

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, MARIANA ISLANDS

VOLUME 11 NO. 02



FEBRUARY 15, 1989

*commonwealth*

*register*

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# Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services  
Division of Environmental Quality  
P.O. Box 1304  
Saipan, Mariana Islands 96950



Cable Address:  
Gov. NMI Saipan  
Tel. 234-6984/6114

## PUBLIC NOTICE

### PROPOSED AMENDMENTS TO DRINKING WATER REGULATIONS FOR PUBLIC LAW 1-8 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

The Director of the Department of Public Health and Environmental Services proposes changes to the Commonwealth of the Northern Mariana Islands Drinking Water Regulations pursuant to the authority of Public Law 1-8, the Commonwealth Environmental Protection Act, codified at 1 CMC Section 2605 (p). These changes conform with the requirements imposed on the Commonwealth in the federal Safe Drinking Water Act. These proposed changes are to minimize lead levels in water and to provide notice to the public of the effects of lead in drinking water.

The following sections of the regulations are amended as noted.

Section 5.51 will be amended to include the following:

(e) All plumbing used in the installation or repair of any public water system or in any plumbing in a residential or non-residential facility providing water for human consumption which is connected to a public water system shall be lead free.

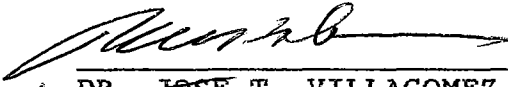
- (1) Lead free is any solder or flux containing not more than 0.2 percent lead and pipes and fittings containing not more than 8.0 percent lead;
- (2) All deliveries of public water systems must both identify and provide notice to persons who may be affected by lead contamination of their drinking water;
  - (i) Where the contamination results from lead used in the construction materials of the public water distribution system and plumbing; or

- (ii) Where the corrosivity of the water is sufficient to cause leaching of lead, notice must state in plain language both in English and Chamorro an explanation of the potential sources of lead in drinking water, the potential adverse health effects, reasonable methods available to mitigate lead in drinking water, the mitigation steps the supplier is taking to eliminate lead in drinking water, and the necessity to seek an alternative water supply.

The public may submit written comments and recommendations regarding the proposed regulations during the next thirty days after this date of publication in the Commonwealth Register. Comments should be submitted to the Director at the following address:

Office of the Director  
Department of Public Health and  
Environmental Services  
Capitol Hill  
Saipan, MP 96950

DATE: 2/1/89

  
DR. JOSE T. VILLAGOMEZ, Director  
Department of Public Health and  
Environmental Services



# Commonwealth of the Northern Mariana Islands

Department of Public Health & Environmental Services  
Division of Environmental Quality  
P.O. Box 1304  
Saipan, Mariana Islands 96950



Cable Address:  
Gov. NMI Saipan  
Tel. 234-6984/6114

## NOTISIA PARA I PUBLIKO

### I MA PROPOPOSITO NA TINILAIKA POT HANOM MAGIMEN PARA I

### LAI PUBLIKO 1-8

### GINEN I DEPATTAMENTO HINEMLO

I Direktot i Depattamenton Hinemlo ha propoposito tinilaika siha pot hanom (publiko) magimen segun in Lai Publiko 1-8, i Commonwealth Environmental Protection na Akto, kodiko 1 CMC Seksiona 2605P. Este na tinilaika umakonfotma yan i ginanagagao gi papa i Federal Safe Drinking Water Act. Este i manma propoposito na tinilaika i pot para uma attaha i bineno gi halom i hanom yan lokue pot para uma notisia i publiko ensegidas de masoda na guaha bineno gi hanom publiko.

I sigiente siha na seksiona gi regulasion para ufan matulaika:

Seksiona 5.51 (e) Todos checho ma-areglan osino ma pegan pipe gi sisteman hanom publiko pareho-ha' gi bandan residente osino kometsiante ni ha prebeniniye hanom para uson i publiko debi de hu taya' binenu (tat komo plomu) gi halom i hanom.

(1.) Ayo siha na materiat tat komo i manma uusa gi para umana' acheton pipe ti debe de uguaha mas ke 0.2 pot sientu na plomu. I materiat pipe yan otro siha na materiat ni manma uusa gi man areglan grifo ti debe de uguaha mas ke 8.0 pot sientu na plomu gi halom i materiat.

(2.) Todo setbision hanom publiko debe de hu adentifika ya una guahaye notisia para todos petsonas ni sinaha' man innafekta nu i embeninao na hanom tat komo plomu i sigiente siha na infotmasion:

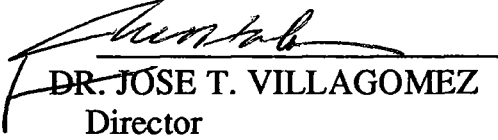
(i) Amano nai gaige i bineno ginen i plomu, resuttan pot materiat ni ma usa gi mana' tachon fasilidad gi sisteman hanom publiko; osino

(ii) Gi anai tinake hanom suffisiente para huna' sumi embeninao na hanom, i notisia debe de hu esplika gi et mas klaro na fino English yan Chamorro hafa muna' guaha bineno gi halom i hanom, i probleman hinemlo ni sina finanago pot este na asunto, hafa na pasu guaha anai sina ma ataha i bineno gi halom i hanom, hafa para uma chogue nu i promebeniniye hanom i publiko pot para uma aregla este na problema, yan kao nesesario na uma espiha otro lugat anai sina ma prebeniye i publiko safu na hanom.

I publiko sina muna halom opinion pot este i ma propoposito siha na tinilaika gi mamamaila' na trenta (30) dias dispues de ma publika este gi Commonwealth Register. I opinion miyo sina inna' halom para i sigiente:

Office of the Director  
Department of Public Health & Environmental Services  
Capital Hill  
Saipan, MP 96950

Date: 2/11/89

  
DR. JOSÉ T. VILLAGOMEZ  
Director  
Dept. of Public Health and  
Environmental Services



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
OFFICE OF THE CIVIL SERVICE COMMISSION  
P.O. BOX 150, CHRB  
SAIPAN, CM 96950

Phone: 6925/7327


PUBLIC NOTICE

PROPOSED AMENDMENTS TO EXCEPTED SERVICE AND  
PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS

The Northern Marianas Islands Civil Service Commission, pursuant to the Northern Marianas Constitutional Amendment No. 41, and in accordance with the provisions of 1 CMC §9104(a) and §2153(f), hereby gives notice to the public of its intention to adopt the amendments to the Excepted Service and Personnel Service System Rules and Regulations.

Dated this 30th day of January, 1989.

  
\_\_\_\_\_  
GONZALO Q. SANTOS  
Chairman, Civil Service Commission

  
\_\_\_\_\_  
JESUS P. MAÑAS  
Personnel Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
OFFICE OF THE CIVIL SERVICE COMMISSION  
P.O. BOX 150, CHR B  
SAIPAN, CM 96950

Phone: 6925/7327

NOTISIA PARA I PUBLIKU

I MANMAPROPOSITU SIHA NA AMENDASION PARA I  
EXCEPTED SERVICE SYSTEM NA REGULASION YAN  
AREKLO SIHA

I Komision Setbision Sibit gi Sankanttan Na Marianas, sigon  
gi amendasion Constitution numiru 41, yan i probision lai  
numiru 1 CMC S 9104 (a) yan S 2153 (f), ginen pago ha nana' i  
notisia i publiko pot intension i ma'adaptan i amendasion  
siha para i Excepted Service yan Personnel Service System na  
regulasion yan areklo siha.

Mafecha gi Eneru dia 30, 1989.

GONZALO Q. SANTOS  
Chairman,  
Civil Service Commission

JESUS P. MAFNAS  
Personnel Officer





COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
OFFICE OF THE CIVIL SERVICE COMMISSION  
P.O. BOX 150, CHRB  
SAIPAN, CM 96950

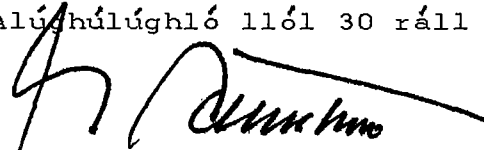
Phone: 6925/7327


ARONGORONGOL TOWLAP

FFÉÉRÚL SSIIWEL NGÁLI ÓWTOL TILIIGHIYAL  
ALLÉGH ME MWÓGHÚTÚGHÚTÚL EXCEPTED SERVICE ME  
PERSONNEL SERVICE SYSTEM REEL SÓWBWUNG.

Northern Mariana Islands Civil Service Commission, sáangi  
Ssiiwelil Aweeweel ALLÉGH ye llól ówtol Northern Marianas  
iye Numuro 41 me sáangi aisiisil 1 CMC S 9104 (a) me S 2153  
(f), e arongaawow reer towlap ágheyághil fféérúl ssiiwel  
ngáli ówtol tiliighiyal allégh me mwóghútúghútú Excepted  
Service reel Sówbwung.

Alúhúlúghló llól 30 ráll Enero 1989

  
GONZALO Q. SANTOS  
Chairman-il,  
Civil Service Commission

  
JESUS P. MAFNAS  
Personnel Officer

PROPOSED CHANGES TO EXCEPTED SERVICE

PART I.4 SEARCH FOR QUALIFIED PERSONS

- A. Upon receipt of a Request for Personnel Action from an authorized management official who seeks to fill a vacant position, the Personnel Officer will initiate a search for available and qualified persons to fill the vacancy. The Personnel Officer shall use the examining system provided for under PART III.A of the Personnel Service System Rules and Regulations.
- B. A position is deemed to be vacant upon expiration of the present employment contract. The position shall be announced sixty (60) days before the termination of such contract before the incumbent is offered the position. The appointing authority may request that the Personnel Officer waive announcement of the position.

PART I.13 PERFORMANCE EVALUATION

All excepted service employees other than gubernatorial, mayorial, board and commission appointee, staff physicians, dentists, veterinarians, and attorneys shall be subject to the Performance Evaluation System described in PART VIII of the Personnel Service System Rules and Regulations, except that PART VIII.H shall not apply.

PART I.8N

Differential

Excepted Service employees who are certified as timekeepers shall be entitled to a differential of ten percent (10%) of base salary while timekeeping is an additional duty.

PART II.A PERSONNEL MANAGEMENT

1. Personnel management is the responsibility of all Commonwealth Government executives, managers and supervisors who direct the work of others.

PART III STAFFING

((Add second paragraph.))

Appointing Authorities are Executive Department, Activity Heads and other public officials who are authorized to expend appropriated funds pursuant to law. Non-Commonwealth employees shall not be delegated the authority to effect changes in Personnel Actions.

PART III.A16

- C. The selecting official shall justify, in writing, to the Personnel Officer the non-selection of any Eligible with a higher rating than the candidate selected. Such requirement creates no special standing for the candidate(s) with a higher rating.

PART III.A20

A. When the position has promotional potential, the first option shall be to fill the position under the provision of the Merit Promotion Program.

~~If the internal search for qualified applicants is unsuccessful, the recourse is to the eligible lists produced by the examination process.~~

B. When the position to be filled does not have promotional potential, the selecting officer may request certification from the appropriate reemployment priority list or eligible list or choose to redefine the position at a lower level and fill it through the Merit Promotion Program. If the position is in an established career ladder, it must be filled at the entry level unless there are overriding reasons not to do so. The Personnel Officer is authorized to grant exceptions to this procedure upon proper justification. Promotional examinations and Open examinations may be announced concurrently but the promotional list will be used first. Appropriate records of such approvals and associated material shall be maintained by the Personnel Officer.

- A. Probationary Appointment. An appointment in which the appointee is selected from an eligible list resulting from an open examination to fill a permanent position. The appointee shall serve a period of ~~one (1) year~~ six (6) months from the beginning of the probationary appointment and shall demonstrate the capacity for §2 26 ~~executive~~ consecutive weeks of satisfactory performance before being eligible to be converted to a permanent appointment. Separations during a probationary appointment are not processed under adverse action procedures or reduction-in-force (RIF).
- B. Permanent Appointment. An employee who has been appointed to a permanent position and who has satisfactory completed a probationary period ~~of one (1) year~~ is entitled to the full benefits of these Regulations. Permanent appointment may be made to less than full-time positions with a regularly scheduled tour of duty.
- C. Limited-Term Appointment. A Limited-Term appointment is one in which the appointee is appointed for a period of not more than one (1) year. An employee serving a limited-term may serve in either a full-time or part-time position. Any person given a limited-term appointment must meet the minimum qualifications for the class of position to which appointed. Appointing authorities shall justify, in writing, to the Personnel Officer, requests for new Limited-Term Appointments following expiration of one (1) year appointments. Limited-Term Appointments may be converted to Permanent Appointments at the end of one year, if the position has been found to be permanent, provided that the employee has demonstrated the capacity for 52 consecutive weeks of satisfactory performance.

III. B8 ORIENTATION

New employees shall receive a standardized orientation to government service as soon as is practical after being appointed, and at least within one month of appointment.



PART III.D1

- B. Exit Interview. An exit interview shall be scheduled and conducted during working hours by the Personnel Officer or his designee for employees upon notice of resignation or retirement. Such interview shall include questions on the reasons for separation and counseling on benefits. The Personnel Officer or his designee shall not process exit documents until the interview is completed. If circumstances make such interview impractical, an employee may ask the Personnel Officer to waive this requirement.

((Reletter "B" to "C"; "C" to "D"; "D" to "E".))

PART III.B4F

Retention Standing. Retention standing is derived by allotting one (1) point for each year of creditable service, and two (2) points for each exceptional overall rating of 4.2 or better. In competing with other employees for retention in a competitive level, the individual with lowest retention standing shall be released first.

(See PART VIII.ME.)

PART IV. §5. PROMOTIONS

An employee who is promoted from a position on one class to an existing position in a higher class shall be compensated at the lowest step in the new pay level which at least equals the amount of two (2) step increases in the old pay level. The rate of compensation cannot exceed the rate of the maximum step in the higher pay level. The effective date of the promotion shall be the new service anniversary date for the promoted employee. An employee shall not be promoted into a supervisory position until and unless such employee has satisfactorily completed the "Performance Standards and Appraisal Workshop" conducted by the Personnel Office, and has completed ~~at least 40 hours of~~ training in workshops sanctioned by the Personnel Office in the areas of Basic and/or Advanced Supervisory Management. Retroactive promotions shall not be made except when directed by a decision of the Civil Service Commission pursuant to an employee's appeal.

WITHIN-GRADE INCREASE

- A. Within-in grade increases may be granted to employees on probationary status upon completion of fifty-two (52) consecutive calendar weeks of satisfactory performance.
- B. Employees who are included under the Personnel Service System and assigned to work part-time will be eligible for a within-grade increase only at such time as the cumulative total of all hours worked equates to a standard work year of 2,080 hours and such work has been satisfactory. Employees who are employed on an intermittent basis are not eligible to receive within-grade increases.
- C. The effective date of a within-grade step increase shall be the first day of the first pay period following completion of the required waiting period.
- D. For all positions, approved leave in a non-pay status (LWOP) and/or unapproved leave (AWOL) not to extend eighty (80) hours, is creditable toward the waiting period for a within-grade increase. Unapproved leave (AWOL) and leave without pay (LWOP) of more than eighty (80) hours will extend the waiting period by at least one pay period or by the amount of time such AWOL or LWOP exceeds the eighty(80) hours, whichever is greater.
- E. Time served in a LWOP status for purposes of job related education or training is credited toward within-grade increases, the same as if the employee had been in a pay status for that period of time on LWOP, provided that the employee is a registered or enrolled student. To be creditable toward the waiting period, the education program in which the employee is enrolled must be clearly and directly applicable to the employee's present position or one to which the employee may reasonably aspire, and for which the employee is released from full-time status and placed in an approved leave without pay (LWOP) status, and in which the employee performs satisfactorily as determined by management and the Personnel Officer.
- F. A former employee reemployed with a break in service is assigned and begins a new waiting period for a within-grade increase. No credit will be given toward the completion of this new waiting period for any time served under a former waiting period prior to the break in service.
- G. Time served during provisional status shall not be counted toward the required waiting period in receiving a within-grade step increase.

PART IV.B16B

- (6) Timekeeping duties shall be accomplished during regular working hours. Overtime shall not be authorized for timekeeping.

PART IV.B18 USE OF NON-STANDARD WORK WEEK

Non-standard work weeks may be used to provide continuity of service or to fulfill other needs of the public interest. Schedules for non-standard work weeks shall be devised, in advance, by the appointing authority, not to exceed forty (40) hours per week.

When it becomes necessary to change an employee from a standard work week to a non-standard work week, the employee shall be given notice ten (10) working days in advance of the effective date of the change. If an employee is not given the required notice of change in schedule of work, the employee shall be compensated at the overtime rate for those days worked within the first ten (10) working days which do not fall within the standard work week.

PART IV.B21F

Special Medical. A Medical Officer or Dental Officer who occupies a position with duties predominantly clinical, as opposed to administrative in nature, shall receive, in addition to the base salary, a Special Medical Differential of ~~fifteen percent (15%)~~ thirty percent (30%) of the base salary for the pay level and step of the position. If such employee elects to leave the Civil Service, they shall be compensated at a rate of not less than \$45,000 per year.

PART IV.B21G

Advanced Professional. An employee who has achieved advanced professional preparation through obtaining an L.L.B. or J.D. Degree, a Doctorate in Medicine or Dentistry, or an earned doctorate in any other field from an accredited United States university or any other university accredited in the United States, and who is employed in a position having a requirement for such degree, shall receive, in addition to the base salary, a premium of ~~thirty percent (30%)~~ fifty percent (50%) of the base salary for the pay level and step of the position.

PART IV.B21

H. Civil Service employees who are certified as timekeepers shall be entitled for a ten percent (10%) differential while their duties include timekeeping.

PARTIV.B25B

Duty of the Timekeeper. Each timekeeper will be responsible for recording and certifying time and attendance records of the assigned employees. Timekeeping duties shall be accomplished during regular working hours. Overtime shall not be authorized for timekeeping. The timekeeper will also record and certify leave time taken by any assigned employee. The method of recording and certifying time, attendance and leave shall be prescribed by the Personnel Officer and the Director of Finance.

Time and attendance records, kept by the Timekeeper, are subject to audit by the Personnel Officer or his designee at least once a year. Non-compliance to this part shall be subject to immediate decertification and appropriate disciplinary action(s).



PART VIIA4

- E. Training and Education Leave. Leaves for the purpose of job-related training and education may be granted employees on permanent status for a period not to exceed one (1) year, by the Personnel Officer with the recommendation of the appointing authority. No Training and Education Leave, outside of the CNMI, shall be approved if such training is available locally.

PART VII.A10

- D. Lump Sum Leave Payment Upon Separation. When an employee is separated from the Personnel Service, the employee is entitled to the payment of unused annual leave in a lump sum. However, lump-sum leave payment shall not be processed for an employee who has not completed the requirements of PART III.D1.B.

appraisal judgement established in the Performance Standards and Appraisal System. The quarterly evaluation shall be completed by the supervisor for each permanent, ~~and~~ probationary, and limited-term employee, ~~certified~~ signed by the employee (with an indication "Disagree" if the employee disagrees with any of the performance appraisal ratings), and certified by the appointing authority on forms provided by the Personnel Officer.

Non-Commonwealth employees shall not be delegated the authority to supervise employees of the Commonwealth.

PART VIII.E ((add as last paragraph))

An employee with a current official rating of "outstanding/exceptional" has an additional two (2) points of retention credits for reduction-in-force purposes.

PART VIII.F 'OUTSTANDING/EXCEPTIONAL'/PERFORMANCE/RATING  
PERFORMANCE APPRAISAL RATING

A/written/justification/must/be/submitted/when/an/employee/s  
official/overall/performance/rating/is/'Outstanding/Except  
tional'//Such/justification/shall/be/prepared/by/the  
supervisor/approved/by/the/appointing/authority/and/forw  
arded/to/the/Personnel/Office/for/final/action/

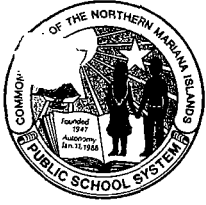
A completed Performance Standards and Appraisal Worksheet  
(CSC-P-07A) must be submitted along with the Performance  
Rating Form (CSC-P-07B) to the Personnel Office on a  
quarterly basis for appropriate action.

PART VIII.G RATING PROBATIONARY EMPLOYEES

The final rating (for the 10<sup>th</sup> 4<sup>th</sup>, 11<sup>th</sup> 5<sup>th</sup>, and 12<sup>th</sup>  
6<sup>th</sup> months of probationary employment) shall be completed  
for probationary appointees no later than the end of the  
eleventh fifth month of the probation period. For employees  
serving a new probationary period, the review must be  
completed at least two (2) weeks before the end of the  
that probation period.

PART IX.E EXTERNAL TRAINING

1. Training courses given by agencies outside the Commonwealth will be utilized as necessary and to the extent the budget will permit. All appointing agencies wishing to engage in special training, formal short-term training, and other academic programs for their employees outside the Commonwealth must submit to the Personnel Officer the names of employees to be given such training, for evaluation at least thirty (30) days prior to sending an employee abroad for training. All such requests shall be made on Form CSC-P-01 (Request for Personnel Action) and CSC-P-T-66 (Training Agreement).



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

BOARD OF EDUCATION  
PUBLIC SCHOOL SYSTEM  
P.O. BOX 1370 CK  
SAIPAN, MP 96950

TEL: 322-9311/9827/9451

## PUBLIC NOTICE

CHAIRMAN  
Luis M. Limes

VICE-CHAIRMAN  
Juan B. Tudela

MEMBERS:  
Anicia Q. Tomokane-Saipan  
Raynaldo Cing-Tinian  
Jesus I. Taisague-Rota

COMMISSIONER  
OF EDUCATION  
Henry I. Sablan

### Proposed Public School System Policies

Pursuant to Article XV of the Constitution of the Northern Mariana Islands and Public Law 6-10, the Commonwealth of the Northern Mariana Islands Board of Education is hereby proposing to promulgate policies, rules and regulations on the following subject areas:

1. Budget Policy
2. Travel Rules and Regulations
3. Procurement Rules and Regulations
4. Personnel Rules and Regulations

Copies of the proposed regulations may be obtained from the Public School System Board of Education Office, Lower Base, Saipan, MP 96950.

Comments on the proposed policies may be submitted in person in writing to the Board of Education or through the mail, Attention: Board of Education, P.O. Box 1370, Saipan, MP 96950, within thirty (30) days from the date this notice is published in the Commonwealth Register.

Jan. 17, 1989

Date

Luis M. Limes  
Chairman, Board of Education

## NUTISIAN PUPBLIKU

I Manmaprupoponi siha na Planon Minaneha gi Sistemán Eskuelan Pupblíku

Sigon gi Attekulu XV gi Konstitusion i Sangkattan siha na Islan Mariana yan i Lai Pupblíku Nuntiru 6-10, i Commonwealth of the Northern Mariana Islands Board of Education ginen este na nutisia ha prupoponi muna'guaha Planon Minaneha, Areklamento yan Regulasion gi sigente siha na suhetu:

- 1. Planon Minanehan Fondon Salappe**
- 2. Areklamento Yan Regulasion Siha Put Hinanao Ufisiat**
- 3. Areklamento Yan Regulasion Siha Put Prinokura**
- 4. Areklamento Yan Regulasion Siha Put Emplehao**

Kopian i manmaprupoponi siha na regulasion sina manmachule' gi ufisinin i Public School System Board of Education, Lower Base, Saipan, MP 96950.

Rekomendasion siha put i manmaprupoponi na planon minaneha sina manmatuge' ya u fanmasatmiti guatu gi Board of Education sino' u mana'fanhanao i Post Office gi halom sobri ni mamatka, Attention: Board of Education, P.O. Box 1370, Saipan, MP 96950, gi halom trenta (30) dias despues di i fecha ni mapupblika este na nutisia gi halom i Rehistran Commonwealth.

Jan 17, 1989

Fecha

  
\_\_\_\_\_

Luis M. Limes  
Chairman, Board of Education



## ARONGORONGOL TOWLAP

### AMMWOGHUTUL ALLEGHUL PUBLIC SCHOOL SYSTEM

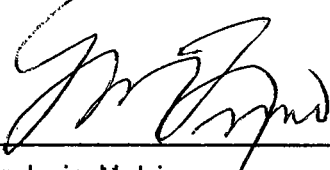
SANGI DWTOL XV IWE LLOL APPILUGHULUGHUL NORTHERN MARIANA ISLANDS ME ALLEGH YE 6-10, NGE BOARD OF EDUCATION KKA LLOL NORTHERN MARIANAS, COMMONWEALTH, EKKE FFEER BWE EBWE ARONGAAWOW ALLEGHUL MWOGHUTUGHUTUL MIKIKKA E TATTALETIW:

1. **Aleghul Selaapi**
2. **Alleghul Faaraghil Wool Eew Faluw**
3. **Alleghul Ammwelil Peiraagh Ngare Sehowar**
4. **Alleghuur School Angaang**

KOPIYAAL ALLEGH KKAAL EMMWEL SCHAGH UBWE TINGOR ME BWULAASIYOOL PUBLIC SCHOOL SYSTEM BOARD OF EDUCATION, LOWER BASE, SAIPAN, MP 96950.

NGARE EGHAL YOOR TIPOMW REEL ALLEGH KKA AA FFEER IISCH NGALIIR BOARD OF EDUCATION NGARE AFANGA LLOL POST, NGE UBWE IKKAISUL, ATTENTION: BOARD OF EDUCATION, P.O. BOX 1370, SAIPAN, MP 96950, ELIIGH (30) RAL SANGI RAL YE E TOOWOW ARONGORONG YEEL MELLOL COMMONWEALTH REGISTER.

Jan. 17, 1989  
Maram, ral, raagh

  
\_\_\_\_\_  
Mr. Luis M. Limes  
Chairman-il Board of Education

## POLICY STATEMENT

## BUDGET

Budgeting is an essential element of the financial planning, control, and evaluation process of any governmental unit. Annual operating budgets represent plans for current expenditures and the proposed means of financing them. They are also the primary means by which these activities are legally controlled. Because Statement 1 of the Governmental Accounting, Auditing and Financial Reporting (GAAFR) requires detailed budgetary comparisons for governmental accounting, and section 203(b) of PL 3-68 requires that financial reporting and accounting systems be established in conformity with GAAFR Statement 1, the budget will be prepared in conformity with generally Accepted Accounting Principles (GAAP).

As an action plan, the budget represents the Public School System's (PSS) blueprint for the coming months and years, expressed in monetary terms. It reflects the realistic goals and objectives which resulted from the Board of Education's (BOE) decisions concerning the directions the PSS will take in the future. It also serves as a tool for monitoring the financial activity throughout the year. This will allow the BOE to compare actual financial performance with the budget, evaluate the effectiveness of the execution of the financial plan, and control the operation by taking corrective action whenever the comparison indicates a significant deviation from the plan.

Because policies represent a definite course or method of action selected to guide and determine present and future decisions, the BOE adopts the following budgetary policies.

## BUDGETARY POLICIES

1. It is the expressed intent of the Board of Education to comply with the provisions of any and all applicable laws that relate to the preparation and presentation of budgets and the budgeting process. Specifically: PL 4-32 (the 1984 Compensation Adjustment

Act); PL 3-68 (the Planning and Budgeting Act of 1983); PL 5-31 (Operations Appropriations Act of 1987); PL 5--38 (Fiscal Year 1987 Supplemental Appropriations Act); and any and all applicable legislation subsequent to these laws that either modifies the existing legislation or adds new legislation to this area.

2. The Board of Education intends to comply with basic principle 9, including any subsequent official pronouncements, as set forth in Governmental Accounting, Auditing, and Financial Reporting (GAAFR) Statement 1. This principle states that: an annual budget should be adopted by every governmental unit; the accounting system should provide the basis for appropriate budgetary control; and budgetary comparisons should be included in the appropriate financial statements and schedules for governmental funds for which an annual budget has been adopted.
3. It is the responsibility of the BOE to provide direction by establishing overall objectives, goals, and relative priorities with input from the Commissioner of the PSS, when required-upon which the preparation of the annual operating budget is based. Therefore, the BOE resolves to form a BOE Budget Committee that will be responsible for conveying the BOE's priorities, goals, and objectives to the Commissioner; and for overseeing the preparation of an annual operating budget that meet these criteria. The Commissioner will be responsible for the preparation of the annual operating budget, and the completed budget will be presented to the Budget Committee for its review and approval. Once approved by the committee, the budget will be forwarded to the entire BOE for its review, approval and transmitted to appropriate CNMI agencies and the Legislature.
4. To coordinate all areas that impact the total financial operating plan, the budgeting process must be integrated at all levels. Without this integration there cannot be efficient and effective coordination between CIP projects, Federal programs, and Local Appropriations. It is the responsibility of the Commissioner to implement procedures that result in a coordinated effort designed to accomplish this integration in an efficient and effective manner.

5. In the event that the appropriated funds are less than budgeted amounts approved by the BOE, the Board will re-evaluate its relative priorities, goals, and objectives based on the available resources. After this re-evaluation process is completed, the Budget Committee will convey this information to the Commissioner; and oversee the modification of an annual operating budget that meets these criteria in light of the funding available. Once the budget has been modified, it will be presented to the Budget Committee by the Commissioner for its review and approval. After approval by the committee is obtained, the budget will be forwarded to the entire BOE for its review and approval.
6. To add a degree of flexibility needed to accommodate changing conditions and circumstances, the BOE will require the ability to reprogram funds within the limits established in PL 3-68 and other applicable laws of the CNMI. Where PL 3-68 section 402(c) defines the reprogramming authority for agencies and departments, the Chairman of the BOE or his authorized designee will act with the authority equivalent to those public officials listed in section 401(b) through (p).
7. To meet its future needs, the BOE will establish a Long-Range Budget Planning Committee. This committee will assume the responsibility of preparing a five year financial master plan, and updating the plan on an annual basis. The plan will be based on the goals and objectives that all members can agree upon as being reasonable.

Because this master plan focuses on goals and objectives in an attempt to establish a purpose and direction for the PSS, associated costs will be considered only after a purpose and direction have been established. At that time, the Commissioner of the PSS along with appropriate management personnel will work with the committee to prepare realistic cost estimates for the specific goals and objectives established by the committee. Then the means of financing these goals and objectives will be analyzed.

## BUDGET PROCEDURES

These procedures will be used in the preparation of the annual operating budget for the PSS. For the purpose of applying these procedures the terms program directors and principals are interchangeable; program directors will follow these procedures to the extent that the procedures apply to specific programs unless otherwise stated.

The timeline for the budget process is as follows:

Nov. 15th program managers and principals submit their budget to the Fiscal Office for compilation and for presentation to the Management Committee.

Nov. 30th Fiscal Office presents compiled budget to the Management Committee for review and comments.

Dec. 5th Management Committee presents budget through the Commissioner to the Board.

Dec. 15th Board of Education reviews and acts on the budget.

Dec. 15 to January 31st Revisions made as appropriate and as approved by the Board.

Feb. 1st Budget is presented to the Senate, House and the Office of the Governor.

1. Projections for student enrollment will be incorporated in budget preparations to assist in determining staffing requirements and amounts to budget for the "all others" category.
2. BOE approved student/teacher ratios will serve as the basis for hiring teachers in each school.
3. CIP projects that will impact on the schools will be included.
4. Teachers will submit a detailed list of supplies and instructional materials showing the most current cost to the principals.

5. Verification of all school personnel in terms of their position titles, base salary, grades and step will be made. For all new positions, written justifications must be provided.
6. The principals will review the detailed information provided by their teachers for the "all others" category and add additional requests on all others with justification. Maximum allowable amount in the "all others" category is \$600 per student.
7. Principals are responsible for coordinating preparation of their local budget in reference to federal funds allotted for any of their programs requiring supplemental funding from the local budget.
8. A Management Committee consisting of the following individuals will coordinate the preparation and presentation of the annual operating budget to the BOE: the Commissioner of Education (COE); the Deputy Commissioners of Instruction and Administration; the Federal Program Coordinator; the Fiscal and budget Officer; and the Comptroller.
9. The principals will submit their completed budgets to the Management Committee for review. After committee review, the Fiscal Office will compile the annual operating budget.
10. The completed budget will be submitted by the Commissioner to the BOE for its review and approval. Once approved, the budget will be submitted to the appropriate governmental agencies for processing through the appropriations process.
11. Should the approved budget be less than the requested budget, the budget revision process will begin with the Commissioner onward to the principals and the teachers. The revised budget will be presented to the Management Committee for its review and presentation to the Commissioner before it is presented by the Commissioner to the Board for its review and approval.

