

TITLE 3: HUMAN RESOURCES
DIVISION 4: EMPLOYMENT AND REGISTRATION

§ 4532. Exemptions.

Persons other than citizens and permanent residents may be exempted from the employment restriction in 3 CMC § 4531 and employed within the following government entities and positions, on a case by case basis:

(a) *Department of Public Health.* Physicians and dentists licensed to practice in the Commonwealth who have attained at least United States or Canadian board-eligible status. In addition, any physician or dentist not a citizen or permanent resident who was first licensed to practice in the Commonwealth prior to January 1, 2008, may be employed by the Commonwealth government.

(b) *Department of Commerce.* Temporary or part-time employees as needed for censuses and statistical surveys.

(c) *Government translators.* Approved foreign national translators for: the Department of Labor, the Office of the Attorney General, the Office of the Public Defender, the Department of Public Safety, the Commonwealth Superior Court, the Commonwealth Supreme Court, and the Marianas Visitors Authority. The Attorney General shall establish guidelines for the approval of foreign national translators for the Executive Branch. The Supreme Court may establish guidelines for the approval of foreign national translators for the Judiciary.

Source: PL 15-108, § 4(4532); amended by PL 16-26, § 2.

Commission Comment: PL 16-26 took effect on December 24, 2008. PL 16-26 contained severability and savings clause provisions and the following:

Section 1. Findings and Purpose. The Legislature finds certain licensed health care professional employees who are foreign national workers serve critical and essential functions within the government of the Commonwealth of the Northern Mariana Islands. These professionals include, but are not necessarily limited to, medical doctors, dentists, nurses and other health care professionals. The Legislature finds that the hiring and retention of full-time licensed health care professional employees who are foreign national workers committed to serving the needs of the Commonwealth are necessary to maintain adequate staff of licensed health care professionals in the Department of Public Health. The Legislature, therefore, also finds that in order to attract and retain sufficient numbers of competent and dedicated health care professionals to serve the needs of the Commonwealth, an exception to the moratorium on government hiring of foreign national workers for the Department of Public Health is necessary.

The Legislature further finds that special education professionals, pre-primary education and foreign language instructors who are foreign national workers serve critical and essential functions for the Public School System of the Commonwealth of the Northern Mariana Islands. Therefore, an exception to the moratorium on government hiring of foreign national workers for the Public School System is likewise necessary.

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In 2010 and 2011, Governor Fitial issued several executive orders suspending provisions of this statute based on emergency powers conferred by Article III, § 10 of the NMI Constitution and 3 CMC § 5121(f). See Exec. Order No. 2011-03, 33 Com. Reg. 31633 (May 2011); Exec. Order No. 2011-01, 33 Com. Reg. 31601 (May 2011); Exec. Order No. 2010-18, 32 Com. Reg. 31198 (Dec. 2010); Exec. Order No. 2010-17, 32 Com. Reg. 31022 (Nov. 2010); Exec. Order No. 2010-16, 32 Com. Reg. 30856 (Oct. 2010); Exec. Order No. 2010-09; 32 Com. Reg. 31046 (Nov. 2010); Exec. Order No. 2010-08, 32 Com. Reg. 30595 (Aug. 2010).