' job descriptions.

(1) Executive Employees: An executive employee must meet all of the following requirements to be exempt from overtime provisions:

(i) Has primary duty of managing an agency, department, or subdivision;

(ii) Customarily and regularly supervises at least two employees;

(iii) Makes recommendations for hiring, firing, advancement, or promotion that are given particular weight;

(iv) Customarily and regularly exercises discretionary power; and

(v) Does not devote more than 20 percent of his or her hours in a work week to the performance of activities not closely related to subsections (d)(1)(i) through (iv) above.

(2) Administrative Employees: An administrative employee must meet all of the following requirements to be exempt from overtime provisions:

(i) Has primary duty of performing non-manual or office work directly related to management policies or general operations;

(ii) Customarily and regularly exercises discretion and independent judgment;

(iii) Regularly and directly assists a person employed in an executive or administrative capacity; or performs (under general supervision only) work requiring special training, experience, or knowledge; or executes special assignments and tasks (under general supervision only); and

(iv) Does not devote more than 20 percent of work time to activities not directly or closely related to the performance of administrative work.

(3) Professional Employees: A professional employee must meet all of the following requirements to be exempt from overtime provisions:

(i) Has primary duty of performing work requiring advanced learning acquired by a prolonged course of specialized intellectual instruction, as distinguished from general academic education, apprenticeships, or routine training;

(ii) Customarily and regularly exercises discretion and independent judgment;

(iii) Produces work product that is predominantly intellectual and varied in character and cannot be standardized in relation to a given period of time; and

(iv) Does not devote more than 20 percent of work time to activities not essential to, part of, or necessarily incident to, the work.

(e) Approval of Overtime

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

Overtime must be approved in advance by the Public Auditor or his designee on an overtime request and authorization form.

- (1) An employee who is permitted to work overtime without authorization shall be paid, because the time represents an obligation of the government.
- (2) The responsible management official has an obligation to discourage overtime that is not approved, and must take disciplinary action, when appropriate, against an employee who works overtime without authorization.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Part 300 - Employee Benefits

§ 130-20-301 Housing for Employees Hired Outside the CNMI

(a) **Housing Benefits.** An employee hired outside the Commonwealth under excepted service contract may receive either housing or housing allowance.

(1) At the discretion of the Public Auditor, an employee hired with dependent/s will receive either free family government housing or a housing allowance for the lease of family private housing.

(2) At the discretion of the Public Auditor, an employee hired without dependent/s will receive free single government housing or a housing allowance for the lease of single private housing.

(3) The Public Auditor has the discretion to increase the housing benefits of employees.

(4) If government-owned housing is unavailable and a lease of private housing has not been arranged, the employee will receive a temporary lodging allowance equal to the government's established per diem rate for travel at the duty station. If this rate is insufficient to pay for temporary lodging and meals, the Public Auditor may authorize a greater allowance.

(b) **Housing Allowance.** Housing allowance will be equal to the prevailing rate established by the CNMI Personnel Office. However, employees will only be given housing allowances up to the amount of the actual monthly rent stated in the lease contract with the lessor if the monthly rent is less than the prevailing rate established by the Personnel Office. The employee will be required to present the lease contract for private houses for the purpose of establishing the amount of the employees' monthly housing allowance.

(c) **Free Government Housing**

(1) A housing committee will be established for the purpose of evaluating the housing needs of OPA employees hired outside of the CNMI. Depending on the housing units (government-owned or government-leased housing) available and the number of employees to be provided with housing units, the committee will decide the fair and reasonable distribution of housing units. The housing committee will be composed of the legal counsel, administrative officer, and one representative each from the Audit and Investigation Division. The committee will make recommendations to the Public Auditor for approval.