## GENERAL RULES ON TRAVEL

Authority: P.L. 6-10 authorizes the CNMI Board of Education to promulgate regulations pertaining to fiscal management for the Public School System.

Applicability: This section applies to official travel performed in the interest of the Public School System by Public School System employees and the Board of Education where specified. Other individuals covered by this section include consultants, employees eligible for repatriation and individuals who are traveling on official business for the Public School System.

General Rules: Only official travels which are considered necessary to accomplish a purpose in the most economical manner shall be authorized taking into consideration other more economical means of accomplishing the purpose.

### Travel Authorizations

1. All official travel shall be authorized with an approved "Travel Authorization" (TA). Situations requiring emergency official travel shall be permitted upon approval of a written justification.
2. Trip-by-trip authorization shall be issued to allow an individual to perform official travel. This authorization shall include:
  - a. Specific Purpose
  - b. Itinerary (schedule of departure, arrival and destination)
  - c. Estimated Cost
3. Within CNMI Travel shall be requested by the Deputy Commissioner or the highest supervisor below the Commissioner and authorized by the Commissioner.
4. Out of CNMI travel shall be requested by the Commissioner and approved by the Chairman of the Board of Education. The following information must be attached to the TA before presented to the Chairman of the Board and to the Commissioner as appropriate:

- a. Justification memorandum for the trip.
  - b. Document of invitation and/or agenda
  - c. Specific Purpose
  - d. Itinerary (schedule of departure, arrival and destinations)
  - e. Estimated Cost
5. Within CNMI travel requests shall be submitted to the Commissioner no later than 5 working days prior to the travel date. Out of CNMI travel shall be submitted to the Commissioner and the Chairman of the Board of Education no later than 10 working days prior to commencement of travel.
  6. Instructions for Travelers shall be attached to all approved travel authorizations notifying travelers of their responsibilities in accounting for all procurement documents such as unused tickets, coupons, receipts, and other documents that will be required for completion of vouchers or for accounting for travel cancellations.
  7. TAs shall not be issued if there is an outstanding voucher or if an outstanding expense by the traveler has not been paid. Exceptions to this rule may be made at the discretion of the Commissioner.
  8. TAs may be amended only upon approval by the requesting and approving officials. A justification memorandum for the amendment must be attached. Any diversion from what was specified on the approved TA must be presented as amendment TA and shall be approved by the appropriate requesting and approving officials. Amendments to TAs must be in the interest of the Public School System.
  9. Travel Expenses: Expenses anticipated in the fulfillment of an official travel may include the following:
    - a. Transportation. PSS will authorize mode of transportation which will result in the greatest advantage to the PSS considering factors such as per diem, overtime, lost worktime, transportation costs, distance of travel, number of travelers, and stopovers. Travel by common carrier which is most



efficient and economical to the PSS shall be selected unless this will impose undue hardship upon the traveler or would seriously interfere with the performance of business by the traveler. Personal preference or minor inconveniences to the traveler shall not be the overriding concern and shall be at the expense of the traveler.

- b. Car rental may be authorized if it is essential for the performance of official business and if a PSS owned vehicle is not available.
- c. Privately owned vehicles shall be authorized only if it is absolutely necessary in the performance of official business and it is more economical than other methods of transportation. Authorization to use a privately owned vehicle shall be included in the TA. If a traveler chooses a privately owned vehicle as a matter of personal preference and is compatible with the performance of official business, such use may be authorized for reimbursement only upon the approval of the authorizing official on the TA. Transportation by bus, train, taxi between lodging and place of business is allowed as transportation expense. Receipts for expenses above \$5.00 must be submitted for reimbursement. Transportation to obtain meals at the nearest suitable place will be reimbursed only if a statement justifying this need is attached to the voucher.
- d. Termination of travel due to illness may be authorized prior to completion of temporary duty assignment. Termination of travel as a result of the traveler's own misconduct shall be at the expense of the traveler.
- e. Travel by routes other than what was authorized shall be allowed if it can be established as necessary and will not incur additional expense to the PSS not related to official business to be performed by the traveler.

- f. Insurance for collision damage shall be paid by PSS for official travel requiring the use of a vehicle and as authorized in the TA. Damages to rented vehicles may be paid up to the deductible amount shown in the rental contract if it can be proven that the damage occurred while the vehicle was used for official business only. Personal accident insurance is not reimbursable.
- g. Expenses incurred due to cancellation of flights by the airline shall be the responsibility of the airline. Any payment from the airline in the form of a ticket, coupon or monetary means shall be reimbursed to the PSS and not the traveler. The traveler is obligated to submit these documents to the PSS. Lodging and meal expenses incurred as a result of flight cancellation shall be the responsibility of the airline. It is the responsibility of the traveler to ensure that the airline covers these costs. Refunds to traveler for price differences on changed flight legs shall be forwarded to the PSS. All tickets issued to PSS travelers on official business shall indicate that refunds must be sent to the Public School System and not to the traveler.
- h. Voluntary cancellation of reservation on the part of the employee shall be at the expense of the employee and not the PSS. Employees on official travel status shall not voluntarily cancel their reservations if it will interfere with performance of official duties. Employees who voluntarily delay their travel while on official duty enroute to home destination shall be charged annual leave for additional hours or days that they miss as a result of voluntary postponement of travel.
- i. Miscellaneous expenses such as excess baggage, communication costs, gasoline, baggage transfer and others that are incidental to performance of official business shall be reimbursed only when authorized and when accompanied by explanation for each expense item.

- j. Per Diem rates established by the CNMI Government shall be followed by the PSS. Expenses covered by per diem include charges for lodging, meals, fees and tips, laundry, and transportation between lodging and places where meals are taken except as otherwise noted.
- k. Actual Subsistence rates must be authorized in advance in view of the nature of business to be conducted. To determine the actual subsistence rate, reasonable cost of lodging for the number of days authorized plus \$25 a day for meals and miscellaneous subsistence expenses shall be reimbursed to the traveler. Cost of ground transportation related to official business activity may be reimbursed in addition to the \$25 dollars a day for meals and miscellaneous subsistence expenses. Receipt of ground transportation expenses shall be attached to the voucher for reimbursement. Actual subsistence reimbursement shall not exceed 55% of the established per diem rate. Lodging receipts must be submitted with the travel voucher.
- l. Whenever a traveler interrupts his/her travel for personal reasons or due to illness or injury not due to his/her own misconduct, the proper leave application must be filed with the voucher and approved by the authorized official.
- m. While on travel status, if hospitalization is required, no per diem shall be authorized or if paid in advance, shall be reimbursed by the traveler.
- n. Where meals and/or lodging are provided without cost to the traveler while on official business, the appropriate amount shall be deducted from the subsistence rate or from the per diem rate. Registration fees paid to traveler or agency must be carefully reviewed to ensure that additional subsistence expense is not incurred by the PSS.

## TRAVEL AUTHORIZATION WITH NO EXPENSE TO PSS

Travel sponsored by agencies other than PSS must be approved with a Travel Authorization showing zero travel expense. All travel performed by PSS staff at the expense of agencies other than the PSS must be in the interest of the PSS. Proper leave must be applied if the traveler requires additional days from duty station for personal reasons not related to the purpose of the travel. The leave application must be attached to the TA.

## TRAVEL ADVANCE

GENERAL RULES: A travel advance form shall be filled by the traveler to authorize release of checks. The travel advance form shall be submitted with the TA.

Travel advance checks shall be released on a timely basis. It is recommended that advance check not be issued too early prior to the travel date. One hundred percent (100%) of the travel advance allowed shall be issued to the traveler.

Travel advance should be considered as a loan to the traveler until proper reconciliation of approved travel expenses has been authorized and no outstanding amount is due to either the traveler or the PSS.

## TRAVEL VOUCHER

GENERAL RULE: Within 10 working days upon completion of travel, the traveler must submit a travel voucher following these procedures.

- a. Front page (self explanatory).
- b. Reverse page: complete the form by filling in the appropriate space the local date, time of arrival and departure, and location. Note any departure from approved travel routes and delays.

- c. Itemize and justify expenses to be reimbursed to the traveler and attach receipts as appropriate. Receipts for expenses beyond \$5.00 must be attached. Example of expenses may include:
1. Taxi receipts must show the date, points of departure and destination as well as the total amount. Taxi expenses for business other than to conduct official business will not be reimbursed and should be covered by the per diem allowed.
  2. Airline ticket stub and car rental receipts if authorized on the TA.
  3. Gasoline receipts, bus fares, traveler's check fees not to exceed \$5.00., official communication expenses if authorized, parking or toll fees related to the conduct of official business, fees for transfer of baggage, etc.
  4. Statement on mileage expenses for the use of a private vehicle when authorized on the TA.
  5. Unused ticket coupons.

Attached the original TA, trip report and other documents that will support your voucher.

Lack of receipt must be fully explained.

TA's approved but at the expense of agencies other than PSS require submission of voucher upon completion of travel. A trip report is required plus any leave application applicable.

Payroll deduction will be initiated within 15 working days if voucher is not submitted by the traveler.

If the travel advance exceeds reimbursement due, the balance will be deducted from the traveler's paycheck no later than 15 days after the traveler has been official notified of amount due to PSS.

If travel is cancelled for any reason, immediate refund of travel advance shall be made. Purchased tickets or unused GTRs shall be returned to PSS. Payroll deduction shall be initiated if the traveler fails to act within 5 working days.

Responsibility of careful examination of voucher rests with the Fiscal staff of the PSS. Each voucher must be examined to ensure that it is properly prepared according to procedures before it is reviewed by the appropriate program manager, the Commissioner and/or the Chairman of the Board. Certification for payment must be made after the signature of appropriate officials are completed. Vouchers must be accurate, expenses being claimed must be authorized and allowable expense, receipts are attached, justifications, statements are provided to support claimed expense, trip reports have been attached and the original TA, unused tickets if any, and other documents necessary to support the voucher have been attached. The voucher examiner shall initiate the voucher for review by the appropriate officials. Notes shall be made by the examiner if any discrepancy exists and forwarded to the traveler for clarification or correction before it is routed to the officials for signature and approval. Upon signature by appropriate officials, any refund due to PSS or to the traveler shall be processed by the Fiscal Section no later than 5 working days.

Appropriate procedures including possible legal action may be initiated in case of fraudulent claims. Documentation of this process must be made in writing by the Fiscal Section and the appropriate official of PSS.

The above regulations shall not apply to travel for repatriation or other travels for which additional regulations may be established and approved by the Board of Education.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
PUBLIC SCHOOL SYSTEM PROCUREMENT REGULATIONS

Article 1. - GENERAL PROVISIONS  
Part A - General

PSSPR 1-101 Purpose

- (1) Interpretation. These regulations shall be construed and applied to promote their underlying purposes and policies.
- (2) Purposes and Policies. The underlying purposes and policies of these regulations are:
  - (a) to provide for public confidence in the procedures followed in public procurement;
  - (b) to insure the fair and equitable treatment of all persons who deal with the procurement system of the Public School System;
  - (c) to provide increased economy in Public School System procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds;
  - (d) to foster effective broad-based competition within the free enterprise system; and
  - (e) to provide safeguards for the maintenance of a procurement system of quality and integrity.

PSSPR 1-102 Authority

These regulations are promulgated under the authority of PL 6-10 which make the Board of Education accountable and the Commissioner of Education responsible for procurement and supply in the Commonwealth of the Northern Mariana Island's Public School System.

PSSPR 1-103 Supplementary General Principles of Law Applicable

Unless displaced by the particular provisions of these regulations, the principals of law and equity including, but not limited to, the Uniform Commercial Code of the Commonwealth, EDGAR, and common law of fraud, conflicts of interest, waste, false pretenses, and public purpose shall supplement these regulations.

PSSPR 1-104 Requirement of Good Faith

These regulations require all parties, including Public School System employees and contractors, involved in the negotiation, bidding, performance or administration of the Public School System contracts to act in good faith.

PSSPR 1-105 Application of Regulations

Except as otherwise specified by law, these regulations apply to every expenditure of Public School System funds irrespective of source, including federal assistance monies and Covenant funds, which are not subject to federal procurement requirements. These regulations do not apply to contracts between the government and its political subdivisions or other governments. Nothing in these regulations shall be construed to prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, cooperative agreement or memoranda of understanding.

PSSPR 1-106 Severability

If any provision of these regulations or any application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end, the provision of this Code are declared to be severable.

PSSPR 1-107 Validity of Contract

No Public School System contract covered by these regulations shall be valid unless it complies with these regulations.

PSSPR 1-108 Remedy Against Employee

Any procurement action of an employee of the Public School System in violation of these regulations is an action outside the scope of his or her employment. The Public School System will seek to have any liability asserted against it by a contractor which directly results from these improper acts to be determined judicially to be the individual liability of the employee who committed the wrongful act.



## Part B - Definitions

PSSPR 1-201 Definitions

As used in these regulations, unless the context otherwise requires, the following meanings apply:

1. "Legal Counsel" means the Attorney hired by the Board of Education.
2. "Board of Education" means the elected head body as provide by the constitution and Public Law.
3. "Commissioner of Education" means the Chief State School Officer appointed by the Board of Education to administer the Public School System.
4. "Construction" means the process of building, altering, repairing, improving or demolishing a public structure or building or public improvements commonly known as "capital improvements". It does not include the routine maintenance of existing structures, buildings, or public real property.
5. "Contract" means all types of agreements, regardless of what they may be called for the procurement of supplies, services or construction.
6. "Cost-Reimbursement Contract" means a contract under which a contractor is reimbursed for cost which are allowable and allocable in accordance with the contract terms and these regulations, and a fee, if any.
7. "Dispute" means a disagreement concerning the legal rights and obligations of contracting parties, which, if not settled by mutual agreement, must be referred to a neutral third party for resolution.
8. "Employee" means an individual receiving a salary from the Public School System, including appointive and elective officials and non-salaried individuals, including those on honorarium, performing personal services for the Public School System. This definition extends to Board of Education and members of their staff. Consultants, indepent contractors and part-time workers shall be considered employees.
9. "Goods" means all property, including but not limited to equipment, materials, supplies, food items and commodities and other tangible personal property of any kind or nature, printing, insurance, leases of real and personal property, and sale or other disposal of real and personal property.

10. "Governor" means the Governor of the Northern Mariana Islands.
11. "Invitation for Bids" means all documents, whether attached or incorporated by reference, utilized for soliciting bids.
12. "Official with Expenditure Authority" means the Chief State Officer who may extend, obligate, earmark, encumber or otherwise commit public funds under Public Law 3-68, or under any annual appropriation act.
13. "Person" means an individual, sole proprietorship, partnership, joint venture, corporation, other unincorporated association or a private legal entity.
14. "Procurement" means buying, purchasing, renting, leasing or acquiring construction, goods or services. It also includes all functions that pertain to the obtaining of construction, goods or services, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.
15. "Purchase Description" means the words used in a solicitation to describe the goods, services or construction to be purchased and includes specifications attached to, or made part of, the solicitation.
16. "Responsible" in reference to a bidder means a person who has the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance.
17. "Responsive" in reference to a bidder, means a person who has submitted a bid which conforms in all material respects to the invitation for bids.
18. "Services" means the furnishing of time, labor or effort by a person other than an employee, and not involving the delivery of a specific end product other than reports, plans and incidental documents.

#### Part C - Public Access

##### PSSPR 1-301 Public Access to Procurement Information.

Procurement information shall be a matter of public record and shall be available for public inspection. Procurement information may be kept confidential when necessary to insure proper bidding procedures. This decision shall be made only by the Board of Education.

Article 2 - PROCUREMENT ORGANIZATION  
PART A - Chief of Procurement and Supply

PSSPR 2-102 Creation of Procurement and Supply Division.

There is hereby created in the Public School System a Division of Procurement and Supply under the management of the Commissioner of Education in the execution of those duties authorized under Public Law 3-63, or under any annual Appropriations Act.

PSSPR 2-101 Chief of Procurement and Supply

The Commissioner of Education shall appoint a Chief of Procurement and Supply to administer and supervise the day-to-day activities of the Division.

PSSPR 2-103 Duties of the Chief

The duties and responsibilities of the Chief include, but are not limited to, the following:

- (1) oversee that these regulations are observed in all Public School System Procurement;
- (2) hear all appeals of protests and disputes;
- (3) conduct bidding, procurement, negotiation or administration of Public School System contracts upon request of the official with expediture authority;
- (4) provide advanced planning for the centralized purchase of Public School System supplies;
- (5) exercise general supervision and control over all inventories of supplies belonging to the Public School System;
- (6) establish and maintain programs for the inspection, testing and acceptance of supplies;
- (7) exercise general supervision and control over the employees of this division.

PSSPR 2-104 Contract Oversight

- (1) The Chief Procurement and Supply is responsible for certifying the correctness of all contracts according to the Public School System Policies;

- (2) The contract shall then be approved by the Comptroller or his designee for certification of funds;
- (3) The contract shall be approved by the Commissioner of Education for expenditure authority;
- (4) The contract shall then be approved by the Chairman of the Board of Education;
- (5) Upon his own initiative or upon the request of the Public Auditor, the Chief may refer any contract to the Public Auditor for a recommendation before he approves or disapproves the contract.
- (6) The Public School System's Legal Counsel shall certify the form and legal capacity of every Public School System contract, change order, or purchase order. No contract for personal services or employment shall be approved if it is retroactive for more than thirty (30) days.
- (7) The Personnel Officer shall approve all contracts for employment or personal services, including excepted services contracts and contracts for services by an independent contractor in a nonemployment status.
- (8) A contract may be referred back to the Commissioner of Education for further review based on additional evidence that it may not comply with these regulations. If the Commissioner of Education withdraws approval or refuses to approve a contract, he shall state in writing the basis for his determination.
- (9) It is the responsibility of the official with expenditure authority to ensure that the contractor does not sign the contract or incur any expenses under it until all necessary government signatures have been obtained. The supervision and inspection of a project is the primary responsibility of the official with expenditure authority.
- (10) No contract is effective against the Public School System until all the Public School System officials whose signatures appear on the contract form have signed the contract. A contract shall contain a Right to Audit Records Clause.

#### PSSPR 2-105 Split Contracts

If the Chief Procurement Officer determines that a contract has been split into subcontracts for the purpose of avoiding bidding or if a change order or modification is unreasonably being made to increase the contract price where a contract has been bid and awarded to the lowest responsible and responsive bidder, then the

Chief may require the contract or the modification to be competitively bid. An unreasonable modification or change order would be, for example, one which would have been reasonably foreseeable at the time of the formation of the contract.

PSSPR 2-106 Acceptance of Gratuities by Chief of Procurement and Supply Division Employees

- (1) In addition to the restrictions found in PSSPR 6-205, the Chief and the employees of the Procurement and Supply Division shall be subject to these additional restrictions to avoid the appearance of impropriety.
- (2) The Chief or his employees cannot accept from any person any gift of value given to them with the intent to influence their business judgement.

Part B - Procurement Function

PSSPR 2-201 Procurement Services

Upon request of any official with expenditure authority, the Chief shall provide assistance or conduct the bidding, procurement, negotiation or administration of a particular contract.

PSSPR 2-202 Centralized Procurement of Supplies.

The Chief may, with the approval of the Commissioner of Education purchase supplies in large quantities to be relied upon by all departments, agencies, offices and branches when in the best interest of the Public School System. No separate contract or purchase order for these supplies will be approved.

Article 3 - SOURCE SELECTION AND CONTRACT FORMATION

PART A - Source Selection

PSSPR 3-101 Methods of Source Selection.

Unless otherwise authorized by law or by regulation, all Public School System contracts above \$10,001.00 subject to Public School System Procurement Regulation 3-103 shall be awarded by competitive sealed bidding, except as provided in:

- (1) PSSPR 3-103 (Small Purchases);
- (2) PSSPR 3-104 (Sole Source Procurement)

- (3) PSSPR 3-105 (Emergency Procurement)
- (4) PSSPR 3-106 (Competitive Sealed Proposals);
- (5) PSSPR 3-107 (Professional Services);
- (6) PSSPR 4-102 (Architect-Engineer Services).

PSSPR 3-102 Competitive Sealed Bidding

- (1) Invitation for Bids. An invitation for bids shall be issued and shall include at the minimum:
  - (a) an invitation for bids number;
  - (b) date of issuance;
  - (c) name, address and location of issuing office;
  - (d) specific location where bids must be submitted;
  - (e) date, hour and place of bid opening;
  - (f) a purchase description in sufficient detail to permit full and open competition and allow bidders to properly respond;
  - (g) quantity to be furnished;
  - (h) time, place and method of delivery or performance requirements;
  - (i) essential contractual terms and conditions; and
  - (j) any bonding requirements.
- (2) Public Notice. Adequate public notice of the Invitation for Bids shall be given a reasonable time prior to the date set forth for the opening of bids. Publication of notice in a newspaper of general circulation in the Commonwealth once in each week over a period of thirty (30) calendar days shall be deemed to be adequate notice.
- (3) Bidding Time. A bidding time of at least thirty (30) calendar days shall be provided, unless the Chief determines a shorter period is reasonable and necessary.
- (4) Bid Receipt. All bids shall be submitted to the Office of the Chief of the Division of Procurement and Supply. Bids shall be received prior to the time set for opening and shall be maintained sealed in a locked receptacle at that office. If a bid is opened by mistake, it shall be resealed and the person who opened the bid shall write his signature and print his title on the envelope and deliver it to the Chief. No information contained in the bid shall be disclosed prior to the bid opening. The Chief shall cause the opened bid to be placed into the sealed receptacle.
- (5) Bid Opening. The bid opening shall be conducted by the Chief of Procurement and Supply at the Office of the Commissioner of Education. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the Invitation for Bids.

The Chief shall be present at the Bid Opening. The bids received prior to the bid closing date shall be publicly opened. The amount of each bid, together with the name of each bidder shall be recorded, the record and each bid shall be open to public inspection. The Chief shall prepare a written summary of the bid opening.

- (6) Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in these regulations. Bids shall be evaluated based on the requirements set forth in the Invitation for Bids, which may include criteria as is necessary to reasonably permit a determination as to the acceptability of the bid for the particular purpose intended.
- (7) Bid Rejection. A bid may be rejected for any of the following reasons:
  - (a) failure to conform to essential requirements of the Invitation for Bids such as specifications or time of delivery;
  - (b) imposition of conditions or restrictions in the bid which modify requirements of the invitation or limit the bidder's liability to the Public School System. For example, bids shall be rejected in which the bidder:
    - (i) protects against future changes in conditions, such as increased costs;
    - (ii) fails to state a price and indicates that price shall be the price in effect at the time of delivery;
    - (iii) states a price but qualifies it as subject to price in effect at the time of the delivery; or
    - (iv) limits the rights of the Public School System.
  - (c) unreasonableness as to price;
  - (d) a bid from a nonresponsible bidder.
- (8) Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids, before or after award, or cancellation of awards or contracts based on bid mistakes must be approved by the Chief in writing. After the Bid opening, no changes in bid price or other provisions of bids prejudicial to the interest of the Public School System or fair competition shall be allowed. Whenever a bid mistake is suspected, the Commissioner of Education shall request confirmation of the bid prior to award.

In such an instance, if the bidder alleges an error, the Commissioner of Education shall only permit correction of the bid or withdrawal of the bid in accordance with subparagraph (a) or (b).

(a) Correction of Bids. Correction of bids shall only be permitted when:

(i) an obvious clerical mistake is clearly evident from examining the bid document. Example of such mistakes are errors in addition or the obvious misplacement of a decimal point; or

(ii) the otherwise low bidder alleges a mistake and the intended bid is evident from the bid document or is otherwise supported by clear and convincing evidence as to the bid intended and the corrected bid remains the low bid. A low bidder may not be permitted to correct a bid mistake resulting from an error in judgement.

(b) Withdrawal of Bids. Withdrawal of a bid shall only be permitted where the otherwise low bidder alleges a mistake and there is clear and convincing evidence as to the existence of a mistake.

(c) Cancellation of Awards. Cancellation of awards or contracts shall only be permitted when:

(i) evidence as to the existence of the mistake is not discovered until after the award;

(ii) performance of the contract at the award price would be unconscionable.

(9) Award.

(a) The Contract must be awarded with reasonable promptness by written notice to the lowest responsive bid by a responsible bidder whose bid fully meets the requirements of the invitation for bids and these regulations. Unsuccessful bidders shall also be promptly notified.

(b) Notice of an award shall only be made by the presentation of a contract with all of the required signatures to the bidder. No other notice of an award shall be made orally or by letter. No acceptance of an offer shall occur nor shall any contract be formed until a Public School System contract is written and has been approved by all the officials required by law and regulation.



Public School System contract shall contain a clause which states that the signature of the private contractor shall be the last in time to be affixed to a contract and that no contract can be formed prior to the approval of all required Public School System officials.

- (c) In the event all bids exceed available funds and the bid of the lowest responsive and responsible bidder does not exceed those funds by more than five per cent (5%), and time or economic considerations preclude resolicitation of work of a reduced scope, the Commissioner of Education may authorize the Chief to negotiate an adjustment of the bid price, including changes in bid requirements, with the lowest responsive and responsible bidder in order to bring the bid price within the amount of available funds. The negotiation shall be documented in writing and attached to the bidding documents.

#### PSSPR 3-103 Small Purchases

- (1) Any procurement not exceeding the amounts established herein may be made in accordance with small purchase procedures. However, procurement requirements shall not be artificially divided so as to constitute a small purchase.
- (2) Bidding is not required for procurement under \$10,001. The official with expenditure authority may obtain price quotations from at least three (3) vendors and base the selection on competitive price and quality for procurement valued up to \$10,000.99.
- (3) Purchase orders may be utilized for small purchases in subparagraph (2) and (3) only. In no other instance may purchase orders be utilized instead of contracts.
- (4) The cost of shipping, handling and other nonmaterial items such as taxes and insurance shall not be counted in determining the limit set by this section.

#### PSSPR 3-104 Sole Source Procurement

- (1) A contract may be awarded for a supply, service, instructional materials or construction item without competition when the Chief determines in writing that there is only one source for the required supply, service or construction item.

- (2) The written determination shall be prepared by the official with expenditure authority and shall contain the following information:
- (i) the unique capabilities required and why they are required and the consideration given to alternative sources.

#### PSSPR 3-105 Emergency Procurement

- (1) Notwithstanding any other provision of these regulations, the Commissioner of Education may make emergency procurements when there exists a threat to the Public School System's health, safety or welfare under emergency conditions. An emergency procurement must be as competitive as practicable under the circumstances.

#### PSSPR 3-106 Competitive Sealed Proposals

- (1) Condition for Use. When the Commissioner of Education determines in writing upon the advise of the Legal Counsel that the use of a competitive sealed bidding is either not practical or not advantageous to the Public School System, a contract may be entered into by competitive sealed proposals.
- (2) Request for Proposals. Proposals shall be solicited through a request for proposals.
- (3) Public Notice. Adequate public notice of the request for proposals shall be given in the same manner as provided for in competitive sealed bids.
- (4) Receipt of Proposals. Proposals shall be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and opened for public inspection after contract award.
- (5) Evaluation Factors. The request for proposals shall state the relative importance of price and other evaluation factors.
- (6) Discussion with Responsible Offerors and Revisions to Proposals. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification and to insure full understanding of, and responsiveness to, solicitation requirements. Offerors shall be accorded fair

and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submission and prior to award for the purpose of obtaining the best and final offers. In conducting discussions there shall be no disclosure of any information derived from proposals submitted by competing offerors.

- (7) Award. Award shall be made to the responsible offeror whose proposal is determined in writing to be most advantageous to the Public School System taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation and the contract file shall contain the basis on which the award is made.

PSSPR 3-107 Competitive Selection Procedures for Professional Services

- (1) Procurement Method. The services of accountants shall be procured as provided in this section except when authorized as a small purchase, emergency procurement, sole-source procurement or non-employment services contracts such as Special Education related services.
- (2) Policy. It is the policy to publicly announce all requirements for professional services and negotiate contracts on the basis of demonstrated competence and qualifications at a fair and reasonable price. The Chief Procurement Officer shall maintain files of current statements of qualifications of professional firms. Persons engaged in providing professional services may submit statements of qualifications and expressions of interests providing such types of services. Persons may amend these statements at any time by filing a new statement.
- (3) Public Announcement and Form of Request for Proposals. Adequate notice of the need for such services shall be given by the official with expenditure authority through a request for proposals. The request for proposals shall describe the services required, list the type of information and data required of each offeror and state the relative importance of particular qualifications.
- (4) Award. Award shall be made to the offeror determined in writing by the official with expenditure authority to be the best qualified based on the evaluation factors set forth in the request for proposals, and negotiation of compensation determined to be fair and reasonable. If compensation cannot be agreed upon with the best qualified

offeror then negotiations will be formally terminated with the selected offeror. If proposals were submitted by one or more other offerors determined to be qualified, negotiations may be conducted with such other offeror or offerors, in the order of their respective qualification ranking, and the contract may be awarded to the offeror then ranked as best qualified if the amount of compensation is determined to be fair and reasonable.

**Part B - Cancellation of Invitation for Bids  
or Request for Proposals**

**PSSPR 3-201 Cancellation**

An invitation for bids or request for proposals may be cancelled and any and all bids or proposals may be rejected, when such action is determined by the Chief Procurement & Supply and approved by the Commissioner of Education to be in the best interests of the Public School System based on:

- (1) inadequate or ambiguous specifications contained in the solicitation;
- (2) specifications which have been revised;
- (3) goods or services being procured which are no longer required;
- (4) inadequate consideration given to all factors of cost to the Public School System in the solicitation;
- (5) bids or proposals received indicated that the needs of the Public School System can be certified by a less expensive good or service;
- (6) all offers with acceptable bids or proposals received are at unreasonable prices; or
- (7) bids were collusive.

**Part C - Qualifications and Duties**

**PSSPR 3-301 Responsible of Bidders and Duties**

- (1) Awards shall be made only to responsible contractors. To be determined responsible, a prospective contractor must:
  - (a) have adequate financial resources to perform the contract, or the ability to obtain them;

- (b) be able to comply with the required delivery or performance schedule;
  - (c) have a satisfactory performance record;
  - (d) have a satisfactory record of integrity and business ethics;
  - (e) have the necessary organization, experience and skills (or the ability to obtain them), required to successfully perform the contract;
  - (f) have the necessary production, construction and technical equipment facilities, or the ability to obtain them;
  - (g) be otherwise qualified and eligible to receive award under applicable laws and rules; and
  - (h) submit a valid original business license and other certification as may be required.
- (2) Obtaining Information. Prior to award, the official with expenditure authority shall obtain information from the bidder or offeror necessary to make a determination of responsibility using the factors in paragraph 1 above. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for determination of nonresponsibility with respect to that bidder or offeror.
- (3) Right of Nondisclosure. Information furnished by a bidder or offeror pursuant to paragraph 2 may not be disclosed outside of the office of the Commissioner of Education, the Chief Procurement Officer, and Legal Counsel or any involved Public School System employee without prior consent by the bidder or offeror.
- (4) Nonresponsibility Determination. When a bid or proposal on which a contract award would otherwise be made is rejected because the prospective contractor is found to be nonresponsible, a written determination shall be signed by the official with expenditure authority stating the basis for the determination and this shall be placed in the contract file.

#### PSSPR 3-302 Prequalification of Contractors

Prospective suppliers of goods or services may be prequalified for particular types of construction, goods and services when

determined necessary by the Chief. Opportunity for qualification before solicitation shall be afforded to all suppliers. Solicitation mailing lists of potential contractors shall include, but shall not be limited to, prequalified suppliers. In no event will bidders be allowed to qualify after the bid opening.

