

**TITLE 1: GOVERNMENT**  
**DIVISION 8: PUBLIC EMPLOYMENT**

**§ 8245. Compensation of Certain Appointed Officials.**

The following appointed positions within the Commonwealth government shall be paid base annual salaries as follows:

(a) Department director/activity head:

<i>Title</i>	<i>Annual Salary (Not to Exceed)</i>
Secretary, Community and Cultural Affairs	\$54,000
Secretary, Commerce	\$54,000
Commissioner, Public Safety	\$54,000
Secretary, Finance	\$70,000
Secretary, Public Works	\$54,000
Secretary, Public Health Services	\$60,000, or \$80,000 if the Secretary holds an M.D. or a Ph.D.
Director, Natural Resources	\$48,000
Director, Emergency Management Office	\$40,800
Director, Coastal Resources Management	\$48,000
Attorney General	\$70,000
Public Defender	\$56,000
Public Auditor	\$54,000

(b) The annual compensation for department deputy directors shall be not more than \$42,000.

(c) The annual compensation for resident department heads shall not be more than \$36,000.

(d) The annual compensation for unclassified division chiefs and special assistants of the principal executive department shall not be more than \$40,800 except that the director for the Division of Tax and Revenue shall not be more than \$50,000.

(e) The annual compensation for private secretaries to the Governor and Lieutenant Governor shall be not more than \$30,000.

(f) Governor's special assistants:

<i>Title</i>	<i>Annual Salary (Not to Exceed)</i>
Disaster Control Officer	\$36,000
Hawaii/Guam Liaison Officers	\$43,200
Special Assistant for Programs and Legislative Review	\$45,000
Public Information and Protocol Officer	\$43,200
Special Assistant for Management and Budget	\$54,000
Special Assistant for Administration	\$54,000
Governor's Legal Counsel	\$60,000

(g) Constitutional offices:

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<i>Title</i>	<i>Annual Salary (Not to Exceed)</i>
Special Assistant for Women's Affairs	\$43,200
Resident Executive for Indigenous Affairs	\$43,200
Executive Assistant for Carolinian Affairs	\$48,000

(h) Directors of any other executive department established after June 19, 1991, shall receive an annual salary not greater than \$48,000.

(i) Any Commonwealth government employee shall take a leave of absence from his or her Commonwealth government position immediately upon certification of his or her candidacy by the Commonwealth Election Commission until such time that he is no longer a candidate for public office. The employer of a government employee who is certified to run for public office shall be responsible to enforce the requirement that the employee take a leave of absence as required in this subsection. The Governor shall enforce this subsection and require members of his or her cabinet (principal executives of departments and agencies) who opt to run for elected office to take a leave of absence from office. For purposes of this section, Commonwealth government employee includes employees of its departments, branches, offices, autonomous agencies, regulatory agencies, public corporations, political subdivisions and instrumentalities. This section shall not apply to elected public officials.

(j) The annual salary for the Coastal Resources Administrator and the Energy Administrator shall not exceed \$43,200; however, no additional funds shall be appropriated out of the General Fund for such salary adjustment.

**Source:** PL 7-31, § 4 (repealing PL 6-23, § 2, which had previously repealed PL 4-32, § 6); amended by PL 9-25, § 513; (d) amended by PL 17-52 § 2 (Sept. 11, 2011); (a) amended by PL 18-72 § 2 (Jan. 23, 2015); amended by PL 21-23, § 2 (Apr. 18, 2020), modified.

**Commission Comment:** PL 18-72 (effective Jan. 23, 2015) contained, in addition to savings and severability clauses, the following Findings and Purpose section:

Section 1. Findings and Purpose. The Legislature finds that certain department heads' salaries have been stagnant for many years, despite the increasing responsibilities and difficulties of their positions. The Secretary of Commerce is responsible for growing the CNMI economy and continuously looking for new investors, especially during these economically challenging times. The Secretary of the Department of Community and Cultural Affairs manages the biggest executive branch department with important functions including but not limited to the NAP program, youth programs, manamko programs, and social programs. Yet these secretaries are paid a salary much lower than other cabinet members. Therefore, it is intent of this measure to increase their salaries to the same level as other cabinet members.

The table contained in § 2 of PL 18-72 only listed the Secretary of Community and Cultural Affairs through the Secretary of Public Works. Because the act did

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not expressly repeal the salary definitions for the other officials listed in subsection (a), the Commission did not remove them from this section.

In addition to severability and savings clause provisions, PL 21-23 included the following Findings and Purpose section:

Section 1. Findings and Purpose. The Legislature finds that 1 CMC § 8245(i) requires government employees to take a personal leave of absence from their daily work when the Commonwealth Election Commission certifies that such employee is qualified to run for public office. The Legislature enacted 1 CMC § 8245(i) to protect the integrity of government offices and to prevent political activities at such offices. The Legislature further finds that 1 CMC § 8245(i) also gives the employee the opportunity to take an extended personal leave of absence to focus on the employee's campaign for public office without fear of losing his or her job before the election.

Notwithstanding the intent and purpose of 1 CMC § 8245(i), there was some confusion among certain government employers and employees prior to the 2018 CNMI elections as to who is responsible to enforce 1 CMC § 8245(i). Contrary to the Legislature's intent, one employer opined that it was not responsible to enforce 1 CMC § 8245(i) and allowed its employee to continue working after the employee was certified to run for public office. Similarly, the Commonwealth Election Commission stated that it did not have the authority to enforce 1 CMC § 8245(i). Accordingly, the purpose of this legislation is to clarify that the government employer of government employees or the governor for his or her cabinet members, respectively is responsible to enforce 1 CMC § 8245(i). Once a government employee is certified by the Commonwealth Election Commission to run for public office, the employee is required to take a personal leave of absence from his or her daily work to focus on the employee's campaign and bid or public office. If the employee does not voluntarily take a personal leave of absence, the employer must mandate and ensure that the employee takes a leave of absence from work. After the election, the employee has several options: (1) return to the employee's daily work if the employee loses the election, (2) return to work until the employee's inauguration to public office if the employee wins, or (3) resign from work if the employee wins or loses and opts to do so.

In codifying PL 21-23, the Commission omitted drafting marks in (i) pursuant to 1 CMC § 3806(g).