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

(2)(i) Government-owned or government-leased housing, if provided to an employee, must be in habitable condition and ready for occupancy as a single or family dwelling apartment or housing unit. Government housing unit should be provided by the lessor or OPA with the following:

- (A) Facilities or ready connection for utilities (e.g., power and water)
 - (B) Bathroom and toilet facilities
 - (C) Essential kitchen and dining needs like cooking range, refrigerator, dining table, and chairs
 - (D) Essential living room and bedroom furniture like bed(s) and living room table/sofa sets.
- (ii) Employee may opt to use their own or add additional furniture, fixtures, appliances, etc. at their own expense.

(3) Responsibilities. OPA and the employee provided with government-owned or government-leased housing have the following responsibilities:

- (i) OPA is responsible for repairs to government-owned housing not caused by employee (or dependent/s) negligence.
- (ii) The employee will be assessed a deposit fee payable to OPA upon his or her occupancy of government-owned or government-leased housing to cover the costs of clean-up or damage to premises, furniture, and appliances attributable to employee (or dependent/s), other than ordinary wear and tear. The amount of deposit shall be \$150 (without dependent/s) or \$300 (with dependent/s) per housing unit.
- (iii) The employee is responsible for utility and trash collection costs.
- (iv) The employee is responsible for taking reasonable action to protect government-owned housing entrusted to him or her from damage (e.g., covering/boarding glass windows during typhoons).
- (v) The check-in and check-out procedures are as follows.

(A) Upon assignment of the government housing unit, the OPA Management Representative and the employee to whom the unit is assigned will conduct a joint inspection and concurrently document the status of the units, along with maintenance and repairs required. The OPA Management Representative will then notify the Director of Public Works or the lessor, in writing, of the maintenance and repairs required.

(B) Upon occupancy of the assigned government housing unit, the OPA Management Representative and the employee will inspect the unit. The OPA Management Representative shall list all government-owned household furnishing assigned to the unit in an "Inventory of Government-owned Household Furnishing" sheet. The employee shall acknowledge possession of the government-owned household furnishings by placing his/her signature and the current date in the appropriate spaces provided in the inventory sheets. The OPA Management Representative shall also sign in the inventory sheets to document the inspection conducted.

(C) When an employee is to vacate his/her assigned unit, the OPA Management Representative and the employee will inspect the unit, after household goods have been packed. Employees are responsible for leaving the units and appliances/furnishings in an acceptable state of order and cleanliness. Deposit fees will be forfeited in part or in total, based on the results of the OPA Management Representative's inspection and his/her judgment. Where extensive damage has been done to units by the occupants, the employee may be charged an additional amount of money, as determined by the OPA Management Representative and a representative of Public Works or the lessor, for the purpose of restoring the units to an acceptable state of

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

repair. If no clean-up or repairs are required, OPA will refund the employee's deposit in his/her final payroll check.

(D) The OPA Management Representative shall perform routine scheduled inspections of all government-owned or government-leased housing units, and shall maintain records of such inspections. He/she shall make every effort to insure:

(I) That premises are kept in good condition, and

(II) That Public Works or the lessor make needed repairs in a timely fashion.

(4) Government housing is intended for the use of the employee and his/her dependent/s. No person who is not a dependent may remain in government housing for more than 30 days unless it is approved in writing by the Public Auditor.

(5) No employee, whose contract has been terminated or has expired, may remain in government-owned or government-leased housing unless it is approved in writing by the Public Auditor.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 20 Com. Reg. 16105 (Aug. 15, 1998); Amdts Proposed 20 Com. Reg. 15893 (June 15, 1998); Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The 1998 amendments revised and replaced this section in its entirety with numerous amendments.

The Commission corrected the spelling of the word "judgment" in subsection (c)(2)(v)(C) pursuant to 1 CMC § 3806(g).

§ 130-20-305 Insurance

(a) Workmen's Compensation

In the event of on-the-job work-related injury or illness, the employee will be entitled to benefits under the workmen's compensation insurance contract in force for the Northern Mariana Islands government. The employee is responsible for reporting any on-the-job work-related injury or illness to the employee's supervisor as soon as possible.