#### Part D - Types of Contracts

##### PSSPR 3-401 Types of Contracts

- (1) Use of a cost-plus-a-percentage-of-cost and percentage of construction cost methods of contracting are prohibited.
- (2) Public School System contracts shall utilize a firm fixed priced unless use of a cost reimbursement contract is justified under paragraph 3.
- (3) A cost reimbursement contract may be used when the official with expenditure authority determines in writing which is attached to the contract that:
  - (a) uncertainties in the work to be performed make the cost of performance too difficult to estimate with the degree of accuracy required for a firm fixed price contract;
  - (b) use of a firm fixed price contract could seriously effect the contractor's financial stability or result in payment by the Public School System for contingencies that never occurred; or
  - (c) use of a cost reimbursement contract is likely to be less costly to the Public School System than any other type due to the nature of the work to be performed under the contract.

#### Part E - Inspection and Audit

##### PSSPR 3-501 Right to Inspect Place of Business

The Board of Education and the Commissioner, may at reasonable times, inspect the place of business of a contractor or any subcontractor which is related to the performance of any contract awarded or to be awarded by the Public School System.

PSSPR 3-502 Right to Audit Records

As required by section 404 of Public Law 3-91, the contractor and subcontractor or grantee and subgrantee at all levels shall provide the Public Auditor of the Commonwealth with access to and the right to examine and copy any records, data or papers relevant to a Public School System contract or grant for a period of three (3) years after the final payment under the contract or grant. A clause to this effect shall appear in all Public School System contracts and obligations.

## Part F - Reports and Records

PSSPR 3-601 Report of Anticompetitive or Deceptive Practices

When for any reason any person suspects the following practices are occurring among bidders, offerors, contractors or subcontractors, a notice of the relevant facts shall be transmitted to the Legal Counsel without delay:

- (1) unfair methods of competition;
- (2) deceptive acts; or
- (3) unfair business practices.

These acts are more fully defined at 4 CMC 5101 through 5206.

PSSPR 3-602 Retention of Procurement Records

- (1) All procurement records shall be retained by the Board of Education, the Commissioner of Education and the Chief Procurement Officer.
- (2) The Chief Procurement Officer shall maintain a record listing of all contracts made under sole source procurement or emergency procurement for a minimum of five (5) years. The records shall contain:
  - (a) each contractor's name;
  - (b) the amount and type of each contract; and
  - (c) a listing of the supplies, services or construction procured under each contract.
- (3) All procurement records, except those designated herein as not subject to disclosure, shall be available to public inspection.

Article 4 - PROCUREMENT OF CONSTRUCTION AND  
ARCHITECT-ENGINEER SERVICES

Part A - Procurement of Construction

PSSPR 4-101 Construction Procurement

(1) Invitation for Bids

- (a) Deposit. The official with expenditure authority shall determine the amount of deposit required for potential bidders to obtain the invitation for bids.
- (b) Contents. The invitation for bids shall be prepared in accordance with section 3-102(1). In addition, the following items shall be included in the Invitation for Bids.
  - (i) Notice to Bidders. General information regarding the project;
  - (ii) Instruction to Bidders. Information on the preparation of bids, bid security requirements and forms and certifications that must be submitted with the bid;
  - (iii) General Conditions. Standard contract clauses governing the performance of work;
  - (iv) Special Conditions. Special contract clauses depending on the nature and dollar amount of the work to be performed; and
  - (v) Technical Specifications. Specifications governing the technical aspects of the work to be performed.

(2) Bid Security

- (a) Requirement. Bid security shall be required for all competitive sealed bidding on construction contracts where the price is estimated by the Commissioner of Education to exceed \$25,000.00 or when the Commissioner of Education determines it is in the interest of the Public School System. Bid security shall be on a bid bond, in cash, by certified check, cashiers check or other form acceptable to the Public School System. A surety company shall hold the certificate of authority from the U.S. Secretary of the Treasury as an acceptable surety or other surety acceptable to the Public School System Legal Counsel.



- (b) Amount. Bid security shall be an amount equal to at least fifteen per cent (15%) of the amount of the bid or other amount as specified in the Invitations for Bids depending upon the source of funding.
- (c) Rejection of Bid. Failure to furnish bid security, when required by the invitation, shall result in rejection of the bid as nonresponsive.

(3) Contract Performance and Payment Bonds

- (a) When a construction contract is awarded in excess of \$25,000.00, the following bonds or security shall be delivered to the Public School System and shall become binding on the parties upon the execution of the contract:

- (i) performance bond satisfactory to the Commissioner of Education, executed by a surety company authorized to do business in the Commonwealth or otherwise secured in a manner satisfactory to the Commissioner of Education, in an amount equal to one hundred per cent (100%) of the price specified in the contract; and
- (ii) a payment bond satisfactory to the Commissioner of Education, executed by a surety company authorized to do business in the Commonwealth or otherwise secured in a manner satisfactory to the Commissioner of Education, for the protection of all persons supplying labor and materials to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to one hundred per cent (100%) of the price specified in the contract.

- (4) Suits on Payment Bonds. Right to Institute. Every person who has furnished labor or material to the contractor or its subcontractors for the work provided in the contract, in respect of which a payment bond is furnished under this section, and who has not been paid in full therefore before the expiration of a period of ninety (90) days after the day on which the last of the labor was done or performed by such person or material was furnished or supplied by such person for which such claim is made, shall have the right to sue on the payment bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute said action for the sum or sums justly due such person; provided, however, that any person having a direct contractual relationship with a subcontractor of the contractor, but no contractual relationship express or

implied with the contractor furnishing said payment bond, shall have a right of action upon the payment bond upon giving written notice to the contractor within ninety (90) days from the date on which such person did or performed the last of the labor or furnished or supplied the last of the materials upon which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed.

Such notice shall be personally served or served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or conducts its business.

- (5) Suits on Payment Bonds. Where and When Brought. Every suit instituted upon a payment bond shall be brought in a court of competent jurisdiction for the Commonwealth; but no such suit shall be commenced after the expiration of one (1) year after the day on which the last of the labor was performed or material was supplied by the person bringing suit. The obligee named in the bond need not be joined as a party in any such suit.
- (6) Fiscal Responsibility. Every contract modification, change order, or contract price adjustment under a construction contract shall be subject to prior written certification by the Commissioner of Education as to the effect of the contract modification, change order or adjustment in contract price on the total project budget or the total contract budget. In the event that the certification discloses a resulting increase in the total project budget and/or the total contract budget, such contract modification, change order or adjustment in contract price shall not be made unless sufficient funds are available therefore, or the scope of the project or contract is adjusted so as to permit the degree of completion that is feasible within the total project budget and/or total contract budget as it existed prior to the contract modification, change order or adjustment in contract price under consideration; provided, however, that with respect to the validity, as to the contractor, of any executed contract modification, change order or adjustment in contract price which the contractor has reasonably relied upon, it shall be presumed that there has been compliance with the provisions of this subsection.

PSSPR 4-102 Architect-Engineer Services

- (1) Procurement Method. Architect-engineer services shall be procured as provided in this section except when authorized as a small purchase or emergency procurement.

- (2) Policy. It is the policy to publicly announce all requirements for architect-engineer services and negotiate contracts on the basis of demonstrated competence and qualifications at a fair and reasonable price.
- (3) Selection. The Commissioner of Education and the Public School System's Capital Improvement Projects office shall jointly maintain files of current statements of qualifications of architect-engineer firms. After public announcement of requirements for architect-engineer services, current statements shall be reviewed together with those that may be submitted by other firms in response to the announcement. Discussions shall be conducted with at least three (3) of the firms regarding the contract requirements and technical approach and selection made therefrom, in order of preference, of no less than three (3) firms determined to be the most highly qualified to perform the services required.
- (4) Negotiation. The Commissioner of Education shall negotiate a contract with the highest qualified architect-engineer firm at a price determined to be fair and reasonable to the Public School System. If a fair and reasonable price cannot be negotiated, negotiations shall be terminated and negotiations shall be undertaken with the second highest qualified firm. If a fair and reasonable price cannot be negotiated, negotiations shall be terminated and negotiations shall be undertaken with the third highest qualified firm. If a fair and reasonable price cannot be negotiated with any of the firms, the office with expenditure authority shall then select additional firms in order of competence and qualifications and continue negotiations until a fair and reasonable price is agreed upon.

Article 5 - PROTESTS AND DISPUTES  
PART A - Bid Protests and Appeals

PSSPR 5-101 Protests to the Commissioner of Education

(1) General

- (a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Commissioner of Education. The protest shall be received by the Commissioner of Education in writing within ten (10) days after such aggrieved person knows or should have known of the facts giving rise thereto. The Commissioner of Education shall consider all protests or objections to the award of a contract, whether submitted before or after award. If a protest is oral and the matter cannot be resolved, written confirmation of the protest shall be requested by the Commissioner of Education. The written protest shall state fully the factual and legal grounds for the protest;
- (b) Other persons, including bidders, involved in or affected by the protests shall be given notice of the protest and its basis in appropriate cases. These persons shall also be advised that they may submit their views and relevant information to the Commissioner of Education within a specified period of time. Normally, the time specified will be one (1) week;
- (c) The Commissioner of Education shall decide the protest within thirty (30) calendar days after all interested parties have submitted their views unless he certifies that the complexity of the matter requires a longer time, in which event he shall specify the appropriate longer time;
- (d) When a protest before or after award has been appealed to the Public Auditor as provided in these procedures, and the Commissioner of Education is requested to submit a report, the Commissioner of Education should include with his report a copy of;
- (i) the protest;
  - (ii) the bid submitted by the protesting bidder and a copy of the bid of the bidder who is being considered for award, or whose bid is being protested;
  - (iii) the solicitation, including the specifications on portions relevant to the protest;
  - (iv) the abstract of offers or relevant portions;

- (v) any other documents that are relevant to the protest; and
  - (vi) the Commissioner of Education signed statement setting forth findings, actions, and recommendations and any additional evidence or information deemed necessary in determining the validity of the protest. The statement shall be fully responsive to the allegation of the protest. If the award was made after receipt of the protest, the Commissioner of Education's report will include the determination prescribed in subparagraph (2)(c) below.
- (e) Since timely action on protests is essential, they should be handled on a priority basis. Upon receipt of notice that an appeal from the Commissioner of Education decision has been taken to the Public Auditor, the Commissioner of Education shall immediately begin compiling the information necessary for a report as provided in subsection (d) above. To further expedite processing, the Commissioner of Education, upon request of the protester or the Public Auditor, should simultaneously furnish a complete copy (except for information privileged by law or which the Commissioner of Education deems must be confidential in order to benefit from competitive bidding) to the protester. In such instances, the protester shall be requested to furnish a copy of any comments on the administrative report directly to the Public Auditor as well as the Commissioner of Education. The Board of Education must be informed of all proceedings with report to any appeal.

(2) Protest Before Award:

- (a) The Commissioner of Education shall require that written confirmation of an oral protest be submitted by the time specified in section 5-101 (1) (a) and may inform the protester that the award will be withheld until the specified time. If the written protest is not received by the time specified, the oral protest may be disregarded. An award may be made in the normal manner unless the Commissioner of Education finds it necessary in his discretion to take remedial action.
- (b) When a proper protest against the making of an award is received, the award will be withheld pending disposition of the protest. The bidders whose bids might become eligible for award shall be informed of the protest. In addition, those bidders shall be requested, before expiration of the time for acceptance of their bids, to extend the time for acceptance to avoid the need for readvertisement.

In the event of failure to obtain such extensions of bids, consideration shall be given to proceeding with an award under subparagraph (c) below.

- (c) When a written protest is received, award shall not be made until the matter is resolved, unless the Commissioner of Education determines that:
  - (i) the materials and services to be contracted for are urgently required;
  - (ii) delivery or performance will be unduly delayed by failure to make award promptly; or
  - (iii) a prompt award will otherwise be advantageous to the Public School System.
- (d) If award is made under subparagraph (c) above, the Commissioner of Education shall document the file to explain the need for an immediate award. The Commissioner of Education also shall give written notice to the protester and others concerned of the decision to proceed with the award.

(3) Protest After Award:

Although persons involved in or affected by the filing of a protest after award may be limited, in addition to the Commissioner of Education, at least the contractor shall be furnished the notice of the protest and its basis in accordance with subparagraph (1) (b) above. When it appears likely that an award may be invalidated and a delay in receiving the supplies or services is not prejudicial to the Public School System's interest, the Commissioner of Education should consider seeking a mutual agreement with the contractor to suspend performance on a no-cost basis.

(4) Computation of Time:

- (a) Except as otherwise specified, all "days" referred to in this part are deemed to be working days of the Public School System. The term "file" or "submit" except as otherwise provided refers to the date of transmission.
- (b) In computing any period of time prescribed or allowed by these procedures, the day of the act or event from which the designated period of time begins to run shall not be included.

PSSPR 5-102 Appeals of Commissioner of Education's Decisions to the Public Auditor

- (1) Jurisdiction; Exhaustion of Remedies. A written appeal to the Public Auditor from a decision by the Commissioner of

Education may be taken provided that the party taking the appeal has first submitted a written protest to the Commissioner of Education as provided in PSSPR 5-101 of these Procedures, and the Commissioner of Education has denied the protest or has failed to act on the protest within the time provided for in PSSPR 5-101 (1) (c) above.

- (2) Form of Appeal. No particular form of pleading is required for filing an appeal to the Public Auditor. The appeal shall, however:
  - (a) Include the name and address of the appellant;
  - (b) Identify the contracting agency and the number of the solicitation or contract;
  - (c) Contain a concise, logically arranged, and direct statement of the grounds for appeal; and
  - (d) Specifically request a ruling by the Public Auditor.
  
- (3) Time for Filing Appeal. An appeal from the Commissioner of Education's decision must be received by the office of the Public Auditor not later than ten (10) days from the date that he should have decided the protest pursuant to section 5-101 (1)(c) above. Any appeal received after this time limit shall not be considered by the Public Auditor unless good cause is shown or unless the Public Auditor determines that the appeal presents issues significant to procurement practices that are not detrimental to the Public School System should the appeal be considered.
  
- (4) Notice of Protest, Submission of Commissioner of Education's Report and Time for Filing of Comments on Report.
  - (a) The Public Auditor shall notify the Commissioner of Education by telephone and in writing within one (1) day of the receipt of an appeal, requesting the Commissioner of Education to give notice of the appeal to the contractor if award has been made or, if no award has been made, to all bidders or proposers who appear to have a substantial and reasonable prospect of receiving an award if the appeal is denied. The Commissioner of Education shall be requested to furnish in accordance with PSSPR 5-101(1)(b) of these Procedures copies of the protest and appeal documents to such parties with instructions to communicate further directly with the Public Auditor.
  
  - (b) Material submitted by an appellant will not be withheld from any Commonwealth or federal agency which may be involved in the appeal except to the extent that the withholding of information is permitted or required by law or regulation. If the appellant considers that the protest contains material which should be withheld, a

statement advising of this fact must be affixed to the front page of the appeal document and the allegedly proprietary information must be so identified wherever it appears.

- (c) The Public Auditor shall request the Commissioner of Education to submit a complete report on the appeal to the Public Auditor as expeditiously as possible (generally within 25 working days) in accordance with PSSPR 501(1)(d) of these Procedures and to furnish a copy of the report to the appellant and other interested parties as defined in PSSPR 4-101(4)(c).
  - (d) Comments on the PSS report shall be filed with the Public Auditor within ten (10) days after the Public Auditor's receipt of the report, with a copy to the Public School System and to other interested party. Any rebuttal an appellant or interested party may care to make shall be filed with the Public Auditor within five (5) days after receipt of the comments to which the rebuttal is directed, with a copy to the Public School System, the appellant, and interested parties, as the case may be. Unsolicited agency rebuttals shall be considered if filed within five (5) days after receipt by the agency of the comments to which the rebuttal has been filed.
  - (e) the failure of an appellant or any interested party to comply with the time limits stated in this section may result in resolution of the appeal without consideration of the comments untimely filed.
- (5) Withholding of Award. When an appeal has been filed before award, the Commissioner of Education will not make an award prior to resolution of the protest except as provided in this section. In the event the Commissioner of Education determines that award is to be made during the pendency of an appeal, the Commissioner of Education will notify the Public Auditor.
  - (6) Furnishing of Information on Protests. The Public Auditor shall, upon request, make available to any interested party information bearing on the substance of the appeal which has been submitted by interested parties or agencies, except to the extent that the withholding of information is permitted or required by law or regulation. Any comments thereon shall be submitted within a maximum of ten (10) days.
  - (7) Time for Submission of Additional Information. Any additional information requested by the Public Auditor from the appellant or interested parties shall be submitted no later than five (5) days after the receipt of such request.



If it is necessary to obtain additional information from the Commissioner of Education, the Public Auditor will request that such information be furnished as expeditiously as possible.

(8) Conference.

- (a) A conference on the merits of the appeal with the Public Auditor may be held at the request of the appellant, any other interested party, or the Commissioner of Education. Request for conference should be made prior to the expiration of the time period allowed for filing comments on the agency report. Except in unusual circumstance, requests for a conference received after such time will not be honored. The Public Auditor will determine whether a conference is necessary for resolution of the appeal.
- (b) Conferences normally will be held prior to expiration of the period allowed for filing comments on the agency reports. All interested parties shall be invited to attend the conference. Ordinarily, only one conference will be held on an appeal.
- (c) Any written comments to be submitted and as deemed appropriate by the Public Auditor as a result of the conference must be received in the Office of the Public Auditor within five (5) days of the date on which the conference was held.
  - (i) Time for Decision; Notice of Decision: The Public Auditor shall, if possible, issue a decision on the appeal within 25 days after all information necessary for the resolution of the appeal has been received. A copy of the decision shall immediately be mailed or otherwise transmitted to the appellant, other participating parties, and the Commissioner of Education.

(9) Request for Reconsideration:

- (a) Reconsideration of a decision of the Public Auditor may be requested by the appellant, any interested party who submitted comments during consideration of the protest, the Commissioner of Education, and any agency involved in the protest. The request for reconsideration shall contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered.

- (b) Request for reconsideration of a decision of the Public Auditor shall be filed not later than ten (10) days after the basis for reconsideration is known or should have been known, whichever is earlier. The term "filed" as used in this section means receipt in the Office of the Public Auditor.
- (c) A request for reconsideration shall be subject to these bid protest procedures consistent with the need for prompt resolution of the matter.

PSSRP 5-103 Remedies.

- (1) Remedies Prior to Award. If prior to award the Commissioner of Education or the Public Auditor determines that a solicitation or proposed award of a contract is in violation of law or regulation, then the solicitation or proposed award shall be:
  - (a) cancelled; or
  - (b) revised to comply with law or regulation.
- (2) Remedies After an Award. If after an award the Commissioner of Education or the Public Auditor determines that solicitation or award of a contract is in violation of law or regulation, then:
  - (a) if the person awarded the contract has not acted fraudulently or in bad faith:
    - (i) the contract may be ratified and affirmed, provided it is determined that doing so is in the best interests of the Public School System.
    - (ii) the contract may be terminated and the person awarded the contract shall be compensated for the actual expenses reasonably incurred under the contract, plus a reasonable profit, prior to termination.
  - (b) if the person awarded the contract has acted fraudulently or in bad faith:
    - (i) the contract may be declared null and void; or
    - (ii) the contract may be ratified and affirmed if such action is in the best interests of the Public School System, without prejudice to the Public School System's right to such damages as may be appropriate.

- (3) Finality of Findings of Fact by the Public Auditor. A determination of an issue of fact by the Public Auditor under these Procedures shall be final and conclusive unless arbitrary, capricious, fraudulent, or clearly erroneous.

PSSRP 5-104 Effective Date.

All protests as to the manner of bidding, the failure to properly award a bid, the failure of Commissioner of Education to contract with a business after bidding, or the cancellation of bids which may or may not be the subject of lawsuit but have not reached final judgement as of the effective date of these regulations shall be heard in accordance with this Part upon the request of the actual or prospective bidder, offeror, or contractor who is aggrieved.

Part B - Disputes

PSSPR 5-201 Disputes.

- (1) Any dispute between the Public School System and a contractor relating to the performance, interpretation of or compensation due under a contract, which is the subject to these regulations, must be filed in writing with the Commissioner of Education within ten (10) calendar days after acknowledge of the facts surrounding the dispute.
- (2) When a claim by or against a contract cannot be satisfied or settled by mutual agreement and a decision on the dispute is necessary, the Commissioner of Education shall review the facts pertinent to the dispute, secure necessary legal assistance and prepare a written description that shall include:
- (a) description of the dispute;
  - (b) reference to pertinent contract terms;
  - (c) statement of the decision as to the factual areas of disagreement and conclusion of the dispute with any supporting rationale.
- (3) Appeals. The Commissioner of Education shall review and render a decision on an appeal from an adverse decision timely taken by a contractor. The Commissioner of Education may require a hearing or that information be submitted on the record, at his discretion. The Commissioner of Education may affirm, reverse or modify the decision or remand it for further consideration.

- (4) Duty to Continue Performance. A contractor that has a dispute pending before the Commissioner of Education or an appeal before the Commissioner of Education must continue to perform according to the terms of the contract and failure to continue shall be deemed to be a material breach of the contract unless he obtains a waiver of this provision by the Commissioner of Education.

## Article 6 - ETHICS IN PUBLIC CONTRACTING

### Part A - Definitions

#### PSSPR 6-101 Definitions of Terms.

1. "Confidential information" means any information, which is available to an employee only because of the employee's status as an employee of this Public School System and is not a matter of public knowledge or available to the public on request.
2. "Direct or indirect participation" means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity.
3. "Financial interest" means:
  - a. ownership of any interest or involvement in any relationship from which or as a result of which, a person within the past year has received or is presently or in the future entitled to receive compensation; or
  - b. holding a position in a business such as an officer, director, trustee, partner, employee or the like or holding any position of management.
4. "Gratuity" means a payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.
5. "Immediate family" means spouse, children, parents, brothers and sisters, step parents, step brother and sister and grandparents.

## Part B - Standards of Conduct

PSSPR 6-201 Policy.

Public employment is a public trust. In Public School System contracting, public employees shall discharge their duties impartially so as to:

- (1) insure fair competitive access to Public School System procurement by reasonable contractors; and
- (2) conduct themselves in a manner as to foster public confidence in the integrity of the Public School System.

PSSSPR 6-202 General Standards.

- (1) Employees. Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of a public trust. In order to fulfill this ethical standard, employee must meet the requirements of these regulations.
- (2) Contractors. Any effort to influence any public employee to breach the standards of ethical conduct set forth in these regulations is also a breach of ethical standards.

PSSPR 6-203 Employee Disclosure Requirements.

- (1) Disclosure of benefit received from contract. Any employee who has, or obtains any benefit from any Public School System contract with a business in which the employee has financial interest, shall report such benefit to the Commissioner of Education.
- (2) Failure to disclose benefit received. Any employee who knows or should have known of such benefit and fails to report such benefit is in breach of these ethical standards.

PSSPR 6-204 Employee Conflict of Interest.

- (1) Conflict of interest. It is a breach of ethical standards for any employee to participate directly or indirectly in a procurement when the employee knows that:
  - (a) the employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;

- (b) a business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- (c) any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

- (2) Discovery of actual or potential conflict of interest, disqualification and waiver. Upon discovery of an actual or potential conflict of interest, an employee shall promptly file with the Commissioner of Education a written statement of disqualification and shall withdraw from further participation in the transaction involved. The employee may, at the same time, apply to the Public Auditor for an advisory opinion as to what further participation, if any, the employee may have in the transaction.

PSSPR 6-205 Gratuities and Kickbacks.

- (1) Gratuities. It shall be a breach of ethical standards for any person to offer, give or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract or to any solicitation or proposal therefore.
- (2) Kickbacks. It shall be a breach of ethical standards for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher than subcontractor or any person associated therewith as an inducement for the award of a subcontract or order.

PSSPR 6-206 Prohibition Against Contingent Fees.

- (1) Contingent fees. It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure Public School System contracts upon an agreement or understanding for a commission,

percentage, brokerage or contingent fee, except for retention of bonfide employees or bona fide established commercial selling agencies for the purpose of securing business.

- (2) Representation of contractor. Every person, before being awarded a Public School System contract, shall represent in writing that such person has not retained anyone in violation of this section. Failure to do so constitutes a breach of ethical standards.

PSSPR 6-207 Contract Clauses.

The prohibitions against gratuities, kickbacks, and contingent fees shall be conspicuously set forth in every contract and solicitation.

PSSPR 6-208 Restrictions on Employment of Present and Former Employees.

- (1) Present employee. It shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement process to become or be while such an employee, the employee of any person contracting with the Public School System for whom the employee is employed.
- (2) Restrictions on former employee in matters connected with their former duties.
- (a) Permanent disqualification of former employee personally involved in a particular matter. It shall be a breach of ethical standards for any former employee knowingly to act as a principal or as an agent for anyone other than the Public School System, in connection with any:
- (i) judicial or other proceeding, application request for a ruling or other determination;
  - (ii) contract;
  - (iii) claim; or
  - (iv) charge or controversy in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation or otherwise while an employee, where the Public School System is a party or has a direct or substantial interest.

PSSPR 6-209 Use of Confidential Information.

It shall be a breach of ethical standards for any employee or former employee to knowingly use confidential information for actual or anticipated personal gain, or the actual or anticipated personal gain of any other person.

PSSPR 6-210 Collusion by Bidders

Collusion or secret agreements between bidders for the purpose of securing an advantage to the bidders against the authorizing agent in the awarding of contracts is prohibited. The Commissioner of Education may declare the contract void if he finds sufficient evidence after a contract has been let that the contract was obtained by a bidder or bidders by reason of collusive or secret agreement among the bidders to the disadvantage of the Public School System.

PSSPR 6-211 Penalties.

- (1) Public School System employees. A Public School System employee is any person whether appointed, elected, excepted service or civil service. An employee who violates the provisions of these rules and regulations is subject to adverse action as may be appropriate in his or her particular circumstances. This action includes but is not limited to reprimand, suspension without pay, termination of employment, civil injunction, civil suit for damages or return of Public School System money, or criminal prosecution.
- (2) Contractors. A contractor who violates a provision of these rules and regulations shall be subject to a written warning of reprimand, the termination of the contract or suspension from being a contractor or subcontractor under a Public School System contract in addition to other penalties prescribed by law.
- (3) All proceedings under this section must be in accordance with due process requirements.

PSSPR 6-212 Authority to Debar or Suspend

- (1) Authority. After reasonable notice to the person involved and reasonable opportunity for the person to be heard under the Administrative Procedures Act, the Commissioner of Education after consultation with the Public School System Legal Counsel, shall have authority to debar a person for cause from consideration for award of contracts.



The debarment shall not be for a period of more than three (3) years. The Commissioner of Education, after consultation with Public School System Legal Counsel, shall have authority to suspend a person from consideration for award of contracts if there is probable cause for debarment. The suspension shall not be for a period exceeding three (3) months.

- (2) Causes for debarment or suspension. The causes for debarment or suspension include the following:
- (a) conviction for commission of a criminal offense is an incident of obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
  - (b) conviction under Commonwealth or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the Consumer Protection Act (4CMC 5101 et. seq.), violation of any unfair business practices as prescribed by 4 CMC 5202, or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects its responsibility as a Public School System contractor;
  - (c) conviction under Commonwealth or federal antitrust statutes arising out of the submission of bids or proposals such as in Chapter 2 of Division 5 of Title 4 of the Commonwealth Code;
  - (d) violation of contract provisions, as set forth below, of a character which is regarded by the Commissioner of Education to be so serious as to justify debarment action:
    - (i) deliberate failure without good cause to perform in accordance with the specifications within the time limits provided in the contract; or
    - (ii) a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered a basis for debarment;
  - (e) any other cause that the Commissioner of Education determines to be so serious and compelling as to effect responsibility as a Public School System contractor, including debarment by another Public School System entity; and

- (f) for violation of any of the ethical standards set forth in Article 6.
- (3) Decision. The Commissioner of Education shall issue a written decision to debar or suspend. The decision shall state the reasons for the action taken.
- (4) Notice of decision. A copy of the decision shall be mailed or otherwise furnished immediately to the debarred or suspended person.

#### Article 7 - MISCELLANEOUS

##### PSSPR 7-101 Severability.

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end, the provisions of these regulations are severable.

PUBLIC SCHOOL PERSONNEL SYSTEM REGULATIONS

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## PUBLIC SCHOOL PERSONNEL SYSTEM REGULATIONS

1000

## PURPOSE AND SCOPE

1001 PURPOSE.

These Regulations implement the provisions of article 15 of the Constitution of the Northern Mariana Islands which extends the authority of the Board of Education to all staff of the Public School System.

1002 POLICY 501 EMPLOYMENT PRACTICES.

The policies set forth in this Regulations are intended to establish guidelines for use by the Public School System in implementing such laws and regulations.

1003 COVERAGE

These Regulations apply to all employees in the Public School System and all special personnel services performed for the Public School System in the CNMI.

1004 PHILOSOPHY.

The Board of Education recognizes that implementation of its responsibility to provide an effective educational program depends on the full and effective utilization of qualified employees regardless of race, age, sex, color, religion, national origin, creed, or ancestry. The Board directs that its employment and personnel policies guarantee equal opportunity for everyone. Therefore, all matters relating to recruitment, selection, placement, compensation, benefits, educational opportunities, promotion, termination, and working conditions shall be free from discriminatory practices.

1005 SCOPE.

The CNMI Public School Personnel System recognizes two classes of employment: Certified positions as defined by the Board shall require professional certification, high standards of qualification and continuing education. Certification shall be for a period of five years subject to revocation only with cause. Non-Certified positions shall be for a two years contract subject to renewal based on satisfactory job performance in the case of support staff, or need in the case of consultant services.

## PUBLIC SCHOOL SYSTEM

2000

## ORGANIZATION FOR PERSONNEL MANAGEMENT

2001 PERSONNEL MANAGEMENT.

Personnel management is the responsibility of all executives, managers and supervisors who direct the work of others. It is the policy of the Board of Education to continuously promote labor relations, human relations, communications, and improved working conditions in order to provide all employees the opportunity to satisfy their needs for recognition, a sense of personal worth and personal achievement.

2002 BOARD OF EDUCATION

The Board of Education represents the public interest in assuring compliance with the basic policy concerning personnel administration and in ensuring that the integrity of the system is preserved. To this end, the Board has the following powers and duties:

- A. To prepare and promulgate personnel policies of the Public School System in the Commonwealth of the Northern Mariana;
- B. To hear and decide appeals of employees for disciplinary actions, for suspensions of more than three working days, demotions and dismissals from the Public School System. The Board may utilize the services of qualified hearing officers if the services are deemed essential by the Board.
- C. To administer oaths to witnesses in any matter pending before the board, and;
- D. To perform any other lawful acts required by law or deemed by it to be necessary to carry out its duties.

2003 OFFICE OF THE COMMISSIONER OF EDUCATION

There is in the Public School System an Office of the Commissioner of Education headed by the Commissioner of Education. The Commissioner implements the personnel plans and policies of the Board of Education and conducts day-to-day personnel management functions, including classification and recruitment, appointments, promotions and discipline, public personnel labor relations, and related functions.

## PUBLIC SCHOOL SYSTEM PERSONNEL REGULATION

3000

## STAFFING

This part covers all the elements appropriate to hiring, maintaining, reassigning, promoting, and releasing employees of the Public School System. Merit principles, open competition, and, in where appropriate employee seniority, shall be underlying considerations in for the Public School System Personnel System.

Several sub-parts of this Part treat detail the regulations to be fulfilled in the execution of the respective functions. Procedures to guide personnel specialists and technicians, management officials and employees in determining the intent, meaning and processes for implementation of these regulations are published as procedural manuals hereto.

## PUBLIC SCHOOL PERSONNEL SYSTEM REGULATIONS PSS

3100

## EXAMINATIONS

This sub-part prescribes the examination system to be used in the Public School Personnel System. It describes the several types of examinations, the assembly of eligible lists, and the referral of eligibles from those lists to selecting officials.

3101 COMPETITIVE EXAMINATIONS.

All examinations shall be competitive and open to the public except where specifically exempted. All examinations shall be either:

- A. Assembled, wherein the applicants assemble in a designated place at a specified time to take written or performance tests germane to the position(s) sought. Assembled examinations will be conducted under conditions affording maximum security at all times to protect the confidential nature of examination questions and related documents.
- B. Unassembled, wherein the candidates, responding to an examination announcement, submit, to designated places and by designated times, their records of education, training experience, and such other information as requested in the announcement, to be evaluated and rated by a qualified analyst. The examination shall stipulate the dates of opening and closing of the examination, the forms to be used for filing, and the places to which the forms and related information shall be sent.

3102 NON-COMPETITIVE EXAMINATIONS.

Non-competitive examinations, either assembled or unassembled, may be used when, in the judgment of the Commissioner of Education, one of the following conditions or circumstances occurs:

- A. The position to be filled requires rare or special qualifications; or
- B. There are fewer qualified applicants than there are positions to be filled; or
- C. To determine the qualifications of an employee to be placed as a redress for error or omission in processes under the merit promotion program; or
- D. To determine qualifications as part of the in-service placement process, or for placement of persons with reinstatement eligibility.

3103 EXAMINATION ANNOUNCEMENTS.

Examination announcements shall contain, as a minimum, the following information:

- A. Class title, pay and pay level of the position;
- B. Brief description of the duties and responsibilities;
- C. Geographical and organizational location of the position;
- D. Minimum qualifications for the position to include general experience, specialized experience, and such qualitative evaluation elements as may be deemed appropriate and necessary;
- E. Instructions on how to apply for the examination, including place to apply, form of application required, documentary support required when appropriate; and
- F. Period of the announcement. In no instance shall this be less than fifteen (15) calendar days. This period may be extended by the Commissioner of Education if the response has been inadequate to the need, provided that the extension shall be announced in the same manner as the original announcement.

#### 3104 PUBLICITY.

Optimum publicity shall be given to examination announcements through posting in the Public School System office and at such other places as may be designated by the Commissioner of Education (e.g., official bulletin boards in school offices or Public School System work places). In addition, public announcements through the news media may be used. Management officials shall make every effort to bring announcements to the attention of all personnel under their jurisdiction.

#### 3105 CONTENT OF EXAMINATIONS.

Examinations shall be practical and reasonable, and shall examine for qualifications, capacity, and relative fitness necessary to perform the duties of the positions to be filled. Any acceptable method of examination may be used, including verification and evaluation of education, training, experience, aptitude and character of the applicants, and any other accepted examination method deemed appropriate by the Commissioner of Education.

#### 3106 CONTINUOUS EXAMINATIONS.

When difficulty is experienced in attracting sufficient numbers of qualified applicants for vacancies in the Public School Personnel System, the Commissioner of Education may issue a continuous examination. Notice of closing of a continuous examination shall be posted at least fifteen (15) calendar days prior to the final closing date for such examination.

#### 3107 ADMISSIONS TO EXAMINATIONS.

Applications for examination shall be made on forms prescribed by the Commissioner of Education. Proper completion of applications and submission of supplemental information shall be accomplished in accordance with the examination announcement and established procedures. Applications shall be signed and such signature shall certify to the truth of all statements contained therein. An intentional false answer or statement shall be grounds for denying admission to the examination, removal from the eligibility list, or for dismissal from the Public School Personnel System if the person is employed prior to the discovery of a false answer or statement. The Commissioner of Education shall designate persons authorized to accept applications. Applications for specific positions shall be accepted only during the period specified on the examination announcement. Applications submitted by mail shall be postmarked no later than the announced closing date. Late applications will not be accepted unless approved by the Commissioner of Education due to unusual circumstances. Such determination shall be made a matter of record and similar circumstances in other examinations shall be treated equally.

3108 DISQUALIFICATION OF APPLICANTS.

The Commissioner of Education may refuse to examine an applicant for failure to meet the minimum requirements for admission to the examination. Applicants who do not meet the minimum qualifications shall be notified as soon as practical. If an applicant is disqualified following placement on an eligible list, his name shall be removed from the eligible list.

3109 NOTIFICATION OF ACCEPTANCE FOR ASSEMBLED EXAMINATION.

Each applicant who has been accepted shall be given sufficient advance notice of the date, time, and place of an assembled examination; inclusion of the requisite information on the examination announcement meets this notification requirement. No applicant shall be entitled to take an assembled examination at a date, time, or place other than that stated in the notification unless specifically authorized by the Commissioner of Education. The Commissioner of Education shall not be responsible if a notice is lost in the mails or sent to an applicant's former address through failure of an applicant to report a change of address. Where mail service is not adequate to meet these notification appointments, oral notification in person, by telephone, or by radio may be given if the foregoing time and content provisions are met, and if such oral notification is properly documented.

3110 CONDUCT OF ASSEMBLED EXAMINATIONS.

The Commissioner of Education shall appoint a representative to administer the examinations at the time and place designated in the notification of acceptance of examination or the examination announcement.

3111 CANCELLATION OF EXAMINATIONS.

Examinations may be cancelled at any time by the Commissioner of Education if there is no longer need for eligibles covered by the examination, or if the examination no longer meets the expressed requirements of the Public School System.

3112 RATING OF EXAMINATION.

- A. Examinations shall be rated by a qualified rating examiner from the Public School System.
- B. Appropriate statistical techniques and procedures shall be used in scoring and rating examinations, and in determining the relative ranking of candidates on competitive examinations. The final rating required to

pass an examination shall be set by the Commissioner of Education, who may also set minimum ratings for each part of the examination when the examinations are arranged in readily identifiable parts. The final earned ratings of each candidate shall be determined by combining the earned ratings of each part of the examination in accordance with the weights established for each part.

#### 3113 REVIEW OF EXAMINATION RESULTS.

Any applicant may request a review of his rating within ten (10) calendar days following the notification of examination results. Such request for review shall be addressed to the Commissioner of Education, who shall comply with the request and make whatever changes, if any, the facts warrant.

#### 3114 CHANGES IN RATING.

Changes in rating may be made as a result of correction of errors in the scoring or rating process, or as a result of a request for review wherein the facts warrant a change. Correction of errors shall be applied equally to all participants. An amended notice of rating shall be reported to all applicants affected by such change in rating.

#### 3115 ESTABLISHMENT OF ELIGIBLE LISTS.

- A. Following the completion of an open competitive examination and rating process, the Personnel Management Officer shall establish "Eligibility Lists" in which all candidates who received an eligible or passing rating on the examination shall be listed. The "Eligibility Lists" shall list the candidates in the order of their respective rating first. When the Personnel Management Officer provides a list of eligibles to a management official, the names of those candidates with the highest rating shall be certified first. An Eligibility Lists shall be considered "established" when approved by the Commissioner of Education.
- B. In the event a list of eligibles for any position contains less than five (5) names, and the appointing authority deems the range of choice to be inadequate, the Commissioner of Education may announce a new examination.
- C. In the event two or more applicants have identical ratings, their names shall be placed according to their scores on the most heavily weighted portion of the examinations. If all portions are equal, the receipt time of their applications will determine priority. An

open competitive list shall be certified by the Commissioner of Education only after it has been determined that a qualified candidate is not available through the reemployment priority list or promotional examinations.

#### 3116 CERTIFICATION FROM ELIGIBLE LISTS.

- A. Appointments and promotions in the Public School Personnel System shall be made from certified eligible lists resulting from examinations, except as otherwise provided by these regulations. The process of providing a list of eligible candidates to a selecting official is known as "Certification of Eligibles." A Certificate of Eligibles shall be drawn from among the highest rated candidates in precise numerical order, highest rate first. Where a list of eligibles exceeds five (5) names, only the top five names shall be certified. The appointing authorities shall be entitled to the certification of not less than five (5) eligibles for each vacancy, however when less than five persons comprise a list of eligibles, the appointing authority may accept such lesser number or return the list until sufficient names are available. If a selecting official intends to fill more than one position from the same examination at the same time, the number of names certified shall be increased by one eligible for each additional position to be filled, where possible.
- B. Requests for eligibles shall be made on forms prescribed by the Commissioner of Education, and shall clearly identify the position to be filled, including its position number.

#### 3117 PROCEDURE WHEN ELIGIBLES ARE REQUIRED.

Whenever eligibles are required, the Commissioner of Education shall:

- A. Prepare the Examination Announcement;
- B. Administer the examination; and
- C. Establish an eligible list, as determined by the examination results.

#### 3118 REMOVAL OF NAMES FROM ELIGIBLE LISTS.

The Commissioner of Education may remove the name of any person who has been disqualified under the following sub-part. The name of any person may also be removed if:



- A. The eligible candidate fails to respond within fifteen (15) calendar days from the date of dispatch of an inquiry as to availability for employment, provided that the name may be restored for reasons deemed sufficient by the Personnel Management Officer.
- B. The person is appointed from that list to a permanent position in the Public School.
- C. The eligible applicant voluntarily withdraws.
- D. There is evidence of physical or mental unfitness to perform the duties of the position, as indicated by appropriate medical examination.
- E. The eligible applicant fails to report for duty within the time prescribed by the selecting official.
- F. The eligible is found to be no longer qualified to perform the duties required of the class of position.
- G. Intentional false statements, deception or fraud is included in the application or in the examination process or appointment.

#### 3119 SELECTIVE CERTIFICATION.

Where the Commissioner of Education determines that a position has a special requirement which is not a general qualification requirement for that class of position, he may certify from the appropriate class a list of eligible applicants who meet that specific requirement.

#### 3120 USE OF ELIGIBLE LISTS.

Whenever a vacancy arises in the Public School System, the official responsible for initiating the process to fill that position has the following options:

- A. When the position to be filled does not have promotional potential, the selecting officer may request certification from the appropriate reemployment priority list or eligible list or choose to redefine the position at a lower level and fill it through the Merit Promotion Program. If the position is in an established career ladder, it must be filled at the entry level unless there are overriding reasons not to do so. The Commissioner of Education is authorized to grant exceptions to this procedure upon proper justification. Appropriate records of such approvals and associated material shall be maintained by the Commissioner of Education.

- B. When the position has promotional potential, the first option shall be to fill the position under the provisions of the Merit Promotion Program. If the internal search for qualified applicants is unsuccessful, the recourse is to the eligible lists produced by the examination process.

#### 3121 DURATION OF ELIGIBLE LISTS.

The life of an eligible list, other than the reemployment priority list, shall be for a period of one (1) year, unless extended by the Commissioner of Education. An eligible list may be extended up to one year beyond its original expiration date. No person shall be retained on an eligible list beyond the period of extension of the original lists. Remaining eligibles shall be combined with those on the new list for the remainder of the term of the original list. An open examination eligible list and a noncompetitive examination eligible list shall be combined only as a noncompetitive eligible list.

If an eligible candidate successfully participates in a subsequent competitive examination and the resulting eligible list is combined with that of a previous competitive examination eligible list bearing his name, that eligible candidate may elect to have his name retained on a combined list, either at the position and for the remainder of the term of the original list of the subsequent list, but not at both positions.

#### 3122 ORDER OF USE OF ELIGIBLE LISTS.

The following order shall be followed in the use of eligible lists:

- A. Reemployment Priority List
- B. Promotional List
- C. Open Competitive List

#### 3123 REEMPLOYMENT PRIORITY LIST.

Any person who has held a position in the Public School System and has been demoted or terminated through reduction-in-force, shall be permitted to have his name placed on a reemployment priority list (provided he so requests in writing to the Personnel Management Officer). The name of such person shall be placed on the reemployment priority list for the same or related class of position as he last held under a permanent appointment. Names shall be arranged on the reemployment priority list in the chronological order of their separation from their respective competitive levels. Names shall be removed from the reemployment

priority list at the expiration of three (3) years from the date of separation or demotion, or sooner if the individual is reemployed in a position at the same or higher pay level as that he formerly held in the Public School System. The individual may be removed from the list if he refuses a reasonable offer of employment. A reasonable offer is of the same position or one equivalent to that last in the Public School System.

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POSITIONS AND APPOINTMENTS

3201 TYPES OF POSITIONS.

All certified and non-certified positions in the Public School System shall be identified in the records of the Office of the Commissioner of Education as authorized by law.

3202 PERMANENT POSITION.

A permanent position is a full-time position which is established based upon the continuing need of the Public School System and which is authorized to continue longer than one year.

3203 TYPES OF APPOINTMENTS.

Appointments in the Commonwealth of the Northern Mariana Islands Public School System are placed in the classes defined in the following:

- A. Probationary Appointment. An appointment in which the appointee is selected from an eligible list resulting from an open examination to fill any position.

The appointee shall serve a probationary period of 6 (six) months from the beginning of his probationary appointment and shall demonstrate his capacity for satisfactory performance before being converted to a permanent appointment. Separations during probation are not processed under adverse action or reduction-in-force (RIF) procedures.

- B. Certified Appointment. An employee who has been appointed to a certified appointment for a period not to exceed (5) years and is entitled to the full benefits of these regulations. Certified appointment may be made to less than full-time positions with a regularly scheduled tour of duty. These positions require issuance of certification.

- C. Non-Certified Appointment. A non-certified appointment is one in which the appointee is appointed for a period of not to exceed one (1) year. An employee serving a non-certified may serve in either a full-time or part-time position. Any person given a non-certified appointment must meet the minimum qualifications for the class of position to which appointed.
- D. Provisional Appointment. A provisional appointment shall be limited to ninety (90) calendar days, and is used to fill permanent position in the absence of an appropriate eligible list. The Commissioner of Education may authorize extension of provisional appointment beyond ninety (90) days for a maximum of one hundred eighty (180) days when the examination fails to make available an adequate number of qualified candidates. Any person given a provisional appointment must meet the minimum qualifications for the class of position to which appointed.
- E. "Acting" Appointment. An "acting" appointment is the designation, in writing, that an employee will act for a period of up to thirty (30) days in place of a supervisor. When the supervisor's absence exceeds the initial thirty (30) day period, a new designation shall be made for an additional thirty (30) days. This thirty (30) day renewal of the "acting" assignment is repeated until the supervisor returns to his position. Whenever the acting assignment exceeds ninety (90) consecutive calendar days, the employee shall be temporarily promoted if he meets the qualifications standards of the position. See 4207.

#### 3204 PRE-EMPLOYMENT CONDITION STANDARD.

All persons selected for positions in the Public School System must be physically and/or mentally capable of performing the duties of the position. They must be free from communicable diseases and any present or potential medical condition which would be detrimental to successful performance of duty or to the health of other employees.

#### 3205 ADMINISTRATION OF PHYSICAL AND MEDICAL EXAMINATIONS.

Physical and medical examinations shall be administered by medical personnel authorized by the Commonwealth to conduct such examinations for employment purposes, and shall be recorded on forms prescribed by the Commissioner of Education.

3206 REINSTATEMENT.

An employee may be reappointed to his former position in the Public School System at the same pay level and step that he held upon his separation. If re-appointed to a higher or a lower class, he may be allowed to retain his former rate of pay. The possession of reinstatement eligibility does not thereby provide the person with any mandatory reemployment rights. This means that the individual may be considered for employment only after persons with higher rating on the reemployment priority list have been considered. If it is in the public interest, such person may be reemployed, provided he meets the noncompetitive qualifications for the position to be filled.

## PUBLIC SCHOOL PERSONNEL SYSTEM

3300

## MERIT PROMOTION PROGRAM

3301 POLICY.

To the maximum extent possible, the Commonwealth Public School System Merit Promotion Program provides for filling vacancies above the entry level by promotion of highly qualified employees. This policy does not restrict the right of selecting officials to fill vacancies by transfer or other means when to do so is in the best interest of the Public School System.

The Merit Promotion Program (MPP) is an integral part of the Commonwealth Public School System employees development plan and other programs in the area of staffing, training, and manpower utilization.

3302 DEFINITION.

- A. Position change: A promotion, transfer or demotion during an employees' continuous service.
- B. Promotion: The change of an employee to a higher position class and pay level.
- C. Career-Ladder Position: One of a group of positions in which an employee may be given successive promotions until s/he reaches the full performance level. All employees in career ladder positions must be given grade-building experience and training and are promoted to the next higher level as they demonstrate ability to perform in a wholly adequate manner at the next higher level. Minimum time-in-grade requirements, where established, must be observed in making career ladder promotions.

- D. Current Competition: The selection process in which candidates compete with each other for a specific promotional vacancy.
- E. Highly Qualified Candidates: Those eligible candidates whose experience, training, and potential substantially exceed the qualification standard for the position to a degree that they are likely to perform in a superior manner.
- F. Best Qualified Candidates: Those eligible candidates who rank at the top when compared with the other eligible candidates for a promotion within a general group, i.e., qualified or highly qualified.
- G. Position with known Promotion Potential: A position which is to be filled below the specified performance level for the position. These may be trainee and understudy positions, career ladder positions, and positions filled one or more levels below the established level.

### 3303 SCOPE AND COVERAGE

Competitive promotion procedures apply to:

- A. All competitive positions in the Commonwealth Public School System when filled by promotion.
- B. Any position which is filled by a candidate at a basic pay level higher than his last position and
  - (1) the position is filled by transfer;
  - (2) the position is filled by selection of a non-temporary Commonwealth Public School System employee from an eligible list following an open competitive examination; or
  - (3) the position is filled by detail for more than ninety (90) days duration. (NOTE: All periods of detail of an employee to the position during the preceding twelve (12) months, including promotion, are counted against the 90-day limitation.)
- C. Any position with known promotion potential which is filled by transfer, or selection from the reemployment priority list.

3304 AREA OF CONSIDERATION.

As a minimum, areas of consideration should be broad enough to provide a reasonable number of highly qualified candidates, and to give employees adequate opportunity for consideration for promotion.

- A. Normal Area of Consideration. There are two different normal areas of consideration:
  - (1) Commonwealth of the Northern Mariana Islands wide for positions at pay level 23 and above; and
  - (2) Pay level 22 and below compete within their islands.
- B. Broadened Area of Consideration. At the discretion of the Commissioner of Education, the areas of consideration may be broadened to the extent necessary to provide a reasonable number of "highly qualified" candidates.
- C. Restricted Area of Consideration. In exceptional circumstances, the area of consideration may be restricted upon prior approval by the Commissioner of Education. For example, during a formal reorganization of one entity, the area of consideration may be restricted to the affected organization, provided no vacancies result from the reorganization.

3305 METHODS OF LOCATING CANDIDATES.

When the Office of the Commissioner of Education initiates a promotion process, it selects the appropriate method or combination of methods for locating candidates which is/are entered in the promotion processes record. The following methods are generally used, singly or in combination, depending upon the nature of the position and availability of candidates.

- A. Promotional Opportunity Announcement. A published announcement for posting and distribution and otherwise given maximum publicity within the area of consideration. The promotional opportunity announcement specifies:
  - (1) Title, pay level and location of position(s);
  - (2) opening and closing dates (not less than fifteen (15) calendar days);
  - (3) area of consideration;
  - (4) duties of the position, briefed;

- (5) conditions of employment, e.g., night work, hazards, standby, etc.;
- (6) qualification requirements, including selective placement factors, if any;
- (7) how and where to apply;
- (8) non-discrimination statement; and
- (9) known promotional potential, if any.

B. Restricted Area of Consideration. When position are being filled from within a "restricted area of consideration," all eligible persons within that area must be considered.

### 3306 TRANSFER.

An employee may be transferred, without change in pay level, either voluntarily or involuntarily, in order to meet changing program needs, to promote career development, to provide diversity of experience, or for other reasons. Transfers, under this regulation, are not subject to the promotion program unless the position to which transferred has known promotion potential. Transfers are made, wherever possible, from among employees who have requested such transfers. However, management may direct lateral transfers from among all qualified Commonwealth Public School System employees, when required by the needs of the service and in accordance with applicable personnel regulations.

### 3307 QUALIFICATION STANDARDS.

The minimum qualification standards prescribed by the Commissioner of Education are used for promotion purposes. Selective placement factors also may be used, but only when they are essential to successful performance in the position to be filled. When selective placement factors are used, they become part of the minimum qualifications for the position.

Qualification standards (including any selective placement factors used) must be established and made a matter of record prior to the start of the promotion process for any specific position. All employees who meet the minimum qualification standards (including selective placement factors) have basic eligibility for promotion. The standards must be applied fairly and consistently to all employees being considered.

Written performance or competency tests shall be used if they are prescribed by the Commissioner of Education.

For supervisory positions, supervisory qualifications are prescribed by the Commissioner of Education. They may be supplemented by specific subject matter (non-supervisory) qualification standards for the classification series of the position.



3308 CONDITIONS OF EMPLOYMENT.

There are conditions of employment which are considered implicit to successful performance in certain positions. These conditions may relate to hours of work, physical or medical standards, maintenance of a license, maintenance of a health standard, availability during off hours, frequent need to travel, police clearance and so on. Such conditions should be made part of the promotion record, the promotion opportunity announcement, and the classification standard or, at a minimum, the position description. Candidates selected for the position must be advised of the conditions and agree, in writing, to those conditions.

3309 EVALUATION METHODS.

Since the Merit Promotion Policy requires that the selection be made from among the best qualified candidates, the evaluation process must go beyond basic eligibility to rank the candidates in meaningful array. When properly used, the evaluation process should

- A. Provide a sound basis for comparing and judging candidates in relation to the knowledge, skills, abilities, and personal characteristics that contribute to successful performance of the position.
- B. Identify those qualities which demonstrate a candidate's potential for future promotion, when the job being filled leads to further advancement.
- C. Distinguish between the knowledge and skills that an employee must have at the time of promotion, and those he can acquire quickly after promotion, through experience and training.

In selecting the proper method for evaluation candidates, recognition should be given to the future needs of the organization as well as the requirements of the position to be filled. The Commissioner of Education shall issue, as part of the procedures manual to this part, guidance in evaluation methods used in this program.

3310 CERTIFICATION.

In selecting the proper method for evaluating candidates, recognition should be given to the future needs of the organization as well as the requirements of the position to be filled. The various measures for evaluating candidates are:

- A. Written Tests. Written tests may be used in the evaluation process, but may not be used as the sole means of evaluation. Written tests must be approved by the Commissioner of Education or meet such standards as he establishes.
- B. Appraisal of Performance. A supervisory appraisal must be obtained for every employee who is qualified. Appraisals may be obtained from supervisors other than the employee's immediate supervisor.
- C. Experience. In evaluating experience the objective is to determine how well the experience relates to the new position or level of work. Length of service is a factor only when there is a clear and positive relationship with quality of performance.
- D. Awards. In considering awards received by those candidates, the weight assigned must be based on the position to be filled.
- E. Training. An appropriate weight is given for pertinent training, self-development, and outside activities which would increase the employee's potential or effective performance in the position to be filled.
- F. Education. Education shall be considered only if it is clearly job-related or if it provides a measure of the learning ability essential for genuine trainee positions.
- G. Qualifications Investigation. A qualification investigation may be used to assist in determining experience, training, degree of responsibility exercised, and effectiveness. Inquiries may be made to assist in judging how well a candidate is likely to perform at a higher level or in a different kind of work.
- H. Oral Interview. Individual or group interviews may be held. Oral questions may relate either to subject matter knowledge or to other questions pertinent to the position or the candidate. If oral questions are in the nature of a test, the same questions must be asked of each candidate and a record of their answers made part of the promotion record.

#### 3311 SELECTION PROCEDURES.

- A. For the schools, the principals are the selecting office and in the Central Office, the immediate supervisor.

- B. Selection is based on the selecting individual's judgement of how well the candidate will perform in the position to be filled and his potential for advancement. When there are less than five (5) names available, the selecting individual is not required to select someone from the merit promotion certificate. However, if he returns the certificate, he must state how he plans to fill the position.
- C. If the selecting official disagrees with merit promotion certificate, he states his objections in writing and requests the Commissioner of Education to review the rankings.
- D. The selecting official notes the name of the person selected on the merit promotion certificate. He does not need to cite reasons for his selection. The Commissioner of Education notifies all eligible candidates of the selection, including the person selected.
- E. When a first-line supervisory position is filled, a determination is made as the amount of supervisory training needed to meet the standard. The Staff Development Coordinator and the Commissioner of Education determine and schedule the training needed to meet the standard.

### 3312 INFORMATION TO EMPLOYEES.

- A. Employees' acceptance and support of the Commonwealth Public School System promotion program depends to a large extent on how well they understand its purpose and operation and are aware of its effect on them individually. The program does not guarantee a promotion to every employee, but it does give every employee an opportunity for fair consideration.
- B. New employees will receive promotion program information as part of their orientation. All employees will receive this information from time to time.

### 3313 EMPLOYEE QUESTIONS AND COMPLAINTS.

- A. Employee Questions. Any employee who has filed in response to a promotional opportunity announcement or who has been considered for promotion may present questions to the Personnel Office which handled the vacancy, within seven (7) calendar days after receipt of notification of selection. Questions may be submitted in person, in writing, or through a representative. An employee is entitled to know:

- (1) if he was considered for specific promotion and, if so, whether he was found eligible;
- (2) If he was in the group from which final selection was made; and
- (3) who was selected for the promotion.

B. Employee complaints. If the employee is still dissatisfied and the matter cannot be resolved on an informal basis, the employee may have recourse to see 3700, Grievance Procedure. Mere failure to be selected for promotion when proper promotion and selection procedures were used is not a basis for a formal complaint.

#### 3314 REVIEW OF PROMOTION PROGRAM.

The Commissioner of Education appraises the operation of the Merit Promotion Program at periodically as part of the personnel management evaluation process to assure:

- A. Promotion guidelines and plans are as effective as possible;
- B. The promotion program is useful to management;
- C. Promotion actions are taken promptly and in conformance with the plan;
- D. Employee complaints are handled promptly and properly;
- E. Promotion actions are used effectively to encourage competent employees, to open careers to them, and to make the best use of their skills; and
- F. Employees, supervisors, and managers have a full understanding of the promotion program.

## PUBLIC SCHOOL PERSONNEL SYSTEM

3400

## SUSPENSIONS, SEPARATIONS AND DEMOTIONS

GENERAL.

This sub-part applies to suspensions, furloughs, separations and demotions not resulting from reduction-in-force (RIF).

3401 SEPARATIONS NOT INVOLVING PERSONAL CAUSE.

- A. Resignation. Resignations shall be in writing and shall be submitted at least ten (10) working days in advance of the effective date. The Commissioner of Education may designate management and highly skilled technical classes for which this period may be extended to thirty (30) days.

The Public School Personnel Officer shall submit a copy of the written resignation, together with the necessary terminating documents, to the Commissioner of Education for consummation of the action. Withdrawal of a resignation may be permitted provided:

- (1) The employee makes his wishes known, in writing, prior to the effective date; and
- (2) The manager concerned agrees to the proposed withdrawal.

- B. Retirement. An employee may be separated, without prejudice, for the purpose of retirement, provided he meets the eligibility standards for age and covered service under the Social Security System and/or the Commonwealth of the Northern Mariana Islands Retirement Program.

- C. Termination for Medical Reasons. When an employee contracts an infectious or contagious disease which endangers the health of others, or becomes mentally incapacitated, or is otherwise permanently physically disabled for the satisfactory performance of duties of the position to which assigned. The Commissioner of Education may terminate his employment provided:

- (1) No suitable reassignment can be made within the department or location to which he is assigned; and
- (2) Medical examination procedures, as outlined in 3205 hereof, have been complied with.

An employee whose services are terminated under the provision of this paragraph may be eligible for disability retirement under the Social Security laws and/or the CNMI Retirement Program. The responsibility for applying for disability retirement rests with the employee although it is the responsibility of the Personnel Management Officer to assure that the employee is aware of such an opportunity.

D. Voluntarily Demotion. An employee may volunteer for demotion without prejudice to a lower class of position at a lower pay level. The approval of such a request by the Commissioner of Education must be contingent upon the following factors:

- (1) A vacant position in the class and pay level must be available within jurisdiction of the Commissioner of Education.
- (2) No additional cost shall accrue to the government as a result of or incident to the demotion action.
- (3) The salary of the demoted employee in the labor level position shall be set at the same numerical step in the lower level position as the employee received in the higher position.

E. Error in classification shall not be considered as demoted or promoted and shall be placed on an appropriate place with no prejudice to the employee.

#### 3402 CONSTRUCTIVE RESIGNATION.

An employees absent from his position without approved leave for a total of five (5) working days in any twelve (12) month period shall be terminated from employment.

#### 3403 FURLOUGHES, SUSPENSIONS, SEPARATIONS FOR PERSONAL CAUSE, AND DEMOTIONS FOR DISCIPLINARY REASONS (ADVERSE ACTION).

A. Authority to take Adverse Action. The authority to effect adverse actions is limited to the Commissioner of Education or his designee. The authority to effect adverse actions may not be further delegated or redelegated. Throughout this part the term "management official" will refer only to an individual who is specifically granted authority by this part to effect adverse actions.

B. Employee Coverage. This part applies unless specified otherwise to all employees of the Public School System, Commonwealth of the Northern Mariana Islands.

- C. Merit of Adverse Action. An action against an employee may not be taken under these paragraphs except for "such cause as will promote the efficiency of the service."
- D. Admonishment. An admonishment is an informal disciplinary measure. A manager or supervisor may discuss at any time minor deficiencies in performance or conduct with the objective of improving an employee's effectiveness. Admonishments shall not be made a matter of record.
- E. Reprimand. A reprimand is a formal means of calling to an employee's attention minor deficiencies in performance or conduct which, if continued, may result in further disciplinary measures. It is the first formal step in the disciplinary process. Reprimands are always in writing and should contain specific references to performance deficiencies, citation of instances of misconduct, and a warning that more stern disciplinary measures may be taken if the employee's performance or conduct is not improved. There is no recourse to formal appeal processes as a result of a reprimand; however, an employee who feels a reprimand is not justified may resort to the Grievance procedure.
- F. Furlough. A furlough is an action placing an employee in a non-duty and non-pay status because of lack of work or funds. It is an adverse action if it is for a period of thirty (30) calendar days or less. Furloughs of more than thirty (30) calendar days are reduction-in-force actions and shall be accomplished using reduction-in-force procedures. (See 3500)
- G. Suspension Not to Exceed five (5) working Days. A suspension is an action placing an employee in a non-duty and non-pay status for disciplinary reasons for a period not to exceed five (5) working days.

There is no formal appeal from such a suspension, although the employee may resort to the grievance procedure if he feels the suspension is improper or not justified.

- H. Suspension for More than five (5) Working Days. A suspension is an action placing an employee in a non-duty and non-pay status for disciplinary reasons. Management officials authorized to take adverse actions may suspend an employee for such cause as will promote the efficiency of the government service, provided all adverse action procedures are followed.

I. Removal. Employees who are removed with cause may not be rehired by the PSS. Within a one year period following the date of separation.

J. Reduction in Rank or Pay. Management officials may take action to reduce an employee in rank or pay for cause. Reduction in rank means something more than a numerical, grade or pay level under classification guidelines. Basically, it means an employee's relative standing in the organizational structure as determined by his official position description. An employee's position assignment may be changed only by an official personnel action. When an employee is made the subject of an official personnel action which results in lowering his relative standing in the organizational structure, a reduction in rank has occurred even though there has not been a reduction in class or pay level. Such actions may be taken only under adverse action procedures.

(2) Reduction in pay under this sub-part means reduction in basic class and pay level of an employee. The base pay is fixed by law or administrative action. Base pay does not ordinarily encompass extra or additional payment for special conditions or duties which are generally regarded as premium pay or allowances. To reduce class and pay level for disciplinary reasons, management officials authorized to take such actions must follow adverse action procedures.

K. Separation During Probation.

(1) If, during the probationary period which each new appointee must serve, it becomes evident that the employee lacks the ability, attitude or desire to become an efficient and productive employee in the position to which appointed, or there is a lack of funds or work to be done, that employee shall be separated from the service.