(b) Group Insurance

Group health and group life insurance coverage are available for those who wish to apply. The government will pay part of the cost of the insurance in accordance with the current agreement between the government and the insurance carriers.

(c) Limitation on Insurance

The government provides no insurance other than workmen's compensation, group health, and group life. OPA assumes no liability for loss or damage to household goods and personal effects of the employee and his or her dependents located in housing furnished by OPA, or otherwise present in the Commonwealth.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

§ 130-20-310 Annual Leave

Annual leave or vacation will be granted for the purpose of rest and relaxation.

(a) Annual Leave Accrual

An employee will accrue annual leave for each biweekly pay period in which he or she is in pay status for the entire ten working days; otherwise, there will be no accrual for such pay period. The accrual rate per pay period is:

- (1) Four hours for employees who have less than three years of creditable service,
- (2) Six hours for employees who have three but less than six years of creditable service, or
- (3) Eight hours for employees who have six or more years of creditable service.

(b) Use of Annual Leave

Use of annual leave by employees must be in accordance with the following:

- (1) A newly appointed or recruited employee will be entitled to use annual leave only after having been employed for a continuous period of 90 days without a break in service.
- (2) Annual leave request for more than three working days must be made in advance on a leave request form, which must be approved by the Public Auditor.

(c) Unused Annual Leave

- (1) An employee permanently separated from OPA will receive on the next regular pay period a lump-sum payment for all unused annual leave. The lump-sum payment will be computed based on the employee's current hourly rate.
- (2) Where an offer and acceptance for a new period of employment with OPA is agreed upon under a new employment contract, all unused annual leave from the prior contract may either be paid in the next regular pay period or carried over under the new employment contract, at the election of the employee.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Proposed 25 Com. Reg. 20072 (Mar. 31, 2003); Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The original paragraphs of subsection (c) were not designated. The Commission designated subsections (c)(1) and (c)(2).

The 2003 amendments proposed to add a new subsection (d). As of December 2004, a notice of adoption for the 2003 proposed amendments had not been published.

Public Law 15-57 (effective April 25, 2007), codified at 1 CMC §§ 82601-82605, addresses maximum annual leave accumulation (360 hours) for excepted service employees and lump sum payments for unused annual leave to all government employees. PL 15-57 prohibits reemployment with the CNMI government "until a period equal to the period of annual leave paid in lump sum has elapsed" or the employee elects to pay the equivalent amount "consistent with CNMI regulations." 1 CMC § 82604. PL 15-57 also prohibits the conversion of sick leave to annual leave and any compensation for unused sick leave hours upon separation from employment for all government employees. 1 CMC § 82603. The provisions of PL 15-57 supersede subsection (c) to the extent that they conflict.

§ 130-20-315 Sick Leave

Sick leave will be allowed whenever an employee is to be absent from duty due to illness, injury, or quarantine of the employee's family or residence.

(a) Sick Leave Accrual

An employee will accrue four hours of sick leave for each biweekly pay period in which he or she is in pay status for the entire ten working days; otherwise, there will be no accrual for such pay period.

(b) Use of Sick Leave

Use of sick leave by employees must be in accordance with the following:

- (1) An employee is entitled to use sick leave from the time sick leave is first earned.
- (2) An employee who is on sick leave for more than three consecutive days may be required, as appropriate, to submit a certification from the attending physician certifying the employee's incapacity to work. If a certification is not furnished when required, the absence will be charged to absence without leave (AWOL).
- (3) If the employee's supervisor believes the employee is misusing sick leave, or requesting sick leave for purposes other than illness, the supervisor may request proof of illness for a period of less than three days. If the proof is not provided or is unpersuasive, the supervisor may deny the employee's request for sick leave.
- (4) No employee will be allowed to undertake gainful employment while on sick leave status.
- (5) Falsification of an illness report will be considered sufficient cause for disciplinary action, including termination of employment for repeated offenses.
- (6) Sick leave with pay will be allowed during vacation, provided, that any sick leave taken by an employee while on vacation must be supported by a certificate issued by the attending physician.