(2) Management officials who find it necessary to separate an employee during probation shall provide the employee with not less than fourteen (14) calendar days' notice, in writing, specifying the reasons for the separation. The employee shall be afforded the right to discuss his situation with the Commissioner of Education.

(3) Grievance, adverse action or reduction-in-force procedures do not apply to separation during probation.

L. Procedure for taking Adverse Actions. Management officials must observe certain procedural requirements when processing adverse actions covered in this



sub-part. These procedural requirements are shown in abbreviated form in this paragraph. Procedures for removal, suspension for more than five (5) working days, furlough without pay, and reduction in rank or pay are as follows:

- (1) The management must give the employee at least thirty (30) days' advance written notice of the proposed action. However, in the event that criminal charges are filed against an employee of the Public School System, the employee shall be suspended without pay, reassigned, or subject to such other action as the Commissioner of Education may deem necessary. In the event the charges are dismissed or the employee is found not guilty, the employee shall be reinstated with benefits and pay retroactive to the date of suspension.
- (2) The notice must state any and all reasons for the proposed action specifically and in detailed.
- (3) The management must allow the employee a reasonable amount of official time in which to secure affidavits and prepare an answer. He has the right to answer personally and in writing.
- (4) If the employee answers, the management must consider his answer.
- (5) If at all practicable, the employee must be kept on active duty in his regular position during the notice period. However, in an emergency, the employee may be suspended during the advance notice period and placed on leave without pay (LWOP) or, with the employee's consent, he may be carried on annual leave.
- (6) The management must give the employee a written decision before the adverse action is effected. The decision must state which of the reasons in the advance notice have been found sustained and which have been found not sustained.
- (7) The decision must tell the employee of his appeal rights.
- (8) Advance written notice and opportunity to answer are not necessary if the employee is furlough due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or emergencies requiring curtailment of activities.

## PUBLIC SCHOOL SYSTEM

3500

## REDUCTION-INFORCE (RIF)

3501 GENERAL

This sub-part establishes the general regulations under which reduction-in-force shall be accomplished. These regulations concern the removal or reduction in class or pay level of employees because of lack of work or funds, or other management requirements, but not for disciplinary reasons. Management officials should exhaust all administration alternatives to place the employee in another equivalent position before reduction-in-force procedures are initiated. It is the policy of the Public School System to provide every employee within its available resources, when it becomes necessary to reduce the work force. Every effort will be made to insure that the reduction is accomplished with a minimum disruption in operations and a minimum impact on each employee affected.

3502 COVERAGE.

This part applies to all certified and non certified Public School System, Commonwealth of the Northern Mariana Islands, as provided under Article 15 of the Constitution, except:

- A. The Commissioner of Education, and the Associates;
- B. Employees, temporarily promoted, to be returned to their former positions from which temporarily promoted;
- C. Employees hired under special contracts for a specified term not to exceed one (1) year; and
- D. Temporary or employees under probationary status.

3503 REDUCTION-INFORCE PLANNING

When it becomes evident that reduction-in-force must be made, the Commissioner of Education or his designee shall provide the Board of Education notice of intention to initiate RIF action at least sixty (60) days in advance. He shall then institute administrative procedures to assure that all legitimate possibilities for reassignment have been explored.

3504 COMPETITIVE PROCESSES.

Detailed competitive processes shall be established by the Commissioner of Education to assure equitable competition, recognition of seniority and tenure, and the public interest.

For administrative purposes, competition shall be limited by the establishment of competitive areas recognition of competitive levels.

A. Competitive Areas. For all positions:

- Area 1. Saipan
- Area 2. Rota
- Area 3. Tinian
- Area 4. Northern Islands

B. Competitive Levels. Competitive levels are comprised of all positions within a competitive area which consist of the same or closely related duties, have essentially the same qualifications and are in the same class and pay level.

C. Competition Within a Competitive Level. When a position is abolished within a competitive level, the incumbent shall displace the employee with the lowest retention standing in that competitive level. Persons occupying positions under limited term appointments in the competitive level shall be terminated before RIF competition is instituted.

If an employee whose position is abolished does not have sufficient retention standing to displace another employee, he shall be released from the competitive level to exercise his retreat right or assignment rights or be separated from the service.

D. Retreat Rights. When an employee has insufficient retention standing to compete within his competitive level, he shall compete down the line of his promotion. This is known as the exercise of Retreat Rights. An employee released from his competitive level may displace the employee with the lowest retention standing below that of the released employee in the highest competitive level from which he was promoted. The employee shall continue to compete at successively lower levels along the line of promotion until he is placed or, if placement cannot be made, separated by reduction-in-force.

E. Creditable Service for Reduction-In-Force.

(1) Trust Territory Public Service experience since United States administration took over (including WAE until June 30, 1972).

- (a) Includes trainees. Includes employment under 61 TTC, Paragraph 9(d), (f), (h), (l), (m), (n) and (o).

- (b) By Director of Personnel memorandum dated January 26, 1972, to all Trust Territory of the Pacific Islands departments and districts, WAE appointments were to be terminated or converted to appointments per Administrative Directive 72-1 dated January 26, 1972.

WAE appointments until June 30, 1972 are to be considered as full-time employment and service credited accordingly. After June 30, 1972, for WAE or intermittent employment, time actually worked will be used to compute creditable service.

- (2) Marianas administration under U.S. Navy and NTTU. Until 1962, TTPI Headquarters moved to Saipan, the Marianas (Saipan and Tinian) were under the Naval Administration. Rota was already included in TTPI Administration prior to 1962.
  - (3) Personnel under municipal governments;
  - (4) All employment within TTPI including: Peace Corps, Micronesian Claims Commission, National Weather Service, and U.S. Coast Guard;
  - (5) U.S. military and civilian service in the Trust Territory. Active military service in the United States Armed Forces;
  - (6) Employees of judiciary and legislative branches (Congress of Micronesia, municipal councils, and district legislatures). Judiciary, including district court judges who may have been or are presently on WAE appointments;
  - (7) Service in the Commonwealth of the Northern Mariana Islands Government since April 1, 1976;
  - (8) Trust Territory Government employment under the Seaman's Act; and
  - (9) Employees of government agencies and instrumentalities within the Government of the Commonwealth of the Northern Mariana Islands.
- F. Retention Standing. Retention standing is derived by allotting one (1) point for each year of creditable service. In competing with other employees for retention in a competitive level, the individual with lowest retention standing shall be released first.
- G. Reemployment Priority Lists. Employees under permanent appointments who are separated by reduction-in-force shall be placed on an appropriate reemployment priority list for a period of three (3) years or until returned to

duty in a permanent position in the Personnel Service System. An appropriate reemployment priority list is the one established for the class and pay level form which the employee was finally separated.

#### 3505 LIMITATIONS ON COMPETITION.

- A. An obligated position is a position from which the incumbent is temporarily absent because of:
- (1) approved educational leave;
  - (2) temporary promotion; or
  - (3) detail to another activity.
- B. Employees who are incumbents of obligated positions shall not be placed in RIF competition until they have been returned to duty in the obligated position. Similarly, obligated positions shall not be abolished until the employee returns to duty in that position. The Commissioner of Education or his designee, having jurisdiction over an obligated position, assure recognition and protection of the obligated position and its incumbent.

#### 3506 TENURE GROUPS.

For the purposes of reduction-in-force, Public School System employees shall be classed in tenure groups as follows:

##### TENURE GROUPS I

##### TENURE GROUPS II

Employees serving in probationary appointments

##### TENURE GROUP III

Employees serving in limited term or provisional appointments

#### 3507 FURLOUGH AND SEPARATION.

- A. The Commissioner of Education may use furloughs for more than thirty (30) days if there is reasonable assurance that the employees furlough will be returned to duty within the next twelve (12) months. If there is reasonable doubt regarding the return to duty of furlough employees, then the management officials concerned must separate the employees found to be in excess of management's needs and proceed according to reduction-in-force procedures.

- B. A combination of furlough and separation may be used to clear the rolls of excess employees, provided no employee is separated while furlough employees with lower retention standing are kept in furlough status.
- C. Furlough for thirty (30) days or less may be used for clearing the rolls temporarily, not to exceed thirty (30) days when there is positive assurance that employees so furlough can return to duty within the 30-day period. Adverse action procedures must be used to place an employee in furlough status for thirty (30) days or less.

#### 3508 VACANT POSITIONS.

During reduction-in-force situations, management has no obligation to fill vacant positions by placement of employees whose positions have been abolished or who have been released from their competitive level.

#### 3509 ASSIGNMENT RIGHTS (Bumping).

- A. An employee released from his competitive level who has exhausted his retreat rights without success may exercise assignment rights provided the employee:
  - (1) Meets the qualification requirements and other standards for the position established by the Public School Personnel System;
  - (2) Meets any special qualifying condition which has previously been approved by the Personnel Management Officer; and
  - (3) Has the capacity, adaptability, and special skills necessary to prepare for the position without undue disruption of the activity. For the purposes of this sub-part, an undue interruption occurs only if the employee placed in a position through assignment requires more than ninety (90) calendar days training to reach the full performance level for the position.
- B. An employee in Tenure Group I exercising assignment rights may displace another permanent employee with lower retention standing in another competitive level that requires no reduction or the least possible reduction, in representative rate (Step 5 in any pay level).

#### 3510 TRANSFER OF FUNCTION.

- A. Function Defined. For the purpose of these Regulations, "function" means all or a clearly identifiable segment of an entity's mission (including all integral parts of that mission) regardless of how it is performed.

B. Transfer of Employees. Before a reduction-in-force is made in connection with the transfer of any or all of the functions of an entity to another continuing entity, each competing employee in a position identified with the function or functions shall be transferred to the continuing entity without change in the tenure of his employment. An employee whose position is transferred solely for liquidation, and who is not identified with an operating function specifically authorized at the time of transfer to continue in operation more than sixty (60) days, is not a competing employee for other positions in the receiving entity.

C. Change of Location. A change of location of a function does not automatically qualify as a transfer of function. The function must move from its commuting area at the time of the transfer to a new commuting area.

Consolidation of activities, reorganizations or other changes not involving a move to another commuting area do not qualify as a transfer of function for the purpose of these regulations. A function transferred for the purpose of liquidation is not a function (for the purpose of this regulation) and therefore should not be treated as a transfer of function.

D. Failure to Accompany a Function. An employee in a position in a function which is to be transferred, who does not intend to accompany the function to the new location and so indicates in writing to management, shall be separated from the Public School Personnel System using the adverse action procedures.

#### 3511 REDUCTION-IN-FORCE PROCEDURES.

Procedures which must be used in implementing these RIF regulations are published in the procedures manual hereto.

## PUBLIC SCHOOL SYSTEM

3600

## EMPLOYEE APPEALS

3601 GENERAL.

This sub-part establishes the Public School Personnel Appeals System. Any employee of the Public School System may appeal, personally and/or in writing, a decision to take adverse action against him for cause, an adverse action resulting from reduction-in-force procedures, or a "less than satisfactory" or "satisfactory" performance rating.

3602 RIGHTS OF THE PARTIES.

In an appeal for any reason the appellant employee and the management have certain rights which shall not be denied. These are:

- A. Right to a Hearing. Upon the filing of an appeal by an employee, both the responsible management official and the employee entitled to a full and fair hearing before the Public School Personnel Appeals System Committee, to present evidence, and to be represented by counsel. At the hearing, technical rules of evidence shall not apply and the testimony shall be recorded. The Public School Personnel Appeals System Committee shall render its findings of fact and final decision in writing with the service on all parties.

Only one (1) hearing is held, unless the Public School Personnel Appeals System Committee determines that unusual circumstances require a second hearing or the Public School Personnel Appeals System Committee may retain a professional hearing officer services.

It should be noted that the hearing provided by this sub-part is separate and distinct from the employee's answer and presentation of evidence in response to a letter of proposed adverse action. Any evidence may be presented at the hearing which the Public School Personnel Appeals System Committee allows, that bears on the issue of whether the adverse action taken was justified and proper.

- B. Denial of a Hearing.

- (1) The Public School Personnel Appeals System Committee may take the determination to deny a hearing on the appeal when a hearing is impractical by reason of unusual location or other extraordinary



circumstances. In this event the Commission must notify both parties in writing of the reasons(s) for denying a hearing.

- (2) If the Public School Personnel Appeals System Committee determines that no hearing is reasonably possible, the management official and the employee will be notified to submit, in writing, any additional evidence they desire to present on the issues so that a decision can be made on the record without a hearing.

- C. Freedom from Reprisal or Interference. Unless an employee feels free to use the appeal system, the system will not serve the intended purpose of giving him a means for review of his dissatisfactions. An employee and his representative, therefore, must be free to use the system without restraint, interference, coercion, discrimination, or reprisal.

An employee, whether acting in an official capacity for the Public School System or on any other basis, must not interfere with, or attempt to interfere with, another employee's exercise of his rights under this sub-part. To be fully effective, the spirit as well as the letter of the requirement, must be enforced. It is not enough for an official to abstain from overt threats or interference. He must also refrain from making any statement or taking any action that has the appearance of a threat, interference, or intimidation.

- D. Employee Representation. An employee has the right to present an appeal without representation. He also has the right to be accompanied, represented and advised by a representative of his choice at any state of the proceeding. An employee may change his representation, but to do so, he must notify the Public School Personnel Appeals System Committee of the change, in writing. The employee may select another Public School System employee as his representative, provided that such employee is willing to represent him. In addition, the representative must be free to do so, e.g., not be disqualified because of conflict of position or unavailability to serve in that capacity because of priority needs of the service or reasonable cost to the government as determined by management.

The employee is free to select as his representative anyone outside the government service, but entirely at his own expense.

E. Government Representation. The management official's representative at hearing must be the Public School System Legal Counsel.

F. Employee Entitled to Official Time to Prepare an Appeal. An employee is entitled to a reasonable amount of official time to prepare his appeal if he is otherwise in an active duty status. If the employee's representative is an employee of the government, he is also entitled to a reasonable amount of official time to prepare the appeal if he is otherwise in an active duty status. Both the employee who appeals and the employee who acts as representative shall make arrangements with the Personnel

Management Officer for the use of official time. The Personnel Management Officer shall determine the reasonable amount of official time that is to be granted and will inform the supervisors of the employee and of the employee's representative. The time to be allowed must necessarily depend on the the facts and circumstances of each case e.g., the number and nature of the reasons stated in the letter of decision, the specifics, the volume of the supporting evidence compiled by the management official, the availability of documents, witnesses, assistance at the employee's place of employment, and similar considerations. If preparation requires more official time than was originally considered reasonable, the employee or his representative may request the Commissioner of Education for more time. The request should explain fully why more time is needed. The Commissioner of Education will determine if the request is reasonable and should be granted. If granted, he will make the necessary arrangements.

### 3603 EMPLOYEE APPEAL.

An employee must fill an appeal within fifteen (15) calendar days after delivery of the letter of decision. The appeal must be in writing and delivery personally or by registered mail to the Commissioner of Education. The appeal must give the employee's reasons for contesting the adverse action, together with any offer of proof and pertinent documents he desires to submit. It should also include his request for hearing if he so desires. Employees located away from Saipan must also meet the fifteen (15) calendar days period for filing an appeal to the Commissioner of Education. If registered mail is utilized, the appeal must be postmarked no later than the fifteenth calendar day.

3604 PREPARATION FOR HEARING.

- A. When the Board of Education grants a hearing, and establishes a hearing date, it will notify the Commissioner of Education of the employee concerned, by name, title, grade and organizational unit.
- B. The Commissioner of Education must either simultaneously or at different times meet with the employee and his representative, and the management official and his representative, within seven (7) calendar days, if possible, after receiving notice that a hearing has been granted. If it is not possible to hold the meeting or meetings within the seven (7) calendar day period, the

meeting or meetings will be held as soon thereafter as possible. At this time, the Commissioner of Education will inform the Board of Education of the delay and request a new hearing date if necessary. At this meeting, the employee and the management official will be required to furnish the Commissioner of Education and the other party with the following information:

- (1) Employee's list of witnesses containing:
  - (a) Name, location, and occupation of each witness;
  - (b) a summary of each witness' anticipated testimony; and;
  - (c) the availability of each witness in the area of employee's duty station during the next thirty days (30) days.
- (2) Management official's witnesses containing:
  - (a) name, location, and occupation of each witness;
  - (b) a summary of each witness' anticipated testimony;
  - and;
  - (c) the availability of each witness in the area of the employee's duty station during the next thirty (30) days.
- C. The Commissioner of Education must direct the management official to make available to him and the employee management official's entire adverse action file for review and reproduction.
- D. The employee may inspect and copy any part of the appeal file upon request.
- E. The employee may request that the Public School System, at its own expense, produce at the hearing those witnesses who are employed by the Commonwealth Government

and whose testimony the employee alleges, in writing, to be pertinent to the issues and necessary to his defense. The employee may include in his list of witnesses non-government individuals, but arrangements for their presence at the hearing are the obligation of the employee and will be at the expense of the employee unless otherwise ordered by the Board of Education.

### 3605 APPEAL FILE.

When an employee files an appeal from adverse action with the Board of Education, the Commissioner of Education must establish and maintain an appeal file containing copies of all available pertinent documents; in addition, that office must immediately forward originals of all pertinent documents to the Board of Education. The employee appeal file is independent, separate and distinct from the Official Personnel Record (OPR). The employee appeal file, both with the Commissioner of Education and the Board of Education, must contain all the documents pertinent to the appeal, such as:

- A. A copy of the delegation of authority of the management official taking the action;
- B. A copy of the letter of proposed adverse action;
- C. The material relied on by the management official to support the reasons(s) listed in the letter of proposed adverse action;
- D. The employee's written answer if any;
- E. A transcript or summary of the employee's presentation of oral evidence and copies of documents presented;
- F. A copy of the letter of decision;
- G. The employee's written notice of appeal;
- H. Any pertinent evidence developed after issuance of the letter of proposed adverse action;
- I. The lists of witnesses submitted by both parties;
- J. The reason(s) for not granting a hearing when one is requested but not granted;
- K. The reason(s) for not producing witnesses at the hearing;
- L. The transcript of the Public School Personnel Appeal System Committee hearing when a hearing is held;

- M. The recommendation of the Public School Personnel Appeal System Committee hearing officer, if any; and
- N. A copy of the notice of decision of the Public School Personnel Appeals System Committee.

#### 3606 PROCEDURAL DEFECTS.

If at any time after the appeal has reached the Public School Personnel Appeals System Committee, the Board of Education finds a regulatory or procedural defect which would warrant reversal of the action taken by the management official, the Board of Education will prepare a report of its findings on the issue and order that the action be dismissed without prejudice. Copies of the findings and the order will be served on all parties.

#### 3607 STATUS OF EMPLOYEE DURING APPEAL.

If an employee appeals a management official's decision given in accordance with adverse action procedures, that decision shall remain in effect unless and until the Board of Education has entered its findings and decision on the appeal. The Board of Education may enter such findings and decision on appeals decided by it as it finds the circumstances of the case require, and that it deems just and proper.

#### 3608 PERFORMANCE RATING APPEAL.

- A. An employee may appeal a "less than satisfactory" or "satisfactory" performance rating to the Commissioner of Education.
- B. An employee has a right to representation of his choice as provided in Section 3602.
- C. The appeal to the Public School Personnel Appeals System Committee must be in writing, stating the reasons for the appeal, and must be filed with the Commissioner of Education within thirty (30) calendar days after receiving the notice of rating.
- D. Upon receipt of the notice of appeal, the Commissioner of Education will appoint an ad hoc committee of three (3) to review the rating and evaluate the objection by the employee. The ad hoc committee shall be selected among employees (1) who are of equal rank as the appellant; (2) who is not in the supervisory line above the appellant; (3) at least one of the perspective school of whom must have an understanding of the work the employee is performing. The Commissioner of Education or his representative shall serve as Executive Secretary and advisor to the committee.

- E. The ad hoc committee shall review the content of the appeal, make the needed inquiries of the rating supervisor and employee and, in closed session, arrive at a judgment. The committee then may (1) refer the rating and the appeal to the rating supervisor and the reviewing official for reevaluation, or (2) determine that the performance rating should stand.
- F. In the event the committee determines that the appeal is justified and re-rating is required, it shall direct the rating supervisor to correct the rating. The committee's orders shall be in writing and state specifically where the original rating was deficient. All documentation in support of this conclusion must accompany the rating when referred back to the rating supervisor.
- G. If the employee is not satisfied with the decision of the advance committee, he may appeal to the Board of Education, using the procedure defined in this sub-part for appeals from adverse action decisions.

## PUBLIC SCHOOL SCHOOL SYSTEM

3700

## GRIEVANCE PROCEDURE

3701 GENERAL.

The Public School System recognizes the importance of settling disagreements and misunderstandings promptly, fairly and in an orderly manner that will maintain the self-respect of the employee and the supervisor and be consistent with the principles of good management. To accomplish this, every effort will be made to settle grievances expeditiously and at the lowest possible level of supervision.

3702 EMPLOYEE COVERAGE.

The Public School Personnel Coverage System covers all Public School System employees.

3703 GRIEVANCE COVERAGE.

The grievance system will cover all matters of concern or dissatisfaction to an eligible employee unless excepted by Section 3704 below.

3704 MATTERS NOT COVERED.

The grievance system will not cover the following:

- A. An adverse action appealed under section 3401;
- B. A fitness-for-duty examination;
- C. The content of published Public School System policy;
- D. Non-selection for appointment, promotion, or transfer from a group of properly ranked and certified candidates;
- E. Non-adoption of a suggestion or disapproval of a merit increase, performance award, or other kind of honorary/ discretionary award;
- F. An employee who is serving on probationary status.

3705 FREEDOM FROM RESTRAINT.

Employees will be unimpeded and free from restraint, interference, coercion, discrimination and reprisal in seeking adjudication of their grievances and appeals.

3706 EMPLOYEE'S RIGHT TO REPRESENTATION.

The Public School System recognizes that grievances are personal in nature and that aggrieved employees or groups of employees must have the right in presenting their grievances to be accompanied, represented, and advised by representatives of their own choosing. Thus, in the formal grievance process, as hereinafter defined, the employee or group of employees have the right to be represented by counsel or other representative of their choosing at their own discretion. If the employee or group of employees choose to serve as their own representative or to designate a member of the aggrieved group as spokesman, they may do so.

3707 ROLE OF THE PUBLIC SCHOOL PERSONNEL GRIEVANCE SYSTEM.

The Board of Education serves as the ultimate appellate level for grievances of employees or groups of employees. It shall take under cognizance only those formal grievances which cannot be settled to the satisfaction of all concerned in accordance with the formal grievance procedures defined in Section 3709 of this sub-part.

3708 EMPLOYEE'S RIGHT TO SEEK ADVICE.

Sometimes an employee has a valid reason for not taking a grievance to his immediate supervisor. The Public School System grievance system, therefore, provides opportunity for an employee to communicate, informally, with and seek advice from:

- A. The Public School Personnel Grievance System, and/or
- B. A supervisory or management official of higher rank than the employee's immediate supervisor.

3709 INFORMAL GRIEVANCE PROCEDURE.

- A. The grievance action shall first be initiated by the aggrieved employee who will discuss his problem informally with his supervisor, or if he feels his relationship with his immediate supervisor is such that he cannot reasonably discuss the matter with him, he may discuss it with the next level of supervision. A grievance concerning a particular act or occurrence must be presented within ten (10) calendar days of the date of the act or occurrence or the date the aggrieved employee became aware of the act or occurrence.
- B. If the grievance is not settled within five (5) calendar days, or if the employee is not satisfied with the decision of the immediate supervisor, he or his



representative may, within the next ten (10) calendar days put his grievance in writing and submit it to the Public School Personnel Grievance System as a formal grievance. The written representation must contain the following information:

- (1) the identity of the aggrieved employee and the organization in which he works;
- (2) the details of the grievance;
- (3) the corrective action desired; and
- (4) the name of his personal representative, if any.

#### 3710 FORMAL GRIEVANCE PROCEDURE.

- A. The Public School Personnel Appeals System Committee will examine the grievance, discuss it with the grievant or his representative, and render its decision, in writing, within fourteen (14) calendar days after receiving the grievance. The Public School Personnel Grievance System may have present the employee's immediate supervisor, if he deems it appropriate to the resolution of the grievance.
- B. If the Public School System Appeals System Committee is not successful in settling the grievance to the employee's satisfaction within fourteen (14) calendar days after it is presented to him in writing, the employee shall, within fifteen (15) calendar days after receiving written notification of the decision, submit his grievance to the Commissioner of Education.
- C. The Commissioner of Education shall set a time for its review of the case within a reasonable time after receiving a grievance. If the Commissioner of Education desires to have the grievance heard by a hearing officer, it must inform the aggrieved employee and his representative as soon as possible.
- D. In hearings before the Public School Personnel Appeals System Committee or a hearing officer, the aggrieved employee and/or his representative shall be allowed to appear and present his case. An appropriate management representative shall also be allowed to appear before the Board of Education. Both sides shall have the right to call witnesses for the other side. The Board of Education or the hearing officer shall prepare a summary of the hearing. If both parties desire a formal, written record prepared by a reporter, the cost of such services shall be shared equally. If only one side desires a formal written record of the proceedings, that side shall bear the cost.

- E. The Public School Personnel Appeals System Committee shall reach a decision and present it formally to the Commissioner of Education within ten (10) working days of the close of the formal hearing. Decision by the Public School Personnel Appeals System Committee shall be made by a two-thirds (2/3) vote of the entire members, as required by 1 CMC 88113, and shall be final.
- F. If the aggrieved employee is dissatisfied with the decision having exhausted all administrative appeal levels, he has recourse to the courts.
- G. The Commissioner of Education shall be kept informed as to the progress of a formal grievance and is responsible for assuring that the time limits established in this procedure are met. He is also responsible to assure that the formal record of the grievance is assembled into one place, stored and safeguarded.
- H. The Commissioner of Education shall be the final custodian of all records of a grievance and is responsible for their proper storage and security.

PUBLIC SCHOOL SYSTEM  
POSITION CLASSIFICATION

4100

4101 GENERAL.

All positions subject to the provision of the Commonwealth of the Northern Mariana Islands Public School Personnel System shall be classified in accordance with the approved Position Classification Plan.

4102 DEFINITIONS.

- A. Position Classification. Position classification means the process by which positions are identified according to their duties and responsibilities, like positions segregated into groups called classes, and a systematic record made of the classes found and of the particular positions found to be of each class.
- B. Class. Class means one position or a group of positions sufficiently similar in respect to their duties, responsibilities, and authority that the same title may be used with clarity to designate each position allocated to the class, the same standard qualifications may be required of all incumbents, the same test of fitness may be used to choose qualified employees, and the same schedule of compensation may be applied with equity under the same or substantially the same employment conditions; and sufficiently dissimilar from any position or any other group of positions to warrant exclusion from those groups of positions.

The class title assigned to a position in accordance with the Position Classification Plan shall be the official title and will be used for all personnel, budgetary and financial purposes. In addition, the official title should be used for all position organization charts.

- C. Position. The work, consisting of duties and responsibilities assigned by competent authority for performance by an employee.
- D. Position Classification Plan. Position classification plan means classes of positions arranged in a logical and systematic order to reflect all of the kinds and levels of work utilized in the Personnel Service.
- E. Management Official. Management official means a person having power to make appointments or changes in status of an employee in the Personnel Service, or a delegate of such a person.

- F. Allocation. Allocation means the assignment of a position to its appropriate class on the basis of analysis of the duties and responsibilities of the position.
- G. Reallocation. Reallocation of a position is a position change resulting from a gradual change of duties and responsibilities over an extended period of time, not a result of planned management action.
- H. Reclassification. Reclassification means change of a position or group of positions to a different class as a result of a change in duties and responsibilities, classification standards, or as a result of correcting a classification error.
- I. Class Specification. Class specification means an official position classification plan document describing the general characteristics of the class, including the official class title, a description of the scope of duties and responsibilities of the class, examples of work or typical duties performed, and a statement of the qualifications required to perform the work of the class.
- J. Series of Classes. Series of classes means classes closely related as to occupational specialty but differing in level of difficulty, responsibilities, and qualifications required (For example the five classes of teachers I, II, III, IV and V make up the series.)
- K. Position Description. Position description means a formal, official written statement by management documenting the assignment or arrangement of the duties and responsibilities of a position.
- L. Certified. Positions as defined by the Board shall require professional certification, high standards of qualification and continuing education. Certification shall be for a period of five years subject to revocation only with cause. Certified positions are as follows.
- A. Classroom/Teacher aides
  - B. Counselors
  - C. Principals/Vice Principals
  - D. Librarians
  - E. Education Specialists
- M. Non-Certified. Positions services with a two years contract subject to renewal based on satisfactory job performance in the case of support staff, or need in the case of consultant services.

- A. Bus Drivers
- B. Custodians/Building Maintenance
- C. Clerk Typists/Administrative Assistant/Administrative Specialists/Administrative Officer
- D. Tradesman/Clerks
- E. Accounting Clerks, Accounting Technician, Accountants
- F. All Others

#### 4103 PRINCIPLES AND POLICIES.

The basic principles underlying the position classification system are:

- A. Equal pay for equal work; and
- B. Variations in pay in proportion to substantial differences in difficulty, responsibility, and qualification requirements of the work.

The Personnel Service System's position classification program applies these principles in response to management's expressed needs and in support of mission accomplishments. Changes in classification shall not be made for the purpose of raising or reducing pay, but only to reflect clear and significant changes in duties and responsibilities. Supervisors and managers are expected to organize the work of their organizations and structure the positions so that vacancies can be filled at the lowest level at which qualified applicants can be obtained.

#### 4104 RESPONSIBILITIES.

##### A. Commissioner of Education.

- (1) Administers a classification program which supports management's objectives, meets legal and regulatory requirements, and promotes participation by operating officials in the classification process.
- (2) Provides advice and assistance to management on the classification aspects of position structure needed to carry out the government's mission.
- (3) Conducts periodic reviews to evaluate the effectiveness of the classification program and directs corrective action where appropriate.
- (4) Develops new classification standards, revises existing standards as needed; seeks advice and counsel of operating officials with the approval of the Board of Education.
- (5) Groups positions into classes on the basis of their similarities in duties, responsibilities, and other significant factors.

- (6) Assigns a title to each class which shall apply to all positions in the class; prescribes the characteristics of each class, and the standards for employment of any position in the class, and the standards for employment of any position in the class subsequent to consultation with the Board of Education and the appropriate management officials.
- (7) Changes a position from one class to another where substantial changes have occurred in the duties and responsibilities.
- (8) Determines the status of occupants of positions which have been changed from one class to another class.

The Commissioner of Education is authorized to delegate authority to the degree which he deems appropriate, to other qualified personnel in the Public School System to identify positions at certain levels with established classes of positions which have been approved and allocated within the Classification Plan.

B. Management Personnel Officials and Supervisors.

- (1) The planning, organizing, developing and assigning of duties and responsibilities to positions, whether occupied or vacant.
- (2) When making assignments, giving consideration to the mission of the organization and structuring positions for accomplishment of requirements in the most effective and economical manner possible.
- (3) Assuring that assigned duties and responsibilities do not duplicate or overlap those of other positions.
- (4) Assuring that current duties and responsibilities assigned to position are completely and accurately described in position descriptions in full and sufficient detail for position classification and all related purposes.
- (5) Assuring the development, preparation, maintenance, and submission of factual and up-to-date functional statements and organizational position charts which clearly depict such information as assigned organizational and/or supervisory responsibility, organizational segment identification, employee names with official class titles and pay levels for the positions to which assigned, the title and pay levels of vacant positions which are funded and approved, and other similar essential details.
- (6) Assisting their employees to whatever extent necessary to accomplish the foregoing and to obtain information from authoritative sources, as necessary, to answer specific questions as may be raised by their employees.

4105 POSITION PLANNING.

The supervisor is responsible for position planning. He analyzes the work to be accomplished, decides on work or production methods, and determines the requirements for supervision, special technical support, qualitative and quantitative and controls, and review and evaluation. A well defined position has clearly defined operation, task, duties, authorities, responsibilities, and supervisory relationships and is communicated to the employee.

## PUBLIC SCHOOL SYSTEM

4200

## COMPENSATION

4201 GENERAL

All persons employed by the Public School System shall be compensated in accordance with applicable law and provisions of this part. No person shall report to work nor receive a salary unless an appropriate personnel action has been approved by the Commissioner of Education or his authorized representative.

4202 COMPENSATION PLAN

The classes in the position classification plan, when assigned to appropriate pay levels of the Base Salary Schedule as established, shall constitute the basic compensation plan.

The Commissioner of Education shall assign all classes in the position classification plan to appropriate pay levels in the Base Salary Schedule in accordance with following:

- A. Kind and level of work;
- B. Degree of difficulty and responsibility;
- C. Kind, quality and level of qualification requirements;
- D. Relationship to other classes in its occupational groups, and of its occupational group to other occupational groups.

4203 PERIODIC REVIEW OF COMPENSATION PLAN.

The Commissioner of Education shall periodically conduct necessary and appropriate studies of rates of compensation and compensation practices in all geographic areas from which employees are normally recruited, and shall recommend and transmit the same to the Board of Education for its review. Following such review, the Board of Education shall submit the same, together with its comments and recommendations, to the Legislature for review and approval.

4204 ESTABLISHING SALARY UPON APPOINTMENT.

- A. Salary shall be fixed at the first step of the appropriate pay level upon initial appointment. Should a higher rate be deemed necessary to recruit, and is appropriate to the qualifications of the applicant, the salary may be fixed at any succeeding step but not beyond the fifth step. Payment of salary above Step 1 of a pay level must be approved by Commissioner of Education.



- B. When a person may be reemployed after a break in service of one (1) or more days into a position in a class and pay level lower than the highest class and pay level he had previously held, the salary may be set at the highest previous rate held, provided the rate does not exceed the salary range of the lower pay level.

4205 PROMOTION.

An employee who is promoted from a position in one class to an existing position in a higher class shall be compensated at the lowest step in the new pay level which at least equals the amount of two (2) step increases in the old pay level. The rate of compensation cannot exceed the rate of the maximum step in the highest pay level. The effective date of the promotion shall be the new service anniversary date for the promoted employee. Retroactive promotions shall not be made except when directed by a decision of the Commissioner of Education pursuant to an employee's appeal.

4206 TEMPORARY PROMOTION.

A temporary promotion is utilized when it is anticipated that an employee will temporarily occupy a position for a period in excess of three (3) months. An employee can be temporarily promoted only if he meets the qualifications standards of the new position. The employee temporarily promoted shall be compensated at the step in the new pay level which is at least equal to an increase of two steps at his current pay level. The employee must be informed in advance and agree, in writing, that at the expiration of the temporary promotion, he will be returned to the former salary (grade and step) that he would be receiving had he remained in the former position. No temporary promotion shall exceed a period of one (1) year except when the temporary promotion is to replace an employee on educational leave outside the Commonwealth of the Northern Mariana Islands. In this instance the temporary promotion shall be in effect no more than (2) years.

4207 "ACTING" ASSIGNMENT.

An "acting" assignment is the designation, in writing, that an employee will act for a period of up to thirty (30) days in place of a supervisor. When the supervisor's absence exceeds the initial thirty (30) day period, a new designation shall be made for an additional thirty (30) days. This thirty (30) day renewal of the acting assignment is repeated until the supervisor returns to his position. Whenever the acting assignment exceeds ninety (90) days, the employee shall be temporarily promoted if s/he meets the qualifications standards of the position. If the acting assignment exceeds ninety (90) days and the employee does

not meet the qualifications standards of the position, the employee may be temporarily promoted standards of the position, the employee may be temporarily promoted to an intermediate grade if one exists and he meets the qualifications requirements, or if the employee does not meet the qualifications standards of either the target grade or the intermediate grade, he shall be compensated with two (2) steps in his current pay level, but may not exceed the maximum step.

4208 DEMOTION.

An employee demoted because of abolishment of position or reallocation of position to a lower pay level, except at his own request shall be compensated at the rate which does not exceed his current pay rate. Where his existing rate of the maximum step of the lower pay level, the employee shall be compensated at such maximum step. An employee demoted as a disciplinary measure shall have his compensation reduced to the corresponding step of the lower pay level, and may, with the approval of the Commissioner of Education be compensated at a lower step.

An employee demoted at his own request shall have his pay set at the numerical step in the lower pay level which corresponds to the classification guidelines.

4209 TRANSFER.

An employee who is transferred to a different position at the same pay level shall receive no change in compensation. A minimum of two weeks' notice must be given to the affected supervisors prior to effecting a transfer.

4210 EFFECT ON SERVICE ANNIVERSARY DATE.

An employee's service anniversary date will not be affected by a detail, "acting" assignment, or temporary promotion.

4211 REALLOCATION/RECLASSIFICATION OF POSITION TO HIGHER PAY.

An employee whose position is reallocated/reclassified to a higher class shall be compensated at the lowest step in the higher pay level. The rate of compensation cannot exceed the rate of the maximum step in the higher pay level. The anniversary date of the new reallocation/reclassification shall be recycled.

4212 EFFECTIVE DATE OF POSITION CHANGES.

The effective date of all position changes shall be the beginning of the first pay period immediately following the approval of the action by the Commissioner of Education. Exceptions to this rule

may be made by the Commissioner of Education only for such reasons as will expedite public business and not result in an inequitable situation.

4213 WITHIN-GRADE INCREASES.

- A. With-in-grade increases may be granted upon completion of fifty-two (52) calendar weeks of satisfactory performance.
- B. Employees who are included under the Public School System and assigned to work part-time will be eligible for a within-grade increase only at such time as the cumulative total of all hours worked equates to a standard work year of 2,080 hours and such work has been satisfactory. Employees who are employed on an intermittent basis are not eligible to receive within-grade increases.
- C. The effective date of a within-grade step increase shall be the first day of the first pay period following completion of the required waiting period.
- D. For all positions, approved leave in a non-pay status (LWOP) and/or unapproved leave (AWOL) not to exceed eighty (80) hours, in creditable toward the waiting period for a within-grade increase. Unapproved leave (AWOL) and leave without pay (LWOP) of more than forty (40) hours will extend the waiting period by at least one pay period or by the amount of time such AWOL or LWOP exceeds the eighty (80) hours, whichever is greater.
- E. Time served in a LWOP status for purposes of job-related education or training is credited toward within-grade increases, the same as if the employee had been in a pay status for that period of time while on LWOP, provided that the employee is a registered or enrolled student. To be creditable toward the waiting period, the education program in which the employee is enrolled must be clearly and directly applicable to the employee's present position or one to which he may reasonably aspire, and for which he is released from full-time status and placed in an approved leave without pay (LWOP) status. Finally, the employee must perform his educational program satisfactorily as determined by management and the Personnel Officer.
- F. A former employee reemployed with a break in service begins a new waiting period for a within-grade increase. No credit will be given toward the completion of this new waiting period for any time served under a former waiting period prior to the break in service.

- G. For every two (2) year period an employee who has been placed on the maximum step and has received consecutive satisfactory performance rating or better shall be given an additional 5% pay differential.

#### 4214 WORKSHOPS

An employee who successfully completes a total of 120 hours of work shops, or multiple units thereof that are supervisor sponsored and/or sanctioned by the Commissioner of Education in accordance with the Board of Education Policy may be given a salary increase equivalent to one (1) step or two and a half (2-1/2) pay difference for those employees on step 10 for each 120 hour unit.

- A. No employee may receive more than one (1) step increase under this Sub-part in any one calendar year regardless of the employee number of workshops that he successfully completed. Employees who are employed on an intermittent basis are not eligible to receive this increase.
- B. The effective date of the increase under this Sub-part shall be on the first day of this following pay period after the approval of the Commissioner of Education.
- C. This increase shall not affect the anniversary date of the employee.

#### 4215 OVERTIME COMPENSATION, COMPENSATORY TIME AND CONTROL.

- A. Any employee who is directed to work and does work in excess of forty (40) hours a week shall be paid overtime at the rate of one and one-half (1-1/2) times his basic pay; or in the absence of any funds for overtime compensation, compensatory time-off shall be granted within four (4) pay periods from the date in which it was earned, and any compensatory time not used within a four pay period interval shall be converted to overtime pay the following pay period.
- (1) Such overtime work is directed to a specific objective or goal of accomplishment, and it cannot be accomplished during the regular workday, nor postponed to the following day or days. An employee who is required to work overtime of less than two (2) hours is credited with a minimum of two (2) hours overtime work.
- B. Minimizing and Control of Overtime. Intelligent and responsible control of overtime for all Public School System is a continuing management function and, to this

end, certain steps are to be taken by all management officials and subordinate supervisors to minimizing overtime. These steps include:

- (1) Ensure that every effort is made to improve management of the man-hours available during the 40 hour work week; eliminate unessential or low priority work; make certain that reasonable discipline is maintained with respect to hours of work, leave, punctuality, industry, and individual productivity.
- (2) Examine the purpose of overtime to determine whether the work to be accomplished requires immediate completion. No overtime should be approved to complete any work that could be delayed without undue hardship.
- (3) Where recurring overtime appears necessary, consider the relative cost of additional personnel versus the current cost of overtime. Where additional personnel would result in less cost to the government, they should be provided by reassigning employees in less essential positions, wherever possible.
- (4) Consider pooling clerical personnel and freely loaning employees from one activity to another as the needs of the moment require. No situation should be allowed to exist wherein employees are not fully occupied in necessary work eight hours a day.
- (5) Use available recognition devices, merit increase, performance awards, and priority consideration for promotion to reward employees who make extra efforts on behalf of their organizations. This will encourage other employees to raise their sights.

C. Approval of Overtime. As a general policy, an employee who has taken annual or sick leave or who plans to take annual or sick leave within the same work week will not be scheduled to work overtime, and will be advised that overtime voluntarily performed is not compensable.

D. Supervisors Working Overtime. As a general policy, management officials should refrain from directing supervisory personnel to work overtime.

E. Supervision of Overtime Work. In the event three or more employees are directed to work overtime, a supervisor must be present to ensure proper utilization of the overtime period.

4216 STANDARD WORK WEEK.

The standard work week is scheduled to commence on Monday at 7:30a.m., and to end on the following Friday at 4:30p.m., of each week.

4217 USE OF NON-STANDARD WORK WEEK.

Non-standard work weeks may be used to provide continuity of service or to fulfill other needs of the public interest. Schedules for non-standard work weeks shall be devised, in advance by the management official concerned and approved by the Commissioner of Education. When it becomes necessary to change an employee from a standard work week to a non-standard work, he shall be given notice, in writing, ten (10) working days in advance of the effective date of the change. If an employee is not given the required notice of change in schedule of work, he shall be compensated at the overtime rate for those days worked within the first ten (10) working days which do not fall within the standard work week.

4218 HOLIDAYS

A. Employees shall be paid holiday pay or be given compensatory time-off for work performed on Commonwealth of the Northern Mariana Islands Government holidays, in accordance with the regulation set forth herein.

B. Payment for work on holidays:

- (1) Any employee required to work on a legal holiday which falls within his regularly scheduled work week shall be compensated at two (2) times his base salary rate or his adjusted base salary rate; or in the absence of any funds for holiday compensation, compensatory time-off shall be granted. Compensatory time-off for the first eight (8) hours worked, or pay part thereof, shall be granted in an equal number of hours. If the work starts at midnight and/or exceeds more than eight (8) hours, the employee shall be compensated or be given compensatory time-off for any hours over eight (8) at the rate of one and one-half (1-1/2) times the base salary or the adjusted base salary, or the hours worked. Compensatory time-off shall be granted within four (4) pay periods from the date in which it was earned, and any compensatory time not used within a four pay period interval shall be converted to holiday pay for the following pay period.

4219 PREMIUM PAY

- A. Hazardous Work. All employees meeting the qualification criteria below, whose occupation involves unusual and extreme hazards to their health and safety, shall be paid a differential of twenty-five percent (25%) their base salary rate.

Qualification Criteria. To qualify for payment of a hazardous work differential, the following conditions of work must be met:

- (1) The conditions of unusual and extreme hazard to the employee's health and safety must be clearly evident and fully defined;
- (2) The hazard, on which a request for payment of such differential might be based, has not previously been recognized in the establishment of the pay level for the class which covers the position(s) and work involved; and
- (3) Exposure to the particular unusual and extreme hazard must constitute a reasonable amount of time so as to be clearly recognizable. For example, several repeated exposures to such a hazard may occur for a brief period of time, but collectively measured over a period of time, e.g., one day, may possibly provide a valid basis for recognition of the hazard. Conversely, clear and sustained exposure to an unusual and extreme hazard is readily more recognizable and measurable.

- B. Hardship Post Differential. To provide additional compensation, the hardship post differential of twenty percent (20%) of base salary rate or adjusted base salary rate is paid employees meeting the qualification criteria of duty stations which involve conditions of unusual hardship.

Qualification Criteria. To qualify for payment of a hardship post differential, employees must be regularly assigned to a location or duty station which has been certified by the Commissioner of Education as constituting a hardship situation.

Factors of Unusual Hardship. A post location or duty station will be individually assessed to determine whether it involves conditions of unusual hardship as compared with other locations throughout the Commonwealth. Factors collectively considered to constitute unusual hardship include, but are not limited to:

- (1) Geographic Isolation. A site sufficiently remote and removed from population centers, isolated from other activities or facilities, inaccessible except by means of special or infrequent transportation and/or communications, a physical location well removed and functioning with little recourse and contact with other locations or activities.
- (2) Lack of Amenities. Broadly encompasses all considerations relating to characteristics or conditions of pleasantness, attractiveness, or desirable features of a place; includes consideration for the existence and types of facilities such as shopping, recreation, housing, transportation, communications, relationships, and presence of other people.
- (3) Lack of Availability of Shipping. Broadly includes locations where commerce and transport of goods and materials via sea, air, or ground is sporadic, may or may not be regularly scheduled, goods are subject to loss, damage or excessive delays, transport facilities are of limited capacity, and other similar features which increase the difficulty of obtaining goods and services.
- (4) Lack of Transportation. Generally indentifies and refers to accepted means of transportation such as lack of suitable roadways for automotive or other vehicular traffic to move about from place to place on the island; includes all forms of common transportation, such as automobiles, motorbikes, boats and the absence or presence of local facilities to support both their use and maintenance.
- (5) Other Conditions. Other conditions or special features characteristic of the location or post of duty assignment which contribute to or result in a situation of unusual hardship to the employees assigned to that duty station.

The authorization and approval to pay a hardship post differential is not automatic and once authorized, is not a guarantee that it will continue indefinitely. An employee on annual or home leave will not be paid the hardship post differential if s/he is away from the hardship post.

- C. Night Work. Additional compensation in the form of a night work differential of fifteen percent (15%) of base salary rate or adjusted base salary rate is paid for all hours worked between 4:30 p.m. and 7:30 a.m., when such hours are included within a regular scheduled tour of duty.



- (1) Control Criteria. To be eligible to receive payment of a night work differential, the following criteria must be met:
- (a) Payment will be made only for actual hours worked which fall between the period of 4:30 p.m. and 7:30 a.m.
  - (b) The above is restricted to include only those regularly scheduled work hours within the specified time period which constitute all or a part of the employee's regular hours of duty.
- (2) Non-payment of Night Work Differential. Payment of night work differential will not be made for the following situations:
- (a) An employee whose regular hours of duty include scheduled hours during the period of 4:30 p.m. to 7:30 a.m., is absent and does not actually perform work for the hours involved;
  - (b) An employee required to perform work during the hours of 4:30 p.m. to 7:30 a.m. which is not a part of his regularly scheduled hours of night work duty; or
  - (c) An employee who is paid a standby differential for remaining on call to duty at any time during the regularly scheduled standby period in excess of the normal forty (40) hour work week shall not be eligible for payment of night work differential for any work performed while on scheduled stand by.

D. Typhoon Emergency Differential. Employee who are required by the Commonwealth of the Northern Mariana Islands Government to work in a location and during a period of time in which a typhoon or tropical storm emergency has been declared, and in which other government employees are released from work as a result of such condition, shall be compensated as follows: For the hours such employees are required to work while such declaration of emergency shall remain in force, compensation shall be at the rate of two and one-half (2-1/2) times the base salary rate or adjusted base salary rate. When provided for in this sub-paragraph, this shall not limit the right of the employee to any other differential to which he may otherwise be entitled by law or applicable regulation.

4220 APPROVAL OF PROPOSALS TO PROVIDE PREMIUM PAY OR DIFFERENTIALS.

All proposals for pay differentials as defined herein shall be submitted by the Commissioner of Education on a Request for

Personnel Action (Form CSC P 1) to the Personnel Management Officer for review and approval. The Request must be accompanied by a letter of justification addressing each of the criteria required to support the particular differential. Similarly, a request to remove differentials shall be accomplished by an approved personnel action. Removal of differentials does not constitute a "reduction in pay" and thus does not require a formal adverse action under section 3500 of these Regulations.

4221 BAR TO DUAL COMPENSATION OR DUAL EMPLOYMENT.

No employee shall receive compensation for two positions or two appointments in the Personnel Service. When an employee is engaged in government work other than in his regular position under provision of the Commonwealth of the Northern Mariana Islands, he shall be (1) placed in LWOP from his regular position, or (2) continue his government salary and reject the salary for the second position, whichever is of his personal advantage.

4222 SEVERANCE PAY.

Employees who are separated from the Personnel Service System by reduction-in-force and are, not eligible to receive immediate retirement pay under the Social Security System, are entitled to severance pay computed as follows:

- A. For each full year of creditable service with the commonwealth of the Northern Mariana Islands Government, the employee is entitled to one-half (1/2) of his bi-weekly pay rate in effect upon separation by RIF.
- B. For each full three (3) months of service beyond the total full years of service, the employee is entitled to twentyfive percent (25%) of the pay for a bi-weekly period at the seventy-five percent (75%) of the pay for one bi-weekly period shall be paid under this part-year provision.

Severance pay is paid at the regular bi-weekly sequences until the entitlement is exhausted. If an employee separated by RIF is reemployed by the Government in any capacity before the allowable severance pay liability is satisfied, he sacrifices the unpaid balance upon return to duty. If the employee's total creditable service is less than one (1) full year, he is not entitled to severance pay.

4223 TIMEKEEPERS.

It is essential for the Public School System to have available accurate data concerning the time and attendance of employees.

This information assists forecasting of future personnel needs and analysis of current practices. To provide the needed information, it is necessary that competent timekeepers be appointed and certified.

- A. Appointment and Certification of Timekeepers. The Commissioner of Education shall appoint timekeepers as required by the Board of Education. Each timekeeper appointed shall be assigned designated employees for whom the timekeeper will be responsible. Every employee (classified service and excepted service) shall be required to be assigned a timekeeper. Upon the appointment, each timekeeper will undertake a course of instruction in timekeeping procedures as specified by the Commissioner of Education and the comptroller. Upon satisfactory completion of such instruction, the Personnel Management Officer shall certify as timekeepers. Official timekeepers shall be certified by the Personnel Management Official. Acting timekeeper will be certified as needed for employees who have yet to complete the required training.
- B. Duty of the Timekeeper. Each timekeeper will be responsible for recording and certifying time and attendance records of the assigned employees. The timekeeper will also record and certify leave time taken by any assigned employee. The method of recording and certifying time, attendance and leave shall be prescribed by the Personnel Management Officer and the Commissioner of Education.
- C. Protection of Timekeeper. It is essential that timekeepers be able to fulfill their duties without harassment. No person may attempt to coerce, threaten, or otherwise attempt to hinder the timekeeper. Any person violating this provision shall be reported promptly by the timekeeper to the Personnel Management Officer. Any person violating this provision may be subject to disciplinary and/or criminal sanctions.
- D. Employees' Rights to Challenge Timekeeper Records. Any employee who wishes to challenge the accuracy of any timekeeper's records may institute an employee appeal under the Grievance Procedure, 3000 of these regulations.

## PUBLIC SCHOOL SYSTEM

5100

## COMMUNICATIONS

5101 GENERAL.

The Public School System is committed to the policy of participative management. This means that employee views and opinions shall be actively sought. Managers and supervisors shall not take any steps, either covertly or overtly, which diminish participation by employees in the management process through communication of ideas, comments and suggestions to their supervisors and superiors. To this end, supervisors and managers shall make positive and continuing efforts to communicate with the employees in the following ways:

- A. Formally, through:
  - (1) the annual employee performance evaluation process as defined in section 8000 of these regulations;
  - (2) staff meetings or other assemblies called for the purpose of informing employees concerning the status of work and programs and discussion of current matters of mutual interest;
  - (3) contributions to official publications of the government prepared for information to employees; and
  - (4) such other methods as may be initiated by managers and supervisors to enhance communications.
  
- B. Informally, through:
  - (1) frequent contact with employees at their work site to exchange comments concerning progress of work;
  - (2) maintaining an "open door" policy which encourages employees to bring to the attention of supervisors and managers these problems of mutual concern;
  - (3) adopting a helpful and supportive attitude toward the Incentive Awards Program, especially the Beneficial Suggestion Program;
  - (4) passing along, promptly, to higher levels of management, complaints and concerns of employees which cannot be resolved or corrected at the lower levels of supervision;
  - (5) resolving promptly those matters which fall within the authority of the supervisor;
  - (6) encouraging the employee's good morale and esprit de corps through:
    - (a) occasional brief group meetings to recognize events and communicate plans of mutual interest to the employees in that office; and

- (b) occasional social gatherings of employees and their families for picnics or holiday celebrations to promote better understanding and cooperation.

5102 ROLE OF THE COMMISSIONER OF EDUCATION.

The Commissioner of Education shall designate one or more of his subordinates to monitor employee relations through:

- A. Advising supervisors and managers concerning the importance of regulations concerning employees' rights and privileges, management's rights, employee conduct and performance appeals, grievances, and communications;
- B. Advising and counseling employees concerning benefits to include the Social Security System, Group Life Insurance, the Health Benefits Program, and Workmen's Compensation.
- C. Advising all employees on the impact of the law and regulations concerning the personnel management function; and
- D. Advising all employees concerning conflict of interest.
- E. Advising all supervisors and managers concerning the effect of nepotism:
  - (1) No husband, wife or immediate family members be hired or allowed to work in one section when one is in the decision making position.

## PUBLIC SCHOOL SYSTEM

5200

## EMPLOYEE CONDUCT AND PERFORMANCE

5201 GENERAL.

This sub-part deals with employee conduct and performance when outside influences adversely affect an employee's effectiveness.

Early recognition of deteriorating performance or conduct is a vital first step in the Public School System program to help the troubled employee retain- or resume his place as a productive member of the work force. Early recognition is also an integral part of supervision. Because the immediate supervisor must assume such a key role in helping the troubled employee, this sub-part is prepared to help the supervisor:

- A. recognize early signs indicative of personal problems;
- B. deal in an appropriate manner with the employee whose work is suffering because of personal problems; and
- C. make the employee aware of sources of help within the organization.

5202 POLICY ON EMOTIONAL AND MENTAL HEALTH.

As employer, the Public School System is concerned with any person or social situation which interferes with the individual employee's mental and physical well-being, or interferes with the efficient and safe performance of assigned duties, reduces dependability, or reflects discredit on the Personnel Service System.

It is the Public School System policy to offer assistance through confidential counseling and referral guidance when needed. This assistance includes but is not limited to such areas as alcoholism, emotional problems, family and marital problems, indebtedness, interpersonnel conflicts (employee-supervisor, employee-employee) and crisis situations, where it is determined by the employee or management that these problems adversely affect employee health and performance. Sick leave, annual leave, or leave without pay may be granted for approved programs of treatment, counseling or rehabilitation. The confidential nature of records in these cases will be maintained in the same manner as medical records. The Public School System assumes no liability for the cost of treatment or rehabilitation cost associated with alcoholism.

5203 POLICY ON ALCOHOLISM AND PROBLEM DRINKING.

As an employer, the Public School System is not concerned with the private decision of an employee to use or not to use alcoholic beverages. Management is concerned with an employee's use of alcoholic beverages when it interferes with the efficient and safe performance of assigned duties, reduces dependability, or reflects discredit on the Personnel Service.

The Public School System has an interest in any health problem that reduces employee productivity. It recognizes that alcoholism is a treatable illness and should be given the same careful consideration as other health problems. The goal is improved job performance and not discipline. Accordingly, it is the Public School System policy to offer assistance toward treatment and rehabilitation. Sick leave, annual leave or leave without pay may be granted for approved programs of treatment and rehabilitation. The Public School System assumes no liability for the cost of treatment or rehabilitation cost associated with alcoholism.

5204 ACTION BY SUPERVISORS AND MANAGERS.

- A. Supervisors and managers must be alert to indications of deteriorating performance on the part of employees under their supervision. Some of the indications which may occur are:
- (1) A marked change in behavior. This may show up as emotional outbursts, chronic irritability, excessive fatigue, or rule violations;
  - (2) Frequent short term absences, notably the afternoon of pay day or the following Monday;
  - (3) Repeated accidents;
  - (4) Frequent complaints related to health;
  - (5) Chronic inability to get along with fellow employees; or
  - (6) Excessive problem drinking.
- B. Upon identification of presumed problems, the supervisor concerned should approach the employee to determine the cause of performance change. Should such an approach be rebuffed, the supervisor should continue observation of the employee's performance, recording occurrences which tend to support the supervisor's feeling that the employee is troubled. If the conduct continues for a lengthy period, the supervisor must counsel with the employee and, if the employee is unresponsive, refer the matter to the Personnel Management Officer.

5205 ACTION BY PERSONNEL OFFICER.

Upon referral of a case to the Public School System by a supervisor, the Personnel Management Officer should contact the Department of Health and Environmental Services for assistance. Once arrangements for assistance have been made, the Public School System must and counsel him to seek medical help. If the employee is agreeable, the Commissioner of Education should notify the supervisor concerned so that arrangements can be made for the employee to seek help.

If the employee is not agreeable, the Commissioner of Education should advise the employee that if his unsatisfactory performance continues, disciplinary action will result.

5206 ACTION RELATED TO ALCOHOLISM OR DRUG ABUSE.

When an employee's unsatisfactory performance appears clearly to be related to excessive use of alcohol or drug abuse, the Board of Education, with advice and assistance from the Commissioner of Education, should advise the employee that his removal will be sought. The Commissioner of Education and the Board of Education, jointly, shall prepare a letter of proposed adverse action against the employee according to instructions in Part III, Sub-part D. As a part of the letter of decision, the following paragraph should be included:

"If, however, you agree to seek medical help to correct and improve your condition of health, which is responsible for your unsatisfactory performance, your removal will be held in abeyance, provided you, with the help of your doctor, establish a program of rehabilitation which is satisfactory to me. The program of rehabilitation must continue successfully for a minimum of two years. Should you fail to carry out the program you have agreed to and revert to your former unsatisfactory performance, I will consider that to be a determination on your part that you do not wish to be retained as an employee in the Public School System. I shall then proceed with your removal, for cause, which will maintain the efficiency of the service in the Public School System."

5207 ACTION RELATED TO OTHER CAUSES.

Should an employee's conduct and performance continue to deteriorate and the supervisor is convinced that the cause is other than alcohol abuse or drug dependence, he should consult with the Commissioner of Education should then approach the Department of Health and Environmental Services, seeking assistance from the appropriate practitioner.



Once the availability of professional help has been arranged, the Commissioner of Education should meet with the employee and, candidly, discuss his problem and offer to assist him in seeking professional help from the Department of Health and Environmental Services.

The course of action to be taken after referral to professional attention depends on the professional recommendation given.

## PUBLIC SCHOOL SYSTEM

5300

## RESPONSIBILITIES OF EMPLOYEES AND MANAGEMENT

5301 CODE OF ETHICS FOR PUBLIC SCHOOL SYSTEM PERSONNEL SERVICE.

All persons in the Public School System should:

- A. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government organization.
- B. Uphold the laws applicable in the Commonwealth of the Northern Mariana Islands and in all subdivisions thereof and never be a party to their evasion.
- C. Give a full day's labor for a full day's pay; giving in the performance of his duties his earnest effort and best thought.
- D. Seek to find and employ more efficient and economic ways of getting tasks accomplished.
- E. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or note; and never accept, for himself or his family, favors that influence the performance of his official duties.
- F. Make no private commitment of any kind which is binding upon the duties of office.
- G. Engage in no business with the Public School System, either directly or indirectly, which is inconsistent with the conscientious performance of his Public School System duties.
- H. Never use any information coming to him confidentially in the performance of Public School System duties as a means for making private profit.
- I. Expose corruption wherever discovered.
- J. Uphold these principles, ever conscious that public office is a public trust. In addition, grantees and custodians of federal funds shall maintain a written code or standards of conduct which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by federal funds. No employee, officer or

agent of the grantee shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his immediate family, his or her partner, or an organization which employs, or is about to employ any of the above, has a financial or other interest in the firm selected for award.

The grantee's and contractor's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

To the extent permitted by federal or local laws or regulations, such standards of conduct shall provide for penalties or disciplinary actions for violations of such standards by the grantee's officers, employees, or agents, or by contractors or their agents.

The Northern Mariana Islands Commonwealth Public School System expects its employees to be representatives of its legal self. Like any other employer, it has the right to expect the employees to foster its business and well-being. This government's first business is the maintenance of law and order at all times (even after working hours) because without law and order, the government's goals and objectives (to which employees are committed) cannot be realized. An illegal or dishonorable act of an agent or employee may degrade and embarrass the government and lessen its effectiveness. To protect its credibility and rapport in the community, the government has the right to take administrative action as necessary and justifiable against employees who violate its laws or detract from its policies. Such administrative action is aside from any court action which may ensue from a criminal act or omission. If employees in the Personnel Service System take pride in their service, it will reduce the number of formal disciplinary actions necessary. Disciplinary actions are wasteful of the time of many employees, who must sit on hearing committees and serve as investigators or witnesses, and such actions leave a residue of bad feeling which affects the entire organization.

It is a mistake for anyone to believe that good discipline is simply a matter of enforcement by those at the head of the administration. Good discipline requires leadership, not enforcement procedures. Most of all, it involves enlisting the active support of the employees. The employees, as a group, have a greater stake in improving the quality of government service than any other interested party. An organization which treats all employees fairly and with consistency, is one in which they

can take genuine pride and it will provide an opportunity to find a meaningful outlet for abilities, and an opportunity to advance in accordance with their contribution. Leadership which meets these needs of employees will have no difficulty getting employee support.

So that all employees will understand the standards of conduct that are expected of them, these principles are set forth. Officials and employees of the Public School System are reminded that they must not only avoid wrongdoing in the conduct of their official duty, but must, with care, avoid the appearance of wrongdoing. Acts which have the appearance of wrongdoing to an honest observer are prohibited equally with actual acts of wrongdoing. The citizen forms his image of the Public School System service from what he observes, and does not inquire minutely into the circumstance to determine whether appearances are deceptive.

#### 5302 POLICY ON EMPLOYEE CONDUCT.

The maintenance of the highest standards of honesty, integrity, impartiality, and conduct by Public School System employees is essential to assure the proper performance of Public School System business and maintenance of confidence by citizens in their Public School System.

Employees of the Public School System are expected to comply with all laws and regulations. Legal requirements are essentially concerned with official conduct, i.e. the behavior of the employee in the course of or in relation to his official duties. Public School System employees are required to conduct themselves in such a manner that the work of the Public School System is effectively accomplished and to observe the requirements of courtesy, consideration and promptness in dealing with or serving the public or its clientele. Personal and private conduct of an employee (as opposed to official conduct) that reflects adversely upon the dignity and prestige of the Public School System is also a matter of concern to management. All employees are expected to cultivate those personal qualities which characterize a good civil servant--loyalty to our Public School System, a deep sense of responsibility for the public trust, and a standard of personal deportment which will be a credit to the individual.