(c) Unused Sick Leave

- (1) Upon completion of an employment contract or termination of employment, whichever occurs first, no payment will be made for unused sick leave.
- (2) Where an offer and acceptance for a new period of employment with OPA is agreed upon under a new employment contract, all unused sick leave from the prior contract will be carried over under the new employment contract. An employee who is separated from government service for a period longer than three years will be divested of all unused sick leave.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The original paragraphs of subsection (c) were not designated. The Commission designated subsections (c)(1) and (c)(2).

Public Law 15-69 (effective June 5, 2007), codified at 1 CMC § 8276, authorizes government employees to apply for sick leave to attend to an immediate family member who is sick. Public Law 15-116 (effective November 29, 2007), codified at 1 CMC § 8265, repealed PL 15-69. PL 15-116 authorizes government employees to apply for

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

leave to attend to an immediate family member who is sick. The provisions of PL 15-116 supersede subsection (b) to the extent that they conflict.

§ 130-20-320 Leave Without Pay

Leave without pay may be taken only after obtaining the written approval of the employee's immediate supervisor.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

§ 130-20-325 Administrative Leave With Pay

(a) Administrative leave with pay is granted by the Governor in exceptional circumstances such as typhoons and state funerals. Requests for administrative leave with pay may also be authorized by the Public Auditor for employees serving on government boards or commissions, provided such employees do not receive compensation from the boards or commissions, or for employees participating in civic activities of interest to the government, or for such reasons as the Public Auditor may determine.

(b) A request for administrative leave and its approval or disapproval must be in writing. The request must contain the employee's name, beginning and ending dates of leave, and adequate justification.

(c) A decision to approve or disapprove a request for administrative leave will be based on the adequacy of the justification, the convenience of the office in releasing the employee, and the past performance and attendance of the employee. A request that gives as justification a civic or social need for the employee's services must be carefully reviewed.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

§ 130-20-330 Holidays

Except during emergencies, employees will be released from work on all legal holidays without loss of pay or charge to leave account.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

§ 130-20-335 Advance Leave

Where, for good reason, an employee requires an advance of annual or sick leave, the Public Auditor may grant leave in advance of up to a maximum of one-half of the total earnable leave credits for one year from the date the request is approved or one-half of the total earnable leave

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

credits for the remainder of the employment contract, whichever is shorter. Subsequent leave earnings will serve to replace the amount of advance leave granted and taken. In the event the employee resigns from his or her employment, any annual or sick leave overdraft must be paid as part of the final clearance of the employee.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

§ 130-20-340 Court Leave

(a) The government encourages its employees to fulfill their obligations as citizens and residents of the Commonwealth. Thus, employees who are called upon to serve as jurors may, at their option, be granted court leave for such period as the jury may be impaneled.

(b) An employee who is called to jury duty must present the juror summons to his or her immediate supervisor together with a completed request for leave.

(c) An employee who serves as juror using court leave to cover the period of absence must turn over to the Commonwealth Treasurer such jury fees (as distinct from expense allowances) as the employee receives from the court. An expense allowance paid to the employee for whatever purpose may be retained by the employee to defray expenses for which the allowance was granted.

(d) An employee subpoenaed as a witness, other than as a government witness, must charge such absence to annual leave or leave without pay. Court leave will be granted to an employee subpoenaed in litigation in which the government has no interest, if the employee is required to serve as a witness in his or her official capacity as a government employee or will be required to present government records in testimony. Such employee must inform the Public Auditor of the required testimony as soon as possible after being subpoenaed.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

§ 130-20-345 Compassionate Leave

(a) A full-time employee will be granted compassionate leave of no more than five consecutive working days in case of death in the immediate family of the employee. For this purpose, the term “immediate family” includes the employee’s mother, father, brother, sister, spouse, immediate offspring (natural and culturally or legally adopted), stillborn child, grandfather, grandmother, grandchild, mother-in-law, and father-in-law.

(b) Compassionate leave must be taken within 18 days after the death of the immediate family member.

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

- (c) The Public Auditor is responsible for granting compassionate leave requests.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

§ 130-20-350 Maternity/Paternity Leave

Maternity/paternity leave may be granted by the Public Auditor a maximum of one time per year to an employee who is the mother or father of a newborn child. A maximum of 15 working days of paid maternity leave, in addition to any accumulated sick leave, will be granted to an employee because of confinement for childbirth. A maximum of 15 working days of paid paternity leave may be granted to an employee because of his wife's confinement for childbirth. Maternity/paternity leave may only be used within one month of the birth of the employee's child. See also § 130-20-355, Family and Medical Leave.

Modified, 1 CMC § 3806(c), (f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The 1997 amendments combined and amended former § 4.11, entitled "Maternity Leave," and § 4.12, entitled "Paternity Leave." See 18 Com. Reg. at 13982 (Feb. 15, 1996).

§ 130-20-355 Family and Medical Leave

- (a) Eligible Employees

The federal Family and Medical Leave Act of 1993 (FMLA) entitles employees who have been employed by the Commonwealth government for at least one year and have worked for at least 1,250 hours¹ during the preceding 12-month period to take up to 12 workweeks of family and medical leave during any 12-month period.

- (b) Entitlement to Leave

(1) Family and medical leave will be granted by the Public Auditor to eligible employees for any of the following reasons:

- (i) Because of the birth of the employee's child and in order to care for the child;
- (ii) Because of the placement of a child with the employee for adoption or foster care;
- (iii) In order to care for the employee's spouse, child, or parent who has a serious health condition²; or
- (iv) Because of a serious health condition that renders the employee unable to perform the functions of his or her job.

(2) The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve months from the date of the birth or placement.

(3) In any case in which a husband and wife entitled to leave are both employed by OPA, the aggregate number of workweeks of leave to which both may be entitled is limited to 12

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

workweeks during any 12-month period, if such leave is taken to care for a sick parent described in subsection (b)(1)(iii), or taken for reasons set forth in subsections (b)(1)(i) and (ii) of this section.

(4) All leave qualifying under the FMLA shall be documented as FMLA leave either before it is taken or promptly thereafter.

¹ 1,250 hours include only the hours in which actual work was rendered by the employee; paid leave time (e.g. annual, sick, administrative leave, etc.) is not included.

² The term serious health condition, for purposes of family and medical leave, means an illness, injury, impairment, or physical or mental condition that involves either: a) inpatient care in a hospital, hospice, or residential medical care facility; or b) continuing treatment by a health care provider.

(c) Unpaid Leave/Substitution of Paid Leave

Family and medical leave will be unpaid leave. However, accrued annual leave (for reasons under subsections (b)(1)(i) to (iv)), sick leave (for reasons under subsections (b)(1)(i) and (iv)), maternity leave (for reason (b)(1)(i)), or paternity leave (for reason (b)(1)(i)) may be substituted for leave without pay (LWOP). If there is not enough accrued paid leave balance, the remaining weeks of leave necessary to attain up to 12 workweeks of family and medical leave will be charged to LWOP.

(d) Restoration to Position

(1) All eligible employees, except for those who are identified by the FMLA as “highly compensated employees,” who take family and medical leave for the intended purpose of the leave will be returned to the same or an equivalent position (with equivalent employment benefits, pay, and other conditions of employment) upon their return from family and medical leave.

(2) For purposes of FMLA, a highly compensated employee is a salaried eligible employee who is among the highest paid ten percent of the employees employed by OPA. The Public Auditor may deny such employee restoration to the same or equivalent position if -

(i) Such denial is necessary to prevent substantial and grievous economic injury to the operations of OPA;

(ii) The Public Auditor notifies the employee of the intent to deny restoration at the time the Public Auditor determines that such injury would occur; and

(iii) In any case in which the leave has commenced, the employee elects not to return to work after receiving such notice.