#### 5303 SUBORDINATION TO AUTHORITY.

An employee is required to carry out the announced policies and programs of the Public School System. While policies relate to his work under consideration, he may, and is expected to, express his opinions and points of view; but once a decision has been rendered by those in authority, he will be expected unreservedly to assure the success of programs which is his responsibility to

effectuate except for any unlawful act. If he fails to carry out any lawful regulation, order or policy, or deliberately refuses to obey the proper requests of his superiors having responsibility for his performance he is subject to appropriate disciplinary action.

#### 5304 MANAGEMENT RESPONSIBILITY.

Management shall establish and maintain internal procedures by means of which all employees are adequately and systematically informed of the content, meaning and importance of the regulations in this Sub-Part. Copies of the regulations in this Sub-Part shall be given to each employee within ninety (90) days from the effective date of the regulations and to new employees upon entrance to duty. Management shall remind its employees of the regulations in this Sub-Part periodically, at least once annually, through a publication or memorandum issued to all employees.

#### 5305 EMPLOYEE RESPONSIBILITY.

It is the responsibility of employees to familiarize themselves, and to comply with the regulations in this Sub-Part. Employees are expected to consult with their supervisors and on general questions they may have regarding the applicability of the regulations. On specific matters and for guidance on questions of conflict of interest they may receive authoritative advice and guidance from the Commissioner of Education and the Board of Education Legal Counsel.

#### 5306 INTERPRETATION AND ADVISORY SERVICE

- A. Channels for counseling. It is the Public School System policy to encourage responsible disposition of counseling requests by the Personnel Management Officer. Counseling provided by the Personnel Management Officer involving any question of conflict of interest shall be in cooperation with the Board of Education Legal Counsel.
- B. In order that the Board of Education Legal Counsel may be informed to the content and scope of counseling at all levels, the Personnel Management Officer will be responsible for communicating a summary of each counseling action to the Personnel Management Officer on a concurrent basis, provided, however, that such reporting is required only as to counseling in regard to conflict of interest questions.

5307 DISCIPLINARY AND OTHER REMEDIAL ACTION.

- A. Violation of the regulations in this Part by an employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

After consideration of the statements of employment and financial interests submitted by the employee and the explanation of such employee as required in these regulations in this Part, if the Board of Education or it's designee decides that remedial action is required, he shall take immediate action shall be taken to end the conflict or appearance of conflict of interest.

- B. Remedial action may include, but is not limited to:
- (1) changes in assigned duties;
  - (2) divestment by employee of his conflicting interest;
  - (3) disciplinary action; and
  - (4) disqualification for a particular assignment.
- C. Remedial action, whether disciplinary or otherwise, shall be affected in accordance with any applicable laws or regulations.

5308 ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES OF EMPLOYEES

- A. Gifts, entertainment and favors. Except as provided in Paragraphs B and C of this Section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who;
- (1) has, or is seeking to obtain, contractual or other business or financial relations with this Public School System;
  - (2) conducts operations or activities that are regulated by Public School System; or
  - (3) has interests that may be substantially affected by the performance or non-performance of his official duty.

Except as specifically authorized by law, employees are not authorized to accept on behalf of the Public School System voluntary donations or cash contributions from private sources for travel expenses, or the furnishing of services in kind, such as hotel accommodations, meals, and travel accommodations.

- B. The prohibitions of the above paragraph do not apply in the context of obvious family or personal relationships,

such as those between the parents, children, or spouse of the employer and the employee, when circumstances make it clear that it is those relationships, rather than the business of the persons concerned, which are the motivating factors.

An employee may accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance.

- C. An employee may accept loans from banks or other financial institutions on customary terms to finance proper and usual activities, such as home mortgage loans. An employee may accept unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other items of nominal intrinsic value. An employee shall avoid any action, whether or not specifically prohibited by this Sub-Part, which might result in, or create the appearance of:
- (1) using public office for private gain;
  - (2) giving preferential treatment to any person;
  - (3) impeding Public School System efficiency or economy;
  - (4) losing complete independence or impartiality;
  - (5) making a Public School System decision outside official channels; and
  - (6) affecting adversely the confidence of the public in the integrity of the Public School System.
- D. An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself. However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage or retirement.
- E. This Section does not prohibit receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with this Part for which no Public School System payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, or entertainment, nor does it allow an employee to be reimbursed by a person for travel on official business under Public School System orders when reimbursement is prescribed by law.

5309 OUTSIDE WORK AND INTERESTS.

A. Policy. Outside work is permitted to the extent that it does not prevent an employee from devoting his primary interests, talents and energies to the accomplishment of his work for the Public School System or tend to create a conflict between the private interests of an employee and his official responsibilities. The employee's outside employment shall not reflect discredit on the Public School System.

B. Definitions.

- (1) The term "outside work" means all gainful employment outside normal working hours other than the performance of official duties. It includes, but is not limited to self-employment, working for another employer, the management or operation of a private business for profit (including personally owned businesses, partnerships, corporations and other business entities).
- (2) The term "active proprietary management" as used in relation to outside work refers to a business affiliation in which substantial ownership is coupled with responsibility for day-to-day management effort in making decisions, supervising operations, dealing with the public and otherwise discharging essential tasks in the direction of the business.
- (3) A situation which may involve a "conflict of interest" is one in which a Personnel Service System employee's private interest, usually of an economic nature, conflicts or raises a reasonable question of conflict with his public duties and responsibilities. The potential conflict is of concern whether it is real or only apparent.

C. Restrictions. An employee shall not engage in outside activities not compatible with the full and proper discharge of the duties and responsibilities of his Public School System employment. Any activity involving an incompatibility of interest is prohibited. Any work assignment or employment affiliation which might encourage on the part of members of the general public a reasonable presumption of a conflict of interest falls in this category. Incompatible activities include but are not limited to:

- (1) Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflict of interest.



- (2) Outside employment which tends to impair an employee's mental or physical capacity to perform his Public School System duties and responsibilities in an acceptable manner. An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Commonwealth of the Northern Mariana Islands Public School System.
- D. Among other things, abuse of leave privileges to engage in outside work shall be treated as an interference with officials performance. Active proprietary management of any business questionable because of the probability that such management responsibilities may interfere with the employee's obligations to his primary employer, the Public School System. Employees are especially urged to seek the advice of their Personnel Management Officer before committing themselves to such activities.
- E. An employee shall not perform outside work:
- (1) which is of such a nature that it may be reasonably construed by the public to be the official act of the Public School System.
  - (2) which involves the use of Public School System facilities, equipment, or supplies of whatever kind.
  - (3) which involves the use of official information not available to the public.
- F. While an employee is not prohibited from performing outside work solely because the work is of the same general nature as the work he performs for the Public School System, no employee may perform outside work:
- (1) if the work is such that he would be expected to do it as a part of his regular duties.
  - (2) if the work involves active proprietary management of a business closely related to the official work of the employee.
  - (3) if the work for a private employer is of the same type or closely in to that involved in the program responsibilities of the office in which he is employed.
  - (4) if the work would tend to influence the exercise of impartial judgment on any matters coming before the employee in the course of his official duties.

G. This Section does not preclude an employee from:

- (1) participation in the activities of political parties not prescribed by applicable law.
- (2) participation in the affairs of, or acceptance of an award for, meritorious public contribution or achievement given by a profitable, religious, professional, social, fraternal, non-profit educational and recreational, public service or civic organization.

#### 5310 FINANCIAL INTERESTS.

A. An employee shall not:

- (1) have a direct or indirect financial interest that conflicts with his Public School System duties and responsibilities.
- (2) engage directly or indirectly, in a financial transaction, as a result of, or primarily relying on, information obtained through his Public School System employment.

B. This Section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Public School System, so long as it is not prohibited by law, the Constitution, or regulations in this Part.

#### 5311 PUBLIC SCHOOL SYSTEM PROPERTY.

General Responsibilities. Employees shall be held accountable for Public School System properties and monies entrusted to their individual use in connection with their official duties. It is their responsibility to protect and conserve Public School System property and to use it economically and for official purposes only.

#### 5312 MISUSE OF PUBLIC SCHOOL SYSTEM VEHICLES.

Employees shall not use or authorize the use of a Public School System owned or leased motor vehicle for other than official purposes.

#### 5313 INFORMATION.

It is the policy of the Public School System to accord the public access to information about its activities and to make available to the public records of the Public School System except in cases where the disclosure of the record is prohibited by statute or

constitutes an invasion of privacy of any individual concerned, or the record is exempt from the disclosure requirements, and sound grounds exist which require application of an applicable exemption. An employee may not testify in any judiciary or administrative proceedings concerning matters related to the Public School System without the permission of the Commissioner of Education or his designee.

5314 GAMBLING, BETTING AND LOTTERIES.

An employee shall not participate, while on Public School System owned or leased property or while on duty for the Public School System, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities sanctioned by the Public School System for function of law enforcement duties and other charitable purposes.

5315 USE OF INTOXICANTS.

An employee who habitually uses intoxicants or narcotics or dangerous drugs is subject to removal. Employees shall not use intoxicating beverages on Public School System property except at officially sanctioned events.

5316 SPECIFIC TYPES OF CONDUCT.

- A. Misconduct. Any criminal, infamous, dishonest, immoral or notoriously disgraceful conduct on the part of a Public School System employee is cause for his removal from the service of the Public School System.
- B. Negotiations for Employment. It is the policy of the Public School System that employees shall not, without proper clearance, negotiate for future Non-Public School System employment with persons or organizations having business with the Public School System in which the employee is called upon officially to render advice or make judgements. In the event an employee desires to negotiate for such employment, he shall inform his supervisor of his intentions. If the supervisor determines that the proposed negotiations will not adversely affect the Public School System interests, he may authorize the employee to proceed.
- C. Selling or soliciting. Employees and other persons are prohibited from selling or soliciting for personal gain within any building occupied or used by the Public School System without proper permission. This prohibition does not apply to :

- (1) authorized and installed business activities such as an Employees Credit Union.
- (2) solicitation for health drives, the Red Cross and other purposes approved under the Board of Education fundraising policy.
- (3) token solicitations for floral remembrances, retirement gifts and similar purposes for Public School System employees.

5317 COMMUNITY AND PROFESSIONAL ACTIVITIES.

Employees are encouraged to participate in the activities of professional societies and of civic organizations whose purpose and objectives are not inconsistent with those of the Public School System. Affiliation with such groups may be mutually beneficial to the employee and to the Public School System; however, such participation must not affect adversely an employee's performance of his regularly assigned duties.

5318 NEPOTISM.

Employment by reason of family or marriage relationship rather than merit is prohibited. No employee shall supervise a member of his immediate family except in emergency situations such as typhoons, flood, or at isolated field stations or where there is a shortage of quarters. No supervisor shall employ any relative or any other person whose relationship or association with him is such that it creates a reasonable assumption that that person, as an employee, would be in a favored position in relationship to other employees.

5319 POLITICAL AFFILIATION.

Under the Public School System, no person with authority to make or recommend a personnel action relative to a person in, or an eligible or applicant for, a position in the Personnel Service, may make inquiry concerning his political affiliation. All disclosures concerning political affiliation shall be ignored. Except as maybe authorized or required by law, discrimination may not be exercised, threatened or promised by any person in the Public School System against or in favor of an employee in, or an eligible or applicant for, a position in the Public School System because of his political affiliation.

5320 COERCION.

A Public School System employee shall not use his Public School System employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business or financial ties.

## PUBLIC SCHOOL SYSTEM

5400

## POLITICAL ACTIVITY

5401 POLITICAL ACTIVITIES.

The political activities of persons in the Public School System shall be subject to the restrictions of this Section.

5402 RIGHTS OF EMPLOYEES.

All employees in the Public School System shall have the following rights:

- A. to vote for the candidates of their choice and to express their opinions on political matter.
- B. to be active members of the political party or organization of their choosing.
- C. to make voluntary contributions to a political party for its general expenditures.

5403 PROHIBITIONS.

Employees of the Public School System shall not:

- A. Use their office or official influence to interfere with an election or to affect the results of an election.
- B. Use their official authority to coerce any person or political party in reference to any politically-related activity.
- C. Be obligated to contribute to any political fund or render service to any political activity.
- D. Solicit or receive political contributions from anyone while on Public School System time or on Public School System property.
- E. Campaign for any candidate for public office during official working hours except on approved leave.
- F. Promote or oppose legislation relating to programs of the Public School System without the official sanction of the Board of Education. (It should be clearly understand, however, that nothing in this policy is to be considered as restricting or interfering with the

obligation of the employees to respond freely and candidly to any inquiries made of them in regard to legislations or related matters.)

5404 PUBLIC OFFICE.

An employee who is an official candidate for public office shall take annual leave or leave without pay.

5405 PENALTY.

Any employee found guilty of a prohibited activity shall be subject to disciplinary action by management.

6100 PUBLIC SCHOOL SYSTEM  
INCENTIVES AND AWARDS

6101 INTRODUCTION AND PURPOSE.

This part sets forth policies and procedures for the Public School System Incentives and Awards Program under applicable regulations.

6102 POLICY.

It is the policy of the Public School System to use incentives and awards as an integral part of supervision and management to:

- A. recognize and reward employees who contribute to increased efficiency, economy or other improvements in operation; and
- B. encourage individual or group effort to make such contributions.

6103 PROGRAM RESPONSIBILITY.

- A. The Commissioner of Education is responsible for the overall direction and supervision of the Incentive Awards Program. He administers the program in conjunction with the Incentive Awards Committee.
- B. The Commissioner of Education or his designee is responsible for directing awards activities by the Incentive Awards Committee and for recommending Superior Service Awards of Service, Letter of Appreciation, and Honor Awards to the Incentive Awards Committee.
- C. The Commissioner of Education or his designee and supervisors at all levels have the primary responsibility for the conduct and promotion of the Incentive Awards Program. They should encourage all employees to become active participants in the Public School System search for efficiency and economy in the conduct of its business. When superior work performance or special acts are identified through normal management review, responsible program managers shall request appropriate supervisors in those areas to identify the employees who have made the special contribution and consider submitting award nominations.

6104 CONTRIBUTIONS AND AWARD CATEGORIES.

An employee's contribution, to be considered for an Incentive Award, must be identified with one of the following four (4) categories:

- A. Suggestion Award;
- B. Superior Performance Award;
- C. Special Act or Service Award; and
- D. Sustained Superior Performance for two (2) years or more.

6105 LETTERS OF COMMENDATION.

Supervisors should initiate letters of commendation for employees who make contributions which are worthy of recognition but do not meet the minimum standards for monetary or honor awards. Such letters may be signed by the immediate supervisor or higher official, depending upon the significance of the contribution. The original is presented to the employee and a copy is furnished to the official personnel file. If the letter concerns an adopted suggestion, a copy is also forwarded to the Chairman of the Incentive Awards Committee.



## PUBLIC SCHOOL SYSTEM

6200

## RECOGNITION AND AWARDS

6201 SUPERIOR PERFORMANCE AWARD.

A Superior Performance Award is granted for performance exceeding job requirements, and involving a contribution so superior or meritorious as to warrant special recognition. An employee may be considered for a lumpsum cash award for Superior Performance, provided his performance meets all the following criteria:

- A. performance of one or more important job functions in a manner that substantially exceeds normal requirements so that, when reviewed as a whole, the work performance is of a high degree of effectiveness.
- B. performance that exceeds the normal or typical; and
- C. performance that does not meet all the requirements of a merit increase, but does significantly exceed performance standards in one or more important job functions.

6202 SPECIAL ACT OR SERVICE AWARD.

A Special Act or Service Award is granted for performance which has involved overcoming unusual difficulties, or exemplary or courageous handling of an emergency situation related to official employment. Awards in this category will be determined by the Incentive Award Committee.

6203 HONORARY AWARDS

When appropriate, an Honorary Award may be granted in recognition of an employee's contribution. The Honorary Award may be in addition to a cash award. For example, an Honorary Award is particularly appropriate in recognition of continued distinguished service, a singular achievement, or an act of personal heroism. It may be granted independently of, or as a supplement to, a cash award; it is not intended, however, to serve as a substitute for deserved monetary awards. It is designed to select and bestow singular honor as an official recognition of achievement and as an incentive for further accomplishments. The concept of recognizing career public employees for significant contribution is to encourage excellence in the Public School System service which, in turn, should promote public appreciation of quality in the Public School System. By raising public opinion of Public School System employees, the more able youth may be persuaded to choose Public

School System careers. Recommendations of Honor Awards should be submitted during the nominee's active service, at least one or two years before retirement. General qualifications for each type are listed below:

- A. The Distinguished Service Award (Gold Medal) is the highest award and can be received by an employee only once. It is granted by the Incentive Awards Committee for:
  - (1) an outstanding contribution to science;
  - (2) An outstanding skill or ability in the performance of duty;
  - (3) an eminent career in the Commonwealth of the Northern Mariana Islands;
  - (4) an outstanding exceptional contribution to the public School System.
  
- B. The Valor Award (Gold Medal) is granted by the Incentive Awards Committee to employees who demonstrate unusual courage involving a high degree of personal risk in the face of danger. The valorous act does not have to be performed while on official duty.
  
- C. The Meritorious Service Award (Silver Medal) is granted by the Incentive Awards Committee for:
  - (1) an important contribution to science or management;
  - (2) a notable career;
  - (3) superior service in administration or execution of duties;
  - (4) initiative in devising improved work methods and procedures;
  - (5) superior achievement in improving safety, health or morale; or
  - (6) superior accomplishments in fostering the objective of the Public School System in the development of management.
  
- D. The Superior Service Award (Certificate) is given at any time during the employee's career to recognize significant acts, services or achievements that materially aid or affect the successful accomplishment of the Public School System mission. This Award is granted by the Incentive Awards Committee for:
  - (1) Accomplishment of a particularly difficult or important assignment in a manner that reflects favorably on the employee or the Public School System;
  - (2) Development of a new procedure or process that results in substantially increased productivity,

- efficiency or economy of operation and for which the employee is not otherwise rewarded;
- (3) Significant innovations of significance to further Public School System programs; or
  - (4) Any other aspect of superior performance related to assigned duties and deemed to be deserving of special recognition.
- E. The Public School System issues two other types of honor awards to employees. These are: Award of Service (Plaque) and letter of Appreciation. General requirements for each type are listed below:
- (1) The Award of Service (Plaque) is granted by the Incentive Awards Committee upon the retirement or death of an employee who has completed ten (10) years or more of Public School System service. This award is initiated by the Commissioner of Education and awarded by the Board of Education.
  - (2) Letter of Appreciation. An employee who upon retirement has not qualified for the Award of Service (plaque) receives a Letter of Appreciation from the Board of Education. The letter is initiated by the Commissioner of Education and awarded by the Board of Education.

#### 6204 LENGTH OF SERVICE AWARDS.

Public School System employees receive emblems commemorating ten (10), twenty (20) and thirty (30) years of Public School System service. The Commissioner of Education issues these emblems annually.

- A. Advancement in technology of benefit to the government;
- B. Effective cooperation among various sectors of private enterprise; and
- C. Esthetic and environmental aspects of citizenship.

#### 6205 PRESENTATION OF AWARDS.

The Distinguished Service Awards and Valor Awards are presented at a special annual convocation by the Commissioner of Education. It is preferable that the ceremony accompanying the presentation of the Distinguished Service Awards or Valor Awards be made a truly memorable occasion.

- A. Meritorious Service Awards length-of-service emblems for thirty (30) years of actual service and special achievement awards of two hundred dollars (\$200) and over are presented by the Board of Education or its designee.

- B. Length of service pins for twenty (20) of actual service or more years are presented to the employee by the Board of Education.
- C. Other awards may be presented by any appropriate official in the recipient's organization, in accordance with the importance of the contribution. The recipient of the special achievement award is given the original of the approved recommendation, along with his check.

## PUBLIC SCHOOL SYSTEM

6300

## BENEFICIAL SUGGESTIONS PROGRAM

6301 SUGGESTION AWARD.

A suggestion Award is an award for an idea submitted by an employee an employee and adopted for use by the Public School System. Awards of this kind are made only when the employee's suggestion directly contributes to economy or efficiency or directly increases effectiveness in carrying out Public School System programs or missions. Lack of novelty or originality does not necessarily make an idea ineligible for an award. Awards will be determined by the Incentive Award Committee (IAC)

6302 SUGGESTIONS PROCEDURES.

A suggestion is prepared in triplicate with the original being submitted to the suggestor's immediate supervisor, the duplicate to the Chairman of the Incentive Awards Committee and the triplicate retained by the suggestor. The Chairman will acknowledge receipt of the suggestion, number it and return the "suggestion Acknowledgement" part of the form to the suggestor. The suggestion is accepted only if the idea contributes to increased efficiency or economy; suggestions which relate to employee benefits, working conditions, housekeeping, buildings and grounds, etc., are not processed as part of the awards program. The supervisor determines adoption or rejection of a suggestion, if he has authority to do so. If the suggestion is not within the scope of his authority, he initiates further referral.

If a suggestion is not adopted, the supervisor advises the suggestor by memorandum of the reasons for its rejection and furnishes a copy of the memorandum to the Chairman of the Incentive Awards Committee. If it is adopted and has significant first ear benefits (See Section 6302). If it is adopted but the benefits are not sufficient to qualify for a cash award, he initiates a Letter of Commendation to the suggestor, to be signed by the Commissioner of Education.

6303 DOCUMENTATION.

Employee suggestions must be submitted in writing. Recommendation for Performance Award, Special Act or Service Award related to the suggestion must be submitted in writing by supervisors. Awards for cash and certain honor awards should be forwarded to the Commissioner of Education for consideration by the Incentive Awards Committee.

6304 RECORDS AND REPORTS.

The Chairman of the Incentive Awards Committee will receive reports and maintain necessary files. Each case file includes a copy of the suggestion itself and a copy of the letter to the suggestor concerning its adoption or rejection. Copies of Letters of Commendation for adopted suggestions are also forwarded. By the tenth day of each month, the Chairman of the Incentive Awards Committee will report on the number of suggestions received, adopted and rejected to the Board of Education. He will use this information to prepare a memorandum at least at six months intervals to all employees concerning awards granted throughout the Commonwealth.

7000 PUBLIC SCHOOL SYSTEM  
EMPLOYEE BENEFITS AND SERVICES

POLICY

It is the policy of the Board of Education to provide benefits and services to its employees as prescribed by law. This Part delineates those benefits and services which includes:

- A. Leaves of Absence; and
- B. Benefits, such as Social Security coverage, Group Life Insurance, Accident and Health Insurance, Workmen's Compensation coverage, etc.

Procedures for application of these Regulations are included in the Procedural Manual.

7100 PUBLIC SCHOOL SYSTEM  
LEAVES OF ABSENCE

7101 PURPOSE.

Leaves of absence from the Public School System are for the mutual benefit of the employee and his employer. When leaves of absence are granted, they are considered to be for legitimate reasons not detrimental to the Public School System.

7102 CREDITABLE SERVICE FOR LEAVE PURPOSE.

- A. Trust Territory Public Service experience since United States administration took over (including WAE until June 30, 1972).
  - (1) Includes trainees. Includes employment under 61 TTC. Paragraph 9(d), (f), (l), (m), (n), and (o).
  - (2) By Director of Personnel memorandum dated January 26, 1972, to all Trust Territory of the Pacific Islands departments and districts, WAE appointments were to be terminated or converted to appointments per Administrative Directive 72-1 dated January 16, 1972.

WAE appointments until June 30, 1972, are to be considered as full-time employment and service

credited accordingly. After June 30, 1972, for WAE or intermittent employment, time actually worked will be used to compute creditable service.

- B. Marianas administration under U.S. Navy and NTTU. Until 1962, when TTPI Headquarters moved to Saipan, the Marianas (Saipan and Tinian) were under Naval Administration. Rota was already included in TTPI Administration prior to 1962.
- C. Personnel under municipal governments.
- D. All employment within TTPI including: Peace Corps, Micronesian Claims Commission, National Weather Service, and U.S. Coast Guard.
- E. U.S. Military and civilian service in the Trust Territory. Active military service in the U.S. Armed Forces in the TTPI.
- F. Employees of judiciary and legislative branches (Congress of Micronesia, municipal council and district legislatures). Judiciary, including district court judges who may have been or are presently on WAE appointments.
- G. Service in the Commonwealth of the Northern Mariana Islands Government since April 1, 1976.
- H. Trust Territory Government employment under the Seaman's Act.
- I. Employment of government agencies and instrumentalities within the Commonwealth of the Northern Mariana Islands.

#### 7103 KINDS

Broadly characterized, leaves of absence are either with pay or without pay.

#### 7104 BASIS FOR ACCRUAL.

Employees occupying permanent positions shall accrue annual leave for each biweekly pay period in which they are in pay status for the entire ten (10) days; otherwise there shall be no accrual for such period. Public School System Government employees serving on government boards and commissions who elect to take Leave Without Pay (LWOP) during such performance shall accrue leave for that service time.



7105 LEAVES WITH PAY .

- A. Annual Leave. Annual Leave, or vacation, shall be granted on the purpose of rest and relaxation with full calendar year or conduct of personal business. Public School System employees who have less than three (3) years of creditable service shall earn annual leave at the rate of four (4) hours per pay period; except that newly appointed employees shall undergo a waiting period of ninety (90) calendar days before being credited with annual leave. Employees with three (3) but less than six (6) years of creditable service shall earn annual leave at the rate of six (7) hours per pay period. Employees who have six (6) or more years of creditable service shall earn annual leave at the rate of eight (8) hours per pay period.

Employees occupying permanent positions shall accrue annual leave for each biweekly pay period in which they are in pay status for the entire ten days; otherwise there shall be no accrual for such period.

Annual leave requests of more than three (3) working days must be made in advance on a leave request form. All annual leave requests must be approved by the employee's immediate supervisor. A denial of request for annual leave is subject to employees' Grievance Rights.

For employees with less than 12 months contract. The contract shall provide the number of annual leaves hours to be earned.

- B. Maximum Accumulation. The maximum accumulation of annual leave for Public School System shall be three hundred sixty (360) hours. Accrued annual leave in excess of 360 hours remaining at the end of the leave year shall be converted to sick leave.
- C. Sick Leave. Employees occupying permanent positions shall accrue sick leave at the rate of one-half day (4 hours) for each biweekly pay period in which they are in pay status for the entire ten days; otherwise there shall be no accrual for such period.

Unused sick leave may be accumulated and carried over to succeeding leave years without limitation.

Sick leave with pay shall be allowed whenever the employee is compelled to be absent from duty because of illness or injury or because of quarantine of his family

and residence. Use of sick leave is appropriate for medical, dental or optometry examination or treatment, or for any mental health examination, counseling or treatment.

If an employee is absent because of illness, injury or quarantine in excess of three (3) days, he may be required to furnish a certification as to the incapacity from an attending physical. Commissioner of Education or his designee may require certification for such other period of illness as is appropriate.

If the required certification is not furnished, all absences which would have been covered by such certification shall be indicated on the payroll as leave of absence without pay (LWOP).

The generality of the foregoing is subject to the following special provisions:

- (1) Falsification of an illness report shall be considered sufficient cause for disciplinary action, including dismissal from the Public School System for repeated offenses.
- (2) Sick leave with pay shall be allowed during leaves of absence or vacations, provided, however, that any sick leave taken by an employee while on vacation must be supported by a certificate issued by a qualified medical personnel (medex or doctor). No employee shall be allowed to undertake gainful employment while on sick leave status.
- (3) Sick leave with pay may be granted in advance of earning sick leave as provided under section 7105. If an employee is separated from the service without having earned all of the sick leave allowed and taken, there shall be deducted from any money due him at the time of separation an amount equal to his salary for the period of unearned sick leave allowed and taken.

Sick leave accrued for service in the Public School System shall vest in the employee upon accrual and shall remain vested so long as he is employed by the Public School System, provided for a period longer than three (3) years, he shall be divested of accumulated sick leave.

- D. Leave Advance. Where, for good reason, an employee granted additional annual or sick leave may be granted

advance leave up to a maximum of one-half (1/2) of the total earnable leave credits for one year from the date the application is made. Subsequent earnings shall serve to replace the amount of advance leave granted and taken. An employee shall not use advance sick leave granted until any and all unused annual leave in the employee's account has been exhausted.

- E. Training and Education Leave. Leaves for the purpose of job-related training and education may be granted employees on permanent status for a period not to exceed one (1) year, by the Commissioner of Education.

The Commissioner of Education may extend this period, upon recommendation of the appointing authority. The leave period shall not affect the employee's service anniversary date.

- F. Compassionate Leave. Employees may be granted compassionate leave with pay of no more than five (5) working days in case of death in the immediate family of the employee. For the purpose of this sub-part, the term "immediate family" shall be defined as an employee's, father, spouse, immediate offspring (natural and culturally or legally adopted), brother or sister, grandfather or grandmother and mother-in-law or father-in-law. The Commissioner of Education or his designee is responsible for approving compassionate leave requests.

- G. Excused Absences. An absence from duty administratively authorized, without loss of pay and without charge to leave is an excused absence. The Commissioner of Education shall have the responsibility for approving administrative leave requests. The following are the three general classes into which excused absences fall:

- (1) Administrative leave is absence authorized under emergency conditions beyond the control of management, e.g., typhoons, or for participation in civic activities of interest to the government, or employment connected examinations, or for such reasons as the Commissioner of Education may determine (e.g., early closing on Christmas Eve).
- (2) Extended absence required for medical appointments and care following job-related injuries may be authorized as administrative leave.
- (3) Excused absences related to disciplinary actions. Management may place an employee in non-working status with pay for up to three (3) working days

pending preparation of a notice of proposed suspension for up to thirty (3) calendar days or removal from the Public School System.

- H. Court Leave. The Public School System encourages its employees to fulfill their obligations as citizens of the Commonwealth of the Northern Mariana Islands. Thus, employees who are called to serve as jurors may, at their option, be granted Court Leave for such period as the jury may be impaneled. Employees who are called to jury duty shall present their Juror Summons to their immediate supervisor together with a completed Request of Leave, for signature and processing. Employees who serve as jurors using Court Leave to cover the period of absence shall turn over to the Public School System such jury fees (as distinct from expense allowances) as they receive fees (as distinct from the Court. Expense allowances paid the employee for whatever purpose may be retained by the employee to defray the expenses for which granted. An employee subpoenaed as witness, except as a government witness, shall charge such absence to annual leave or leave without pay.

Court leave shall be granted to an employee subpoenaed in litigation in which the government has no interest, to serve as a witness in his official capacity as a government employee, and who will be required to present government records in testimony. Such employee must inform the Commissioner of Education of the required testimony as soon as possible after being subpoenaed.

- I. Military Leave. Military leaves of absence with pay, not to exceed fifteen (15) working days in any calendar year, regardless of the number of training periods in the year, may be granted by the Commissioner of Education to employees on permanent status, who are members of the United States National Guard and Reserve components of the United States Armed Forces, when directed under orders issued by proper military authority. Administrative leave will not be granted in order to extend leave time for any additional training days.
- J. Maternity Leave. Maternity Leave shall be granted to a female employee who is absent from work because of confinement for childbirth. The Commissioner of Education shall have the responsibility for approving maternity leave requests. Such maternity leave shall not exceed ten (10) days, shall be in addition to any accumulated sick leave, and shall be paid leave. Such maternity leave shall be any ten (10) days encompassing

the date of childbirth. Any additional leave taken for childbirth purposes shall be charged against accumulated sick leave.

- K. Paternity Leave. Paternity leave shall be granted to a male employee who is absent from work because of his wife's confinement for childbirth. Such paternity leave shall not exceed two (2) days encompassing the date of childbirth. The appointing authority shall have the responsibility for approving paternity leave requests.

7106 DISPOSITION OF LEAVE UPON SEPARATION.

- A. Annual Leave. An employee separated from the Public School System for reason shall receive a lump-sum payment of all annual leave accrued to his credit at the time of separation.
- B. Sick Leave. An employee separated from the Public School System for any reason shall have all sick leave accrued to his account held in the leave records for three (3) years. Should the person be reemployed in the Public School System at any time during that three (3) year period, the sick leave balance shall be recredited to his sick leave account and available for use from the first day of his reemployment.