(e) Intermittent Leave

Unless the employee and the Public Auditor agree otherwise, leave taken for reasons under subsections (b)(1)(i) or (ii) shall not be taken by an employee intermittently or on a reduced leave schedule, which reduces the number of hours per workweek or hours per workday of the employee. Leave taken for reasons under subsections (b)(1)(iii) or (iv) may be taken intermittently or on a reduced leave schedule when medically necessary.

(f) Foreseeable Leave

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

In any case in which the necessity for leave is foreseeable, the employee shall provide the Public Auditor with not less than 30 days' notice of intention to take leave, except that if the date of birth or placement or medical treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

(g) Certification

(1) When requesting family and medical leave for reasons under subsection (b)(1)(iii) or (iv), the employee must provide the Public Auditor, in a timely manner, with a certification from the health care provider containing the following information:

(i) The date when the serious health condition commenced;

(ii) The probable duration of the condition;

(iii) The appropriate medical facts within the knowledge of the health care provider regarding the condition;

(iv) For reason (b)(1)(iii), a statement that the condition warrants the employee's participation to provide care to a child, spouse, or parent, and an estimate of time needed to care for the individual involved; or for reason (b)(1)(iv), a statement that the employee is unable to perform the functions of the position due to the condition;

(2) For intermittent leave or for leave on a reduced schedule, the certification from the health care provider should contain the following additional information:

(i) The dates when planned medical treatment is expected to be given and the duration of such treatment; and

(ii) A statement of the medical necessity for the intermittent leave or leave on a reduced schedule, and the expected duration of such necessity.

Modified, 1 CMC § 3806(c), (d), (f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997).

Commission Comment: The original paragraphs of subsection (b), (d) and (g) were not designated. The Commission designated subsections (b)(1) through (b)(4), (d)(1) and (d)(2) and (g)(1) and (g)(2).

§ 130-20-360 Tardiness

Tardiness will be charged to leave without pay at the end of each pay period. The timekeeper will determine the total minutes an employee has been late during the pay period, and charge leave without pay to the nearest hour.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Part 400 - Employee Obligations and Conduct

§ 130-20-401 Conduct

(a) All employees of OPA must maintain the highest standards of honesty, integrity, objectivity, and personal conduct.

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

(b) While living in the CNMI, employees and their dependents are subject to the laws, rules, and regulations of the CNMI concerning conduct and activities.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 130-20-405 Code of Ethics

All employees of OPA must comply with the provisions of the Government Ethics Code found in 1 CMC, division 8, part 4.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

§ 130-20-410 Outside Activities

Pursuant to 1 CMC § 2305(b), no employee of OPA may hold or be a candidate for any elective public office while an employee, nor may the employee hold office in any political party or political committee, or participate in any political campaign of any candidate for public office while an employee. No employee may actively engage in any other business, profession, or governmental office.

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

§ 130-20-415 Tax Obligations

All employees of OPA are employees of the Commonwealth government. They are subject to the applicable CNMI income tax laws.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).

§ 130-20-420 Nepotism

There will be no limit to the number of members of the same household who may be employed by OPA, provided

(a) No employee may supervise another member of the same family,

(b) All other qualifications for employment are met, and

TITLE 130: OFFICE OF THE PUBLIC AUDITOR

(c) No costs, other than salary and employment benefits as provided by regulation, will accrue to the government as a result of hiring persons from a household containing another employee.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 19 Com. Reg. 15422 (July 15, 1997); Amdts Proposed 19 Com. Reg. 15329 (May 15, 1997); Adopted 18 Com. Reg. 14159 (June 15, 1996); Proposed 18 Com. Reg. 13960 (Feb. 15, 1996).