7107 LEAVES WITHOUT PAY.

- A. An employee may be granted leave without pay not to exceed ninety (90) days if the approving officer considers it justified. Leave without pay may be extended up to ninety (90) additional days ONLY with the approval of the Commissioner of Education, upon recommendation by the appointing authority. Such leave without pay may be granted to permit the employee to attend to important family affairs, such as settling an estate, or for justifiable personal or business reasons.
- B. Training and Education Leave. Public School System employees who are ineligible for further training or education leaves with pay, as provided for under Section 7105.E of this regulation, or who wish to pursue their education on a full-time basis without financial assistance by the Public School System, may be granted leaves of absence without pay for a period not to exceed one (1) year. Such employees shall have the right to return to their positions at the satisfactory conclusion of their education or training, and their service anniversary dates shall be adjusted by the amount of leave without pay taken. The Commissioner of Education

is responsible for approving or disapproving requests for Training and Education Leave, upon recommendation by the Board of Education.

- C. Leave Without Pay in Extension of Sick Leave. With the concurrence of the Commissioner of Education, an employee may be granted leave without pay for the purpose of extending his sick leave. Similar extensions may be granted for sick leave purposes, provided, however, that the attending physician certifies to the necessity for the extension.
- D. Tardiness. Tardiness shall be charged to leave without pay (LWOP) at the end of the pay period. The timekeeper shall determine the total number of minutes the employee has been late at the end of the pay period, and charge LWOP to the nearest hour.

#### 7108 UNAUTHORIZED LEAVE.

Unauthorized leave (Absent Without Leave, AWOL) is absence from duty without appropriate authorization. Employees who are absent from duty without prior approval, except in bona fide emergencies, shall be charged as being AWOL. Employees who are AWOL are subject to loss of pay and possible disciplinary act.

#### 7109 ADMINISTRATION OF THE SYSTEM.

- A. Leave Year. For administrative convenience for those employees on a full year employment status. Leave accumulations and usages are based upon the "Leave Year". A "Leave Year" is that period of fifty-two (52) consecutive weeks (twenty-six (26) pay periods) which begins on the first day of the first full pay period of the calendar year and ends on the last day of the last pay period which begins in that calendar year. For example, if the first day of the first pay period in the new year is January 11, then the leave year ends on January 10 the following year. For those employees on less than full year employee status leave. Year shall be as specified in their respective contract.
- B. Employee's Right to Annual Leave. Employees have a legal right to accumulate annual leave, but the right to use that leave is contingent upon management's requirements. Thus, it is incumbent upon managers and employees to agree mutually as to the duration of annual leave and the period of taking. A manager is wholly within his rights, as a manager, to deny an employee's request for annual leave if that denial is based upon demands of the Public School System. He is obligated,

in event of a denial, to suggest to the employee a more appropriate time for taking annual leave.

- C. Vacation Scheduling. The Public School System urges and encourages employees to use Annual Leave for the purpose for which it is intended. That is for rest and relaxation. The Public School System considers that a "vacation" of not less than two (2) consecutive weeks of Annual Leave meets the basic intent of Annual Leave provisions. To avoid confusion, recriminations, disappointments and grievances, managers are urged to schedule vacation periods for their employees, bearing in mind employees' preferences, needs and desires, is that the work force will not be unduly affected by employee absences. In event of conflict between employees over choice of a vacation period, Public School System seniority or some other device, consistently applied, may be used to resolve such conflicts.
- D. Lump Sum Leave Payment Upon Separation. When an employee is separated from the Personnel Service, he is entitled to the payment for his unused Annual Leave in a lump sum. If he returns to duty in any capacity with the Public School System before the accumulated term of leave would have expired, had it been liquidated in the normal course, he must return to the Public School System the gross value of such unused leave and have those hours of leave credited to his Annual Leave account.

For example, if an employee has three hundred sixty (360) hours annual leave to his credit upon separation, that represents forty-five (45) days of leave. If he returns to Public School System employment before the passage of forty-five (45) working days, he is required to make a refund for the unexpired term of leave.

Employee is offered a return to duty with the same pay classification and pay, accepts, and reports to work March 15. Thirty-four (34) working days have elapsed (one holiday occurred in February), for a total of two hundred seventy-two (272) hours. Employees would be required to repay to the Public School System the dollar value of eighty-eight (88) hours, the difference between the 360 accumulated hours, and 272 hours elapsed time, leaving a balance to be repaid of 88 hours.

7110 RESPONSIBILITIES.

The employee shall be responsible for initiating his request for leave using such forms, documentation and explanatory material as may be required. He shall initiate such request sufficiently in advance, whenever possible, so as to enable management to make the necessary staff adjustments for coverage of the employee's assignments during his absence.

Management shall be responsible for reviewing all requests in the light of program needs, replacement services, and legal and policy requirements. In consideration of the foregoing and any other pertinent consideration, management may approve, disapprove or arrange modifications of leave request.

The Commissioner of Education shall be available for advice and assistance and final decisions in cases requiring interpretation of legal requirements and policy. The Commissioner of Education shall be available for advice and assistance in matters concerning leaves.



## PUBLIC SCHOOL SYSTEM

7200

## BENEFITS

7201 GENERAL.

It is the policy of the Public School System to provide certain benefits to all its employees, whatever their appointive status. These are defined in the Sections which follow.

7202 RESPONSIBILITIES.

- A. The Public School Personnel System is charged with responsibility to administer the several benefits.
- B. The Commissioner of Education is responsible for advising the Public School System as to the kinds of coverage needed for the employees, the preparation and training of managers and employees in the development and presentation of claims.
- C. Managers and supervisors are responsible to know the provisions of the several plans of coverage of the employees under their supervision and the procedures necessary to present claims.
- D. Employees are responsible to familiarize themselves with reporting procedures so that they may be assured of proper coverage in event of injury or illness.

7203 NATURE OF COVERAGE.

Government employees are entitled to the following benefits with specific exceptions as noted below:

- A. Workmen's Compensation for work-related injury or illness. The Workmen's Compensation program is currently provided to all employees of the Commonwealth of the Northern Mariana Islands Public School System who are not otherwise covered by U.S. laws.
- B. Group Life Insurance. The group life insurance coverage is available to all Public School System employees employed for at least one year and who work at least thirty (30) hours per week, provided, however, that should a group life insurance policy be in effect covering employees not meeting the stated requirements, such coverage shall immediately be afforded such employees.

- C. Group Health Insurance. The group health insurance coverage is available to all Public School System employees employed for at least one year and who work at least thirty (30) hours per week, provided, however, that should a group insurance policy be in effect covering employees not meeting the stated requirements, such coverage shall immediately be afforded such employees.

7204 INSURANCE PROGRAM DEFINITIONS.

Brochures and other information concerning nature and extent of coverage, cost to the employee and manner of processing claims shall be maintained, on a current basis, in the Personnel Office.

7205 PROCEDURES.

Procedures covering the administration of the insurance programs and plans are contained in the procedural manual to these Regulations.

7206 RETIREMENT PROGRAM.

Old age and survivor benefits and disability coverage are provided for employees in the Public School System and the Commonwealth Retirement Program. The Commissioner of Education and his staff must be conversant with the provisions and entitlements under the Social Security and Commonwealth Retirement Program so that they may provide informal advice and counsel to employees or their survivors who need information and guidance with respect to filing claims for Social Security and Retirement Program benefits.

PUBLIC SCHOOL SYSTEM  
8000  
PERFORMANCE EVALUATION

8001 GENERAL.

This Part prescribes the annual employee review system which seeks to recognize the merit of employees and their contributions to efficiency and economy in the Public School System.

8002 EMPLOYEE PERFORMANCE EVALUATION.

Employee performance evaluation is essential for:

- A. Improving employee effectiveness by:
  - (1) Establishing a frame work for continuing employee supervisor communications regarding performance standards and employee potential; and
  - (2) Providing employees with the opportunity to participate in the establishment of performance standards.
  
- C. Providing management with a basis for relating employee performance to other pertinent personnel management activities.

8003 POLICY.

The Board of Education shall ensure that supervisors each year reach a clear understanding with their subordinates of the standards of performance which must be met in accomplished assigned work. The supervisor and the employee on a person-to-person basis must arrive at an understanding of the work objectives to be met and the manner in which they may be reached. A review of the employee's position description is necessary to reach agreement on duties, performance standards and the work objectives.

Annually by the employee's anniversary date, based upon the preceding year's performance standards reviews and other pertinent factors, an annual written rating or performance shall be submitted by the supervisor, and concurred by the Commissioner of Education, on forms prescribed by the Board of Education, for each certified and non-certified employee. The Commissioner of Education, through his authorized representative, shall administer the performance evaluation system.

8004 RESPONSIBILITIES.

A. The Personnel Management Officer shall be responsible for:

- (1) Developing, evaluating, and improving the Personnel Service annual employee review system and performance rating plan;
- (2) Providing staff advice and assistance in the administration of the system;
- (3) Providing assistance to supervisors and employees in developing performance standards;
- (4) Providing the necessary training to supervisors so that they can effectively carry out their responsibilities for communicating with and evaluating employees; and
- (5) Assuring that employees understand the objectives of performance evaluation and the provisions of the annual employee review system and the performance evaluation plan.

B. Supervisors are responsible for:

- (1) Assuring that position descriptions accurately reflect the duties and responsibilities assigned;
- (2) Determining jointly with the employee concerned, on a person-to-person basis, the performance standards and keeping them advised of their strengths, weakness, and opportunities for improvement in terms of performance standards;
- (3) Conducting the annual employee reviews; and
- (4) Initiating appropriate personnel actions in case of continuing less than satisfactory performance.

C. Each employee is responsible for:

- (1) Requesting clarification from his supervisor of any performance standard or work objective which is not clearly understood;
- (2) Advising his supervisors of any facts or circumstances which he believes should be taken into account during the annual employee review; and
- (3) Participating in appraisal discussions of his performance and making suggestions for improving it.

8005 RELATIONSHIP TO OTHER PERSONNEL MANAGEMENT ACTIVITIES.

A. By using the employee anniversary date system (as contrasted to a fixed due date, such as March 31), supervisors are given a better opportunity to consider and evaluate each employee as an individual and to

coordinate the performance evaluation with other appraisal actions which make up the employee review system.

- B. Supervisors do not have a right to retain an employee in a position in which the employee's summary rating is "Less than Satisfactory." To permit such a situation to continue would not be in the public interest or consistent with good management principles. Supervisors, with the assistance of the Personnel Management Officer, must initiate the necessary action to have such an employee reassigned, demoted, or separated from the position at the earliest possible date.
- C. Section 3504.E of these regulations provides that an employee with a current official performance rating of "Exceptional" has an additional two (2) points of retention credits for reduction-in-force purposes.

#### 8006 RATING PROBATIONARY EMPLOYEES.

Employees serving probationary periods shall be given a written performance rating (as distinct from an annual employee review) at the end of each successive period of three (3) months. The final rating, for the tenth, eleventh, and twelfth months of probation, shall be completed for probationary appointees no later than the end of the eleventh month of the probationary period. For employees serving a new probationary period, the review must be accomplished at least two (2) weeks before the completion of the period of probation.

#### 8007 APPEALS.

Employees who believe their ratings are unjust shall be entitled to appeal as provided for in section 3508 of these regulations.

#### 8008 INSERVICE TRAINING/PROFESSIONAL DEVELOPMENT.

This is an Enrichment Program which falls under two separate categories:

##### 1. SANCTIONED WORKSHOP:

Need the approval of the Training Division of the Personnel Management Services, which also, falls under the Personnel Rules and Regulations as established in 1983 and stipulated in Part 8-B14 expressing the Benefits/Purposes and Incentives. One hundred twenty sanctioned credit hours will enable an employee to get a one-step salary increase.

## 2. NON SANCTIONED WORKSHOPS:

Are conducted by the Public School System to address special needs of teacher/staffs/students and other employees. No credit is granted however, a certificate is very often given to participants.

### WORKSHOP

- A. No employee may receive more than one (1) step increase under this Sub-part in any one calendar year regardless of the number of workshops that he successfully completed. Employees who are employed on an intermittent basis are not eligible to receive this increase.
- B. Upon determination of the department or activity head that such employee is eligible to receive a salary increase as provided for in this sub-part, the department or activity head shall prepare, sign and submit a Notification of Personnel Action to the Personnel Officer for final approval.
- C. The effective date of the increase under this sub-part shall be retroactive to July, 1983, and shall be on the first day of the following pay period after the approval, of the Personnel Officer.
- D. This increase shall not affect the anniversary date of the employee.

## PUBLIC SCHOOL SYSTEM

9100

## RECORDS

9101 PURPOSE.

This Sub-part defines the minimum requirements for personnel records to be originated and maintained by the Public School System Personnel Management Services.

9102 POLICY.

- A. The Public School System shall establish a system of records for all personnel presently or previously employed by the Public School System. The records shall be filed separately so that those of active employees are filed separately from those of former employees. Other supporting records, as deemed appropriate by the Personnel Officer, may also be maintained.
- B. The personnel specialists shall develop and maintain a system of personnel records which parallels that maintained in the Civil Service Commission.

9103 RECORDS REQUIRED.

- A. Official Personnel Folder (OPF). For each active employee an Official Personnel Folder (or File) shall be maintained. The following are elements of permanent information covering the employee;
  - 1. Formal application for employment.
  - 2. Copy of the certificate of eligibles from which selected or other documents which indicate the appointing authority.
  - 3. Form on which prior creditable service is listed and Service Computation Date is derived.
  - 4. Letter of original selection signed by an authorized selecting official.
  - 5. Copy of each personnel action affecting the employee.
  - 6. Copy of promotion certificate from which employee was selected, if appropriate.
  - 7. Copy of promotion selection letter signed by an authorized selecting official.
  - 8. Copy of each form reflecting choice of health benefits or group life insurance coverage, designation of beneficiary and other legal and binding assignments or designations.

9. Adverse action supporting material if the action is consummated. Temporary information, as contrasted to permanent type information as delineated above, shall be kept in the OPF, but filed on the LEFT side of the folder.

Examples of temporary material include:

- Performance evaluation reports.
- Annual Employee Review documentation sheets.
- Copy of the descriptions of positions occupied by the employee.
- Letter of Reprimand -- retain for two (2) years only.
- Items of correspondence concerning the employee but which have no historical or permanent value, e.g., letters of commendation or congratulation.

B. Employee Record Card. A card record which summarizes critical data concerning the identity, status, movement and separation of an employee. Every personnel action taken will be recorded on the Employee Record. Exceptional or less than satisfactory performance ratings shall be noted on the Employee Record Card showing the rating and the date thereof.

C. Medical Examination Reports. Medical examination forms for each employee shall be maintained in a file separate from the OPF. This is essential to protect the privacy of the individual concerned. The records shall be maintained in a locked, fire resistant file with access allowed only to personnel authorized by the Commissioner of Education. Access must be restricted only to persons having a "need to know" as determined and approved by the Personnel Officer. Whenever access to a medical record is allowed, the Personnel Management Officer shall record:

- the date of access;
- the person allowed such access; and
- the reason therefor.

This memorandum record shall be kept in the folder of the individual medical record.

D. Records of Investigations and Inquiry. Any records of investigation or inquiry concerning an employee shall be filed in a separate folder, clearly identified by employee's name, date of birth and Social Security number. The material shall be kept in a locked fire resistant storage facility, safe or fire proof cabinet, with access allowed only on a "need to know" basis and



upon approval by the Commissioner of Education. The existence of an investigation file shall be noted in the OPF, filed on top of the last entry therein.

#### 9104 DISPOSITION OF RECORDS.

Upon the separation of an employee for whatever reason, his Official Personnel Folder shall be closed and removed to storage. Prior to sending the file to storage, all temporary material filed on the left side of the folder shall be removed and either given to the employee or destroyed. Medical records and investigation file material shall be placed in the OPF so that the record is accurate and complete. If an employee is separated but is expected to return to the Public School System service within a specified time, not to exceed a year, the OPF may be held in suspense rather than treated as a former employee defined above.

#### 9105 ACCESS TO OFFICIAL PERSONNEL FOLDER.

An employee may have access to his own official personnel folder at any time during regular working hours provided a responsible personnel specialist or clerk watches as the employee's review takes place. The employee is entitled access to his or her medical records. Investigation reports are not available to the employee. If an employee persists in his desire to see an investigation report, he should be referred to the agency which prepared the report or secure a court order authorizing the Personnel Officer to allow the employee access to the investigation report.

#### 9106 INFORMATION AVAILABLE TO THE PUBLIC.

The names, present and past position titles, grades, salaries and duty stations of a government employee is information available to the public, except when the release of the information is prohibited by law or the information is sought for the purpose of commercial or other solicitation.

#### 9107 INFORMATION MAY BE PROVIDED.

Upon written waiver by the employee, or upon subpoena by a court of jurisdiction, information may be released regarding the name, past and present position titles, grades, salaries and duty stations.

Storage of OPF shall be maintained by the Public School System for at least 30 years after separation of employee from Public School System. After 30 years these records may be placed in the archival collection of the CNMI if appropriated.

## PUBLIC SCHOOL SYSTEM

9200

## REPORTS

9201 PURPOSE.

- A. Accurate and timely reports are invaluable to the management of a workforce. They are important to the processes of budgeting, manpower planning, forecasting staffing needs and declines, and other management areas.
- B. 1 CMC S8124(d) requires that the Personnel Officer "establish and maintain a roster of all persons in the Public School System in which shall be set forth, as to each, the class of position held, the salary or pay, any change in class, title, pay, or status and any other necessary data."

9202 ROLE OF THE PERSONNEL OFFICER.

The Personnel Management Officer shall prescribe a system of reports and the format for reporting to provide, on a timely basis, the information required by law.

9203 ROLE OF THE TIMEKEEPER.

The Timekeeper shall be responsible for recording and certifying time and attendance records of the assigned employees. The Timekeeper will also record and certify leave time taken by any assigned employee. The method of recording and certifying time, attendance and leave shall be prescribed by the Personnel Management Officer and the Commissioner of Education.

## PUBLIC NOTICE

### Proposed Adoption of Public School System Policies

The Board of Education of the Northern Mariana Islands, in accordance with Public Law 6-10, is proposing to adopt school policies.

The proposed rules and regulations include the following subject areas:

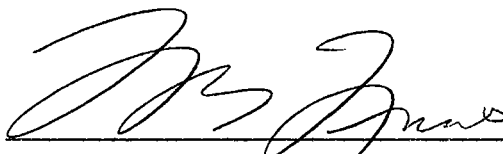
1. Requirements for Vision and Hearing Tests

Copies of the proposed regulation may be obtained from Elizabeth D. Rechebei, BOE Technical Assistant, Public School System, Lower Base, Saipan, MP 96950.

Anyone interested in commenting on the proposed policy may do so by submitting comments in writing to the Chairman, Board of Education, P.O. Box 1370, Saipan, MP 96950, within thirty (30) days from the date this notice is published in the Commonwealth Register.

1-27-89

Date



Luis M. Limes, Chairman, Board of Education

## NUTISIAN PUPBLIKU

I Manmaprupoponi siha na Planon Minaneha gi Sistemnan Eskuelan Pupbliku

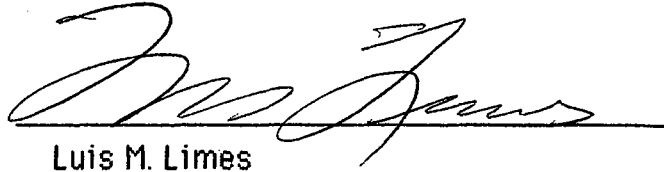
Sigon gi Attekulu XV gi Konstitusion i Sangkattan siha na Islan Mariana yan i Lei Pupbliku Nuntiru 6-10, i Commonwealth of the Northern Mariana Islands Board of Education ginen este na nutisia ha prupoponi muna'guaha Planon Minaneha, Areklamento yan Regulasion gi sigente siha na suhetu:

### 1. Kondision Tes Manli'e' Yan Manhungok Siha

Kopian i manmaprupoponi siha na regulasion sina manmachule' gi ufisinin i Public School System Board of Education, Lower Base, Saipan, MP 96950.   
 Копия заявления о создании и регистрации теста на знание языка минанега сего у канцелярии гвату ги Board of Education сего у ман'фанханао i Post Office gi halom sobri ni mamatka, Attention: Board of Education, P.O. Box 1370, Saipan, MP 96950, gi halom trenta (30) dias despues di i fecha ni mapupblika este na nutisia gi halom i Rehistran Commonwealth.

1-27-89

Fecha



Luis M. Limes

Chairman, Board of Education

AMMWOGHUTUL ALLEGHUL PUBLIC SCHOOL SYSTEM

SANGI OWTOL XY IWE LLOL APPILUGHULUGHUL NORTHERN MARIANA ISLANDS  
ME ALLEGH YE 6-10, NGE BOARD OF EDUCATION KKA LLOL NORTHERN  
MARIANAS, COMMONWEALTH, EKKE FFEER BWE EBWE ARONGAAWOW  
ALLEGHUL MWOGHUTUGHUTUL MIKIKKA E TATTALETIW:

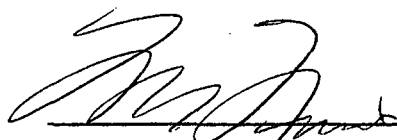
**1. ALLEGHUL ASSOSSOTOL SABWEYUL(MAAS) ME BWUROWUS  
(SALING)**

KOPIYAAL ALLEGH KKAAL EMMWEL SCHAGH UBWE TINGOR ME BWULAASIYOOOL  
PUBLIC SCHOOL SYSTEM BOARD OF EDUCATION, LOWER BASE, SAIPAN, MP  
96950.

NGARE EGHAL YOOR TIPOMW REEL ALLEGH KKA AA FFEER IISCH NGALIIR  
BOARD OF EDUCATION NGARE AFANGA LLOL POST, NGE UBWE IKKAISUL,  
ATTENTION: BOARD OF EDUCATION, P.O. BOX 1370, SAIPAN, MP 96950,  
ELIIGH (30) RAL SANGI RAL YE E TOOWOW ARONGORONG YEEL MELLOL  
COMMONWEALTH REGISTER.

1-27-89

Maram, ral, raagh



Mr. Luis M. Limes  
Chairman-il Board of Education

**Proposed POLICY 616 - REQUIREMENTS FOR VISION AND HEARING TESTS**

Every parent of a child, at the time of first enrollment of the child in any Commonwealth Special Education, pre-school, elementary, or secondary school, public or non-public, irrespective of grade level, shall provide the school authorities with the proof that the child has received vision and hearing tests and all the immunizations required by the Department of Public Health and Environmental Services. If the child has not received all the required tests and immunizations, the parents shall be notified immediately that they are required to initiate all required tests and immunizations, for their child within 2 weeks after the date of such notice.

Every parent of a child already enrolled in a Commonwealth school, public or non-public, whose child's health records show incomplete tests and immunizations shall be required to initiate notification of the immunization of the deficiency. Except as provided in section 1562 of P.L. 6-10, failure to comply shall be granted for suspension of the child from school until immunization standards have been met.

PUBLIC NOTICE

Adoption of an Increased Public Health Fees  
For Public Law 1-8

Department of Public Health and Environmental Services

In accordance with Public Law 1-8, Chapter 12, Section 3, the Department of Public Health and Environmental Services has the responsibility of administering all government-owned health care facilities and of adopting relevant regulations, policies and procedures as deemed necessary.

The Director of Public Health and Environmental Services has the responsibility of carrying out the duties of the Department. In accordance with those duties, the Director has promulgated an increase schedule of fees for the provision of health services.

It is the intent and philosophy of the Department of Public Health and Environmental Services to establish fees at cost with full consideration of public knowledge.

The adoption of an increased Medical Service Fees include the following subject areas:

A. Public Health Nonchargeable Clinic Service:

1. Maternal and Child Health Care:

- a. Prenatal
- b. Post-Natal
- c. Post-Partum
- d. Well Baby
- e. School Health

2. Immunization:


- a. Well Baby
- b. School Health
- c. Student Visa

3. Communicable Disease:

- a. Chest
- b. STD
- c. Leprosy

Copies of the adopted Schedule Fees may be obtained from the Department of Public Health and Environmental Services, Commonwealth Health Center, Garapan, Saipan, M.P. 96950.

Anyone interested in commenting on the adoption of the aforementioned Schedule Fees may do so by submitting comments in writing to the Director, Public Health and Environmental Services, Saipan, M.P. 96950, within thirty (30) days from the date this notice is published in the Commonwealth Register.

  
Dr. Jose T. Villagomez, Director  
Department of Public Health &  
Environmental Services



NOTISIAN PUBLICO

I ma adopta na hatsadon apas  
Depattamento Hinemlo Publiko yan Environmental na Setbisio

Atoridat

Gi papa i lai Publiko 1-8, Kapitulu 12, Seksiona 3, Depattamento Hinemlo Publiko yan Environmental na Setbisio gaige i responsibilidad na para hu atministra todo fasilidat hinemlo ni gaige gi halom gobietnon Commonwealth ya sina man adapta otro shiha na areklo yangen nesesario para hu chogue.

I Directot Hinemlo Publiko yan Environmental na Setbisio gai responsibilidad na hu lihe na i che'cho depattamento ma chochogue. Ginen este na responsibilidad anai sina i Direktoto Hinemlo Publiko yan Environmental na Setbisio man langos areklon apas pot setbision hinemlo.

I intension yan filosofian in Depattamento Hinemlo Publiko yan Environmental na Setbisio para hu establese apas pareho yan i casto lao debe de hu consuta i publico jenerat.

I ma adopta na hatsadan apas pot setbision medicat encluso i man segiente na asunto.

A. Public Health ni Debatde na Clinics:

1. Maternal and Child Health Care:

- a. Prenatal
- b. Post-Natal
- c. Post-Partum
- d. Well Baby
- e. School Health

2. Immunization:

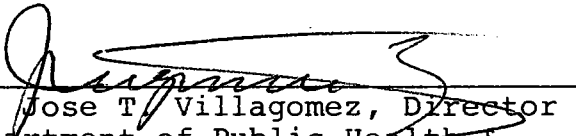
- a. Well Baby
- b. School Health
- c. Student Visa

Masea nai i sanhilo na setbisio debatde, todo amot ni ma otden nui medico siempre ha macontinua maapase segun i Pharmacy Red Book pot apas amot. Taya malango sina mapuni nui amot pot aanot na tisina man apase.

Kopian este na masasangan na regulasion pot apas sina machule ginen Depattamenton Hinemlo Publiko yan Environmental na Setbisio, Commonwealth Health Center, Garapan, Saipan, M.P. 96950.

Haye interesao para hu nahalom opinion pot este i mansasangan regulasion yan hatsadan apas, hu tugi yan una halom gi Depattamenton Hinemlo Publiko yan Environmental na Setbisio, Saipan, M.P. 96950, gi halom trenta (30) dias despues de malangos este na notisia ginen Commonwealth Register.

Date: 1/26/89

  
Dr. Jose T. Villagomez, Director  
Department of Public Health &  
Environmental Services

PUBLIC NOTICE

ADOPTED REGULATIONS GOVERNING PROFESSIONAL SERVICES FEES  
FOR PUBLIC LAW 1-8  
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

In accordance with Public Law 1-8, Chapter 12, Section 3, the Department of Public Health and Environmental Services has the responsibility of administering all government-owned health care facilities and of adopting relevant regulations, policies and procedures as deemed necessary.

The Director of Public Health and Environmental Services has the responsibility of carrying out the duties of the Department. In accordance with those duties, the Director has promulgated a schedule of fees for the provision of health services.

It is the intent and philosophy of the Department of Public Health and Environmental Services and its entity, the Commonwealth Health Center, to try and establish fees at cost with full consideration and public knowledge. No patient will be refused for service because of the patient's documented inability to pay.

The Adopted Professional Service Fees covers the Physician charges of the Commonwealth Health Center.

Copies of the Adopted Schedule Fees may be obtained from the Department of Public Health and Environmental Services, Commonwealth Health Center, Saipan, M.P. 96950.

Anyone interested in commenting on the Adopted Schedule Fees may do so by submitting comments in writing to the Director, Public Health and Environmental Services, Saipan, M.P. 96950, within thirty (30) days from the date this notice is published in the Commonwealth Register.

  
DR. JOSE T. VILLAGOMEZ, Director  
Public Health & Environmental Services

Date: 1/26/89

NOTICIA PUBLICA

I MA ADOPSION NA REGULATION APAS NI PARA UGINEBETNA SETBESION PRUFESIONAT  
PARA I LAI PUBLIKU NUMIRU 1-8  
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENTAL SERVICES

SIGON I LAI PUPBLIKU NUMIRU 1-8, KAPITULU 12, SEKSIONA, I DEPARTTAMENTON  
PUBLIC HEALTH AND ENVIRONMENTAL SERVICES MAPRUBENIYI NU I RESPONSABILIDAT  
ATMINISTRASION TODU FASILIDAT GUBIETNO PUT INADAHEN HINEMLO' YAN I  
INADAPTAN NISISARIO SIHA NA AREKLAMENTO YAN REGULASION NI TINITIKA.

RESPONSABILIDAT I DIREKTOT I PUBLIC HEALTH AND ENVIRONMENTAL SERVICES  
AYU I DINIRIHEN TODU CHO'CHO' YAN AKTEBIDAT I DEPARTTAMENTO. SIGON  
GI ENNAO NA RESPONSABILIDAT, I DIREKTOT GINEN ESTE NA NUTISIA NA LALAKNOS  
LISTAN PRESIU PUT SETBESION HINEMLO' NI MAPRUBENI.

I ENTENSION YAN FILOSAFIAN I DEPARTTAMENTON PUBLIC HEALTH AND ENVIRONMENTAL  
SERVICES YAN I COMMONWEALTH HEALTH CENTER NA PARA U CHAGI UMESTABLESI  
PRESIU SIHA PUT GASTO ENTRE I KABALES NA KONSIDERASION YAN TININGO'  
I PUPBLIKU. TAYA' MALANGU U MARENUNSIYA SETBESIO PUT I MADAKUMENTA  
NA GAI CHINATSAGA MANAPASI.

I MA ADOPTA NA PRESIU PUT SETBESION PRUFESIONAT SIHA MA'ENKLUKLUSA  
LOKKUE' I APAS MEDIKU GI COMMONWEALTH HEALTH CENTER.

KOPIAN I MA ADOPTA NA LISTAN PRESIU SIHA SINA MANMACHULE' GI UFISINAN  
I DEPARTTAMENTON PUBLIC HEALTH AND ENVIRONMENTAL SERVICES, COMMONWEALTH  
HEALTH CENTER, SAIPAN, M.P., 96950.

TODU ENTERESANTE SIHA MANA'HALOM REKOMENDASION PUT I MA ADAPTA NA  
LISTAN PRESIU SINA MATUGIGI'I I DIREKTOT, PUBLIC HEALTH AND ENVIRONMENTAL  
SERVICES, SAIPAN, M.P. 96950, GI HALOM TRENTA (30) DIAS DESPUES DI  
I FECHA NI MAPUPBLIKA ESTE NA NUTISIA GI HALOM I REHISTRAN COMMONWEALTH.

  
DR. JOSE T. VILLAGOMEZ DIRECTOR  
Public Health and Environmental Services

FECHA: 1/26/89



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
OFFICE OF THE ATTORNEY GENERAL  
2ND FLOOR - ADMINISTRATION BLDG., CAPITOL HILL  
SAIPAN, MP 96950

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**PUBLIC NOTICE**

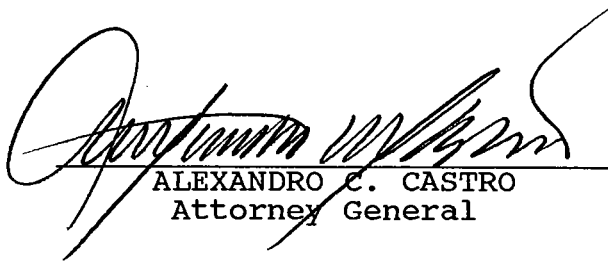
**A.G. OPINIONS PUBLISHED**

**January 15, 1989 - February 15, 1989**

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Date: February 15, 1989

  
ALEXANDRO C. CASTRO  
Attorney General